



Telephone: (850) 402-0510
Fax: (850) 402-0522
www.supratelecom.com

1311 Executive Center Drive, Suite 200
Tallahassee, FL 32301-5027

April 1, 2001

Mrs. Blanca Bayo, Director
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**RE: Docket No. 001305-TP – Supra’s Motion For Time Extension
to File Reconsideration of a Final Order**

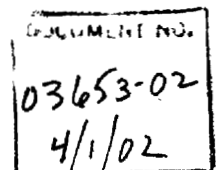
Dear Mrs. Bayo:

Enclosed is the original and seven (7) copies of Supra Telecommunications and Information Systems, Inc.’s (Supra) Notice of Service of its Motion For Time Extension to File Reconsideration of an Order in the above captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return it to me.

Sincerely,

Brian Chaiken
General Counsel



CERTIFICATE OF SERVICE

Docket No. 001305-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Facsimile, Hand Delivery and/or U.S. Mail this 1st day of April, 2002 to the following:

Wayne Knight, Esq.
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Nancy B. White, Esq.
James Meza III, Esq.
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL. 32301
(850) 222-1201 (voice)
(850) 222-8640 (fax)

T. Michael Twomey, Esq.
R. Douglas Lackey, Esq.
E. Earl Edenfield Jr., Esq.
Suite 4300, BellSouth Center
675 West Peachtree Street, N.E.
Atlanta, GA 30375
(404) 335-0710

SUPRA TELECOMMUNICATIONS
& INFORMATION SYSTEMS, INC.
2620 S.W. 27th Avenue
Miami, Florida 33133
Telephone: (305) 476-4248
Facsimile: (305) 443-9516

By: Brian Chaiken/ATS
BRIAN CHAIKEN, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Supra Telecommunications and Information Systems, Inc., pursuant to Section 252(b) of the Telecommunications Act of 1996

Docket No. 001305-TP

Filed: April 1, 2002

SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC.'S
MOTION TO EXTEND THE DUE DATE
FOR FILING MOTION FOR RECONSIDERATION

Supra Telecommunications and Information Systems, Inc. ("Supra"), by and through its undersigned counsel and pursuant to Florida Administrative Code Section 28-106.204(5), hereby files this Motion to Extend the Due Date for filing Motions for Reconsideration in this docket, and in support thereof states as follows:

I. BACKGROUND

On or about September 25–26, 2001, an evidentiary hearing was held in this docket before the Commission. On March 26, 2002, the Commission issued Order No. PSC-02-0413-FOF-TP in the above referenced Docket. Pursuant to Florida Administrative Code Section 25-22.060(3), the parties are expected to file any Motions for Reconsideration of that Order on or before April 10, 2002. As Supra has indicated to staff members on March 12, 2002, Supra will be filing a comprehensive Motion for Reconsideration on all the issues.

1. Florida Administrative Code Section 28-106.204(5) provides that "Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request." In this case,

the deadline for reconsideration is April 10, 2002. This Motion is timely filed and good cause for the Motion is set forth below.

2. The good cause for extending the due date for filing Motions for Reconsideration in this instance are: (a) the complexity of the arbitration; and (b) the delay in the Commission's response to Supra's public records requests of March 6, 2002 and March 21, 2002.

II. ARGUMENT

a. Complexity of the Arbitration

3. The arbitration in this docket began back on September 1, 2000.
4. The Order in this docket was issued on Tuesday, March 26, 2002.
5. The Order itself is 154 pages in length and deals with thirty-one (31) different arbitrated issues.
6. The hearing in this docket lasted two full days, producing a transcript approximately One-Thousand Two-Hundred and Fifty Eight (1,258) pages in length.
7. The evidentiary exhibits in this docket numbered in the hundreds.
8. In *Rucker v. City of Ocala*, 684 So.2d 836, 841 (1st DCA 1996), the Court found that “[t]o qualify under due process standards, the opportunity to be heard must be meaningful, full and fair, and not merely colorable or illusive”. The case of *Rucker* dealt with a violation of procedural due process and is instructive for the proposition that the opportunity to be heard on a motion for reconsideration should also be “meaningful” and “fair.”

9. The fifteen (15) day time period under Rule 25-22.060, Florida Administrative Code, for filing a Motion for Reconsideration was established as a general standard. This amount of time is considered presumptively “meaningful” and “fair” – in most circumstances.
10. The good cause exception was promulgated precisely for the circumstances when the general standard would deny a party a meaningful and fair opportunity to seek reconsideration in a matter as complex, such as the complex nature of the issues in Docket No. 001305-TP: a voluminous testimonial record, hundreds of evidentiary exhibits, and a Commission Order of over 150 pages and thirty-one (31) different sections addressing and analyzing a myriad of arbitrated issues.
11. Supra is entitled to a meaningful and fair opportunity to identify each point of law or fact that Supra believes was overlooked or not considered by the Commission before rendering its decision.
12. Given the complexity of this arbitration process, the task is enormous.
13. Accordingly, for the foregoing reasons, Supra respectfully requests that this Commission grant an Extension of Time for filing Supra’s Motion for Reconsideration.

b. Outstanding Public Records Request

14. Supra filed a Motion for a new hearing in Docket No. 001305-TP. The Motion was based upon admittedly illegal and improper conduct which began with an FPSC Staff Supervisor providing BellSouth’s Director of Regulatory

Affairs with cross-examination questions, to be asked of both BellSouth and Supra witnesses, on the eve of the evidentiary hearing in Docket No. 001097-TP.

15. On March 5, 2002, Chairman Jaber made the following statement with respect to Ms. Kim Logue's misconduct:

"I know that what Ms. Logue did that I now can say definitely, because we have the affidavit from Ms. Sims, was **completely inappropriate**, and for that I want to publicly apologize to you [Supra] . . . because it was **completely wrong** to send cross examination questions prior to the hearing." (Pg. 41, lines 2-15, March 5, 2002, Hearing Transcript). (Double emphasis added).

16. Given the complete inappropriateness and wrongfulness of Ms. Logue's misconduct, it is fair to conclude that had this information of misconduct been provided to Supra *prior* to the evidentiary hearing in Docket No. 001305-TP, that at a minimum Supra would have asked to have Ms. Logue removed from this docket.
17. However, this information of Ms. Logue's misconduct was intentionally and knowingly withheld from Supra until after the close of the evidentiary hearing in Docket No. 001305-TP.
18. Supra has made two (2) public records request one on March 6, 2002 and the second on March 21, 2002.
19. Only a fraction of the first request has been answered. David Smith, Commission Staff employee, in charge of responding to Supra's request has stated that he is unable to provide an estimate of when the Commission Staff will be completed with responding to Supra's request. *See Affidavit of Olukayode A. Ramos attached hereto as Exhibit A.*

20. An investigation into Ms. Logue's misconduct was initiated by John Grayson, Inspector General for the Commission on October 25, 2001. *See memorandum attached hereto as Exhibit B.*
21. This Inspector General's investigation was prematurely closed on January 31, 2002, after the Chairman entered an order for a rehearing in Docket No. 001097-TP, on January 31, 2002. *See memorandum attached hereto as Exhibit C.*
22. Supra filed its public records request asking for copies of any investigative file on March 6, 2002. *See Letter attached hereto as Exhibit D.*
23. On March 12, 2002 a meeting was held between Supra and the FPSC Staff in which the scope of the records request was discussed. On March 14, 2002, David Smith followed up with a letter to Mr. Ramos regarding the records request. A copy of the March 14, 2002 letter is *attached hereto as Exhibit E.*
24. On March 19, 2002, Mr. Ramos replied to David Smith noting that the cost estimates provided indicated that the FPSC Staff would require approximately 406 man-hours (or ten weeks of one full time individual) to respond to the records request. Supra noted the time pressures existing in this Docket and that it would be unfair to conclude this docket without a thorough investigation of the relationship between BellSouth and the FPSC Staff, including Ms. Logue. A copy of that March 19, 2002 letter is *attached hereto as Exhibit F.*
25. A vast majority of Supra's records request to the FPSC are still outstanding. *Exhibit G*, is a copy of several e-mails between Supra and David Smith of the FPSC reflecting the fact that Supra has repeatedly inquired as to when its records request will be completed.

26. The information Supra has received to date, however, confirms that numerous individuals, including both BellSouth and FPSC employees, had actual knowledge of Ms. Logue's misconduct prior to the evidentiary hearing in Docket No. 001305-TP.
27. On March 18, 2002, Supra was provided copies of two CD-ROMS which had been made on September 12, 2001 and September 20, 2001, respectively, by the FPSC for review by Beth Salak. (Assistant Director, Division of Competitive Services). In performing a preliminary review of these CD-ROMS, Supra has found several other communications between Ms. Logue and BellSouth regarding substantive matters in Docket No. 001097. This is relevant in that the Investigation and Report issued by Richard Bellak stated that there was only one e-mail between Ms. Logue and Ms. Nancy Sims, Director of Regulatory Affairs for BellSouth. Copies of those e-mails are *attached hereto as Exhibit H*.
28. The existence of the two CD-ROMS demonstrates that many Commission Staff employees had actual knowledge of Ms. Logue's wrongdoing *prior* to the evidentiary hearing in Docket No. 001305-TP. Supra's information indicates that the making of the CD-ROMS began after Beth Salak learned of Ms. Logue's misconduct some time on or before August 20, 2001. Supra's information indicates that Ms. Salak was "informed by [a] person in confidence that Ms. Logue has provided info to BellSouth."
29. Supra's information indicates that Ms. Salak "decided to check the e-mails and to not inform Ms. Logue" for concern that the e-mails may be deleted.

30. Supra's information indicates that sometime prior to September 6, 2001, and prior to the evidentiary hearing in Docket No. 001305-TP, Dr. Mary Bane, Executive Director of the Commission, "called Beth regarding the situation" and "asked whether she [Beth] had any knowledge [of Ms. Logue's wrongdoing]."
31. Supra's information indicates that "Dr. Bane requested that Beth perform [an] e-mail research to confirm or deny [the] allegations" made against Ms. Logue.
32. Ms. Salak made an initial request to review all of Ms. Logue's e-mails going back to November 2000, on or about September 6, 2001. A CD-ROM, containing the e-mails, was created by Karen Dockham on or about September 12, 2001. According to Commission policy, when a request to allow access by one party to another's e-mail is received by BIP, it is the Commission's practice to clear the request first with the Division Director. In this case, it is Walter D'Haeseleer, Director of Division of Competitive Markets and Enforcement.
33. This practice is followed so that BIP does not get caught in a situation where anyone might accuse BIP of invading their privacy. Accordingly, before Karen Dockham could have produced the CD for Beth Salak, a written request would have had to been made by Walter D'Haeseleer. As such, Mr. D'Haeseleer - in addition to Dr. Bane and Ms. Salak - also had actual knowledge of Ms. Logue's misconduct as early as August 20, 2001, but certainly no later than September 6, 2001.
34. Supra's information indicates that the CD-ROM that was produced by Karen Dockham was "provided to [Dr.] Bane [and] Walter [D'Haeseleer]."

35. Supra's information also indicates that Sally Simmons (Bureau Chief in the Division of Competitive Markets & Enforcement) had actual knowledge of Ms. Logue's misconduct as early as July 2001. This would be consistent with the cryptic remark Ms. Simmons included in Ms. Logue's "Progress Report" dated July 11, 2001: "With respect to e-mails, I would suggest that you be more cautious in using them to address issues which may be sensitive." Accordingly, Sally Simmons also had actual knowledge of Ms. Logue's wrongdoing as early as July 11, 2001.
36. Supra's information indicates that a "division meeting [was] called by Walter [D'Haeseleer] on August 20, 2001" to discuss Ms. Logue's wrongdoing. At this meeting one of the issues discussed was how to "minimize damage." (Double emphasis added). As soon as these words were uttered, there should have been no question that the appropriate thing to do was to notify Supra. Notifying Supra, however, would have been inconsistent with the purpose of the meeting: how to minimize damage and avoid having to restart the hearing process in Docket No. 001305-TP.
37. All of the above information was contained in the first batch of information provided to Supra in response to our March 6, 2002, public records request.
38. Moreover, all of the above information was available to the Commission Staff on February 18, 2002 – the day Supra filed its Motion for a new hearing in Docket No. 001305-TP.
39. On March 5, 2002, both Chairman Jaber and Commissioner Palecki asked where was the wrongdoing in Docket No. 001305-TP.

40. Supra would like to assist the Commissioners in exposing the wrongdoing which did take place in Docket No. 001305-TP. Consistent with this aim, Supra filed its public records request on March 6 and 21, 2002.
41. As indicated earlier herein, David Smith, Director of Appeals for the Commission, is directing the response to Supra's request. Mr. Smith has been unable to provide Supra with an estimated date of completion for responding to our requests.
42. Supra is seeking an extension of time to file its Motion for Reconsideration. A portion of the Commission's Order of March 26, 2002, involved Supra's Motion for new hearing. Supra simply seeks an extension of time of thirty (30) days from the date David Smith completes his response to Supra's public records request.
43. This will provide Supra personnel a "meaningful" and "fair" opportunity to review the material provided by the Commission Staff, to allow Supra to identify other possible violations of civil and criminal laws in Docket No. 001305-TP. Supra simply wants to provide the Commissioners with as complete a picture of the wrongdoing as possible.
44. Finally, Supra will note that the extension of time must be the same for the entire Order – the portion dealing with the new hearing as well as the arbitrated issues.
45. If the Commission were to attempt to "split-the-baby" by granting the extension only on the portion for the new hearing, Supra would be prejudiced. Because the Commission would leave open the opportunity to vote on the arbitrated issues before the motion for new hearing, Supra believes that the evidence to date

demonstrates that Supra is very likely to succeed on the merits of having the Commission grant a new hearing in Docket NO. 001305-TP. As such, any extension of time must include the entire Order.

III. CONCLUSION

46. Supra does not want to jeopardize its opportunity of filing a comprehensive Motion for Reconsideration that will aid the Commission in reaching a fair and unbiased conclusion.
47. Neither party will be prejudiced by the Commission extending the due date for the Motion for Reconsideration because: (a) the due date extension will apply to both parties; and (b) the due date extension will not affect any other date in the current procedural schedule.
48. Supra contacted BellSouth to determine whether BellSouth objects to this request for extension of the due date for filing Motion for Reconsideration. BellSouth indicated that it objects to the extension of time.

WHEREFORE, in accordance with the foregoing reasons, Supra respectfully requests an extension of time in which to file its Motion for Reconsideration in Docket No. 001305-TP. The date for filing the Motion for Reconsideration would be thirty (30) days from the date the Commission Staff completes its response to Supra's outstanding public records requests filed on March 6 and 21, 2002, respectively.

RESPECTFULLY SUBMITTED this 1st day of April, 2002.

SUPRA TELECOMMUNICATATIONS
& INFORMATION SYSTEMS, INC
2620 S.W. 27th Avenue
Miami, Florida 33133
Telephone: 305/476-4246
Facsimile: 305/443-9516

BY: Brian Chaiken/A7H
BRIAN CHAIKEN, ESQ.
Florida Bar No. 0118060

CERTIFICATE OF SERVICE

Docket No. 001305-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Facsimile, Hand Delivery and/or U.S. Mail this 1st day of April, 2002 to the following:

Wayne Knight, Esq.
Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Nancy B. White, Esq.
James Meza III, Esq.
c/o Nancy H. Sims
150 South Monroe Street, Suite 400
Tallahassee, FL. 32301
(850) 222-1201 (voice)
(850) 222-8640 (fax)

T. Michael Twomey, Esq.
R. Douglas Lackey, Esq.
E. Earl Edenfield Jr., Esq.
Suite 4300, BellSouth Center
675 West Peachtree Street, N.E.
Atlanta, GA 30375
(404) 335-0710

SUPRA TELECOMMUNICATIONS
& INFORMATION SYSTEMS, INC.
2620 S.W. 27th Avenue
Miami, Florida 33133
Telephone: (305) 476-4248
Facsimile: (305) 443-9516

By: Brian Chaiken/AS
BRIAN CHAIKEN, ESQ.

Attachment A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of the Interconnection Agreement Between BellSouth Telecommunications, Inc. and Supra Telecommunications and Information Systems, Inc., pursuant to Section 252(b) of the Telecommunications Act of 1996	Docket No. 001305-TP
	Filed: March 29, 2002

AFFIDAVIT OF OLUKAYODE A. RAMOS

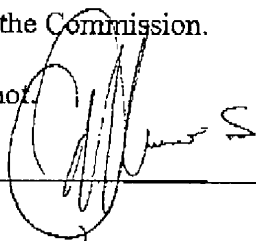
Before me, the undersigned authority, personally appeared Olukayode A. Ramos, who stated that he is over the age of eighteen, competent to testify and have personal knowledge of the facts set forth herein.

1. My name is Olukayode A. Ramos.
2. I am Chairman and Chief Executive Officer of Supra Telecommunications and Information Systems, Inc. ("Supra").
3. My business is located at 2620 S.W. 27th Avenue, Miami, Florida 33133.
4. Supra filed a public records request, pursuant to Chapter 119, Florida Statutes, on March 6, 2002.
5. On March 12, 2002, I attended a meeting on the premises of the Florida Public Service Commission, located in Tallahassee, Florida. At this meeting David Smith, Commission Staff employee, represented to me that he would be the point of contact for all inquiries involving Supra's public records request.
6. Supra received a letter from the Commission dated March 14, 2001,

addressing the issues which were discussed in the March 12, 2002, Tallahassee meeting.

- 7. On March 19, 2002, I responded in writing to Mr. David Smith. I asked Mr. Smith when did he expect to be complete with responding to the public records request. I noted that "Supra should also be provided a fair and full opportunity to review and analyze the records, and present any relevant findings to the Commission in order to assist in any final determination of Docket No. 00-1305."
- 8. On March 21, 2002, Supra filed a second public records request.
- 9. On March 29, 2002, I telephoned and spoke with Mr. David Smith who indicated that he cannot give me a realistic estimate of the time involved to provide all of the information requested by Supra. He indicated that the staff was having problems with the new software being employed by the Commission.

Further Affiant sayeth not.



Albert Bryan

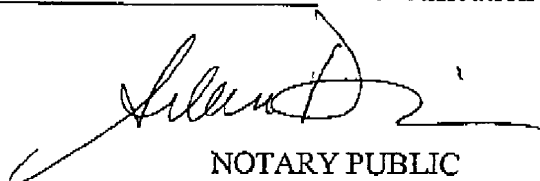
STATE OF FLORIDA

) SS:

COUNTY OF MIAMI-DADE)

The execution of the foregoing instrument was acknowledged before me this 29th day of March 2002, by Olukayode A. Ramos, who is personally known to me or who produced _____ as identification and who did take an oath.

My Commission Expires:



Arleen Davis
Commission # DD051315
Expires Aug. 19, 2005
Bonded Through
Atlantic Bonding Co., Inc.

NOTARY PUBLIC
State of Florida at Large
Print Name:



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: October 25, 2001
TO: E. Leon Jacobs, Chairman
FROM: John M. Grayson, Inspector General *JMG*
RE: FPSC Docket No. 001097-TP / Cross examination questions distribution investigation

It has come to my attention that on May 2, 2001, Ms. Kim Logue, a staff employee in the Division of Competitive Services, Bureau of Market Development, provided a draft of cross examination questions to Ms. Nancy Sims of BellSouth prior to the hearing in the above referenced proceeding.

In response to this information, I have initiated an investigation to determine the following:

- Whether Ms. Logue violated any statute, rule, or internal policy/procedure.
- Whether anyone with managerial responsibility over Ms. Logue had knowledge of the distribution of the cross examination questions. If so, who was this knowledge communicated to, in what manner, and what if anything was done in response.
- BellSouth's response to receiving the information.
- Whether Ms. Logue provided similar communications in other dockets to which she was assigned.

It is important to note that effective October 10, 2001, Ms. Logue reported for active duty in the US Air Force. Her absence and the inability to interview her will make it difficult to complete this investigation until she returns.



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 11, 2002
TO: Lila A. Jaber, Chairman
FROM: John M. Grayson, Inspector General *JMG*
RE: IN-01/02-03 [Logue Investigation]

On October 9, 2001, I was provided information regarding Ms. Kim Logue, a staff employee in the Division of Competitive Services, providing cross-examination questions to BellSouth, a party to Docket No. 001097-TP. On October 25, 2001, an investigation into this matter was initiated.

I have completed all aspects of this investigation except an interview of Ms. Logue. Effective October 10, 2001, Ms. Logue reported for active duty in the US Air Force. Her absence and the inability to interview her has rendered my investigation incomplete.

However, on January 31, 2002, an order setting Docket No. 001097-TP for rehearing was issued. Thus, I am closing my file on this investigation with the recommendation that training in the area of staff communications be conducted on an ongoing basis.

cc: Harold McLean, General Counsel
Mary A. Bane, Executive Director



1311 Executive Center Drive, Suite 200
Tallahassee, FL 32301-5027

Attachment D

March 6, 2002

Mrs. Blanca Bayo, Director
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED FPSC
MAR - 6 PM 11:45
COMMISSION
CLERK

Dear Mrs. Bayo:

RE: PUBLIC RECORDS REQUEST

This is a public records request pursuant to Chapter 119.07, Florida Statutes, Supra Telecom respectfully requests a copy of the following documents:

1. For the time period November 1, 2000 to the present, all e-mails from any Florida Public Service Commission ("FPSC") Staff who participated in Docket Nos. 001097-TP and 001305-TP to any BellSouth employee, and from any BellSouth employee to any said FPSC Staff, that reside on the FPSC's servers as well as on each and every Staff member's hard drive, including, but not limited to, those from Ms. Kim Logue to Ms. Nancy Sims.
2. For the time period of November 1, 2000 to the present, all phone records and facsimile records from the FPSC to BellSouth and from BellSouth to the FPSC that reside on the FPSC's PBX.
limited to the 2 dockets: 1097 & 1305 - B
3. A copy of the direct phone numbers, with extensions, for all FPSC Staff who participated in Docket Nos. 001097-TP and 001305-TP.
4. A complete copy of all records in Ms. Kim Logue's employee file.
5. A complete copy of the FPSC investigation file into the conduct of Ms. Kim Logue with respect to Dockets 001097-TP and/or 001305-TP.

Please notify the Tallahassee Office at 850/402-0510 when these documents have been copied. Thank you for your assistance.

Sincerely,

Brian Chaiken/CPAS
Brian Chaiken
General Counsel

RECEIVED & FILED
Atkinson
FPSC-BUREAU OF RECORDS

STATE OF FLORIDA

Attachment E

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6248

Public Service Commission

March 14, 2002

Mr. Olukayode Ramos, President
Supra Telecom
2620 S.W. 27th Avenue
Miami, Florida 33133

Dear Mr. Ramos:

Thank you for taking time to meet with Commission staff and discuss Supra's public records request. Your clarifications will make it easier to process your request accurately and expeditiously. Our understanding of your specific requests with noted limitations on available sources are as follows:

1. E-mails, November 1, 2000 - present: Supra would like to capture all e-mails between those 13 staff members participating in Dockets Nos. 001097-TP and 001305-TP and BellSouth employees residing on the Commission's mail server, the employees' hard disks, and on all available full and partial back-up tapes. This includes e-mails from Commission employees to BellSouth employees and vice versa. Back-up tapes are available only for the period October 4, 2001 to the present. A specific listing of available e-mail sources, priority of analysis and projected costs are detailed on the attached memo from Margaret Feaster, Chief of Information Processing. Supra would like this material in electronic format.

2. Supra would like to obtain all available phone records of calls between the 13 identified Commission staff members and BellSouth for the period November 1, 2000 to present. This includes calls from Commission employees to BellSouth employees and vice versa. The Commission has no available records of local calls in this category, and Sprint has indicated to our staff that it is unable to provide the local call information. The Commission can only provide records of long distance calls as supplied by the Department of Management Services for our Centrex and Suncom billings. Centrex information is available in paper copy form only; Suncom can be made available electronic format.

3. Direct phone numbers of 13 Commission employees involved in Dockets 001097-TP and 001305-TP. Provided for copying as stated in request, 3/12/02.

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Mr. Olukayode Ramos
Page Two
March 14, 2002

4. Complete personnel records of Kim Logue. Will be provided as requested subject to exclusion of material protected by Florida law, e.g., social security number. Material from main personnel file provided for copying 3/12/02. Materials contained in Division of Competitive Markets' personnel files also will be included.


5. Complete file of FPSC investigation into conduct of Kim Logue with respect to Dockets 001097-TP and 001305-TP. Reports of John Grayson, Inspector General and Richard Bellak, Office of General Counsel provided for copying as requested 3/12/02.

In addition to the foregoing, staff members involved have been asked to provide paper copies of any e-mails, faxes, etc., to and from BellSouth during the period November 1, 2000 to present specified in your request, and these will be made available for copying.

Staff is endeavoring to process your public records request expeditiously. As you requested in your March 6, 2002, letter, we will notify your Tallahassee office as soon as the documents, in addition to those already produced for copying, are made available.

If you have any questions concerning this matter, please contact me at 850-413-6084.

Sincerely yours,



David E. Smith
Attorney Supervisor
Office of the General Counsel

DES

Attachment

cc: Mary Bane
Harold McLean
James Ward
Blanca Bayo
Brian Chaiken

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: March 12, 2002
TO: David E. Smith, Attorney Supervisor, General Counsel
 Blanca S. Bayó, Commission Clerk & Admin. Svcs. Director, Division of the Commission Clerk & Administrative Services
 James A. Ward, Deputy Executive Director/Administrative
FROM: Margaret P. Feaster, Chief of Information Processing, Division of the Commission Clerk & Administrative Services
RE: Priority of BIP Searches for Supra Public Records Request

BIP is beginning the process to capture the e-mails requested by Supra (those between the 13 PSC staff and bellsouth.com). The first actions will be:

Capture the mail currently on Kim Logue's microcomputer hard drive.	\$8.38
Capture Kim Logue's mail on the PSC Mail Server.	\$4.19
Capture Kim Logue's mail from the October 4, 2001 mail backup tape.	\$63.36

Total: \$71.74

The second round of activity would be:

Capture the mail currently on the microcomputer hard drives of the other 12 docket participants.	\$100.56
Capture the mail of the 12 on the PSC Mail Server.	\$50.28
Capture the mail of the 12 from the October 4, 2001 mail backup tape.	\$182.40

Total: \$333.24

The third round of activity would be:

Capture the mail of the 13 PSC staff from the mail backup tapes from October 4, 2001 forward (23 Full backups) and December 17, 2001 (22 Partial backups).

Total: \$9,939.60

(Includes: Index the remaining 22 Full tapes and 22 Partial tapes = \$1,243.88. Search for 13 PSC staff on 44 tapes at \$197.63 per tape = \$8,695.72)

Attached is a more detailed matrix of estimated costs.

cc: Kay Flynn

<p>Original Request: Search Server (includes network G: drive) and C: (user's hard drive)</p>	<p>Creating Indexes to Restore E-Mail from Tape to locate messages no longer present on the Server NOTE: PSC has only 23 Full tapes dating back to 10/04/01 and 22 Partial tapes dating back to 12/17/01</p>	<p>Restoring and Searching E-Mail after a Tape Index is Built</p>												
<p>1 PSC staff member and <u>all</u> bellsouth.com e-mail addresses:</p> <p>Search Server (includes G:) 10 min. Search C: drive 20 min.</p> <p>Rate = \$25.13/hr. (\$0.4188/minute)</p> <p>30 minutes x \$0.4188 = \$12.57</p>	<p>Partial backup tapes and Full backup tapes = Full - Created once a week (Thursdays). Contain a full copy of the mail databases at that point in time. Partials = Created nightly except Thursdays & weekends. Contain only <u>new</u> e-mail activity since the previous Partial or Full backup tape was created. Normally 2 Sessions (days) on one tape.</p> <p>Creating a Tape Index: Before an e-mail folder can be restored to the Server for searching a Tape Index must be created for the backup tape.</p> <table border="0"> <tr> <td>Full Tape Index =</td> <td>115 min.</td> <td>\$48.16</td> </tr> <tr> <td>Partial Tape Index =</td> <td>20 min.</td> <td>\$8.38</td> </tr> <tr> <td>Index 23 Full Tapes</td> <td></td> <td>\$1,107.68</td> </tr> <tr> <td>Index 22 Partial Tapes</td> <td></td> <td>\$184.36</td> </tr> </table> <p>Total to Index all 45 tapes* (one time cost):</p> <p>3,085 minutes x \$0.4188 = \$1,291.99</p>	Full Tape Index =	115 min.	\$48.16	Partial Tape Index =	20 min.	\$8.38	Index 23 Full Tapes		\$1,107.68	Index 22 Partial Tapes		\$184.36	<p>The e-mail folder of the PSC staff person is restored from the tape to the server and then searched.</p> <p>Per tape (per Session if it is a Partial and has more than one Session on the tape) restoring 1 PSC staff e-mail folder from the tape to the Server and then searching it for <u>all</u> bellsouth.com addresses takes:</p> <p>36.3 min. x \$0.4188 = \$15.20</p> <p>To search 1 backup tape for 13 PSC staff: 471.9 minutes x \$25.13/hr. = \$197.63</p> <p>To search 45 backup tapes for 13 PSC staff: 1,633.5 minutes x \$25.13/hr. = \$8,693.35</p>
Full Tape Index =	115 min.	\$48.16												
Partial Tape Index =	20 min.	\$8.38												
Index 23 Full Tapes		\$1,107.68												
Index 22 Partial Tapes		\$184.36												
<p>*NOTE: The Index files are extremely large so we can only carry about three of them at a time on the Server. They cannot be stored off at another location, so once we create the Index for a tape must <u>do all the searches that are going to be done</u> against it before we create another Index. If another search is desired later the Indexes will have to be rebuilt.</p>														



2620 S.W. 27th Avenue Miami, FL 33133

Attachment F

Olnkayode A. Ramos
Chairman & CEO
Email: kayramos@stis.com
Telephone: (305) 476-4220
Fax: (305) 476-4282

March 19, 2002

Mr. David E. Smith
Attorney Supervisor
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Supra Public Records Request

Dear David:

Thank you for our meeting of March 12, 2002 and your letter dated March 14, 2002 on the above subject matter. Your letter adequately captures our understanding and agreement as the documentation requested by Supra. As we discussed, given the nature of what was discovered concerning Ms. Logue, a full investigation of the extent of the relationship between certain PSC Staff members and BellSouth is both warranted and necessary.

I have reviewed your cost estimates and wish to assure you that Supra is ready, willing and able to make payment in line with these cost estimates. I trust you will work with our Tallahassee office with respect to the details of invoicing and billing for Supra's request.

I will however note that there appears to be some minor discrepancies in the estimate. For example, the last paragraph of your cover Memorandum references 44 tapes for an estimated cost of \$9,939.60, while other portions of the Memorandum and the attached matrix reference 45 tapes. The discrepancy does not appear to be substantial, but should be clarified at the appropriate time.

There also appears to be a mistake on your matrix in your estimate of the amount of time which it will take to restore and search e-mails after the tape index is built. In particular, the estimate for 1 backup tape for 13 PSC staff members is 471.9 minutes, translating to a cost of \$197.63 per tape. However, your estimate for 45 tapes is only 1,655.5 minutes. Given that the cost for 45 tapes is estimated at \$8,893.35 (or 45 times \$197.63), I suspect that the true time estimate for 45 tapes is actually 45 times 471.9 minutes, or a total of 21,235.5 minutes (i.e. 353.9 hours). This time estimate corresponds more accurately with the dollar estimate of \$8,893.35 for this task.

I point out the error in your time estimates in order to try to come to grips with how long it will take to complete this task. Using the time estimates from your matrix (as corrected by the above), it appears that the task of fulfilling Supra's public records request will required an estimated 24350.5 minutes, or approximately 406 man-hours (i.e. about ten weeks for one full-time staff member). Your letter of March 14th states that "Staff is endeavoring to process your public records request expeditiously." However, on March 12th you could not give us an estimate of how long it will take to complete this task. Given the time estimate of 406 man-hours, Supra would at least like to know the level of staffing which the PSC is willing to commit to completing this task in a timely fashion.

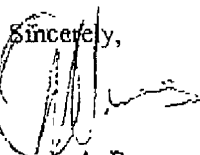
Mr. David E. Smith
Attorney Supervisor
Office of the General Counsel
Florida Public Service Commission
Page 2 of 2

Supra has substantial grounds to believe that one or more staff members was working too closely with BellSouth on contested matters before the Commission, and that these relationships may have tainted the process. Supra had initially been led to believe that the PSC had performed a thorough and complete investigation of the relationships and ties between BellSouth and members of the Commission Staff. However, it now appears that a more thorough investigation could have and should have been made, for which Supra is more than willing to conduct and pay for. Recently, in Docket No. 00-1305 the Commission has stated that it is Supra's burden to provide hard proof of these relationships between BellSouth and certain Staff members. This Commission position has now required Supra to conduct its own investigation and pursue this public records request, in order to avoid a potential injustice.

I believe that it is of utmost importance to both the public and competition, that the recommendations of Commission Staff be free from all outside influences, and made solely upon the basis of the law, facts and particular merits of each case. Only a full, thorough and complete investigation of this matter can restore confidence in the system.

As you rightly mentioned at our meeting that the integrity of the FPSC is at stake, I believe that this investigation and Supra's records requests should be processed fairly, timely, and in a manner which does not prejudice Supra. In this regard, Supra believes that it is of utmost importance that Supra's document request be provided expeditiously and before the Commission proceeds with a final determination of Docket No. 00-1305. Furthermore, Supra should also be provided a fair and full opportunity to review and analyze the records, and present any relevant findings to the Commission in order to assist in any final determination of Docket No. 00-1305. Therefore, given the time constraints imposed by the current schedule in Docket No. 00-1305, I ask that you give me a commitment as to the level of staffing which the PSC is willing to commit to Supra's records request. In this manner, both Supra and the Commission can have an intelligent understanding as to how long it will take to complete this investigation.

If you have any questions or comments, please feel free to contact me at (305) 476-4220. I look forward to hearing from you soon regarding this matter.

Sincerely,


Olukayode A. Ramos
Chairman and CEO

Attachment G

Ramos, Kay

From: David Smith [DSmith@PSC.STATE.FL.US]
Sent: Friday, March 29, 2002 11:45 AM
To: 'Kayramos@stis.com'
Cc: Blanca Bayo; Margaret Feaster; Mary Bane; Harold McLean, James Ward
Subject: FW: March 21, 2002 Public Records Request

This message contains the various emails exchanged with Ann Shelfer for which I received an "undeliverable" response this morning.

-----Original Message-----

From: David Smith
Sent: Friday, March 29, 2002 8:55 AM
To: 'Shelfer, Ann'
Cc: Blanca Bayo; Margaret Feaster; Mary Bane; James Ward; Harold McLean
Subject: RE: March 21, 2002 Public Records Request

Ann, we have a good part of your March 21 materials gathered for you to pick up, including the copies of the 13 employees hard disks. Personnel files should be ready Monday. The electronic retrieval of emails is proving complicated. BIP has set up a new server to deal with it and there are still some problems. Until the process is running smoothly, we cannot give you a realistic estimate of the time involved to analyze the backup tapes, but rest assured we are making every effort to complete the project as soon as we can.

-----Original Message-----

From: Shelfer, Ann [mailto:Ashelfer@stis.com]
Sent: Thursday, March 28, 2002 3:34 PM
To: 'David Smith'
Cc: Chaiken, Brian
Subject: RE: March 21, 2002 Public Records Request

Dave,

Can you provide an estimated date for responding. Your prompt response is appreciated

Ann H. Shelfer
 V.P. - Public Policy Advocate
 Supra Telecom
 850/402-0510

-----Original Message-----

From: David Smith [mailto:DSmith@PSC.STATE.FL.US]
Sent: Wednesday, March 27, 2002 10:03 AM
To: 'Shelfer, Ann'
Subject: RE: March 21, 2002 Public Records Request

I will endeavor to get you an estimate.

-----Original Message-----

From: Shelfer, Ann [mailto:Ashelfer@stis.com]
Sent: Tuesday, March 26, 2002 12:29 PM
To: 'dsmith@psc.state.fl.us'
Cc: Chaiken, Brian
Subject: FW: March 21, 2002 Public Records Request

Dave,

Thank you for your response. Please provide a date our Public Records Requests of March

6, 2002 and March 21, 2002, will be completed. Your prompt response will be appreciated.

Thanks,

Ann H. Shelfer
V.P. - Public Policy Advocate
Supra Telecom
850/402-0510

-----Original Message-----

From: David Smith [mailto:DSmith@PSC.STATE.FL.US]
Sent: Tuesday, March 26, 2002 11:05 AM
To: 'Shelfer, Ann'
Cc: Chaiken, Brian; Karen Dockham
Subject: RE: March 21, 2002 Public Records Request

Ann, it is my understanding that two CDs with Kim Logue specific information have been provided to Supra so far. ONE of them contains the contents of the TWO cds referenced in Supra's request #11; Karen Dockham simply copied the 9/12/01 and 9/20/01 onto one disk for your convenience. The other CD that was provided to Supra contains other information from Kim Logue's hard drive, backup tape, etc. that you asked for in your first request.

11. Please provide a copy of the two (2) CD. The first CD was created by Karen Dockham on 9/12/01 for Beth Salak. A second CD was created on 9/20/01 for Beth Salak's review. This information is derived from an e-mail from Karen Dockham to John Grayson on 11/29/01. Supra would like the material in electronic format.

-----Original Message-----

From: Shelfer, Ann [mailto:Ashelfer@stis.com]
Sent: Monday, March 25, 2002 4:55 PM
To: 'David Smith'
Cc: Chaiken, Brian
Subject: RE: March 21, 2002 Public Records Request

David,

Yes, your assumption is correct on the first issue. Regarding your second matter, please confirm in writing that the two (2) CDs Supra has received are the ones referenced in #11 of our second request of March 21, 2002.

Thanks,

Ann H. Shelfer
V.P. - Public Policy Advocate
Supra Telecom
850/402-0510

-----Original Message-----

From: David Smith [mailto:DSmith@PSC.STATE.FL.US]
Sent: Monday, March 25, 2002 10:51 AM
To: 'bchaiken@stis.com'; 'ashelfer@stis.com'
Cc: Margaret Feaster; Karen Dockham; Harold McLean; Mary Bane; James Ward
Subject: March 21, 2002 Public Records Request

Brian and Ann, there are a couple of things we need to clarify on your latest public records request. In the first one, item #1, you asked for e-mails for the 13 staff members involved in dockets 001097-TP and 001305-TP to and from BellSouth, Nov. 1, 2000 to present. BIP has been developing that material, as you know. In the second request, #12, you ask for "all e-mails" for the 13 staffers, Nov. 1, 2000 to present. I assume, since e-mails to Bell would be encompassed in "all e-mails", that for the back-up tapes that are yet to be analyzed under the first request, it would now satisfy you to just get all of

the staff e-mails. Is that correct?

On another matter, in # 11 of the second request, you ask for 2 CDs made by Karen Dockham. I think you have in fact already been provided that material on the disk provided label "Kim Logue" (it may have just been a yellow sticker). Karen Dockham tells me that what the two cds involved were simply two different dumps of Kim Logue's e-mails about a week apart. She says that was on the disk she prepared for the first request.

MAR-29-02 16:49

FROM-SUPRA TELECOMS

+3054431078

T-785 P 016/018 F-599

To: 'nancy.sims@bellsouth.com'
Subject: questions

Attachment H

Importance: High

Nancy:

1. Regarding specifically the 1997 agreement, what is the total amount Bell believes it is owed?35,000
2. Does this amount include interest? no If not, what amount of interest does Bell believe it would be due? Or, in the alternative, what interest rate does Bell normally use? Is this amount not also listed in its tariffs for past due amounts? yes
3. What amount of money has Bell received as payment regarding the terms of the 1997 agreement? Does this constitute payment in full? no If not, what amount does Bell believe to remain outstanding?35k

If you could provide the answers to these questions this afternoon, it would be greatly appreciated.

Kim

MAR-29-02 16:49

FROM-SUPRA TELECOMS

+3054431078

T-785 P 017/018 F-599

Sent: Wednesday, May 02, 2001 2:03 PM
To: 'nancy.sims@bellsouth.com'
Subject: disputed amount

is the amount in dispute still \$306,559.94?

1

03-29-02 17:02

RECEIVED FROM:+3054431078

P.17

MAR-29-02 16:50 FROM-SUPRA TELECOMS

+3054431078

T-785 P 018/018 F-599

Sent: Wednesday, May 02, 2001 5:51 PM
To: Kim Logue
Subject: RE: disputed amount

Yes - this is the amount.

-----Original Message-----

From: Kim Logue [mailto:KLogue@PSC.STATE.FL.US]
Sent: Wednesday, May 02, 2001 2:03 PM
To: 'nancy.sims@bellsouth.com'
Subject: disputed amount

is the amount in dispute still \$306,559.94?

1

03-29-02 17:02

RECEIVED FROM:+3054431078

P.18