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ORIGINAL

April 5, 2002

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

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**RE: Docket No. 001305-TP – Supra’s Response to BellSouth’s
Request For Confidential Classification**

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 Response to BellSouth’s Request For Confidential Classification 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/AHS

Brian Chaiken
General Counsel

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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 Federal Express this 5th 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.
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SUPRA TELECOMMUNICATIONS
& INFORMATION SYSTEMS, INC.
2620 S.W. 27th Avenue
Miami, Florida 33133
Telephone: (305) 476-4248
Facsimile: (305) 443-9516

By: Brian Chaiken / ahs
BRIAN CHAIKEN, ESQ.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

<p>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</p>	<p>Docket No. 001305-TP</p> <p>Filed: April 5, 2002</p>
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SUPRA TELECOMMUNICATIONS & INFORMATION SYSTEMS, INC.'S
RESPONSE TO BELL SOUTH'S
REQUEST FOR CONFIDENTIAL CLASSIFICATION

Supra Telecommunications and Information Systems, Inc. ("Supra"), by and through its undersigned counsel and files this Response to BellSouth's Request for Confidential Classification in this docket, and in support thereof states as follows:

1. BellSouth's request for a protective order must be denied because (1) the Commission does not have jurisdiction to decide whether Supra or BellSouth has violated a contractual confidentiality provision and (2) the information BellSouth seeks to seal has already been made public.
2. Commission Order PSC-00-2250-FOF-TP, issued on November 28, 2000, specifically held that any disputes arising under the present Interconnection Agreement – in effect since October 5, 1999 – must be submitted to arbitration pursuant to the "exclusive arbitration clause."
3. Accordingly, any claim by BellSouth that Supra has violated the confidentiality provision of that Agreement or of the Arbitration proceedings, must be submitted to commercial arbitration for resolution.

4. Under the present circumstances, BellSouth itself waived any rights to confidentiality by falsely disclosing to Commission Staff that BellSouth is owed millions of dollars. *See* Exhibit II to the April 1, 2002 Letter (where Harold McLean affirmatively stated, “yes -- \$4.2 million” is owed by Supra to BellSouth, but “Bell claims a much higher amount due, however, between 50 and 70 million” dollars. These statements are false.); *See also* Exhibit I to the April 1, 2002 Letter (where Beth Keating affirmatively stated, “Supra owes BellSouth \$3.5 million – none of which has been paid.” This statement is false.)
5. Harold McLean utilized this false information to respond to an inquiry by Commissioner Palecki. *See* Exhibit I to the April 1, 2002 Letter. This false information was transmitted, via e-mail, to Commissioner Palecki and Katrina Tew (Aide to Commissioner Palecki) on March 1, 2002 – four days prior to the March 5, 2002, Agenda Conference at which the Commission considered Supra’s Motion for new hearing as well as the arbitrated issues in Docket No. 001305-TP.
6. Supra is troubled by remarks of Chairman Jaber in which she indicated that Supra has had no incentive to negotiate a new agreement because “you haven’t paid BellSouth.”¹ *See pg 2, of April 1, 2002 Letter.* Chairman Jaber could not have been referring to Docket No. 001097-TP, because that dispute involved a refund Supra was seeking. In Docket No. 001097-TP, Supra had paid all of its bills. In fact, in Docket No. 001097-TP BellSouth was only seeking a declaratory statement that they had billed Supra correctly.

¹ Of course, both Supra and BellSouth had a recourse if either party violated the parties’ current agreement (i.e. by not paying a bill) – the agreement called for all disputes to be resolved via commercial arbitration, to which, in fact, the parties had resorted.

7. The transmittal of this false information to the Commissioners prior to the March 5, 2002, Agenda Conference was also an ex-parte communication. This is an issue to which Supra should have been given an opportunity to respond. Supra was denied this opportunity. As a direct consequence of this denial, the Commissioner's relied on false information in its deliberations.
8. The **public** disclosure of this false information demands that Supra **publicly** respond in kind.
9. Supra objects to BellSouth's abuse of the regulatory process. First, BellSouth knowingly disseminates false information. The disclosure of this false information by BellSouth was intended to cause harm to Supra. The disclosure was successful in causing harm and creating a negative impression for the Commissioners in their deliberations on March 5, 2002. Now, when Supra responds to the Commission with the truth, BellSouth asks the Commission to conceal the information from the public. Presumably, BellSouth has no objection to being impeached - so long as the Florida Public Service Commission is the only agency that learns of BellSouth's campaign of deceit.
10. Supra hopes that the Commission sees through this ploy. BellSouth has a remedy, if they believe Supra violated any confidentiality agreements. That remedy is to seek recourse pursuant to the dispute resolution procedures of the parties' current agreement.
11. Finally, further disclosure of this information - which a protective order would address - is a moot issue. Supra has already disseminated the April 1, 2002 Letter and its accompanying attachments to William N. Meggs, State Attorney for the

Second Judicial Circuit, in conjunction with the material Attorney General Butterworth provided to Mr. Megg's Office on March 29, 2002.

WHEREFORE, Supra respectfully requests that this Commission deny BellSouth requests for confidential treatment of the April 1, 2002 Letter and its accompanying attachments based on the reasons set out in this response.

RESPECTFULLY SUBMITTED this 5th day of April, 2002.

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