

T. Michael Twomey
Senior Regulatory Counsel

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(404) 335-0750

May 6, 2002

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

Re: Docket No. 001305-TP (Supra-BellSouth Arbitration)

Dear Mrs. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition To Supra Telecommunications and Information Systems Inc.'s Verified Supplemental Motion To Disqualify And Recuse FPSC From All Further Consideration Of This Docket And To Refer This Docket To The Division Of Administrative Hearings For All Further Proceedings, which we ask that you file in the above-referenced matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



T. Michael Twomey

(22)

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

DOCUMENT NUMBER-DATE

04885 MAY-68

FPSC-COMMISSION CLERK

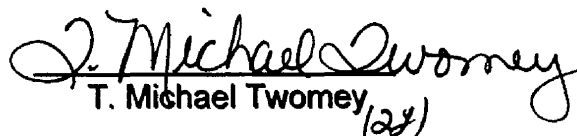
**CERTIFICATE OF SERVICE
Docket No. 001305-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via
Electronic Mail and U.S. Mail this 6th day of May, 2002 to the following:

Wayne Knight, Staff Counsel
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
Tel. No. (850) 413-6232
Fax. No. (850) 413-6250
wknight@psc.state.fl.us

Ann Shelfer, Esq. (+)
Supra Telecommunications and
Information Systems, Inc.
1311 Executive Center Drive
Koger Center - Ellis Building
Suite 200
Tallahassee, FL 32301-5027
Tel. No. (850) 402-0510
Fax. No. (850) 402-0522
ashelfer@stis.com

Brian Chaiken
Paul Turner (+)
Kirk Dahlke
Supra Telecommunications and
Information Systems, Inc.
2620 S. W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4248
Fax. No. (305) 443-1078
bchaiken@stis.com
pturner@stis.com
kdahlke@stis.com


T. Michael Twomey (28)

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of the Interconnection)
Agreement Between BellSouth Telecommunications,) Docket No. 001305-TP
Inc. and Supra Telecommunications & Information)
System, Inc., Pursuant to Section 252(b) of the) Filed: May 6, 2002
Telecommunications Act of 1996.)
_____)

**BELLSOUTH'S OPPOSITION TO SUPRA'S
VERIFIED SUPPLEMENTAL MOTION TO DISQUALIFY
AND RECUSE FPSC FROM ALL FURTHER CONSIDERATION
OF THIS DOCKET AND TO REFER THIS DOCKET TO THE DIVISION
OF ADMINISTRATIVE HEARINGS FOR ALL FURTHER PROCEEDINGS**

Bellsouth Telecommunications, Inc. ("BellSouth") opposes Supra Telecommunications & Information Systems, Inc.'s ("Supra") Verified Supplemental Motion To Disqualify And Recuse FPSC From All Further Consideration Of This Docket And To Refer This Docket To The Division Of Administrative Hearings For All Further Proceedings ("Supplemental Motion"). For the reasons discussed below, the Florida Public Service Commission ("Commission") should reject this improper Supplemental Motion and sanction Supra for filing it.

INTRODUCTION

Once again, with this latest motion, Supra is abusing the regulatory process by filing impermissible and baseless motions. Supra's Supplemental Motion is nothing more than an impermissible reply memorandum and should be summarily rejected.

LAW AND ARGUMENT

On April 17, 2002, Supra filed a Motion to Disqualify and Recuse Commission Staff and Commission Panel From All Further Consideration Of This Docket And To Refer This Docket To The Division of Administrative Hearings For All Further Proceedings (“Motion to Recuse”) in Docket No. 001305-TP. BellSouth timely filed its Opposition to that motion on April 24, 2002. BellSouth incorporates by reference all of the arguments and information contained in its Opposition as though reproduced fully herein. For the reasons set forth in that Opposition, the Commission should deny Supra’s Motion to Recuse. It is a groundless submission calculated solely to attempt to delay the effective date of the parties’ new agreement.

On April 26, 2002, Supra filed the Supplemental Motion. A cursory review of the Supplemental Motion reveals that it is nothing more than a failed attempt to rebut and reply to the arguments that BellSouth presented in its Opposition. Supra does not even pretend that it has submitted anything other than a reply brief. According to Supra, one purpose of the Supplemental Motion is to attach certain exhibits that are found elsewhere in the record of the proceeding for the convenience of the Commission. It is certainly ironic that Supra claims to be concerned about the Commission’s “convenience” in the same pleading in which it accuses the Commission of misconduct, bias, and general malfeasance and in which Supra attacks the personal integrity of individual Commissioners. Nevertheless, Supra’s only other stated purpose for submitting the Supplemental Motion is “to provide a further basis for recusal . . .” (Supp. Mot. at p. 2) based on

the alleged "recent discovery" of certain information. Id. The Supplemental Motion is simply a re-hash of the same arguments that Supra has raised over and over again since the staff recommendation was issued in this docket. BellSouth has addressed those baseless arguments in numerous pleadings and will not restate its position again in this pleading.

The Commission should refuse to consider the Supplemental Motion because it is an impermissible, bad faith filing. It is well-settled that reply memorandums are not recognized by Commission rules or the rules of the Administrative Procedure Act and thus cannot be considered by the Commission. Indeed, Supra is no stranger to this rule as Supra raised this very argument against BellSouth in Docket No. 980119-TP.

In that case, BellSouth filed a reply to Supra's Opposition to BellSouth's Motion for Reconsideration, at which point Supra filed a Motion to Strike BellSouth's Reply. Supra argued that the Commission should strike BellSouth's Reply because the Commission rules do not contemplate the filing of reply memorandums. Specifically, Supra argued:

Rule 25-22.060(3), Florida Administrative Code governs motions for reconsideration of final orders. Likewise, Rule 25-22.0376(1), Florida Administrative Code, governs motions for reconsideration of non-final orders. Both rules only permit a motion for reconsideration and a response. Neither rule allows or authorizes the Reply Brief filed by BellSouth. Moreover, no reply is allowed or authorized by Rule 28-106.204, Florida Administrative Code. Accordingly, BellSouth's Reply Brief, is unauthorized and improper and thus should be stricken.

See Supra's Motion to Strike at 4, Docket No. 980119-TP, filed Jul. 11, 2000,
attached hereto as Exhibit A. The Commission agreed with Supra, stating:

We agree with Supra that neither the Uniform Rules
nor or rules contemplate a reply to a response to a
Motion. Therefore the Motion to Strike is granted.

In re: Complaint of Supra Telecommunications and Information Systems, Inc.
Against BellSouth Telecommunications, Inc., Docket No. 980119-TP, Order No.
PSC-00-1777-PCO-TP.

The Commission reached an identical conclusion in In re: ITC-DeltaCom,
Docket No. 990750-TP, Order No. PSC-00-2233-FOF-TP, finding that “the
Uniform Rules and Commission rules do not provide for a Reply to a Response
to a Motion for Reconsideration.” See also, In re: Petition by Florida Digital
Network, Inc. for Arbitration, Docket No. 010098-TP, Order No. PSC-01-1168-
PCO-TP (refusing to address arguments raised by FDN in reply memorandum
because reply memorandums are “not contemplated by Commission rules.”)

In its Supplemental Motion, Supra deliberately omits citation to this well-
established principle regarding the impermissibility of reply memoranda in
Commission proceedings – a principle it helped to create. Supra's Supplemental
Motion is a bad faith filing submitted only to harass the Commission and
BellSouth. Thus, Supra's Supplemental Motion should be rejected in its entirety
as an impermissible reply memorandum.

Further, while it is not clear why Supra has designated its filing as a
“verified” motion, the motion plainly was not verified. In fact, Mr. Ramos did not
even sign the “verification.” It appears that someone with the initials “AHS”

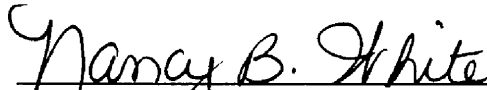
signed Mr. Ramos's name. Therefore, to the extent that the Commission believes it was necessary for Supra to have submitted a verified motion, it is clear that Supra did not do so.

CONCLUSION

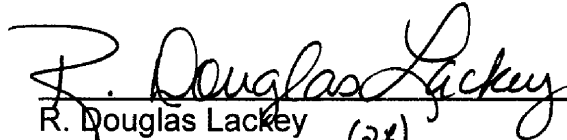
For the foregoing reasons, BellSouth respectfully requests that the Commission refuse to consider and deny Supra's Supplemental Motion and Sanction Supra for filing it.

Respectfully submitted this 6th day of May 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



Nancy B. White (24)
James Meza III
150 West Flagler Street
Suite 1910, Museum Tower
Miami, Florida 33130
(305)347-5568



R. Douglas Lackey (24)
T. Michael Twomey
Suite 4300
675 W. Peachtree Street, N.E.
Atlanta, Georgia 30375
(404) 335-0750

445478