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June 4, 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. 000121A-TP (OSS)**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Expedited Petition for Temporary Relief of the Requirements of Order No. PSC-01-1819-FOF-TP, which we ask that you file in the captioned docket.

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,



Nancy B. White (KA)

Enclosures

cc: All parties of record  
Marshall M. Criser, III  
R. Douglas Lackey

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**CERTIFICATE OF SERVICE**  
**Docket No. 000121A-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
Federal Express this 4th day of June, 2002 to the following:

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*Nancy B. White*  
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Nancy B. White (KA)

**(+) Signed Protective  
Agreement**

#237366

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Investigation into the ) Docket No. 000121A-TP  
Establishment of Operations Support )  
Systems Permanent Performance )  
Measures for Incumbent Local Exchange )  
Telecommunications Companies ) Filed: June 4, 2002  
\_\_\_\_\_ )

**EXPEDITED PETITION FOR TEMPORARY RELIEF OF THE  
REQUIREMENTS OF ORDER NO. PSC-01-1819-FOF-TP**

BellSouth Telecommunications, Inc., ("BellSouth" or "Company"), pursuant to Rules 28-106.204 and 25-22.036, Florida Administrative Code, hereby files this Expedited Petition for Temporary Relief of the Requirements of Order No. PSC-01-1819-FOF-TP. Specifically, BellSouth requests that it be temporarily relieved of the obligation to make payments to Supra Telecommunications and Information Systems, Inc. ("Supra") for Tier 1 and Tier 2 non-compliance. In support thereof, BellSouth states the following:

1. BellSouth is a telephone company lawfully doing business in the state of Florida and whose regulated operations are subject to the jurisdiction of the Florida Public Service Commission ("Commission") pursuant to Chapter 364, Florida Statutes. For the reasons set forth in detail below, the substantial interests of BellSouth will be affected by the Commission's determination of the matters set forth herein. BellSouth's service address for the purpose of this Petition is:

BellSouth Telecommunications, Inc.  
Nancy B. White  
c/o Nancy Sims  
150 South Monroe Street, Suite 400  
Tallahassee, FL 32301

**REDACTED**

2. Supra is an Alternative Local Exchange Telecommunications Company ("ALEC") certificated by the Commission to provide local exchange telecommunications services in Florida. Supra is also subject to the jurisdiction of the Commission pursuant to Chapter 364, Florida Statutes. According to the Commission records, Supra's address for service of process is 2620 S. W. 27<sup>th</sup> Avenue, Miami, Florida 33133. Supra is a party to this docket.

3. On September 10, 2001, this Commission issued Order No. PSC-01-1819-FOF-TP ("Order"). The Order requires BellSouth to make payments to ALECs for Tier 1 and Tier 2 non-compliance for the month in which the obligation arose, by the 30th day following the due date for the performance measurement report. In Order No. PSC-02-0187-FOF-TP, issued on February 12, 2002, the Commission approved BellSouth's Service Quality Measurement And Self-Effectuating Enforcement Mechanism Administration Plan (collectively known as the "Performance Assessment Plan"). By that order, the effective date of the Performance Assessment Plan was May 13, 2002. By letter dated February 12, 2002, the Commission advised BellSouth that it should comply with the Performance Assessment Plan beginning with the performance results for May, 2002.

4. For the last three years, BellSouth has been embroiled in a continuing struggle with Supra to obtain payment from Supra for services provided by BellSouth. This struggle has taken place in several forums, including the Commission, court, and a commercial arbitration panel. Currently, the debt

owed by Supra to BellSouth is significant<sup>1</sup> and is growing daily. In fact, Supra has not paid BellSouth any money for services received in 2002, including any sums for undisputed amounts. Instead of payment, Supra has misused and abused the litigation process, making claim after claim with no basis in fact or law, all to avoid its payment obligations to BellSouth.

5. Due to the magnitude of the debt owed by Supra to BellSouth and due to the inherent inequality of forcing BellSouth to make payments to Supra under the Performance Assessment Plan when Supra refuses to make payment to BellSouth for wholesale services received, BellSouth requests that the Commission relieve BellSouth of the requirement in the Order to make payment for non-compliance of the Performance Assessment Plan to Supra until such time as (1) Supra demonstrates that it intends to make full and complete restitution to BellSouth; (2) Supra makes full and complete restitution to BellSouth; and (3) Supra remains current in its bill payments for at least six months.

6. BellSouth avers that the Commission is imbued with the authority to provide relief from an order's requirements for good cause shown and at the Commission's discretion.

7. BellSouth further avers that, during the pendency of this Petition, BellSouth will make any payments under the Performance Assessment Plan that may be appropriate to Supra.

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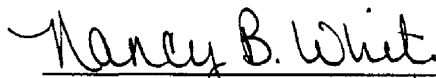
<sup>1</sup> As of this date, Supra owes BellSouth approximately [REDACTED].

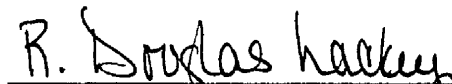


8. Expedited resolution of this Petition is necessary because BellSouth is required by the Order to soon begin making Performance Assessment Plan payments to Supra and all other ALECs, starting with the performance results for May 2002. Accordingly, expedited resolution will potentially minimize any unnecessary payments to Supra while the Petition is pending.

WHEREFORE, BellSouth requests that the Commission determine on an expedited basis that it be temporarily relieved from making any payment required under the Order to Supra until such time as requested herein.

Respectfully submitted this 4th day of June, 2002.

  
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