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ORIGINAL

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August 15, 2003

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. 030349-TP** -
**SUPRA's NOTICE OF SERVING RESPONSES
TO STAFF's SECOND SET OF INTERROGATORIES**

Dear Mrs. Bayo:

Enclosed is the original and one copy of Supra Telecommunications and Information Systems, Inc.'s (Supra) Notice of Serving Responses to Staff's Second Set of Interrogatories 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,

Jorge Cruz-Bustillo
Jorge Cruz-Bustillo
Assistant General Counsel

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CERTIFICATE OF SERVICE

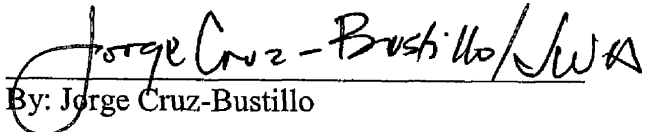
Docket No. 030349-TP

I HEREBY CERTIFY that a true and correct copy of the following was served via Hand Delivery, Facsimile, U.S. Mail, and/or Federal Express this 15th day of August 2003 to the following:

Linda H. Dodson, Esq.
Staff Counsel
Florida Public Service Commission
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
850/ 413-6199

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

SUPRA TELECOMMUNICATIONS
& INFORMATION SYSTEMS, INC.
2620 S. W. 27th Avenue
Miami, FL 33133
Telephone: 305/ 476-4252
Facsimile: 305/ 443-1078


By: Jorge Cruz-Bustillo

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Supra
Telecommunications and
Information Systems, Inc.
against BellSouth
Telecommunications, Inc.
regarding BellSouth's alleged
use of carrier to carrier
information.

DOCKET NO. 030349-TP
FILED: AUGUST 15, 2003

SUPRA RESPONSE TO STAFF'S SECOND SET OF
INTERROGATORIES (NOS. 8-12)
TO SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.

Pursuant to Rule 1.340, Florida Rules of Civil Procedure, Supra, by and through its undersigned attorney, hereby Responds to Staff's Second Set of Interrogatories (Nos. 8 through 12) to Supra Telecommunications and Information Systems, Inc. These interrogatories shall be answered under oath by you or through your agent who is qualified to answer and who shall be fully identified, with said answers being served as provided pursuant to the Rules of Civil Procedure and within the time period set out in Order No. PSC-03-0718-PCO-TP which states:

Due to the expedited time schedule for this proceeding:

- (a) All discovery requests shall be served by e-mail or fax, as well as by overnight mail;
- (b) Discovery responses shall be served within 10 calendar days of receipt of the discovery request;

- (c) There shall be no extra time for mailing throughout this proceeding; and
- (d) All discovery requests and responses shall also be served on staff.
- (e) All discovery shall be completed by August 22, 2003.

Provide the name, address and relationship to the Company of each person providing answers to the following inquiries and identify which question(s) each person answered.

DEFINITIONS

"You", "your", "Company" or "Supra" refers to Supra Telecommunications and Information Systems, Inc., its employees and authorized agents.

"Document" refers to written matter of any kind, regardless of its form, and to information recorded on any storage medium, whether in electrical, optical or electromagnetic form, and capable of reduction to writing by the use of computer hardware and software.

"Identify" means:

(a) With respect to a person, to state the person's name, address and business relationship (e.g., "employee") to the Company;

(b) With respect to a document, to state the nature of the document in sufficient detail for identification in a request for production, its date, its author, and to identify its custodian. If the information or document identified is recorded in electrical, optical or electromagnetic form, identification includes a description of the computer hardware or software required to reduce it to readable form.

"Act" refers to the Communications Act of 1934 as amended by the Telecommunications Act of 1996.

INTERROGATORIES:

8. Referring to witness Nilson's rebuttal testimony on page 14, lines 19-22, and page 15, lines 1-2, Nilson states:

A fair reading of this statement, however, requires at a minimum that wherever BellSouth obtains its carrier change information, that source must also be a source that is available to competitors—whether actually accessed or no—at the time BellSouth obtains the carrier change information. No competitor has direct access on a nightly basis to BellSouth's Service Order Communication System (SOCS).

If Supra is ultimately denied access to BellSouth's Harmonize feed, what alternatives does Supra propose to obtain carrier change information from an independent retail source?

Supra respectfully declines to propose an alternative. The burden is on BellSouth to "identify" the independent external source, that is also available to competitors, that its retail operations use to obtain "knowledge" that a particular customer has switched. If BellSouth cannot identify it, then they must cease their practice immediately. BellSouth has already admitted the MKIS relies exclusively on the Harmonize feed to extract service orders from SOCS, in order to generate marketing leads. BellSouth's actions are in violation of section 222 and this practice must be ceased immediately.

9. Please refer to Supra's response to staff's first set of interrogatories, item number four, where Supra alleges that the name and address of the customer was generated from BellSouth's wholesale operations.

Is it also true that the customer name and address could have been acquired from BellSouth's historical records contained in the CRIS database? Please explain.

Mr. Edward Wolfe stated in his Rebuttal Testimony, pg. 11, L 10-12: "Next, Operation Sunrise copies into a **permanent table** in the **Sunrise database** certain data from each remaining disconnect order: **the NPA, the NXX, the line, the customer code, and the date the data was extracted** from SOCS. The temporary table is then purged completely."

"Operation Sunrise **matches** each disconnect **order** to a former **BellSouth customer service record.**" (Emphasis added). RT, pg. 11, lines 17-18.

This testimony establishes as "fact" that BellSouth retail personnel, in MKIS, review the permanent Sunrise Table before accessing CRIS. In fact, MKIS depends on the Sunrise Table to direct MKIS as to which specific files must be pulled from CRIS. The information on the Sunrise Table includes, but is not limited to, the customers telephone number and "customer code." So to answer the Staff's question, it is not true that MKIS could have acquired the name and address from CRIS prior to reviewing the data on the Sunrise Table. If MKIS just pulled records at random from CRIS and started sending out marketing letters to customer that were still BellSouth customers, that would not be productive. The facts are that but for the extract of service orders from SOCS, MKIS would not know which files in CRIS to access.

10. Please refer to BellSouth witness Rascal's rebuttal testimony, page 13, lines 15-24. Witness Rascal states that line loss notification reports are posted daily to CLECs' individual Internet web pages.

Given that both BellSouth and CLECs receive disconnect information daily, please explain why Supra believes it does not receive carrier change information at the same time as BellSouth.

First, I would respectfully note that the witness' name is Rucilli. Next, I would note that the line loss report only involves Supra customers that have chosen to leave Supra. The question is whether Supra and all CLECs have access to the same independent source that is "available throughout the retail industry" regarding the customers that are leaving BellSouth - not the customers leaving Supra. As such, the line loss report simply has no legal relevance to this case.

The issue is the unfair competitive advantage the ILEC enjoys in its status as the underlying wholesale executing carrier. See PSC-03-0726-FOF-TP, pg. 46, quoting the FCC, from Order 99-223:

"Where a carrier exploits advance notice of a customer change by virtue of its status as the underlying network-facilities or service provider to market to that customer, it [the ILEC] does so in violation of section 222(b). We concede that in the short term this prohibition falls squarely on the shoulders of the BOCs and other ILECs as a practical matter." (Emphasis added).

I emphasized the phrase "advance notice" to point out that even if BellSouth scrubs a CLEC LSR of all of its contents but for the telephone number and a customer code, the telephone number and customer code still provide MKIS enough information to retrieve the specific file from CRIS. This practice by any standard is "advance notice" to MKIS that a switch is about to occur. This statement of course dovetails with the FCC prior statement that:

"We conclude that competition is harmed if any carrier

uses carrier-to-carrier information, such as switch . . .
. orders, to trigger market retention marketing
campaigns, and consequently prohibit such actions
accordingly." Id. at 45. (Emphasis added).

Again, the FCC indicates that it is the switch order itself
that cannot be relied upon to provide advance notice to BellSouth's
retail operations. For BellSouth to be able to rely on its internal
information in CRIS, it must first learn from some external source
also available to competitors. On this issue the FCC stated:

"Under these circumstances, the potential for anti-
competitive behavior by an executing carrier is curtailed
because competitors have access to equivalent information
in their own marketing and winback operations." Id. at
47.

BellSouth processes approximately 670,000 CLEC LSRs
electronically on a monthly basis. See Pate's rebuttal testimony.
BellSouth has a burden to demonstrate that it learned of "all" of
these approximately 670,000 CLEC switches from some independent
source, that is not its own wholesale operations. If BellSouth is
allowed to market to these 670,000 customers every month - under
these circumstances - competition is harmed.

11. On page 27, lines 11-12 of BellSouth witness Pate's direct
testimony, he states that "Once again, Mr. Nilson is out-of-
date or incorrect in his knowledge of BellSouth's OSS."

How did witness Nilson gain knowledge of BellSouth's OSS, and
during what time period?

Mr. Nilson has been employed with Supra since 1997. As Vice-
President for Technology, Mr. Nilson is the architect of Supra's
network. In this capacity, Mr. Nilson is very familiar with
BellSouth's OSS in all manner of operations and uses.

Supra is also the largest competitive local exchange carrier
in the State of Florida with over 300,000 customers. Supra has
also been very successful in challenging BellSouth's over inflated
wholesale carrier invoices. Mr. Nilson has been deeply involved in
these challenges. Knowledge of BellSouth's network is essential in
challenging BellSouth's convoluted and incomprehensible wholesale
invoices. BellSouth originally billed Supra over \$120 million

dollars for a 12 month period. These bills were found by a panel of commercial arbitrators to have been **overstated** by approximately Sixty Seven Million (\$67,000,000.00) dollars.

12. On page seven, line three of his direct testimony, witness Nilson states that BellSouth uses a Legacy engine/database known as ZTRK. On page 27, footnote 16, of BellSouth witness Pate's rebuttal testimony, he states that "BellSouth does not know what ZTRK is."

Please define what the acronym ZTRK stands for, and what functions it performs.

At this time Mr. Nilson is on vacation. He is expected to return on Monday, August 18, 2003. Supra will supplement its answer after that date. In any case, the acronym for the legacy engine has no legal relevance to the issues in this docket.