

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency complaint of
Supra Telecommunications and
Information Systems, Inc.
against BellSouth
Telecommunications, Inc. for
allegedly filing false usage
data numbers with Commission in
Docket No. 990649A-TP.

DOCKET NO. 030482-TP
ORDER NO. PSC-03-0946-PCO-TP
ISSUED: August 20, 2003

ORDER GRANTING MOTION TO STAY DISCOVERY

On June 3, 2003, Supra Telecommunications and Information Systems, Inc. (Supra) filed a Complaint against BellSouth Telecommunications, Inc. (BellSouth) for allegedly filing false usage data numbers in Docket No. 990649A-TP, Investigation into Pricing of Unbundled Network Elements - BellSouth track (UNE Docket). On June 23, 2003, BellSouth filed its Motion to Dismiss. Thereafter, on June 30, 2003, Supra filed its Response to the Motion to Dismiss. This matter is currently scheduled to be presented for consideration at the Commission's September 30, 2003, Agenda Conference.

On July 28, 2003, BellSouth filed a Motion to Stay Discovery and/or Motion for Protection. Therein, BellSouth asks that discovery be stayed pending resolution of the Motion to Dismiss. BellSouth maintains that a stay is in the interest of judicial economy and will prevent BellSouth from having to unnecessarily respond to discovery that may be rendered moot by the Commission's decision on its Motion to Dismiss. BellSouth further contends that neither party will be prejudiced by a stay, because the matter has not yet been set for hearing. In the alternative, BellSouth asks for a Protective Order because responding to the discovery requests that precipitated the instant motion will subject BellSouth to undue harassment and expense. BellSouth emphasizes that the interrogatories propounded by Supra seek information that should have been obtained in the UNE Docket to which Supra was a party and Supra's attempts to obtain the information through this docket demonstrates Supra's intent to re-litigate matters more appropriately handled in the UNE Docket.

DOCUMENT NUMBER-DATE

07693 AUG20 03

FPSC-COMMISSION CLERK

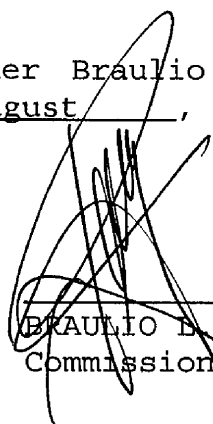
While BellSouth notes in its Motion that counsel for Supra indicated its opposition, Supra did not file a response.

Upon consideration, BellSouth's Motion to Stay Discovery is granted. Discovery in this Docket shall be stayed pending resolution of the Motion to Dismiss. I find that granting this Motion will prevent unnecessary litigation expense prior to resolution of the Motion to Dismiss. If the Motion to Dismiss is denied, discovery shall resume.

Upon consideration, it is therefore

ORDERED by Commissioner Braulio L. Baez, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion to Stay Discovery is granted.

By ORDER of Commissioner Braulio L. Baez, as Prehearing Officer, this 20th Day of August, 2003.

 for Commissioner Braulio L. Baez

BRAULIO L. BAEZ
Commissioner and Prehearing Officer

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice

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should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.