

**REDACTED**

**ATTACHMENT B**

**BellSouth Telecommunications, Inc.  
FPSC Docket No. 030349-TP  
Request for Confidential Classification  
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08/22/03**

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF BELLSOUTH 's  
SUPPLEMENTAL MOTION TO STRIKE SUPRA'S DIRECT TESTIMONY EXHIBITS  
AS FILED IN FPSC DOCKET 030349-TP ON AUGUST 1, 2003.**

**TWO REDACTED COPIES OF THE TESTIMONY FOR PUBLIC DISCLOSURE**

DOCUMENT NUMBER-DATE

07858 AUG 22 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Supra )  
Telecommunications and Information )  
Systems, Inc. Regarding BellSouth's )  
Alleged Use of Carrier to Carrier )  
Information )

Docket No. 030349-TP

Filed: August 1, 2003

**BELLSOUTH TELECOMMUNICATIONS, INC.'S  
SUPPLEMENTAL MOTION TO STRIKE DIRECT TESTIMONY EXHIBITS**

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits this Supplemental Motion to Strike certain exhibits attached to the Direct Testimony of David A. Nilson ("Nilson Exhibits") filed by Supra Telecommunications and Information Systems, Inc. ("Supra") on June 30, 2003. In support, BellSouth states the following:

1. On July 25, 2003, BellSouth filed a Motion to Strike Nilson Exhibits DAN # 1, 6, 7, 8, and 19 primarily on the grounds that Mr. Nilson did not reference or even address the referenced exhibits in his direct testimony. See BellSouth's Motion to Strike.

2. BellSouth files this supplemental motion to raise additional and alternative grounds as to why portions of DAN #6 and one additional exhibit should be stricken from Mr. Nilson's testimony.

3. First, although Mr. Nilson's testimony only references 19 exhibits in his exhibit index, a review of the exhibits produced revealed that Mr. Nilson actually included 20 exhibits in the filing. This last, unidentified exhibit is the deposition transcript of Richard Anderson of BellSouth taken on June 12, 2002 in a commercial arbitration proceeding between BellSouth and Supra. Like the exhibits at issue in BellSouth's original motion to dismiss, Mr. Nilson does not reference or even address

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1 DAN # 20 in his direct testimony. Thus, for the reasons set forth in BellSouth's Motion  
2 to Strike, the Commission should strike DAN # 20 as well.

3 [REDACTED] Moreover, DAN # 20 should be stricken because the testimony of Mr.  
4 Anderson is irrelevant to the issue in this case – whether BellSouth is in violation of  
5 federal or state rules and regulations regarding the use of carrier to carrier or wholesale  
6 information. Indeed, Mr. Anderson testified that [REDACTED]

7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

• See DAN # 20 at pp 155, lines 7-14 (Bates No. 001908); pp 169 at lines 11-17 (Bates No. 001914).

5. Supra's entire case hinges on whether Operation Sunrise violates federal and/or state law regarding the use of wholesale information. Clearly, the deposition

1 transcript of an individual who [REDACTED] of Operation Sunrise cannot be  
2 relevant to this inquiry.

3 6. Second, in further support of BellSouth's argument that Supra is using Mr.  
4 Nilson's direct testimony as the proverbial "kitchen sink", DAN # 6 contains hundreds of  
5 pages of information produced by BellSouth in a commercial arbitration proceeding  
6 between the parties that are irrelevant to this proceeding. Even Supra would be hard-  
7 pressed to create an argument that suggests that the following documents are remotely  
8 relevant to the issues at hand.

9 [REDACTED] Bates Number 000164-000168: This is an [REDACTED]  
10 [REDACTED]

11 [REDACTED]

12 [REDACTED] Bates Number 000169-000182: These documents refer to the  
13 [REDACTED]

14 [REDACTED] Bates Number 000183-000184: These documents appear to  
15 represent [REDACTED]

16 d. Bates Number 000185-000260: These documents appear to  
17 represent the [REDACTED]

18 [REDACTED]

19 [REDACTED] Bates Number 000260-000262: These documents appear to  
20 represent [REDACTED]

21 f. Bates Number 000270-000464: These documents relate [REDACTED]  
22 [REDACTED]

23 [REDACTED]

1 [REDACTED]

2 [REDACTED] Supra amended its Complaint to delete any allegations  
3 regarding BellSouth's promotions. Accordingly, this proceeding is now  
4 limited in scope to whether BellSouth is improperly using carrier to  
5 carrier or wholesale information in generating customer reacquisition  
6 lists.

7 g. Bates Number 000475-000507: These documents are entitled [REDACTED]

8 [REDACTED]

9 [REDACTED]. There is no reference to Operation Sunrise or  
10 the use of wholesale information in these documents.

11 [REDACTED] Bates Number 000508-000539: These documents represent [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED] Bates Number 000540-000618: These documents relate to

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] Bates Number 000619-000623: These documents describe [REDACTED]

20 [REDACTED]

21 k. Bates Number 000624-000690: These documents represent a [REDACTED]

22 [REDACTED]

23 [REDACTED]

7. In light of the above, it is clear why Mr. Nilson failed to reference or even address DAN # 6 in his direct testimony -- the subject documents are entirely irrelevant to the instant proceeding. A cursory review of his exhibits would have revealed this fact to Mr. Nilson and Supra.

8. For these reasons and those set forth in BellSouth's original Motion to Strike, BellSouth respectfully requests that the Commission strike the following exhibits from Mr. Nilson's direct testimony: DAN # 1, 6, 7, 8, 19 and 20.

Respectfully submitted this 1st day of August 2003.

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