REDACTED

ATTACHMENT B

BellSouth Telecommunications, Inc. FPSC Docket No. 030349-TP Request for Confidential Classification Page 1 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 HUMBER-DATE

07858 AUG 22 6

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Supra)	Docket No. 030349-TP
Telecommunications and Information)	
Systems, Inc. Regarding BellSouth's)	
Alleged Use of Carrier to Carrier)	•
Information	_j	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

0000MENT NUMBER-DATE

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

3

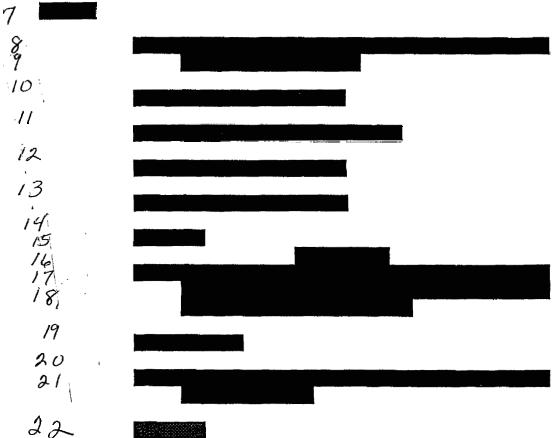
4

5

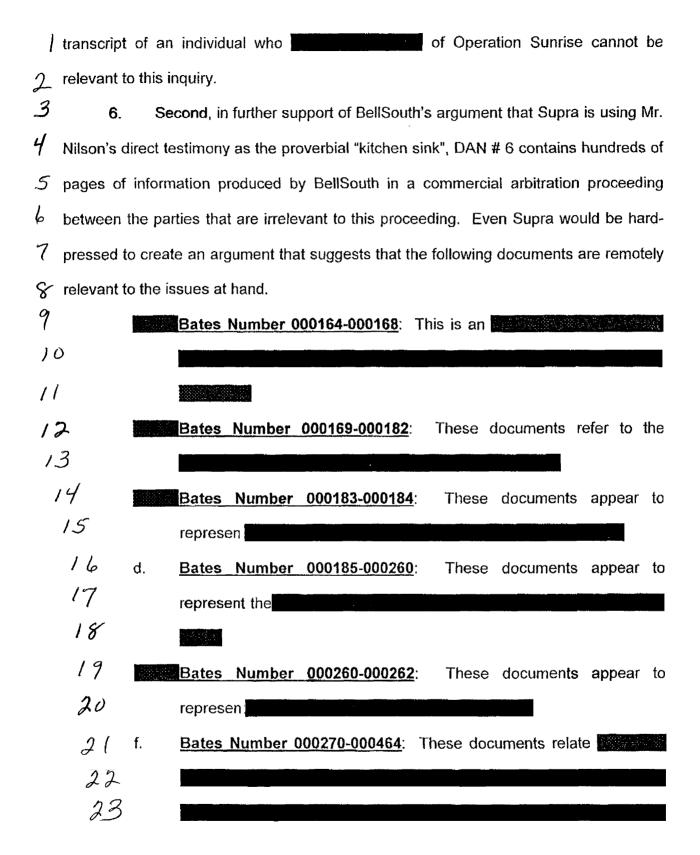
þ

Moreover, DAN # 20 should be stricken because the testimony of Mr.

Anderson is irrelevant to the issue in this case – whether BellSouth is in violation of federal or state rules and regulations regarding the use of carrier to carrier or wholesale information. Indeed, Mr. Anderson testified that



- See DAN # 20 at pp 155, lines 7-14 (Bates No. 001908); pp 169 at lines11-17 (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	
2	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
8	
9	. There is no reference to Operation Sunrise or
10	the use of wholesale information in these documents.
/(Bates Number 000508-000539: These documents represent
12	
13	
14	
15	Bates Number 000540-000618: These documents relate to
16	
18	
19	Bates Number 000619-000623: These documents describe
20	
<i>2 ∫</i> k.	Bates Number 000624-000690: These documents represent a
22	
23	

.

- 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.

BELLSOUTH TELECOMMUNICATIONS, INC.

NANCY B. WHITE

JAMES MEZA

co Nancy Sims

150 South Monroe Street, #400 Tallahassee. Florida 32301

(305) 347-5558

and

R. DOUGLAS LACKEY

E. EARL EDENFIELD

675 West Peachtree Street, #4300

Atlanta, Georgia 30375

(404) 335-0763

500121v2