



ORIGINAL

Telephone: (850) 402-0510
Fax: (850) 402-0522
www.supratelecom.com

1311 Executive Center Drive, Suite 220
Tallahassee, FL 32301-5027

August 28, 2003

Mrs. Blanca Bayo, Director
Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED-FPSC
AUG 28 PM 4:53
COMMISSION
CLERK

**RE: Docket No. 030349-TP -
SUPRA's RESPONSE TO BELL SOUTH's MOTION
FOR A CONTINUANCE**

Dear Mrs. Bayo:

Enclosed is the original and seven copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Response to BellSouth's Motion for a Continuance 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
Assistant General Counsel

AJS _____
CAF _____
CMP _____
COM 3 _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 1 _____
OTH _____

DOCUMENT NUMBER-DATE
08074 AUG 28 8
FPSC-COMMISSION CLERK

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 28th 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., Regarding BellSouth's
alleged Use of Carrier to Carrier
Information

Docket No. 030349-TP

Filed: August 28, 2003

SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEM, INC.,
RESPONSE TO BELLSOUTH'S
MOTION FOR EMERGENCY PARTIAL CONTINUANCE

COMES NOW, Supra Telecommunications and Information Systems, Inc., ("Supra"), by and through its undersigned counsel, and files this Response to BellSouth's Motion for Emergency Partial Continuance. Supra respectfully requests that this Commission deny BellSouth's Motion for the following reasons.

1. First and foremost, Supra respectfully and sincerely extends its condolences to Mr. Ruscilli and his family.
2. In this case, Supra will stipulate that Mr. Ruscilli's Direct and Rebuttal Testimony can be moved into the record without the need of requiring a second person to adopt Mr. Ruscilli's testimony.
3. The Commission's procedures anticipate occurrences when a witnesses may not be available for hearing. The first procedure is that parties are required to file Direct and Rebuttal Testimony. In this case, Mr. Ruscilli has filed both Direct and Rebuttal testimonies. The second procedure is that the Commission allows a party to adopt the testimony of another witness that for whatever reason is unable to attend the hearing. The most recent example of this was in the FCCA proceeding involving BellSouth's practices regarding Fast Access. In that case, the Commission allowed individual companies to adopt the testimony filed by an FCCA witness, after the FCCA

withdrew from the case. Again, as noted in paragraph two, Supra will stipulate to Mr. Ruscilli's Direct and Rebuttal Testimony being moved into the record.

4. The only party prejudiced by stipulating to Mr. Ruscilli's testimony is Supra. Supra is prejudiced because Supra is waiving its constitutional right to cross-examination. Supra is willing to waive its rights in this instance in order to expedite this hearing.

5. BellSouth might suggest that it would like to have Mr. Ruscilli summarize his testimony. But any summary before this Commission is limited to the prefiled Direct and Rebuttal Testimonies. Since Supra is stipulating to allow both his Direct and Rebuttal to be placed in the record, and waiving its constitutional right to cross-examination, therefore, there is no practical reason to summarize testimony already in the record.

6. BellSouth filed a letter with the Commission on Wednesday, August 27, 2003. In this letter, BellSouth acknowledges that it is in fact marketing to customers who migrate from CLEC to CLEC. The basis for this admission is that "we have learned that Operation Sunrise now extracts, in a second 'sweep' of the Harmonize Database, completed D orders containing specific retail initiated disconnect codes." (Emphasis added). The information that BellSouth lawyers learned had to have originated with Mr. Edward Wolfe.

7. Mr. Wolfe is the Marketing Operations Manager in the MKIS group. See Wolfe Rebuttal Testimony, Pg. 2, Lines 24-25. Mr. Wolfe is also the author of the Operations Sunrise Manual. See second page of both DAN-8 and DAN-9. As the author of Operation Sunrise Mr. Wolfe helped design the Harmonize feed, along with Conrad Ponder, as well as the Harmonize Database, the Temporary Sunrise Table and the Permanent Sunrise Table.

8. Ms. Michelle Summers was Director, between June 1998 and August 2002, of the

MKIS group that is responsible for generating marketing leads from records harvested from the Harmonize feed. See Summers Rebuttal Testimony, Pg 1, Lines 20-25, Pg 2, Lines 1-3.

9. BellSouth has expressed a desire to acknowledge on the record that BellSouth has in fact marketed to customers that have migrated from CLEC to CLEC using the Harmonize Database. The individual most qualified to address this matter is Mr. Wolfe - the person who authored the Operation Sunrise Manual and the person responsible for the managing of the databases and tables that generate the leads. Mr. Wolfe will be present on Friday, August 29, 2003, and is most qualified to address what BellSouth lawyers “recently learned.”

10. Mr. Ruscilli can only testify to matters - regarding the alleged “second sweep” of the Harmonize Database - discussed in BellSouth’s letter, that are “told” to him. Mr. Ruscilli does not have the technical knowledge that Mr. Wolfe has regarding the Harmonize database and the Sunrise Tables. Mr. Ruscilli is employed as a Senior Director for Policy Implementation and Regulatory Compliance. See Pg. 1, Lines 11-14, Ruscilli’s Direct Testimony.

11. Mr. Wolfe as Operations Manager of Operation Sunrise will be able to testify with authority regarding the specifics of BellSouth’s letter - without having to defer on any question.

CONCLUSION

12. In this case, Supra will stipulate that Mr. Ruscilli’s Direct and Rebuttal Testimony can be moved into the record without the need of requiring a second person to adopt Mr. Ruscilli’s testimony.

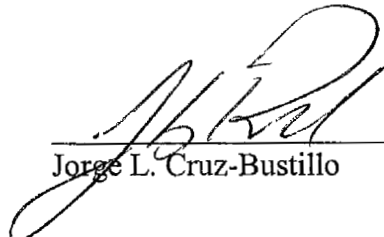
13. Supra stipulates to waive its constitutional rights to cross-examination.

14. There is no practical reason for the Commission to set aside another day for the limited purpose of Mr. Ruscilli summarizing his testimony already placed in the record.

15. Mr. Wolfe is the Marketing Operations Manager in the MKIS group. See Wolfe Rebuttal Testimony, Pg. 2, Lines 24-25. Mr. Wolfe is also the author of the Operations Sunrise Manual. See second page of both DAN-8 and DAN-9. Mr. Ruscilli does not have the technical knowledge that Mr. Wolfe has regarding the Harmonize database and the Sunrise Tables. Mr. Wolfe as Operations Manager of Operation Sunrise will be able to testify with authority regarding the specifics of BellSouth's letter - without having to defer on any question.

WHEREFORE, Supra respectfully requests that this Commission deny BellSouth's Motion for Emergency Partial Continuance for the foregoing reasons.

SUPRA TELECOMMUNICATIONS
& INFORMATION SYSTEMS, INC.
2629 S.W. 27TH AVENUE
Miami, Florida 33133
(305) 476-4252
(305) 443-9516



Jorge L. Cruz-Bustillo