

Nancy B. White
General Counsel - Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

December 5, 2003

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

Re: Docket No. 980119-TP (Supra Complaint)

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Response to Petition for Formal Proceeding Filed by Supra Telecommunications and Information Systems, Inc., which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
Nancy B. White (NB)

cc: All parties of record
Marshall M. Criser III
R. Douglas Lackey

DOCUMENT NUMBER-DATE

12507 DEC-5 8


FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 980119-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U.S. Mail this 5th day of December, 2003 to the following:

Beth Keating
Legal Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Tel No. (850) 413-6212
Fax No. (850) 413-6250

Jorge Cruz-Bustillo
Supra Telecommunications &
Information Systems, Inc.
2620 S. W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4252
Fax No. (305) 443-1078
jorge.cruz-bustillo@stis.com



Nancy B. White (WA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Supra Telecommunications) Docket No.: 980119-TP
and Information Systems, Inc., Against)
BellSouth Telecommunications, Inc.)
_____) Filed: December 5, 2003

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
RESPONSE TO PETITION FOR FORMAL PROCEEDING FILED BY
SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.**

Pursuant to the Florida Administrative Code and Florida Statutes, BellSouth Telecommunications, Inc. ("BellSouth") files its response to the Petition for Formal Proceeding ("Petition") filed by Supra Telecommunications and Information Systems, Inc. ("Supra") in the above captioned matter. Specifically, BellSouth states the following:

1. Paragraph 1 does not require a response from BellSouth.
2. BellSouth denies the allegations of Paragraph 2.
3. BellSouth denies the allegations of Paragraph 3.
4. BellSouth is without sufficient information to admit or deny the allegations of the Paragraph numbered "2" on page 8 of the Petition.
5. BellSouth denies the allegations of Paragraph numbered "3" on page 8 of the Petition and submits that the following are the appropriate disputed issues:
 - A. What did the Florida Public Service Commission order regarding on-line edit checking capability?
 - B. What CLEC operational support systems are available from BellSouth that perform on-line edit checking capability and when did those systems become available to CLECs?

- C. What were the results of the third party testing performed by KPMG with regard to BellSouth's CLEC operations support systems?
- D. What were the results of the FCCs review of BellSouth's CLEC operations support systems?
- E. Did BellSouth comply with the orders of the Florida Public Service Commission concerning on-line edit checking capability?
- 6. BellSouth denies the allegations of Paragraph 4.
- 7. BellSouth denies the allegations of Paragraph 5.
- 8. BellSouth denies the allegations of Paragraph 6.
- 9. Further, BellSouth states the following:

In Order No. PSC-98-1001-FOF-TP, issued on July 22, 1998, the Commission ordered BellSouth to provide Supra with the same on-line edit checking capability that BellSouth's retail ordering systems provided. In Order No. PSC-98-1647-FOF-TP, issued on October 28, 1998, the Commission, on reconsideration, stated that it was not requiring BellSouth to duplicate its RNS and DOE interfaces at Supra's premises. Order at pg. 19. The Commission clarified that BellSouth was to provide Supra with the on-line edit checking capability that occurred when Bellsouth's retail ordering interfaces interacted with BellSouth's FUEL and Solar databases to check orders. Id. BellSouth was ordered to do this by December 31, 1998.

On April 26, 1999, BellSouth advised the Commission that the Telecommunications Applications Gateway ("TAG") provided CLECs with on-line edit checking capability as of November 1, 1998. See BellSouth Telecommunications, Inc.'s Notice of Compliance. On February 11, 2000, the

Commission issued Order No. PSC-00-0288-PCO-TP, wherein it emphasized that the on-line edit checking capability had been required to be provided “generally through the ALEC ordering interfaces available to Supra.” Order at pg. 10. The Commission clarified that it had intended, at the time of the 1998 orders, that BellSouth provide the on-line edit checking capability through either LENS or EDI. Id. However, the Commission further stated that to definitely state whether BellSouth’s available interfaces satisfactorily met the on-line edit checking requirement would require a hearing. Id.

On September 28, 2000, the Commission, in Order No. PSC-00-1777-PCO-TP, specifically ordered that the record be reopened to consider whether BellSouth’s CLEC ordering systems could provide on-line edit checking capability to Supra. The Commission did not limit the CLEC ordering systems to be considered. The Commission further decided third party testing being performed by KPMG in Docket No. 981834-TP of BellSouth’s Operational Support Systems would be used to the fullest extent possible to determine the resolution of this issue. Order at pg. 7. No reconsideration of this order was sought by Supra.

On October 21, 2003, the Commission issued Order No. PSC-03-1178-PAA-TP, in which it found that BellSouth had complied with its original orders. Specifically, BellSouth had provided on-line edit checking capability to CLECs through EDI as of 1998, through TAG as of 1998, and through LENS as of 2000. The Commission further found that the KPMG testing found the EDI, TAG and LENS interfaces to be nondiscriminatory. Order at pg. 9.

In its Petition, Supra makes several claims that are without merit. First, Supra claims that TAG is not a CLEC ordering interface. TAG is a machine-to-machine ordering interface based on industry protocols. Simply because TAG, at one point in time, required programming language does not make TAG any less of a CLEC ordering interface.

Second, Supra criticizes the KPMG third party testing. Supra alleges that it was not allowed to participate. This claim is false. The third party testing performed by KPMG was open to the scrutiny of CLECs. CLECs were able to participate. Supra alleges that the third party test did not determine whether BellSouth provided on-line edit checking capability. This claim is false. KPMG tested Local Service Requests that included erred and error free transactions. KPMG found that BellSouth's CLEC ordering interfaces were nondiscriminatory.

Third, Supra criticizes the FCC's review of BellSouth's 271 approval process. Supra claims that the FCC took no evidence from CLECs. The FCC does not hold evidentiary hearings. CLECs filed comments and reply comments to BellSouth's Petition for 271 approval. In fact, as cited to by the Commission, the FCC discussed Supra's comments concerning on-line edit checking and found those comments without merit. For Supra to allege that the FCC's finding is not relevant to this docket is simply wrong.

Fourth, Supra mistakes what the Commission ordered in this docket. Supra alleges the Commission ordered that BellSouth "provide the same on-line edit checking through the available CLEC interfaces of EDI or LENS." (emphasis in original Petition at pg. 5). This is incorrect. The Commission specifically

ordered that BellSouth provide Supra with the on-line edit checking capability that occurs when BellSouth's retail ordering interfaces interact with BellSouth's Fuel and Solar databases. See Order No. PSC-98-1647-FOF-TP at pg. 19.

Moreover, the Commission did not order that this capability be provided solely through EDI or LENS but through the CLEC ordering interfaces available to Supra. See Order No. PSC-00-0288-PCO-TP at pg. 10.

Finally, Supra alleges that BellSouth is precluded by either claim preclusion or issue preclusion from introducing evidence as to the capabilities of EDI or LENS. This is incorrect. The Commission specifically ordered that the record be reopened in this docket to determine whether BellSouth's CLEC ordering systems could provide on-line edit checking capability to Supra. The Commission did not limit the reopening to CLEC ordering systems other than EDI and LENS and, in fact, did not limit the reopening to any specific CLEC ordering systems. Therefore, neither the doctrines of claim preclusion or issue preclusion are applicable to this docket.

WHEREFORE, BellSouth prays that the Commission enter judgment in its favor and against Supra, denying the relief requested by Supra in the Petition and for all other relief deemed appropriate by law.

Respectfully submitted this 5th day of December, 2003.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White

NANCY B. WHITE (VA)

c/o Nancy H. Sims

150 So. Monroe Street, Suite 400

Tallahassee, FL 32301

(305) 347-5558

R. Douglas Lackey

R. DOUGLAS LACKEY (VA)

J. PHILIP CARVER

Suite 4300

675 W. Peachtree St., NE

Atlanta, GA 30375

(404) 335-0747

515872