

ORIGINAL

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September 2, 2004

SEP-2 PM 4:32  
COMMISSION  
CLERK  
EJENFIELD-PPSC

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

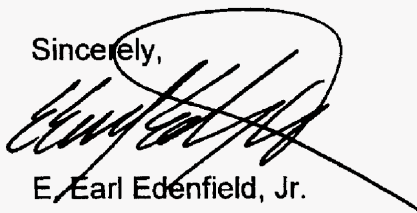
**Re: Docket No.: 040301-TP  
Petition of Supra Telecommunications and Information Systems, Inc. for  
Arbitration with BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth's Response to Supra's Motion to Compel, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



E. Earl Edenfield, Jr.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_ Enclosure
- CTR \_\_\_\_\_ cc: All Parties of Record
- ECR \_\_\_\_\_ Marshall M. Criser III
- \_\_\_\_\_ Nancy B. White
- GCL \_\_\_\_\_ R. Douglas Lackey
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

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EPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

09652 SEP-2 8

EPSC-COMMISSION CLERK

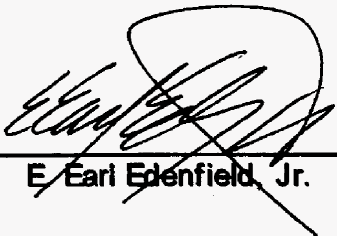
**CERTIFICATE OF SERVICE  
Docket No. 040301-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 2nd day of September, 2004 to the following:

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E. Earl Edenfield, Jr.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Supra Telecommunications )	
and Information Systems, Inc.'s for )	Docket No.: 040301-TP
arbitration with BellSouth )	
BellSouth Telecommunications, Inc. )	
_____ )	Filed: September 2, 2004

**BELLSOUTH'S RESPONSE TO SUPRA'S MOTION TO COMPEL**

BellSouth Telecommunications, Inc. ("BellSouth"), files this Response to the Motion to Compel ("Motion") filed by Supra Telecommunications and Information Systems, Inc. ("Supra") on August 27, 2004. For the reasons set forth below, Supra's Motion should be denied.

In its First Request for Production of Documents, Supra made the following request:

**Request No. 1:** Please provide all testimonies, transcripts, exhibits, orders and any related documents in FPSC Docket No. 990649-TP (BellSouth Track) which specifically support BellSouth's claim that the FPSC has already set a UNE-P to UNE-L conversion rate in excess of \$57.00.

BellSouth responded, saying that the request was overly broad, unduly burdensome and that the documents requested are a matter of public record and fully available to Supra. Supra is well aware that one of BellSouth's defenses to Supra's claims are that the Commission has previously set a rate that applies to switch-to-switch conversions such as the UNE-P to UNE-L conversions at issue in this proceeding. Two of the three elements that comprise the conversion rate, were set in the Commission's Order entered in Docket No. 000649-TP.

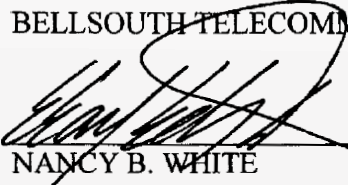
The problem with Supra's request is that BellSouth relies on the actual Order rendered by the Commission. It is impossible to know exactly what portions of the "testimonies, transcripts, exhibits, orders and any related documents" the Commission found credible in rendering its Order. Because the setting of UNE rates is a complicated analysis, BellSouth presumes that the Commission considered **all** of the testimony, exhibits, and transcripts in rendering its Order.

Thus, every part of the record of Docket No. 000649-TP would potentially be responsive to Supra's request.

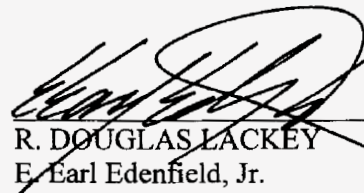
As the Commission is well aware, that Docket is massive (and Supra should also be aware of that fact as they participated in that Docket up until their withdrawal two weeks before the hearing). Further, it is likely that Supra already has in their possession most, if not all, of the documents that were filed in that UNE proceeding. Because the documents filed in the UNE proceeding are publicly available on the Commission's website and most likely already in Supra's possession, it is unreasonable to require BellSouth to download all of those documents and make copies for Supra. Such an exercise is clearly unnecessary and unduly burdensome. Thus, the Commission should deny Supra's Motion.

Respectfully submitted this 2<sup>nd</sup> day of September 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



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