

ORIGINAL

Matilda Sanders

From: Smith, Debbie N. [Debbie.N.Smith@BellSouth.com]
 Sent: Monday, November 15, 2004 1:50 PM
 To: Filings@psc.state.fl.us
 Cc: Edenfield, Kip; Holland, Robyn P; Nancy Sims; Slaughter, Brenda ; Fatool, Vicki; Bixler, Micheale; Linda Hobbs
 Subject: Florida Docket No. 040301-TP
 Importance: High

- A. Debbie Smith
 Legal Secretary for E. Earl Edenfield, Jr.
 BellSouth Telecommunications, Inc.
 c/o Nancy Sims
 150 South Monroe, Rm. 400
 Tallahassee, FL 32301-1558
 (404) 335-0772
 debbie.n.smith@bellsouth.com
- B. Docket No. 040301-TP: In Re: Petition of Supra Telecommunications and Information Systems, Inc. for arbitration with BellSouth Telecommunications, Inc.
- C. BellSouth Telecommunications, Inc.
 on behalf of E. Earl Edenfield, Jr.
- D. 5 pages total in PDF format
- E. BellSouth's Opposition to Supra's Motion for Leave to File Discovery One Day Late.

Debbie Smith (sent on behalf of E. Earl Edenfield, Jr.)
 BellSouth Telecommunications, Inc.
 Suite 4300 - Legal Department
 675 W. Peachtree Street
 Atlanta, GA 30375-0001
 Phone: (404) 335-0772

CMP _____

COM _____

CTR <<BST's Opposition to Supra's Motion for Leave to File Discovery One Day Late>>

ECR *****

GCL _____

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Legal Department

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Senior Attorney

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November 15, 2004

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
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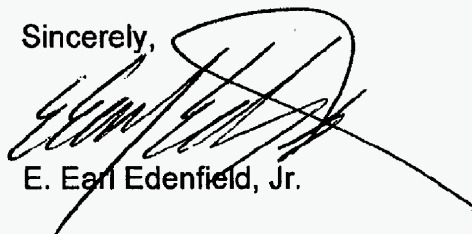
**Re: Docket No.: 040301-TP
Petition of Supra Telecommunications and Information Systems, Inc. for
Arbitration with BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth's Opposition to Supra's Motion for Leave to File Discovery One Day Late, 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.

Enclosure

cc: All Parties of Record
Marshall M. Criser III
Nancy B. White
R. Douglas Lackey

DOCUMENT NUMBER-DATE

12175 NOV 15 2004

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**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 15th day of November, 2004 to the following:


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**To receive discovery related material
only**

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Markets & Enforcement
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E. Earl Edenfield, Jr.

(+) Signed Protective Agreement

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: November 15, 2004

**BELLSOUTH'S OPPOSITION TO SUPRA'S MOTION FOR LEAVE
TO FILE DISCOVERY ONE DAY LATE**

BellSouth Telecommunications, Inc. ("BellSouth"), files this opposition to Supra Telecommunications and Information Systems, Inc.'s ("Supra") Motion for Leave to File Discovery One Day Late ("Motion") dated November 8, 2004, and says:

1. Supra seeks leave to propound yet another set of discovery in this proceeding; in this instance a third set of request for admissions.

2. In accordance with the Order Establishing Procedure (PSC-04-0809-PCO-TP) issued on August 19, 2004 in this case, all discovery was to be *completed* (not propounded) by November 5, 2004.

3. Depending on the timing of the Commission's ruling on Supra's Motion, BellSouth's responses to the additional discovery Supra seeks to propound on BellSouth will not be due until after the completion of the hearing on December 1 and 2, 2004.

4. Not only can the discovery not be *completed* before November 5, 2004, as required by the Order Establishing Procedure, under the current schedule the discovery will not even be completed before the completion of the hearing.

5. Supra's justification is also insufficient as the entirety of the additional discovery appears to either (1) questions that could have been asked at any point in this proceeding, or; (2)

questions related to a drawing that Supra prepared during the deposition of Kenneth Ainsworth and upon which Supra deposed Mr. Ainsworth at length.

6. Clearly, this is not the situation where Supra came upon a document after the conclusion of a deposition and now seeks to ask additional questions. To the contrary, Supra prepared the drawing, deposed the witness on the drawing, attached the drawing to the deposition as an exhibit, and now (after the fact) has decided that it should have asked more detailed or additional questions.

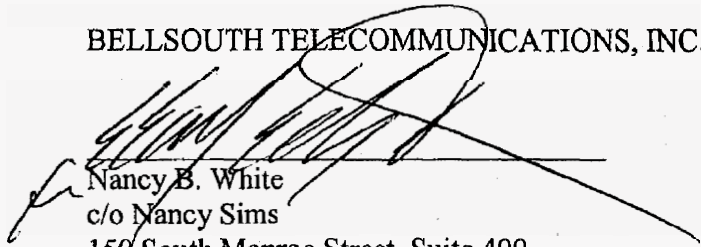
7. Supra's failure to ask the appropriate questions cannot serve as a basis to propound additional discovery past the point at which discovery was to be completed, much less propounded.

8. While BellSouth acknowledges that the consideration of motions concerning discovery and the administration of a case are within the discretion of the Pre-Hearing Officer, Supra has failed to establish that any such discretion should be invoked in Supra's favor.

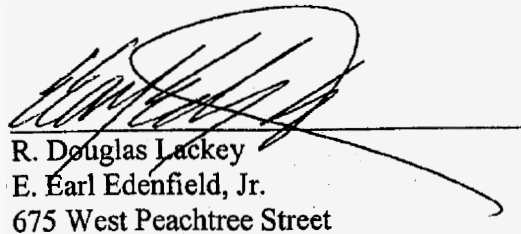
WHEREFORE, BellSouth respectfully requests that the Pre-Hearing Officer deny Supra's Motion.

Respectfully submitted this 15th day of November 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.



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