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January 18, 2005

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

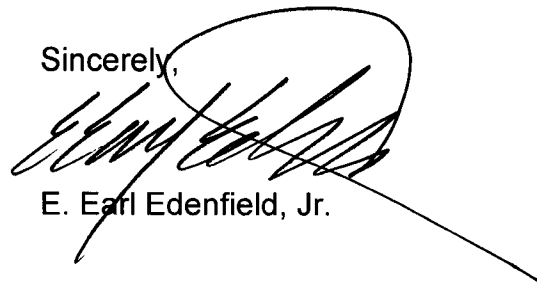
**Re: Docket No.: 040301-TP
Petition of Supra Telecommunications and Information Systems, Inc. for
Arbitration with BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth's Opposition to Supra's Request for Oral Argument, 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,

A handwritten signature in black ink, appearing to read "E. Earl Edenfield, Jr.", is written over the word "Sincerely,". The signature is stylized and includes a large loop at the top.

E. Earl Edenfield, Jr.

Enclosure

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

**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 18th day of January, 2005 to the following:

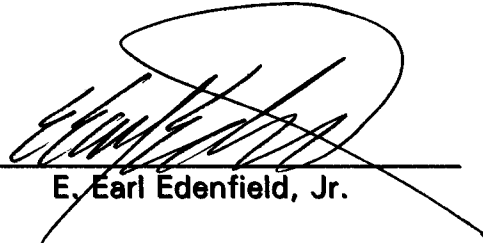
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To receive discovery related material only

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E. Earl Edenfield, Jr.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Supra)
Telecommunications and Information) Docket No. 040301-TP
Systems, Inc.'s for arbitration)
With BellSouth Telecommunications, Inc.) Filed: January 18, 2005
_____)

BELLSOUTH'S OPPOSITION TO SUPRA'S REQUEST FOR ORAL ARGUMENT

BellSouth Telecommunications, Inc. ("BellSouth") files this opposition to the Request for Oral Argument ("Request") filed by Supra Telecommunications and Information Systems, Inc. ("Supra") on January 13, 2005.¹ For the reasons set forth below, the Florida Public Service Commission ("Commission") should reject Supra's Request.

DISCUSSION

BellSouth's objection to Supra's Request is straightforward; Supra has waived any rights to request oral argument on the *Renewed Motion* because Supra failed to comply with mandatory Commission Rules. Specifically, requests for oral argument are governed by Commission Rule 25-22.058, which provides in relevant part:

(1) The Commission may grant oral argument upon request of any party to a Section 120.57, Florida Statutes, formal hearing. A request for oral argument ***shall*** be contained on a separate document and ***must*** accompany the pleading upon which argument is requested. The request shall state with particularity why oral argument would aid the Commission in comprehending and evaluating the issues before it. ***Failure to file a timely request for oral argument shall constitute a waiver thereof.*** [Emphasis added]

Clearly, there are a number of mandatory prerequisites and jurisdictional hurdles for requesting an oral argument. For instance, any request for oral argument must accompany (as a separate

¹ Supra's Request for Oral Argument is directed towards Supra's Renewed Motion for Interim Rate for UNE-P to UNE-L Conversions Based on Change of Circumstances ("*Renewed Motion*") filed on January 3, 2005.

document) the underlying pleading upon which oral argument is being sought; otherwise, the request for oral argument has been waived.

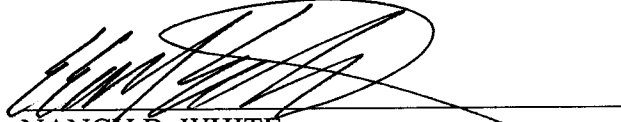
In this proceeding, Supra filed the *Renewed Motion* on January 3, 2005. It was incumbent upon Supra (indeed mandatory) to file any request for oral argument on January 3, 2005 and have any such request accompany the *Renewed Motion*. In its Request, Supra attempts to gloss-over the fact that it has not complied with the procedural and jurisdictional requirements of Commission Rule 25-22.058. (Request at ¶ 3) Instead, Supra argues that by attaching the *Renewed Motion* to the Request (instead of vice-versa 10 days before), that Supra has met the requirements of the Rule. Such an interpretation is a mockery of the Rule and is contrary any rational reading of the Rule's clear language. Therefore, Supra has failed to satisfy the procedural and jurisdictional prerequisites for requesting oral argument and has, by its own malfeasance, waived any such right as per the Rule.

Even if Supra did meet the procedural and jurisdictional prerequisites for requesting oral argument (which they have not), Supra still has not met the burden of demonstrating how oral argument would be of any assistance in resolving the *Renewed Motion*. In short, the *Renewed Motion* is itself a procedurally-flawed pleading and oral argument will not change the fact that the *Renewed Motion* is nothing more than an untimely and unfounded motion for reconsideration. Therefore, Supra has failed to satisfy the procedural and jurisdictional prerequisites for requesting oral argument and has, by its own malfeasance, waived any such right as per the Rule.

WHEREFORE, for the reasons set forth herein, BellSouth respectfully requests that the Commission deny Supra's Request for Oral Argument.

Respectfully submitted this 18th day of January 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.



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