

# ORIGINAL

**Matilda Sanders**

**From:** Slaughter, Brenda [Brenda.Slaughter@BellSouth.COM]  
**Sent:** Friday, April 15, 2005 2:08 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Edenfield, Kip; Linda Hobbs; Fatool, Vicki; Holland, Robyn P; Nancy Sims; Bixler, Micheale; Smith, Debbie N.  
**Subject:** Docket 041338-TP  
**Importance:** High  
**Attachments:** 041338-TP Response to Supra Emergency Motion.pdf

- A. Brenda Slaughter  
 Legal Secretary  
 BellSouth Telecommunications, Inc.  
 c/o Nancy Sims  
 150 South Monroe Street, Rm. 400  
 Tallahassee, FL 32301-1558  
 (404) 335-0714  
 brenda.slaughter@bellsouth.com
- B. Docket No. 041338-TP: Petition for Generic Proceeding to Set Rates, Terms, and Conditions for Batch Hot Cuts for UNE-P to UNE-L Conversions and for ILEC to UNE-L Conversions in the BellSouth Telecommunications, Inc. Service Area
- C. BellSouth Telecommunications, Inc.  
 on behalf of E. Earl Edenfield, Jr.
- D. 7 pages total
- E. BellSouth's Response to Supra's Emergency Motion

Brenda Slaughter (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) 335-0714

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Legal Department

E. EARL EDENFIELD, JR  
Senior Attorney

BellSouth Telecommunications, Inc.  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301  
(404) 335-0763

April 15, 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

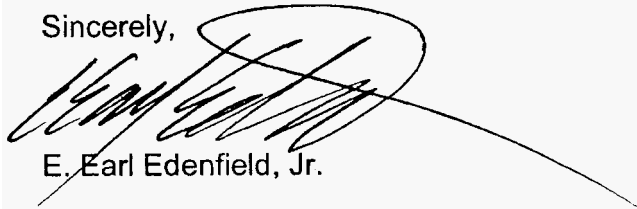
**Re: Docket No.: 041338-TP  
Petition for Generic Proceeding to Set Rates, Terms, and Conditions for  
Batch Hot Cuts for UNE-P to UNE-L Conversions and for ILEC to UNE-L  
Conversions in the BellSouth Telecommunications, Inc. Service Area**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Response to Supra's  
Emergency Motion, 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

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FPSC-COMMISSION CLERK

**CERTIFICATE OF SERVICE**  
**Docket No. 041338-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 15th day of April, 2005 to the following:

Felicia Banks  
Jeremy Susac  
Staff Counsels  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[fbanks@psc.state.fl.us](mailto:fbanks@psc.state.fl.us)  
[jsusac@psc.state.fl.us](mailto:jsusac@psc.state.fl.us)

Vicki Gordon Kaufman  
Moyle Flanigan Katz Raymond  
& Sheehan, PA  
118 North Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 681-3828  
Fax. No. (850) 681-8788  
[vkaufman@moylelaw.com](mailto:vkaufman@moylelaw.com)  
Atty. for Covad  
Atty. for IDS

Charles E. (Gene) Watkins  
Senior Counsel  
Covad Communications Co.  
1230 Peachtree Street, N.E.  
Suite 1900  
Atlanta, Georgia 30309  
Tel. No. (404) 942-3492  
Fax. No. (404) 942-3495  
[gwatkins@covad.com](mailto:gwatkins@covad.com)

Floyd Self  
Messer, Caparello & Self, P.A.  
215 South Monroe Street, Suite 701  
P.O. Box 1876  
Tallahassee, FL 32302-1876  
Tel. No. (850) 425-5213  
Fax No. (850) 224-4359  
Atty. for ITC^DeltaCom  
[fself@lawfla.com](mailto:fself@lawfla.com)

Nanette S. Edwards  
ITC^DeltaCom  
4092 S. Memorial Parkway  
Huntsville, Alabama 35802  
Tel. No. (256) 382-3856  
Fax. No. (256) 382-3936  
[nedwards@itcdeltacom.com](mailto:nedwards@itcdeltacom.com)

Rose M. Mulvany  
Birch Telecom of the South, Inc.  
2020 Baltimore Avenue  
Kansas City, MO 64108-1914  
Tel. No. (816) 300-3731  
Fax No. (816) 300-3350  
[rmulvany@birch.com](mailto:rmulvany@birch.com)

Matt Feil  
Florida Digital Network, Inc.  
2301 Lucien Way, Suite 200  
Maitland, FL 32751-7025  
Tel. No. (407) 835-0300  
Fax. No. (407) 835-0309  
[mfeil@mail.fdn.com](mailto:mfeil@mail.fdn.com)

Michael E. Britt  
LecStar Telecom, Inc.  
2 Ravinia Drive  
Suite 1300  
Atlanta, GA 30346-2123  
Tel. No. (404) 659-9500 ext  
Fax No. (404) 659-4900  
[Michael.britt@lecstar.com](mailto:Michael.britt@lecstar.com)

Donna McNulty  
MCI WorldCom Communications, Inc.  
1203 Governors Square Blvd.  
Suite 201  
Tallahassee, FL 32301-2960  
Tel. No. (850) 219-1008  
Fax. No. (850) 219-1018  
[donna.mcnulty@mci.com](mailto:donna.mcnulty@mci.com)

Dulaney O'Roark  
MCI WorldCom Communications, Inc.  
6 Concourse Parkway, Suite 600  
Atlanta, GA 30328  
[de.oroark@mci.com](mailto:de.oroark@mci.com)

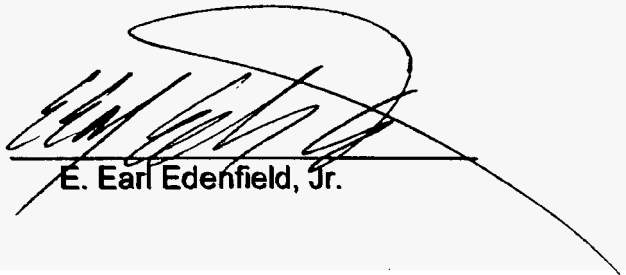
Danyelle Kennedy  
Network Telephone Corporation  
3300 North Pace Blvd.  
Pensacola, FL 32505-5148  
Tel. No. (850) 432-4855  
Fax No. (850) 432-0218  
[Danvelle.kennedy@networktelephone.net](mailto:Danvelle.kennedy@networktelephone.net)

Angel Leiro  
IDS Telecom LLC  
1525 N.W. 167<sup>th</sup> Street  
Miami, FL 33169  
Tel. No. (305) 612-4311  
Fax No. (305) 612-3027  
[aleiro@idstelcom.com](mailto:aleiro@idstelcom.com)

Florida Cable Telecommunications Assoc  
Michael A. Gross  
246 E. 6th Avenue, Suite 100  
Tallahassee, FL 32303  
Tel. No. (850) 681-1990  
Fax No. (850) 681-9676  
[mgross@fcta.com](mailto:mgross@fcta.com)

Ann H. Shelfer  
Supra Telecommunications & Info Sys  
Koger Center – Ellis Building  
1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5067  
Tel. No. (850) 402-0510  
Fax No. (850) 402-0522  
[ashelfer@stis.com](mailto:ashelfer@stis.com)

Brian Chaiken  
Supra Telecommunications & Info Sys  
2901 SW 149th Avenue  
Suite 300  
Miramar, FL 33027  
Tel. No. (785) 455-4248  
Fax No. (785) 455-4640  
[bchaiken@stis.com](mailto:bchaiken@stis.com)



E. Earl Edenfield, Jr.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for Generic Proceeding to Set	)	
Rates, Terms, and Conditions for Batch Hot	)	Docket No. 041338-TP
Cuts for UNE-P to UNE-L Conversions and for	)	
ILEC to UNE-L Conversions in the BellSouth	)	
Telecommunications, Inc. Service Area	)	Filed: April 15, 2005

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

BellSouth Telecommunications, Inc. ("BellSouth") files this Response to the Emergency Motion for an Order to Establish Hearing Schedule ("Motion") filed by Supra Telecommunications and Information Systems, Inc. ("Supra") on April 8, 2005, and says:

In typical fashion, Supra has launched an unjustified and unilateral attack against the Commission Staff and, to a lesser extent, BellSouth. The basis for Supra's most recent "emergency" appears to be that the Commission Staff is not moving forward quickly enough (in Supra's estimation) to establish an issues list and procedural schedule in this case. As is usually the case with Supra's "emergencies" the basis upon which Supra makes the request is neither legally nor factually accurate.

For instance, Supra's insinuation that the Commission and BellSouth are somehow responsible for Supra's inability to transition, over the past two years, Supra's customer base from UNE-P to UNE-L is unfounded. In fact, Supra has transitioned many of its customers from UNE-P to UNE-L using the BellSouth processes and procedures that are currently in place. During that time, Supra has paid, and continues to pay, the conversion rates previously approved by the Commission. To the extent Supra has not converted all of the customers it wanted to convert, such failure results from Supra's ineptitude in upgrading its network to handle such

volume. In the future, maybe FDN will be able to provide Supra with the technical network abilities that Supra obviously lacks.

As to Supra's allegation that "Supra is no longer able to service new customers at competitive prices" such is simply nonsense. Over 110 carriers have entered into commercial agreements with BellSouth and BellSouth encourages Supra to do the same. If Supra chooses not to avail itself of the offer to negotiate a commercial agreement, Supra still has the option of resale at the discount rate approved by the Commission. Again, any competitive issues Supra perceives result from Supra's ineptness, not any actions by the Commission or BellSouth.

Supra's contention that BellSouth has taken inconsistent positions is also unfounded. If Supra is willing to waive any challenges to the cost study upon which the existing rates are based, then BellSouth will agree. Supra, however, wants to challenge the existing rates and have the Commission establish new rates, while at the same time try to preclude BellSouth from actually filing a new cost study. Supra cannot have it both ways and BellSouth should be afforded due process to put forth a new cost study if in fact the Commission is going to consider new rates with new processes.

Supra's criticism of the Commission Staff is also misleading. There have been multiple calls and meetings over the potential issues and scheduling for this proceeding. Commission Staff has expended a great deal of effort trying to focus the issues and set a schedule that is fair to all parties. Frankly, Supra's criticism is offensive and should be simply disregarded by the Commission.

As to Supra's request that the Commission expedite certain issues, the Commission should deny the request. First, the issues that Supra wants expedited may not even be presented in this hearing as those issues are being disputed by BellSouth. Indeed, in consolidating the

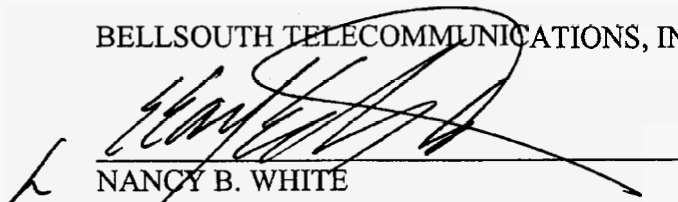
dockets, the Commission noted that “[o]nly Issues 1 and 2 in Docket 040301-TP are unique to BellSouth and Supra. Supra has agreed to withdraw those issues after the hearing in Docket No. 040301-TP. The remaining issues are virtually identical to the Joint CLEC’s petition in Docket 041338-TP.” (Order No. PSC-05-0157-PCO-TP, at 4) (Emphasis added) Thus, these “Supra-specific” issues will probably be subsumed into the other issues in this docket and, therefore, may not even be separate issues going forward. Even if they remain separate issues, Supra has not made any showing as to why those issues should be put on an accelerated track different from the rest of the docket.

Further, Supra is compounding the scheduling problems by insisting on keeping issues that they have already agreed will be dismissed after the hearing. This stubbornness only serves to lengthen the hearing unnecessarily and wastes the time of the parties and the Commission in having to review and respond to the issues.

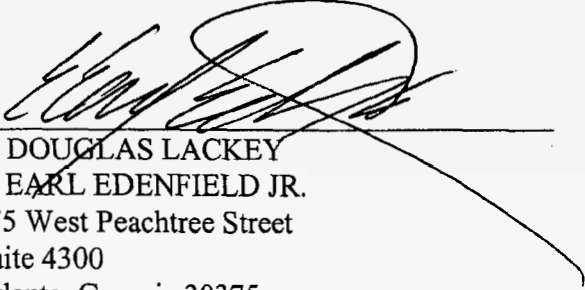
In conclusion, all the parties are interested in having a procedural schedule and issues list. The Commission Staff appears to be working towards that goal, thus the Commission need not take any action as suggested by Supra.

Respectfully submitted this 15<sup>th</sup> day of April 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.



NANCY B. WHITE  
c/o Nancy Sims  
150 South Monroe Street, Suite 400  
Tallahassee, Florida 32301  
(305) 347-5558



R. DOUGLAS LACKEY  
E. EARL EDENFIELD JR.  
675 West Peachtree Street  
Suite 4300  
Atlanta, Georgia 30375  
(404) 335-0763

581497