

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

Complaint of Supra Telecommunications ) Docket No. 980119-TP  
and Information Systems, Inc., Against )  
BellSouth Telecommunications, Inc. )  
\_\_\_\_\_ ) Dated: April 3, 1998

MOTION FOR RECONSIDERATION BY THE FULL COMMISSION PANEL  
OF PREHEARING OFFICER'S ORDER ON DISPUTED ISSUES

Supra Telecommunications & Information Systems, Inc.,  
("Supra") hereby requests the full Commission panel on this  
proceeding to reconsider the Prehearing Officer's Order on  
Disputed Issues, Order No. PSC-98-0416-PCO-TP, issued March 24,  
1998, pursuant to Rule 25-22.038(2), Florida Administrative Code,  
and as grounds therefore states as follows:

1. The Prehearing Officer's order determined that the  
preliminary issues 1, 2, 3, and 6 are not appropriate for  
consideration in this proceeding addressing Supra's Complaint  
against BellSouth Telecommunications, Inc. ("BellSouth").

2. Preliminary Issues 1 and 2 relate to Supra's allegations  
that BellSouth has failed to negotiate in good faith with Supra.  
Preliminary Issues 4 and 6 relate to Supra's allegation that

BellSouth has refused to negotiate the resale of its billing  
service and its dark fiber.

3. It is appropriate for the Commission to reconsider the  
Prehearing Officer's order because the Prehearing Officer  
overlooked or misapprehended the legal significance of the  
following factual allegations made by Supra:

a) Supra has alleged that Supra requested negotiation of  
the issues of the resale of BellSouth's billing service and the  
resale of BellSouth's dark fiber in September 1997.

ACK \_\_\_\_\_  
AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU Serianni  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG 2  
LIN 3  
OPC \_\_\_\_\_  
RCH \_\_\_\_\_  
SEC 1  
WAS \_\_\_\_\_  
OTH \_\_\_\_\_

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FPSC-RECORDS/REPORTING

b) The Interconnection Agreement entered into by BellSouth and Supra does not contain any provision reflecting the results of any negotiation on these issues. As Supra has repeatedly stated, BellSouth refused to negotiate these issues. The legally significant point here is that there is no Interconnection Agreement addressing the issues of the resale of BellSouth's billing service or dark fiber.

4. Pursuant to the timelines set out in the Telecommunications Act of 1996, it is appropriate for Supra to request that the Commission arbitrate these issues if 135 days have passed since these negotiations were requested. Supra has alleged that it had discussions with BellSouth in late September 1997 regarding these issues. Although the Interconnection Agreement was entered into on October 23, 1997, the discussions at which BellSouth refused to negotiate these issues were held substantially earlier. At the time of the filing of this Complaint, on January 23, 1998, Supra was approximately 120 days away from the discussions in which BellSouth refused to negotiate these issues. Although not precisely within the window of 135 days to 160 days, Supra's filing of the Complaint fell extremely close to the 135th day required in the Act.

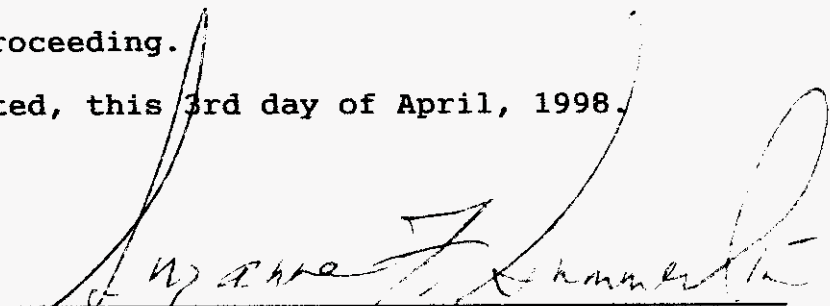
5. It is within the Commission's authority to fashion a resolution of the disputes raised in Supra's Complaint that would include the arbitration of Issues 4 and 6, the issues of the resale of BellSouth's billing service and the resale of BellSouth's dark fiber.

6. It is within the Commission's authority to fashion a

resolution of the disputes raised in Supra's Complaint that would require the arbitration of all of the provisions, including the rates, in the Interconnection Agreement entered into by BellSouth and Supra on the basis that BellSouth has failed to negotiate in good faith. For this reason, the Commission should permit Issues 1 and 2 to be considered within this proceeding.

WHEREFORE, Supra respectfully requests the Commission to reconsider the Prehearing Officer's decisions in his Order on Disputed Issues and permit the four disputed issues to be considered within this proceeding.

Respectfully submitted, this 3rd day of April, 1998.



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Attorney for Supra Telecommunications  
& Information Systems, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties of record this 3rd day of April, 1998:

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