

NANCY B. WHITE
General Counsel-Florida

BellSouth Telecommunications, Inc.
150 South Monroe Street
Room 400
Tallahassee, Florida 32301
(305) 347-5558

March 8, 2000

Mrs. Blanca S. Bayó
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 980119-TP (Supra Complaint)

Dear Ms. Bayó:

Enclosed please find the original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to Supra Telecommunications and Information Systems, Inc.'s Motion for Reconsideration and Motion for Oral Argument which we ask that file in the above-referenced docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

Nancy B. White
Nancy B. White (BW)

AEA	1
APP	<i>Kellab</i>
CAF	
CMU	1
CTR	
EAG	
LEG	1
MAS	3
OPC	
PAT	1
REC	1
WAW	
OTH	

cc: All parties of record
Marshall M. Criser III
R. Douglas Lackey

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

03068 MAR-88

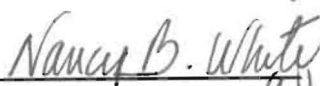
FPSC-RECORDS/REPORTING

CERTIFICATE OF SERVICE
Docket No. 980119-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served
by *Hand Delivery and U.S. Mail this 8th day of March, 2000 to the following:

Beth Keating *
Legal Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Tel No. (850) 413-6212
Fax No. (850) 413-6250

Mark E. Buechele, Esquire
Supra Telecommunications &
Information Systems, Inc.
2620 S. W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4212
Fax No. (305) 443-1078


Nancy B. White (sp)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Supra Telecommunications) Docket No.: 980119-TP
 and Information Systems, Inc., Against)
 BellSouth Telecommunications, Inc.)
 _____) Filed: March 8, 2000

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
 RESPONSE TO SUPRA TELECOMMUNICATIONS AND INFORMATION
 SYSTEMS, INC.'S MOTION FOR RECONSIDERATION
 AND MOTION FOR ORAL ARGUMENT**

BellSouth Telecommunications, Inc. ("BellSouth") hereby files this response, pursuant to Rule 25-22.037(2), Florida Administrative Code, to Supra Telecommunications and Information Systems, Inc.'s ("Supra") Motion for Reconsideration and Motion for Oral Argument.¹

Supra's Motion for Reconsideration must be denied because it plainly fails to meet the well-settled standard for reconsideration. A sustainable motion for reconsideration must identify a point of fact or law that was overlooked or that the Commission failed to consider in rendering its Order. *See Steward Bonded Warehouse, Inc. v. Bevis*, 294 So.2d 315 (Fla. 1974); *Diamond Cab Co. v. King*, 146 So.2d 889 (Fla. 1962). It is not appropriate in motion for reconsideration to merely reargue matters that have already been considered. *Sherwood v. State*, 111 So.2d 96 (Fla. 3d DCA 1959). A motion for reconsideration may not be granted "based upon an arbitrary feeling that a mistake may have been made, but should be

¹ The certificate of service on these pleadings asserted that service was made by hand-delivery on February 25, 2000. As shown by Exhibit "A" attached hereto, the certificate of service is in error. Service was made by United States mail. Pursuant to Rule 25-22.008(4), Florida Administrative Code, five days are added to the prescribed time for a response if service is made by mail. Rule 25-22.037(2)(a), Florida Administrative Code requires a response to a written motion within seven days after service. BellSouth's response to these motions is, therefore, timely.

based upon specific factual matters set forth in the record and susceptible to review." *Stewart Bonded Warehouse, Inc. v. Bevis*, 294 So.2d at 317.

2. Supra's substantive arguments as to BellSouth's alleged failure to comply with this Commission's orders are uniformly without merit. The Commission fully evaluated those claims and reasonably rejected them in its February 11, 2000 Order. *See* Order on Notice of Compliance at 10, *Complaint of Supra Telecommunications and Information Systems, Inc., against BellSouth Telecommunications, Inc., for violation of the Telecommunications Act of 1996*, Docket No. 980119-TP, Order No. PSC-0-0288-PCO-TP (Fla. PSC Feb. 11, 2000). Supra, accordingly, is simply rearguing points that the Commission fully considered and addressed in that order. Such arguments provide no basis for granting reconsideration.

3. BellSouth does agree with Supra, however, that it would be appropriate to allow an evidentiary hearing in this case, particularly on the issue of on-line editing capability. BellSouth believes that such a hearing is necessary for the Commission to provide definitive guidance to the parties as to whether the TAG system satisfies the Commission's on-line editing requirements.

4. BellSouth filed its Notice of Compliance because it believed that the Telecommunications Applications Gateway ("TAG") satisfied the company's obligation to provide on-line edit checking capability. BellSouth hoped that the Notice of Compliance proceedings would provide a pragmatic way to resolve this issue. Accordingly, if the Commission agreed that BellSouth had complied with its prior orders, BellSouth would then voluntarily dismiss the federal court case that

BellSouth had previously filed to protect its rights. *See BellSouth Telecomms. Inc. v. Supra Telecomms. & Information Systems, Inc.*, No. 4:98-CV-404-RH (N.D. Fla.).

5. In response to BellSouth's Notice, the Commission agreed to consider BellSouth's compliance efforts, but only on the condition that the federal district court proceedings be held in abeyance. To accommodate the Commission's wishes, BellSouth filed in the federal court a Motion to Hold Court Proceedings in Abeyance pending the Commission's determination. The Court granted BellSouth's motion, postponing brief of this case until after the Commission ruled on BellSouth's Notice of Compliance. *See Order, BellSouth Telecomms., Inc. v. Supra Telecomms. & Information Systems, inc.*, No. 4:98-CV-404-RH (N.D. Fla. Aug. 30, 1999).

6. On February 11, 2000, the Commission issued its Order on Notice of Compliance. With respect to on-line editing, the Commission declined to provide BellSouth with certainty as to whether TAG satisfied the company's on-line editing obligations. The Commission refused to do so even though it indicated, that if it were to consider BellSouth's new TAG interface, it is quite possible that BellSouth would be found in full compliance with the on-line editing requirement: "We emphasize...that if TAG had been considered in our proceeding in this case, *it is entirely possible that this interface would have met the online edit checking requirement.*" *Id.* (emphasis added). Despite that fact, the Commission concluded that "it would not be appropriate" to hold the kind of evidentiary proceeding it believed necessary to resolve this issue in light of the pending federal court case. *Id.* at 13.

7. BellSouth respectfully submits that such a hearing is not only appropriate, but is the best alternative to resolve this issue once and for all. Despite BellSouth's

best efforts to comply with the Commission's orders, BellSouth still lacks guidance as to whether the TAG interface meets the Commission's requirements. Since the Commission believes that it can provide definitive guidance on that issue only if it holds a hearing, the Commission should hold that hearing and allow the parties finally to put this issue behind them.

8. In this regard, the pendency of the federal court case argues strongly *for*, not against, such a hearing. One of BellSouth's major purposes in filing its Notice of Compliance was to resolve this issue in an amicable and pragmatic matter *without* the need for such burdensome federal court litigation. As noted, if the Commission found that the TAG system complied with its prior orders, BellSouth would voluntarily dismiss its federal case. The Commission apparently shared the reasonable goal of avoiding that litigation as it agreed to address BellSouth's Notice of Compliance so long as the federal case was stayed during those proceedings. The potential to avoid the federal court case still remains a reason why the Commission should address the merits of the TAG system definitively; it in no way counsels for avoiding that issue.

9. In sum, BellSouth still believes that a reasonable solution to the on-line editing issue exists, and it stands ready to demonstrate at a hearing or other evidentiary proceeding that its TAG interface satisfies the Commission's orders in this docket. The Commission should allow BellSouth to make that showing. It can then determine definitively whether BellSouth has met its obligations, as BellSouth believes it has.

10. With regard to Supra's Motion for Oral Argument, BellSouth has no objection to oral argument if the Commission deems that it would assist the Commission in resolving this matter.

WHEREFORE, for the foregoing reasons, the Commission should reconsider its February 11 order and set this case for a hearing as to whether the TAG interface satisfies the on-line editing obligations established by the Commission's orders.

Respectfully submitted this 8th day of March, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

Nancy B. White
NANCY B. WHITE (ps)
c/o Nancy H. Sims
150 So. Monroe Street, Suite 400
Tallahassee, FL 32301
(305) 347-5558

R. Douglas Lackey
R. DOUGLAS LACKEY (ps)
J. PHILIP CARVER
Suite 4300
675 W. Peachtree St., NE
Atlanta, GA 30375
(404) 335-0747

Exhibit A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Supra Telecommunications) Docket No.: 980119-TP
and Information Systems, Inc., Against)
BellSouth Telecommunications, Inc.)
_____) Filed: March 8, 2000

State of Florida

County of Leon

Affidavit of Nancy H. Sims

Before me, the undersigned authority, personally appeared Nancy H. Sims, who stated that she is currently the Director of Regulatory Relations for BellSouth Telecommunications, Inc.-Florida ("BellSouth-Florida"), and further states the following:

1. My title is Director of Regulatory Relations for BellSouth-Florida. I have held that title since 1994.

2. My business address is 150 South Monroe Street, Suite 400, Tallahassee, Florida 32301.

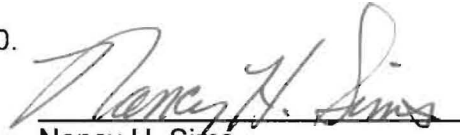
3. On or about February 29, 2000, my office received via United States Postal Service, the service copy of Supra Telecommunications & Information Systems, Inc.'s Motion for Reconsideration of Order No. PSC-00-0288-PCO-TP and Motion for Oral Argument.

4. On or about March 2, 2000, I spoke via telephone with Ann Shelfer, a Regulatory employee of Supra Telecommunications & Information Systems, inc. in Tallahassee, Florida.

5. I advised Ms. Shelfer that, contrary to the assertion contained in the certificate of service, BellSouth had been served with these pleadings by United States mail, not by hand delivery. Ms. Shelfer acknowledged that the pleadings had been served by mail and not by hand delivery.

6. Further Affiant sayeth not.

Dated this 8th day of March, 2000.


Nancy H. Sims

Sworn to and subscribed
before me this 8th day of March, 2000.

Nancy H. Sims, personally known to me or produced identification.


Notary Public (Signature)

Tanya W. Lynn
Notary Public (Printed Name)

My Commission Expires: _____



Tanya W. Lynn
MY COMMISSION # CC673581 EXPIRES
September 8, 2001
BONDED THRU TROY FAIN INSURANCE, INC.