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ORIGINAL

December 29, 2000

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

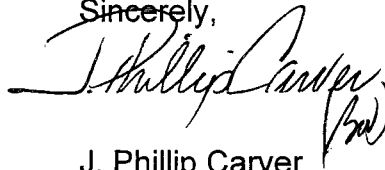
**Re: Florida Docket No. 001305-TP  
Petition for Arbitration between BellSouth and Supra**

Dear Ms. Bayó:

Enclosed is an original and 15 copies of BellSouth Telecommunications, Inc.'s Response in Opposition to Supra Telecommunication and Information Systems, Inc.'s Motion for Extension of Time Stated in the Current CASR, which we ask that you file in the captioned matter.

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,



J. Phillip Carver

- APP \_\_\_\_\_
- CAE \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 3 \_\_\_\_\_
- CTR \_\_\_\_\_
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- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

Enclosures

cc: All parties of record  
Marshall M. Criser, III  
Nancy B. White  
R. Douglas Lackey

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

ORIGINAL

In re: Petition for Arbitration of the Interconnection	)	
Agreement Between BellSouth Telecommunications,	)	Docket No. 001305-TP
Inc. and Supra Telecommunications & Information	)	
System, Inc., Pursuant to Section 252(b) of the	)	Filed: December 29, 2000
Telecommunications Act of 1996.	)	

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**BELLSOUTH'S RESPONSE IN OPPOSITION TO SUPRA TELECOM'S MOTION FOR EXTENSION OF TIME STATED IN THE CURRENT CASR**

BellSouth Telecommunications, Inc. ("BellSouth"), hereby files, pursuant to Rule 25-22.037, F.A.C. its Response in Opposition to the Motion for Extension of Time by Supra Telecommunications and Information Systems, Inc. ("Supra"), and states the following:

1. BellSouth is opposed to Supra's Motion for two reasons: (1) Supra has failed to identify a sufficient basis for the requested extension; (2) as Supra acknowledges, the requested extension would necessarily delay the entire case. This delay would be prejudicial to BellSouth.

2. In Supra's Motion, it contends that "Supra requires the participation and attendance of some of the same individuals during both this Arbitration's Issue Identification meeting and the commercial arbitration meeting in the month of January". (Motion, page 1) Although it is unclear from this language, Supra appears to imply that there is some direct conflict between the commercial arbitration and the issue identification meeting in this case that is currently scheduled for January 8, 2001. This, however, is not correct. Although rebuttal testimony in the commercial arbitration is due on January 8, 2001, there is nothing scheduled in the commercial arbitration on this day

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that requires the attendance of counsel and/or representatives of either party. Thus, there is no direct conflict. BellSouth has made arrangements for its representatives to be available to attend the Issue Identification in this matter at the time currently scheduled. There is no reason that Supra cannot do the same.

3. Supra also claims generally that its representatives are too busy to participate due to its involvement in the commercial arbitration during the month of January, 2001.

After the Issue Identification, however, the current CSAR requires no further action from the parties until direct testimony is to be filed on February 26, 2001. Given this, along with the fact that the commercial arbitration poses no direct conflict on January 8, 2001.

Supra has failed to state a basis to support the requested extension.

4. Moreover, Supra acknowledges in Paragraph 6 of its Motion that extending the issue identification meeting until sometime “during the first part of February, 2001” (par 5) would “necessitate extension of the subsequent dates in the CASR.” (par 6) In other words, Supra appears to acknowledge, albeit in passing, that is not only requesting that the date of the Issue Identification be postponed, but that this would require postponement of the entire case, including the hearing. BellSouth strongly objects to this request. This case was initiated with the filing on an Arbitration Petition by BellSouth on September 1, 2000. Under the current case schedule, an Order resolving the case is to be entered August 27, 2001. In other words, this proceeding is scheduled to require a little less than one year’s time, start to finish. This is an unusually long schedule for an arbitration of an Interconnection Agreement pursuant to the Telecommunications Act. Although BellSouth has no objection to this current schedule, BellSouth does object to the resolution of this matter being further delayed.

5. Moreover, delaying the resolution of this case any longer will result in prejudice to BellSouth. Supra has a long and unfortunate history of refusing to pay debts that it properly owes to BellSouth (for example, this Commission has found that, “on occasion, Supra did not pay its bills to Bell in accordance with its agreement,” Order No. PSC-98-1001-FOF-TP (p. 39), entered July 22, 1998 in Docket No. 9800119-TP). The parties are currently operating under an Interconnection Agreement that resulted from Supra’s adoption of the AT&T agreement, and which was filed with the Commission on November 10, 1999. This agreement has expired, but has been extended until a successor agreement can be negotiated and/or arbitrated. Although Supra has received service under this agreement, it has refused, without any justification whatsoever, to pay hundreds of thousands of dollars that are due for these services. BellSouth has filed a Complaint before this Commission seeking an Order that Supra must pay these delinquent bills (Docket No. 001097).

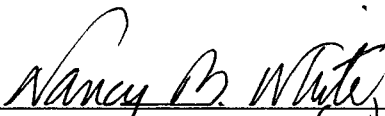
6. One of the specific issues that was raised in BellSouth’s Petition for Arbitration is the issue of whether a party may withhold payment of undisputed charges while there are other unrelated disputes between the parties. (Petition, p. 7). Not surprisingly, Supra has taken the position in this arbitration that it should be allowed to withhold the payment of undisputed charges, just as it has inappropriately done under the current agreement. BellSouth has taken the position that the Arbitrated Agreement that results from this proceeding should state clearly and unequivocally that a party must pay undisputed charges, and that such a provision is needed to prevent any attempts “to game the billing system to avoid paying bills.” (Id.)


7. In light of the foregoing, BellSouth submits that Supra's attempt to delay this case is nothing more than a stratagem to continue, for as long as possible, to avoid paying legitimately billed and undisputed charges. To the extent that Supra is successful in doing so, this will result in obvious prejudice to BellSouth.

WHEREFORE, BellSouth submits that Supra's Motion should be denied because Supra has failed to state a sufficient basis to support the requested extension, because Supra's request will (as Supra admits) have the effect of delaying the entire case and because this delay will prejudice BellSouth.

WHEREFORE, BellSouth respectfully requests the entry of an order denying Supra's Motion.

Respectfully submitted this 29th day of December, 2000.

  
NANCY B. WHITE (Bw)  
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Suite 1910  
Miami, Florida 33130

  
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(404) 335-0765

COUNSEL FOR BELLSOUTH  
TELECOMMUNICATIONS, INC.

240987

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

FACSIMILE and U.S. Mail this 29th day of December, 2000 to the following:

Staff Counsel  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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Information Systems, Inc.  
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Suite 200  
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mbuechele@stis.com

  
J. Phillip Carver (per)