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June 7, 2002

Mrs. Blanca S. Bayo
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

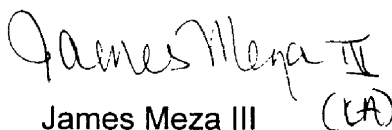
RE: Docket No. 001305-TP (Supra)

Dear Ms. Bayo:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to Supra Telecommunications & Information System, Inc.'s Motion for Reconsideration of Order No. PSC-02-0700-PCO-TP, which we ask that you file in the captioned docket.

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

Sincerely,


James Meza III (LA)

Enclosures

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

DOCUMENT NUMBER-DATE

05982 JUN-7 8

FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE
Docket No. 001305-TP

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

Electronic Mail and U.S. Mail this 7th day of June, 2002 to the following:

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James Meza (164)

(+) Signed Protective Agreement

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Arbitration of the Interconnection)	Docket No. 001305-TP
Agreement Between BellSouth Telecommunications,)	
Inc. and Supra Telecommunications & Information)	
System, Inc., Pursuant to Section 252(b) of the)	
Telecommunications Act of 1996.)	
<hr style="width: 60%; margin-left: 0;"/>		Filed: June 7, 2002

**BELLSOUTH TELECOMMUNICATIONS, INC.'S
OPPOSITION TO SUPRA'S MOTION FOR RECONSIDERATION OF
ORDER NO. PSC-02-0700-PCO-TP**

BellSouth Telecommunications, Inc. ("BellSouth") files this Opposition to Supra Telecommunications and Information Systems, Inc.'s ("Supra") Motion for Reconsideration of Order No. PSC-02-0700-PCO-TP ("Order"). The Prehearing Officer should summarily deny Supra's motion for the following reasons:

1. In Order No. PSC-02-0663-CFO-TP, issued on May 15, 2002, the Prehearing Officer denied BellSouth's request to treat certain information submitted by Supra in a letter ("Supra Letter") to the Commission as confidential pursuant to Section 364.183(3), Florida Statutes. On May 16, 2002, BellSouth filed an Emergency Motion to Stay Order No. PSC-02-0663-CFO-TP and Notification of Exercise of Rights Pursuant to Rule 25-22.006(10). On May 23, 2002, the Prehearing Officer issued the Order, finding that BellSouth's Motion to Stay was moot because BellSouth had properly exercised its rights under Rule 25-22.006(10), Florida Administrative Code. Accordingly, the Prehearing Officer ordered that the subject information was to be kept confidential pending exhaustion of judicial review of the Order pursuant to Rule 25-22.006(10).

2. Also on May 23, 2002, Supra filed its Opposition to BellSouth's Motion to Stay and Notification of Exercise of Rights. On May 29, 2002, Supra

filed its Motion for Reconsideration of the Order, arguing primarily that the Prehearing Officer erred because (1) he failed to consider Supra's Opposition; and (2) Rule 25-22.006(10) is inapplicable purportedly because the subject information was publicly disclosed prior to Supra including the information in the Supra Letter.

3. On May 30, 2002, Staff issued a recommendation wherein it recommended that the Commission deny Supra's Motion for Reconsideration because it failed to identify a mistake in fact or law in the Prehearing Officer's decision.

4. BellSouth's adopts, as its own, the reasoning and argument articulated by Staff in its May 30, 2002 recommendation regarding Supra's Motion for Reconsideration. As correctly pointed out by Staff, Rule 25-22.006(10) is unequivocal: When a request for confidential classification is denied, the Commission **is required** to continue to treat the information as confidential until the time period for filing an appeal has expired. See Rule 25-22.006(10), Florida Administrative Code. In addition, a party "may request continued confidential treatment until judicial review is complete" by submitting the request in writing and filing it with the Commission. Id. If a party makes such a request, Rule 25-22.006(10) requires that the Commission and the parties continue to treat the information as confidential "pending completion of judicial review." Id.

5. Contrary to Supra's assertions that Rule 25-22.006(10) does not apply if the information was publicly disclosed prior to the request for confidential

classification, there is no such exception or condition or any other exception or condition to this Rule. The simple fact of the matter is that BellSouth filed a request for confidential classification for certain information that Supra submitted to the Commission in the Supra Letter. The Prehearing Officer denied this request. Accordingly, Rule 25-22.006(10) is triggered and the Prehearing Officer correctly determined that the information is to be considered confidential pending completion of judicial review. Accordingly, the Prehearing Officer did not make a mistake of fact or law in implementing the clear and unambiguous language of Rule 25-22.006(10).

6. In addition, Supra's argument fails because it incorrectly presumes, without any evidence in support, that BellSouth publicly disclosed the amount of private commercial arbitration awards to the Commission prior to the submission of more expansive information by Supra in the Supra Letter. Supra has presented no evidence or facts in support of this unbelievable assertion. Instead, Supra's argument is entirely based on rank speculation and conjecture, which cannot support reconsideration.

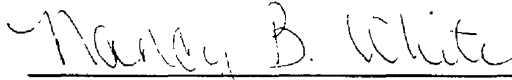
7. Finally, adoption of Supra's fictitious exception to Rule 25-22.006(10) would defeat the purpose of the Rule, which is to prevent the premature disclosure of confidential information. In addition, such an interpretation and resulting modification of an existing rule would constitute the promulgation of an invalid Commission rule in violation of the Administrative Procedures Act's rulemaking procedures. See 120.52(8)(a), Florida Statutes; Department of Natural Resources v. Wingfield Dev. Co., 581 So. 2d 193, 197

(Fla. 1st DCA 1991) (Department of Natural Resources' letter imposing new requirements and procedures was an invalid rule not adopted in a manner required by law).

WHEREFORE, for the foregoing reasons and those set forth in Staff's May 30, 2002 recommendation, BellSouth respectfully requests that the Commission Panel deny Supra's Request for Reconsideration of Order No. PSC-02-0700-PCO-TP.

Respectfully submitted this 7th day of June, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



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