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Legal Department

NANCY B. WHITE
Assistant General Counsel-Florida

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BellSouth Telecommunications, Inc.
150 South Monroe Street
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Tallahassee, Florida 32301
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RECORDS AND
REPORTING

September 23, 1998

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. 90000-TP (Supra Collocation) and
Docket No. 980119-TP (Supra Complaint)

Dear Ms. Bayó:


Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Opposition to Supra Telecommunications and Information Systems, Inc.'s Motion to File Response Out of Time, 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 the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

RECEIVED & FILED

Sincerely,


FPSC-BUREAU OF RECORDS

Nancy B. White
Nancy B. White 

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cc: All parties of record
A. M. Lombardo
R. G. Beatty
William J. Ellenberg II

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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CERTIFICATE OF SERVICE
Docket No. 980800-TP and 980119-TP

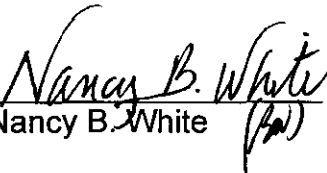
I HEREBY CERTIFY that a true and correct copy of the foregoing was served by
Federal Express this 23rd day of September, 1998 to the following:

Beth Keating, Esq.
Staff Counsel
Florida Public Service Commission
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(850) 413-6199

Suzanne Fannon Summerlin, Esq.
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Tallahassee, Florida 32301
Tel. No. (850) 656-2288
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Supra Telecommunications and
Information Systems, Inc.
2620 S.W. 27th Avenue
Miami, FL 33133
Tel. No. (305) 476-4220
Fax. No. (305) 476-4282

Amanda Grant
BellSouth Telecommunications, Inc.
Regulatory & External Affairs
675 West Peachtree Street, N.E.
Room 38L64
Atlanta, Georgia 30375


Nancy B. White (AW)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

In Re: Petition for Emergency Relief of Supra) Docket No. 980800-TP
Telecommunications and Information)
Systems, Inc., Against BellSouth)
Telecommunications, Inc.)
_____) Filed: September 23, 1998

**BellSouth Telecommunications Inc.'s Opposition to
Supra Telecommunications and Information Systems, Inc.'s
Motion to File Response Out of Time**

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.037(2)(b), Florida Administrative Code, hereby files its Opposition to Supra Telecommunications and Information Systems, Inc.'s ("Supra") Motion to File Response Out of Time. In support thereof, BellSouth states the following:

1. On September 9, 1998, BellSouth filed with the Florida Public Service Commission ("Commission") and hand served on Supra, BellSouth's Motion to Strike Supra's Motions and BellSouth's Motion for Sanctions.
2. Rule 25-22.037(2)(b), Florida Administrative Code provides that an opposition to a motion must be filed within seven days after service of a written motion.
3. Supra filed its opposition on September 21, 1998, some four days after the due date. Rule 25-22.037(2)(3) states that the failure of a party to file a timely answer shall constitute an admission of all facts set forth in the pleading, except in cases where a default would occur. Rule 25-22.037(4) states that

failure to file a timely answer to a pleading seeking a penalty or other specific relief constitutes a default. A default may be set aside only for good cause.

4. Supra has not demonstrated good cause in its motion to file its response out of time. Supra's only excuse for not timely filing the response is that Supra had "numerous activities and deadlines related to Docket No. 980800-TP." The fact that Supra was busy does not excuse a timely filing. Supra could have sought an extension of time from the Commission Staff, but chose not to do so.

5. BellSouth, however, is cognizant of the importance of this matter. Therefore, BellSouth merely requests that the Commission deny Supra the right to file its Responses out of time. BellSouth does not, at this time, request a default.

WHEREFORE, BellSouth requests that the Commission deny Supra's Motion to File Response Out of Time and reject the actual filing of the responses by Supra.

Respectfully submitted this 23rd day of September, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.

Robert G. Beatty (son)

ROBERT G. BEATTY

NANCY B. WHITE

c/o Nancy Sims

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