

Matilda Sanders

ORIGINAL

From: Slaughter, Brenda [Brenda.Slaughter@BELL SOUTH.COM]

Sent: Friday, July 30, 2004 2:18 PM

To: Filings@psc.state.fl.us

Cc: Foshie, Lisa; Edenfield, Kip; Linda Hobbs; Fatool, Vicki; Holland, Robyn P; Nancy Sims; Bixler, Micheale

Subject: Docket 040301-TP

Importance: High

A. Brenda Slaughter

Legal Secretary for Lisa Foshie

BellSouth Telecommunications, Inc.

c/o Nancy Sims

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B. Docket No. 040301-TP: Petition of Supra Telecommunications and

Information Systems, Inc. for Arbitration with BellSouth Telecommunications, Inc.

C. BellSouth Telecommunications, Inc.

on behalf of Lisa Foshie

D. 4 pages total

E. BellSouth Telecommunications, Inc.'s Motion to Hold Discovery in Abeyance

Brenda Slaughter (sent on behalf of Lisa Foshie)

BellSouth Telecommunications, Inc.

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<<040301-TP BellSouth Motion to Hold Discovery in Abeyance.pdf>>

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ORIGINAL

Legal Department

LISA S. FOSHEE
Senior Attorney

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July 30, 2004

Mrs. Blanca S. Bayó
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

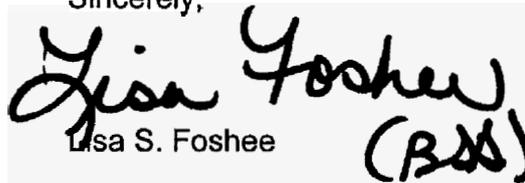
**Re: Docket No.: 040301-TP
Petition of Supra Telecommunications and Information Systems, Inc. for
Arbitration with BellSouth Telecommunications, Inc.**

Dear Ms. Bayó:

Enclosed is BellSouth Telecommunications, Inc.'s Motion Hold Discovery in
Abeyance, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of
Service.

Sincerely,


Lisa S. Foshee (BSS)

Enclosure

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

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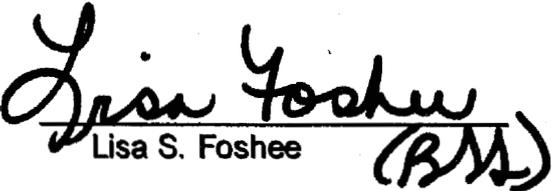
CERTIFICATE OF SERVICE
Docket No. 040301-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 30th day of July, 2004 to the following:

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Lisa S. Foshee (BMS)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Supra)	
Telecommunications and Information)	Docket No. 040301-TP
Systems, Inc. for arbitration)	
With BellSouth Telecommunications, Inc.)	Filed: July 30, 2004

MOTION OF BELLSOUTH TELECOMMUNICATIONS, INC.
TO HOLD DISCOVERY IN ABEYANCE

BellSouth Telecommunications, Inc. ("BellSouth") hereby moves the Commission to hold all discovery (including depositions, interrogatories and document requests) in abeyance pending the resolution of BellSouth's Motion to Dismiss, filed in this docket on July 21, 2004. Such an order is within the discretion of the Pre-Hearing Officer and would best serve the interests of judicial economy.

DISCUSSION

Facts

On July 21, 2004, BellSouth filed, in conjunction with its Answer to Supra's Amended Petition, a Motion to Dismiss Or, In the Alternative, Partial Motion to Dismiss, the Amended Petition (the "Motion"). On July 20, 2004, Supra filed a Notice of Deposition, seeking to depose a BellSouth representative on August 12, 2004. On July 23, 2004, Supra re-served its First Set of Request for Production of Documents on BellSouth.

Analysis

Pursuant to Rule 28-106.206, the Pre-Hearing Officer retains broad latitude to "issue appropriate orders to effectuate the purposes of discovery" in pending matters. Thus, the Pre-Hearing Officer has the authority to enter an order holding all discovery in abeyance pending the resolution of BellSouth's Motion. Such an order would best serve the interests of judicial economy and conserve the parties' resources. Spending time and money on depositions and

written discovery when the case may be summarily dismissed is wasteful – both to the parties and to the Commission Staff who will spend time reviewing filed discovery responses. Moreover, holding discovery in abeyance will not prejudice either party. This case has not been scheduled for hearing, nor is there any schedule for filing testimony. Thus, delaying discovery for a few weeks will not impede either party’s development of its case, and it will conserve the resources of both the parties and the Commission.

For these reasons, BellSouth respectfully requests that the Pre-Hearing Officer hold discovery in abeyance pending resolution of BellSouth’s Motion.

Respectfully submitted this 30th day of July, 2004.

BELLSOUTH TELECOMMUNICATIONS, INC.


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