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ORIGINAL

April 9, 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. 980119-TP (Supra Complaint)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Response to Supra Telecommunications and Information Systems, Inc.'s Motion for Reconsideration, 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,

Nancy B. White
Nancy B. White (BW)

- ACK
- AFA
- APP
- CAF
- CMU *Serranni*
- CTR
- EAG
- LEG *2*
- LIN *3*
- OPC
- RCH
- SEC *1*
- WAS
- OTH

Enclosures

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

RECEIVED & FILED
max
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04075 APR-98


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 Federal Express this 9th day of April, 1998 to the following:

Beth Keating
Legal Counsel
Florida Public Service Commission
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Tallahassee, FL 32399-0850

Suzanne Fannon Summerlin, Esq.
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Tallahassee, Florida 32301
Tel. No. (850) 656-2288
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Nancy B. White (bnw)

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: April 9, 1998

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

BellSouth Telecommunications, Inc. ("BellSouth"), pursuant to Rule 25-22.0376(1), Florida Administrative Code, hereby files its Response to Supra Telecommunications and Information Systems, Inc.'s ("Supra") Motion for Reconsideration of Order No. PSC-98-0416-PCO-TL ("Order") issued on March 24, 1998. BellSouth states the following:

1. The proper standard of review for a motion for reconsideration is whether the motion identifies some point of fact or law that was overlooked or was failed to be considered by the Prehearing Officer. See Diamond Cab Co. v. King, 146 So. 2d 889 (Fla. 1962) and Pingree v. Ouaintance, 394 So. 2d 161 (Fla. 1st DCA 1981). In a motion for reconsideration, it is not appropriate to reargue matters that have already been considered. See Sherwood v. State, 111 So. 2d 96 (Fla. 3d DCA 1959), citing State ex. rel. Jaytex Realty Co. v. Green, 105 So. 2d 817 (Fla. 1st DCA 1958) (the petition should not be used to reargue matters already addressed in briefs and oral arguments).

2. In its motion, Supra seeks reconsideration of the Prehearing Officer's decision resolving the disputed issues in the above captioned matter. Supra argues that the Commission should reconsider the Prehearing Officer's

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Order because the Prehearing Officer overlooked certain factual allegations made by Supra. Supra then alleges that its request for arbitration, while not falling within the Telecommunications Act of 1996 ("Act") required timeframes, comes "extremely close". This is not sufficient under the Act to allow the issues to be arbitrated. Moreover, this docket is concerned with Supra's Complaint concerning the implementation of the interconnection agreements, not an arbitration docket.

3. The argument made by Supra regarding the arbitration of the rejected issues has no place in this docket. Supra's Complaint goes to implementation of its agreements with BellSouth. The rejected issues concern whether Supra should be allowed to void the existing agreements. The Prehearing Officer specifically found that these issues were not appropriate for the Complaint docket, but did not address whether Supra could file a separate arbitration petition.

4. Supra is now trying to make this case an arbitration proceeding. Section 252(b)(1) of the Act specifically states that an arbitration may be filed "during the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation." Supra admits that it has not met this time restraint.

5. Supra has offered nothing new in its Motion to warrant reversal of the Prehearing Officer's Order. All of the arguments made by Supra in its Motion were made at the oral argument.


6. In his Order, the Prehearing Officer specifically considered the arguments raised by Supra in its Motion. The Order should be upheld and Supra's motion should be denied.

Respectfully submitted this 9th day of April, 1998.

BELLSOUTH TELECOMMUNICATIONS, INC.



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