



ORIGINAL

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1311 Executive Center Drive, Suite 220  
Tallahassee, FL 32301-5027

February 16, 2004

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

RECEIVED - FPSC  
04 FEB 16 PM 4:17  
COMMISSION  
CLERK

**RE: Docket No. 030851-TP -  
SUPRA'S RESPONSE TO BELL SOUTH'S MOTION TO  
STRIKE SURREBUTTAL TESTIMONY AND EXHIBITS**

Dear Mrs. Bayo:

Enclosed is the original and fifteen (15) copies of Supra Telecommunications and Information Systems, Inc.'s (Supra) Response To BellSouth's Motion To Strike Surrebuttal Testimony and Exhibits to be filed in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return it to me.

Sincerely,

RECEIVED & FILED

*Oh*  
FPSC-BUREAU OF RECORDS

*Jorge Cruz-Bustillo*

Jorge Cruz-Bustillo  
Assistant General Counsel

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**CERTIFICATE OF SERVICE**

**Docket No. 030851-TP**

**I HEREBY CERTIFY** that a true and correct copy of the following was served via E-Mail, Hand Delivery, and/or U.S. Mail this 16<sup>th</sup> day of February 2004 to the following:

**Jeremy Susac**  
Office of the General Counsel  
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2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**AARP**  
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Tallahassee, FL 32301

**AT&T**  
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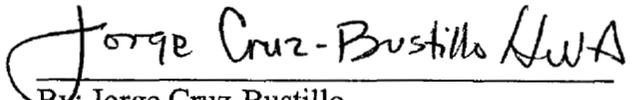
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SUPRA TELECOMMUNICATIONS  
& INFORMATION SYSTEMS, INC.  
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Miami, FL 33133  
Telephone: 305/ 476-4252  
Facsimile: 305/ 443-1078

  
By: Jorge Cruz-Bustillo

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Implementation of requirements arising	)	
from Federal Communications Commission	)	Docket No. 030851-TP
Triennial UNE Review: Local Circuit Switching	)	
For Mass Market Customers	)	Served: February 16, 2004
	)	
	)	

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**SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.,  
RESPONSE TO BELL SOUTH'S  
MOTION TO STRIKE SURREBUTTAL TESTIMONY AND EXHIBITS**

Supra Telecommunications and Information Systems, Inc., ("Supra"), by and through its undersigned attorney files this Response to BellSouth's Motion to Strike and in response thereto, state as follows:

1. The Surrebuttal Exhibits at issue were inadvertently not filed at the time the testimony was filed.
2. Mr. Dave Nilson was involved in bankruptcy proceedings that caused a delay in filing the exhibits.
3. The exhibits were filed with the Commission on February 9, 2004.
4. The undersigned counsel and BellSouth counsel, Jim Meza, agreed that if the exhibits were e-mailed to Mr. Meza on Friday, February 6, 2004, that BellSouth would not move to strike the exhibits. Attached hereto as **Exhibit A** is the e-mail of exhibits to Mr. Meza on February 6, 2004 at 5:43 pm.
5. These same exhibits were then e-mailed shortly thereafter to Jeremy Susac of the Commission on February 6, 2004 at 5:50 pm. See **Exhibit B** attached hereto.
6. BellSouth has the exhibits in their possession with more than enough time to review and cross-examine Mr. Nilson on February 11, 2004. Mr. Meza cross-examined Mr. Nilson for nearly 2 hours on the 11<sup>th</sup>. BellSouth is also free to notice Mr. Nilson for deposition

itself. It has not. BellSouth was not and is not prejudiced. Accordingly, the Commission should not strike any of Mr. Nilson's exhibits.

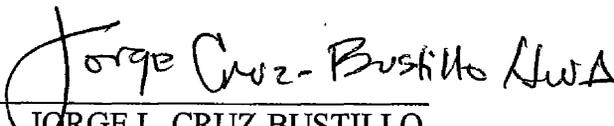
7. Exhibit 4 to Mr. Nilson's Surrebuttal Testimony explains his testimony in which he rebuts BellSouth Witness Gray. Page 17, L 8-9 should have included a reference as follows: Supra Exhibit # DAN-SRT-4. The undersigned notified Staff on February 9, 2004 that a Motion to Correct Surrebuttal testimony would be filed shortly. BellSouth has had this exhibit since Friday, February 6, 2004. All parties have had this Exhibit since February 9, 2004. BellSouth cross-examined Mr. Nilson for 2 hours. No party has been prejudiced.

8. There is no reason to Strike the testimony that references the exhibits because the exhibits were provided with more than enough time for the staff's deposition. Staff, Jeremy Susac, did not raise any objection.

WHEREFORE, Supra respectfully requests that this Commission deny BellSouth's Motion.

Respectfully submitted this 16<sup>th</sup> day of February 2004.

SUPRA TELECOMMUNICATIONS  
& INFORMATION SYSTEMS, INC.  
2620 S.W. 27<sup>th</sup> Avenue  
Miami, Florida 33133  
Telephone: 305.476.4248  
Facsimile: 305.443.1078

By:   
JORGE L. CRUZ-BUSTILLO

**Exhibit - A -**

**Audu, Jonathan**

---

**From:** Cruz-Bustillo, Jorge  
**Sent:** Monday, February 16, 2004 11:54 AM  
**To:** Audu, Jonathan  
**Subject:** FW: Nilson Surebuttal #1; #2, #3, #4

This will be Exhibit A in my Response to BellSouth's Motion to Strike

-----Original Message-----

**From:** Cruz-Bustillo, Jorge  
**Sent:** Friday, February 06, 2004 5:43 PM  
**To:** 'Meza, James'  
**Subject:** FW: Nilson Surebuttal #1; #2, #3, #4

Jim: Below please find DAN-1 Composite Exhibit.  
Also attached are DAN-2; DAN-3 and DAN-4.

Thank you for your cooperation in this matter.

If you have any questions, please let me know.

Jorge L. Cruz-Bustillo  
Supra Telecom  
2620 SW 27th Ave.  
Miami, FL 33133-3005  
Tel. 305.476.4252  
Fax 305.443.1078

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-----Original Message-----

**From:** Nilson, Dave  
**Sent:** Friday, February 06, 2004 5:40 PM  
**To:** Cruz-Bustillo, Jorge  
**Subject:** Nilson Surebuttal #1

Here are the go ahead notices that are referenced as Supra Exhibit DAN-RT-1

David A. Nilson  
Vice President - Technology  
Supra Telecommunications & Information Systems, Inc.  
2620 SW 27th Avenue,

2/16/2004

Miami, Fl. 33133  
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**Audu, Jonathan**

**Exhibit - B -**

---

**From:** Cruz-Bustillo, Jorge  
**Sent:** Monday, February 16, 2004 11:56 AM  
**To:** Audu, Jonathan  
**Subject:** FW: Nilson Surebuttal #1; #2, #3, #4

The will be Exhibit B to my Response to BellSouth's Motion to Strike

-----Original Message-----

**From:** Cruz-Bustillo, Jorge  
**Sent:** Friday, February 06, 2004 5:50 PM  
**To:** 'Jeremy Susac'  
**Subject:** FW: Nilson Surebuttal #1; #2, #3, #4

Jeremy:

Attached are Dave Nilson's Exhibits that were inadvertently not filed. A copy has been provided to BellSouth.

Jorge Cruz-Bustillo  
Supra Telecom

-----Original Message-----

**From:** Cruz-Bustillo, Jorge  
**Sent:** Friday, February 06, 2004 5:43 PM  
**To:** 'Meza, James'  
**Subject:** FW: Nilson Surebuttal #1; #2, #3, #4

Jim: Below please find DAN-1 Composite Exhibit.  
Also attached are DAN-2; DAN-3 and DAN-4.

Thank you for your cooperation in this matter.

If you have any questions, please let me know.

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2/16/2004

-----Original Message-----

**From:** Nilson, Dave  
**Sent:** Friday, February 06, 2004 5:40 PM  
**To:** Cruz-Bustillo, Jorge  
**Subject:** Nilson Surebuttal #1

Here are the go ahead notices that are referenced as Supra Exhibit DAN-RT-1

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