Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 97-237
Beehive Telephone Company, Inc.	)	
Beehive Telephone, Inc. Nevada	)	
	)	Transmittal No. 6
Tariff F.C.C. No. 1	)	

ORDER

Adopted: February 20, 1998 **Released:** February 20, 1998

By the Chief, Competitive Pricing Division:

I. INTRODUCTION

1. By this Order, we approve the modified refund plan submitted by Beehive Telephone Company, Inc. and Beehive Telephone, Inc. of Nevada (collectively "Beehive") for issuing refunds of overcharges to its premium and non-premium local switching customers during the period of August 6, 1997 through December 31, 1997.

II. BACKGROUND

2. In the *Beehive Tariff Investigation Order*, the Commission prescribed rates for Beehive's premium and non-premium local switching that were lower than the rates in effect during the period of the investigation.[1] The Commission directed Beehive to refund the difference between the local switching revenues it obtained between August 6, 1997 and December 31, 1997 and the local switching revenues it would have obtained during this period based on the rates prescribed by the Commission, plus interest. The Commission ordered Beehive to submit to the Common Carrier Bureau for review and approval a plan for issuing refunds.[2]

3. On January 9, 1998, Beehive submitted its plan for issuing refunds.[3] On January 20, 1998, AT&T Corp. (AT&T) submitted comments on the refund plan filed by Beehive.[4] On January 23,

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[1] Beehive Telephone Company, Inc. and Beehive Telephone, Inc., Nevada, Transmittal No. 6, CC Docket 97-237, Memorandum Opinion and Order, FCC 98-1 (rel. January 6, 1998) (*Beehive Tariff Investigation Order*) (para. 25).

[2] *Beehive Tariff Investigation Order* at paras. 29 and 30. *See* Beehive Telephone Company, Inc. and Beehive Telephone, Inc. Nevada Refund Plan, CC Docket No. 97-237, Public Notice, DA98-61 (rel. January 15, 1998).

[3] Letter from Russell D. Lukas, Counsel for Beehive, to James D. Schlichting, Common Carrier Bureau, Chief of the Competitive Pricing Division, dated January 9, 1998; Letter from Russell D. Lukas, Counsel for Beehive, to James D. Schlichting, Common Carrier Bureau, Chief of the Competitive Pricing Division, dated January 12, 1998.

[4] AT&T Comments on Beehive's Refund Plan, filed January 20, 1998 (*AT&T Comments*).

1998, Beehive filed its Reply to AT&T's Comments, which included a revised refund plan.[5]

III. DISCUSSION

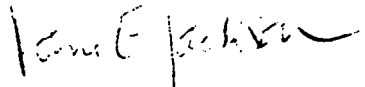
4. In its comments on Beehive's refund plan, AT&T contends that the Bureau should not approve Beehive's proposal because Beehive proposes to apply the entire refund to prior charges that are in dispute between the parties, and this would make it impossible for AT&T to determine whether it has received credit for the full amount of the refund.[6] In its reply to AT&T's comments, Beehive revised its refund plan and agreed to refund its overcharges to AT&T "by issuing credits against current charges for its next billing period (January 1, 1998 to January 20, 1998)."[7]

5. We find that Beehive's refund plan, as revised by Beehive in its reply to AT&T's comments, is reasonable. Accordingly, Beehive must refund the overcharges paid by its premium and non-premium local switching customers between August 6, 1997 and December 31, 1997 in the form of credits to be applied to current and future bills or in the form of refund checks. Beehive must apply the refund to bills due for the current period and not to amounts owing from the period prior to December 31, 1997 or to amounts in dispute between the parties. The application of credits to current and future amounts that are not in dispute will ensure that customers will be able to determine whether they have received the full amount of the refund that is due them.

IV. ORDERING CLAUSES

6. ACCORDINGLY, IT IS ORDERED, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a) and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the revised refund plan filed by Beehive Telephone Company, Inc. and Beehive Telephone, Inc. of Nevada in its reply to AT&T's Comments IS APPROVED.

FEDERAL COMMUNICATIONS COMMISSION



Jane E. Jackson
Chief, Competitive Pricing Division

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[5] Reply to AT&T's Comments on Beehive's Refund Plan, filed January 23, 1998 (*Beehive Reply*).

[6] AT&T Comments at 2.

[7] AT&T Reply at 2.