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Nov 10

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)
)
800 Data Base Access Tariffs and)
the 800 Service Management)
System Tariff)

DA 93-1361

CC Docket No. 93-129 ✓

ORDER

Adopted: November 9, 1993; Released: November 10, 1993

By the Chief, Tariff Division, Common Carrier Bureau:

1. On October 17, 1993, the Beehive Telephone Companies (Beehive) filed a pleading titled "Complaint and Petition for Relief" (October 17th Complaint) in the above-referenced docket. Beehive alleges that Bellcore and Data Base Management assessed excessive charges, over \$7,000 per month, against Beehive for 800 data base Service Management System (SMS/800) fees. Beehive states that it entered approximately 10,000 800 numbers into the SMS/800 data base and that it uses them to provide intrastate 800 service from which it receives less than \$1,000 per month in revenue. In that pleading, Beehive objects to the SMS/800 charges or, alternatively, asks that we allow Beehive to recover the costs from the high cost fund. On October 21, 1993, Beehive filed a second pleading in the above-referenced docket (October 21st Complaint). That pleading was titled "Complaint and Request for Emergency Order" and alleged that Bellcore's actions, as described in the October 17th Complaint, had violated Sections 201(b), 202, 203(b), 205 and 214 of the Communications Act, 47 U.S.C. §§ 201(b), 202, 203(b), 205 and 214. Additionally, the October 21st Complaint alleged that the Bell Operating Companies had violated Section 314 of the Communications Act, 47 U.S.C. § 314.

2. However, Beehive had previously filed an informal complaint with the Enforcement Division of the Common Carrier Bureau on September 9, 1993. It alleged the same facts as these two other pleadings. That informal complaint is currently pending.

3. Since Beehive had previously chosen to file an informal complaint concerning this matter under Section 208 of the Communications Act, 47 U.S.C. §208, its October 17 Complaint and its October 21 Complaint are redundant. Since this is a dispute between two private parties, it is more appropriate to resolve it through the complaint process rather than in the general investigation of the SMS/800 tariff that is being conducted in CC Docket 93-129. We have already instituted a general investigation of the SMS/800 tariff in the above-referenced docket. Beehive's statutory arguments contain allegations that the SMS/800 administrator is taking actions that are inconsistent with the tariff. Such issues are more appropriately dealt with in the complaint process and would not properly be included in our investigation of the rates and terms and conditions of the SMS/800 tariff.

3. Accordingly, IT IS ORDERED that the October 17th Complaint and the October 21st

Complaint filed by the Beehive Telephone Companies ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "Gregory J. Vogt". The signature is written in a cursive style with a large, prominent "G" and "V".

Gregory J. Vogt
Chief, Tariff Division
Common Carrier Bureau