

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

Nov 15 2 15 PM '93

CC Docket No. 92-24 ✓

In the Matter of

Local Exchange Carrier Line  
Information Database

**ORDER**

**Adopted: November 4, 1993; Released: November 15, 1993**

By the Acting Chief, Common Carrier Bureau:

1. On August 23, 1993, the Commission released its decision in the LIDB investigation.<sup>1</sup> Pursuant to that Order eight of the carriers subject to that investigation were asked to file refund plans. The Commission delegated to the Bureau the authority to review and approve the refund plans.<sup>2</sup> On September 22, 1993, and September 23, 1993, the affected carriers, Ameritech Operating Companies (Ameritech), Bell Atlantic Telephone Companies (Bell Atlantic), BellSouth Telephone Companies (BellSouth), GTE Telephone Operating Companies (GTE), NYNEX Telephone Companies (NYNEX), Pacific Bell Telephone Companies (Pacific Bell), United Telephone System (United), and US West, Inc. (US West) filed refund plans. Generally, these companies propose to issue refunds either by presenting customers with a check for the amount owed, or by issuing a one-time credit on the customer's bill. With the exception of Bell Atlantic, the companies will compute refunds, with interest, to cover the period from January 1, 1992, to the date they lowered their rates, as described in the *LIDB Final Order*.

2. On October 19, 1993, AT&T filed a letter objecting to the refund plan filed by Bell Atlantic. AT&T asserts that Bell Atlantic's refund plan is contrary to the Commission's Order. Specifically, AT&T contends that Bell Atlantic states that no refund is required for the rates charged after July 1, 1993, which, AT&T argues, is in violation of the Commission's Order.<sup>3</sup>

3. Bell Atlantic contends that the *LIDB Final Order* required Bell Atlantic to adjust the price cap indices as of July 1, 1993, to reflect the revised LIDB rates.<sup>4</sup> Bell Atlantic asserts that under the price cap rules, it had the ability, as of July 1, 1993, to set its LIDB rates to the originally filed levels without violating the price cap or the upper limit on the Service Band Index.<sup>5</sup> Therefore, it argues that

no refund is appropriate for the period during which it could freely change rates. Thus, Bell Atlantic proposes to issue refunds from January 1, 1992, to July 1, 1993.<sup>6</sup>

4. After reviewing the refund plans, we find that only Bell Atlantic's refund plan does not comply with the requirements of the *LIDB Final Order*. In that Order, the Commission required those carriers issuing refunds to calculate the refunds for the period between the date their original tariffs became effective and the date that the rate identified in the *LIDB Final Order* became effective.<sup>7</sup> Bell Atlantic is correct as a theoretical matter that it would have had flexibility to set its LIDB rates at their originally filed levels. However, the *LIDB Final Order* explicitly requires companies to refund for the period through September 4, 1993, overriding this theoretical pricing flexibility. All seven of the other affected carriers have complied with the Order. Bell Atlantic must follow the *LIDB Final Order* and award refunds from January 1, 1992, until September 4, 1993, the date of Bell Atlantic's revision to its LIDB rates.

5. Accordingly, IT IS ORDERED that the refund plans of Ameritech Operating Companies, BellSouth Telephone Companies, GTE Telephone Operating Companies, NYNEX Telephone Companies, Pacific Bell Telephone Companies, United Telephone System, and US West, Inc. ARE APPROVED.

6. IT IS FURTHER ORDERED that the Bell Atlantic Telephone Companies SHALL ISSUE REFUNDS to affected customers for the period January 1, 1992 to September 4, 1993.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen B. Levitz  
Acting Chief, Common Carrier Bureau

<sup>1</sup> Local Exchange Carrier Line Information Database, CC Docket No. 92-24, FCC 93-400, 8 FCC Rcd 7130 (1993) (*LIDB Final Order*).

<sup>2</sup> *LIDB Final Order*, 8 FCC Rcd 7130, at ¶57.

<sup>3</sup> See Letter from T.W. Ramsey, Government Affairs, Division Manager, AT&T, to Mr. G. Vogt (filed October 19, 1993).

<sup>4</sup> See Bell Atlantic Refund Plan, CC Docket No. 92-24, (filed September 22, 1993), at 2-3.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *LIDB Final Order*, 8 FCC Rcd 7130, at ¶57. For Bell Atlantic, as for all companies, this effective date was September 4, 1993.