

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JAN 20 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

AT&T'S COMMENTS ON BEEHIVE'S REFUND PLAN

Pursuant to the Commission's January 15, 1998 Public Notice,<sup>1</sup> AT&T Corp. ("AT&T") hereby files its comments regarding the refund plan filed by Beehive Telephone Company, Inc. and Beehive Telephone, Inc. Nevada ("Beehive") on January 9, 1998 in accordance with the Commission's Order concluding its investigation of Beehive's Transmittal No. 6.<sup>2</sup>

Due to the complicated nature of the refund data, including the extent to which the refund would be applied to billed usage which is or could be in dispute between AT&T and Beehive, it was necessary for AT&T to review Beehive's submission in detail. AT&T has now had the opportunity to verify the methodology Beehive used to make its refund calculation as well as to compare Beehive's proposed refund with AT&T's own billing records.

<sup>1</sup> Beehive Telephone Company, Inc., Beehive Telephone Inc., Nevada, Public Notice, DA 98-61 (rel. Jan. 15, 1998).

<sup>2</sup> Beehive Telephone Company, Inc., Beehive Telephone Inc., Nevada, Tr. No. 6, Memorandum Opinion and Order, FCC 98-1 (rel. Jan. 6, 1998).

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It appears that Beehive's calculation process reflects accurately the amount of the refund owed AT&T for the period between August 6, 1997 and December 20, 1997 (i.e., \$113,614.92). To satisfy the Commission's refund order, however, Beehive must apply the refund to payments due for the current period. Instead, in the bill AT&T has received from Beehive for the most current period (December 20, 1997 to December 31, 1997), Beehive has applied the entire refund to prior charges which are in dispute between the parties.<sup>3</sup> This application of the refund makes it impossible for AT&T to determine whether or not it has been fully and properly credited.

While AT&T would prefer that Beehive remit the refund separately as opposed to remitting it through a billing credit, Beehive's proposed refund plan will only be acceptable as long as it applies the credit to current period charges. Should the refund exceed the amount of current period charges due then Beehive should apply a

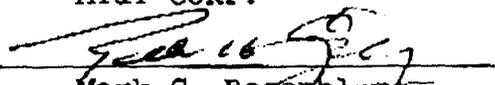
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<sup>3</sup> See AT&T invoice summary attached to Beehive's January 12, 1998 letter to James D. Schlichting from Russell D. Lukas.

credit to current period charges in the next billing period, and continue in this fashion until the refund is paid in full to AT&T.

Respectfully submitted,

AT&T CORP.

By   
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January 20, 1998

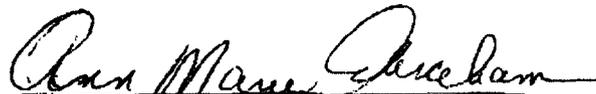
CERTIFICATE OF SERVICE

I, Ann Marie Abrahamson, do hereby certify that on this 20th day of January, 1998, a copy of the foregoing "AT&T's Comments on Beehive's Refund Plan" was mailed by U.S. first class mail, postage prepaid, to the parties listed below.

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