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April 28, 2010

VIA EMAIL

Sharon Gillett, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Beehive Telephone Companies
Amended Petition for Declaratory Ruling
WC Docket No. 10-36

Dear Ms. Gillett:

Reference is made to the request of the Beehive Telephone Companies ("Beehive") for a letter ruling on four issues of law or fact set forth in their Amendment to Petition for Declaratory Ruling that they filed in WC Docket No. 10-36 on March 13, 2010. The purpose of this letter is simply to point out that Sprint Communications Company L.P. ("Sprint") is effectively asking the Commission to adopt an absurd construction of § 207 of the Communications Act of 1934 ("Act").

In its informal complaint to the Commission against Sprint, Beehive did not claim to have been damaged, and it did not make a claim for the recovery of damages. In contrast, Beehive sued Sprint in the United States District Court for the District of Utah to recover its tariffed access service charges. It did not bring suit for the recovery of damages for which Sprint may be liable under any of the provisions of the Act. Hence, to find that Beehive's collection suit against Sprint was barred by the election-of-remedies provision of § 207, the Commission would have to agree that the following reflects a permissible construction of the statutory language:

§ 207. Recovery of damages

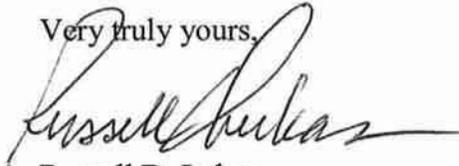
A person *not* claiming to be damaged by a common carrier subject to the provisions of this chapter may either make a complaint to the Commission for *relief other than the recovery of damages* as hereinafter provided for, or bring suit for the recovery of *tariffed charges* for which such common carrier *is not* liable

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under the provisions of this chapter, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

The abbreviated declaratory ruling sought by Beehive will aid in the resolution of an issue of first impression before the Tenth Circuit. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Russell D. Lukas". The signature is fluid and cursive, with a long horizontal stroke at the end.

Russell D. Lukas

cc: Marcus Maher
Lynne Engledow
Charles W. McKee
Michael B. Fingerhut
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