



# PUBLIC NOTICE

Federal Communications Commission  
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DA 10-243

Released: February 12, 2010

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON PETITION FOR  
DECLARATORY RULING OF BEEHIVE TELEPHONE, CO., INC. AND  
BEEHIVE TELEPHONE CO. INC. NEVADA**

**WC Docket No. 10-36**

**COMMENTS DUE: March 1, 2010**

**REPLY COMMENTS DUE: March 11, 2010**

On February 2, 2010, Beehive Telephone Co., Inc. and Beehive Telephone Co. Inc. Nevada (Beehive) filed a petition seeking a declaratory ruling that the Commission will not “entertain a complaint by a local exchange carrier (‘LEC’) to recover unpaid tariffed access charges from its interexchange carrier (‘IXC’) customer.”<sup>1</sup> Beehive maintains that such a ruling would be justified because: “(1) an alleged failure of an [IXC] to pay interstate access charges under a federal tariff does not state a cause of action under the Communications Act of 1934, as amended (‘Act’); (2) a [LEC] cannot bring a complaint under § 208(a) of the Act against an IXC in its capacity as a customer; and (3) the Commission is without authority to act as a collection agent for a LEC with respect to unpaid tariffed access charges.”<sup>2</sup>

Interested parties may file comments on the Beehive Petition on or before **March 1, 2010** and reply comments on or before **March 11, 2010**. Filings in this proceeding should be captioned “Beehive Petition for Declaratory Ruling” and filed in WC Docket No. 10-36.

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Lynne Hewitt Engledow, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554 or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov). One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS) or by filing paper copies.

<sup>1</sup> See Petition of Beehive Telephone Co., Inc. and Beehive Telephone Co. Inc. Nevada for a Declaratory Ruling that the Commission Does Not Entertain Actions by Incumbent Local Exchange Carriers to Recover Their Tariffed Access Charges from Interexchange Carriers, WC Docket No. 10-36, at 1 (filed Feb. 2, 2010).

<sup>2</sup> *Id.* at iii.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
  - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. **Parties are strongly encouraged to file comments electronically using the Commission’s ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the petition for preemption. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>3</sup> Persons making oral *ex parte* presentations are reminded that

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<sup>3</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.<sup>4</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>5</sup>

For further information, contact Lynne Hewitt Engledow of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at [lynne.engledow@fcc.gov](mailto:lynne.engledow@fcc.gov).

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<sup>4</sup> See 47 C.F.R. § 1.1206(b).

<sup>5</sup> See *id.*