

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

|                                 |   |                      |
|---------------------------------|---|----------------------|
| 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             | ) |                      |

**ORDER**

**Adopted: December 11, 1997**

**Released: December 12, 1997**

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

1. On December 2, 1997, the Common Carrier Bureau (Bureau) released the *Beehive Designation Order* in this proceeding.<sup>1</sup> On December 8, 1997, the Bureau released an *Erratum* amending paragraphs 15 through 17 of the *Beehive Designation Order* and directing Beehive Telephone Company, Inc. (Beehive) to file its direct case no later than December 12, 1997.<sup>2</sup> On December 9, 1997, Beehive filed a motion, pursuant to Section 1.46 of the Federal Communications Commission's (Commission) rules,<sup>3</sup> requesting an extension of time to file its direct case in response to the *Beehive Designation Order*.<sup>4</sup>

2. Beehive states that paragraph 15 of the *Beehive Designation Order* directed Beehive to file its direct case no later than 15 calendar days after the release of the Order, which would have been December 18, 1997, while the filing schedule set forth in that order directed Beehive to file its direct case on December 12, 1997.<sup>5</sup> Beehive contends that it relied on the language in paragraph 15 and considered December 18, 1997 the deadline for filing its direct case.<sup>6</sup> Beehive asserts that the level of detail and the amount of information requested in the *Beehive Designation Order* requires that the

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<sup>1</sup> *Beehive Telephone Company, Inc., Tariff F.C.C. No. 1, Transmittal No. 6, CC Docket No. 97-237, Order Designating Issues for Investigation, DA 97-2537 (Com. Car. Bur., Comp. Pric. Div., rel. December 2, 1997)(Beehive Designation Order).*

<sup>2</sup> *Beehive Telephone Company, Inc., Tariff F.C.C. No. 1, Transmittal No. 6, CC Docket No. 97-237, CC Docket No. 97-237, Erratum (Com. Car. Bur., Comp. Pric. Div., rel. December 8, 1997)(amending paragraphs 15, 16, and 17 of the Beehive Designation Order)(Erratum).*

<sup>3</sup> 47 C.F.R. § 1.46 (1996).

<sup>4</sup> Beehive Motion for Extension of Time (*Beehive Motion*).

<sup>5</sup> *Beehive Motion* at 3.

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

Commission grant it additional time to file its direct case.<sup>7</sup> Beehive argues that 15 days is the standard amount of time the Commission provides to carriers subject to a designation order and that the nine days set out in the *Beehive Designation Order* is not an adequate amount of time for it to respond.<sup>8</sup> Beehive seeks an extension of time until December 18, 1997 to file its direct case.

3. It is the policy of the Commission that motions for extensions of time shall not be routinely granted.<sup>9</sup> Given that the filing schedule on page one of that Order provided for the December 12, 1997 date, it was unreasonable for Beehive to have assumed that December 18, 1997 would be the due date for its direct case. Moreover, Beehive has failed to present any specific information showing reliance on the December 18, 1997 date. The historical cost and demand trend data required by the *Beehive Designation Order* is the type of information that Class B companies, such as Beehive, are required to keep under Part 32 of the Commission's rules.<sup>10</sup>

4. In addition, the Commission is required, under Section 204 of the Communications Act of 1934,<sup>11</sup> to issue an order concluding this investigation no later than January 6, 1997. The Bureau must also allow other parties a reasonable amount of time to file oppositions to Beehive's direct case and Beehive must have sufficient time to rebut the oppositions. The Commission must also have adequate time to consider these filings. An extension of the time until December 18, 1997 for filing Beehive's direct case would unduly burden the ability of the Commission to complete, and the ability of parties to meaningfully participate in this proceeding within the required time frame of Section 204. Beehive has failed to show that it will be unable to file its direct case on December 12, 1997. Nor does the Bureau have a policy of always allowing 15 days for filing direct cases in tariff investigations. However, the Bureau is persuaded that, under the circumstances, additional time may assist Beehive in filing the information in the format required in the *Beehive Designation Order*. We will therefore grant Beehive's request for an extension of time, until December 15, 1997, for filing its direct case.

5. Accordingly, it is ORDERED that, pursuant to Section 1.46 of the Commission's rules, 47 C.F.R. § 1.46 (a), the Motion for an Extension of Time filed by Beehive Telephone Company, Inc. and Beehive Telephone, Inc. Nevada is GRANTED, to the extent indicated herein.

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<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> 47 C.F.R. § 1.46(a)(1996).

<sup>10</sup> Part 32 of the Commission's rules contains the Uniform System of Accounts (USOA) for telecommunications companies, which is a historical financial accounting system companies adhere to in booking their various accounts. The USOA is comprised of different accounts, to which companies book associated costs. 47 C.F.R. Part 32.

<sup>11</sup> 47 U.S.C. § 204(a)(1) provides that the Commission may suspend the operation of the tariff for a period no longer than five months beyond the time that the tariff would otherwise go into effect. If the Commission has not issued an order within the five month suspension period, the proposed tariffs shall go into effect.

6. IT IS FURTHER ORDERED THAT the Beehive Telephone Company, Inc. SHALL FILE a direct case addressing the issues designated in the *Beehive Designation Order* no later than December 15, 1997.

7. IT IS FURTHER ORDERED that Pleadings responding to the direct case SHALL BE FILED no later than December 22, 1997.

8. IT IS FURTHER ORDERED that "Rebuttals" to the opposition or comments may be filed no later than December 29, 1997.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, reading "J. D. Schlichting". The signature is written in a cursive style with a large, looping initial "J".

James D. Schlichting  
Chief, Competitive Pricing Division  
Common Carrier Bureau