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Attorneys for Beehive Telephone Company, Inc.

**BEFORE THE UTAH PUBLIC SERVICE COMMISSION**

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In the Matter of the Complaint of Beehive Telephone )  
Company, Inc., Against Citizens Telecommunications )  
of Utah, Inc., dba Frontier Telecommunications of ) Docket No.04-041-07  
Utah, for Providing Inadequate Service. )  
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**NOTICE OF NEGOTIATION BREAKDOWN, REQUEST FOR TRIAL  
SETTING, AND MOTION FOR INVESTIGATION AND DISCOVERY**

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Beehive Telephone Company, Inc. ("Beehive"), through counsel, submits this pleading to advise and move the Utah Public Service Commission (the "Commission") as follows:

Beehive and Frontier Telecommunications of Utah (Frontier), parties to this docket, over the past months have been holding conferences and good faith discussions to resolve the issues that gave rise to this docket. These negotiations appear at this time to

have taken care of the blocking problems that Beehive was experiencing in that Frontier has finally provided the necessary trunking that Beehive had requested.

However, the negotiations have broken down completely and impasse exists regarding the exchange of billing records, i.e., Category 11 call detail records which allows for Beehive to bill Frontier for calls originating in Frontier exchanges and directly terminating in Beehive exchange areas, as per Beehive's Utah access tariff. These are the very same type of records that Frontier alleges we have not provided them. At this time Beehive has complied with providing these Category 11 records in Industry accepted format to Frontier, but Frontier still insists that reciprocating and providing their Category 11 records in like form to Beehive is too expensive for them, and they have flatly refused to provide Industry standard billing records so that Beehive can bill appropriately.

Instead, Frontier offers to pay Beehive on a guesswork or an "average" based on a one-time study, claiming this would compensate Beehive for its terminating traffic. As an alternative, Frontier offers to send a TUT Report (Total Usage Tracking Report). Billing of carriers by Beehive or Frontier is done using Category 11 call detail records. The TUT report is unusable because in order for Beehive to bill a carrier for usage, detailed call records are required for a valid audit trail. The carriers accept only detailed call records, and the TUT report falls short with little detail. Therefore, carriers will not allow Beehive to recover our terminating costs from them without the Category 11 detailed cost records submitted along with our bills to them. Since Beehive is an equal access company, with an intralata tariff for traffic originated and terminated in Utah, Beehive believes that it is not unreasonable to request and receive records from Frontier that are

consistent with Industry standards so that Beehive can bill carriers for its terminating costs. What is unreasonable is to allow Frontier to continue to withhold these records from Beehive and continue to terminate phantom traffic on Beehive equipment without just recompense. This, whether malicious or not, is in essence theft of service. Until these Category 11 records are received from Frontier, Beehive is unable to submit billings to carriers and receive compensation for termination of traffic, and therefore is providing service gratis. Beehive is not in the business of providing free service.

#### REQUEST FOR RELIEF

Impasse in negotiation with Frontier leads Beehive to pray for relief from this Commission whereby consistent with Industry standards and the equity of like for like record exchange, that: a) a full investigation be held; b) that discovery continue; c) that a hearing be scheduled concerning the outstanding issues regarding record provision and billing with Frontier; and d) that Frontier be ordered by the Commission to provide Industry standard same type Category 11 detailed calling records in following with those Beehive is providing Frontier.

Dated this 11th day of May, 2005.

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing motion, "Notice of Negotiation Breakdown, Request for Trial Setting, and Motion for Investigation and Discovery," was served this 11th day of May, 2005, by mailing a copy of the same, first class mail, postage prepaid, addressed to Charles L. Best, Associate General Counsel, Citizens Telecommunications of Utah, 4400 NE 77th Avenue, Vancouver, Washington 98662.

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Judith O. Hooper

cc: Michael Ginsberg, Esq.- DPU

Laura Scholl- Qwest

Robert Brown, Esq.- Qwest