

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

NOV 21 2000

CREDIT & DEBIT MANAGEMENT
CENTER OMD

OFFICE OF
MANAGING DIRECTOR

Barry Ohlson, Esq.
WWI License Holding, Inc.
Winstar
1615 L Street, NW
Suite 1260
Washington, D.C. 20036

Re: Winstar Wireless Fiber Corp.
Fee Control No. 0003158130181006

Dear Mr. Ohlson:

This is in response to your request for refund of the \$120.00 filing fee submitted by Winstar Wireless Fiber Corp. (Winstar) on March 14, 2000 in connection with the notification of a consummation of a *pro forma* transfer of control. You state that Winstar Wireless Fiber inadvertently paid the filing fee and that a fee is not required by the Commission for such *pro forma* notifications.

On February 4, 1998, the Commission adopted a *Memorandum Opinion and Order* granting forbearance from the *pro forma* transfer and assignment procedures of section 10 of the Communications Act, as amended, 47 U.S.C. 160, for wireless telecommunications services. *Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Licenses and Transfers of Control Involving Telecommunications Carriers*, 13 FCC Rcd 6293 (1998) (*Forbearance Order*). As a result, the Commission no longer requires wireless telecommunications carriers to seek Commission prior approval before a *pro forma* transfer of control or assignment of license, or to file a separate form and filing fee for each license that would be affected. Instead, licensees must notify the Commission within 30 days of consummation of the *pro forma* transaction and update Commission records at that time.

Winstar Wireless Fiber's *pro forma* notification involves wireless telecommunications carriers and was filed under the Commission's forbearance procedures, and therefore is not subject to application filing fees under the *Forbearance Order*. Because no application fee is required, refund of the application fees is warranted. See *2000 Fee Filing Guidelines* (available at <http://www.fcc.gov/fees/appfees.html>).

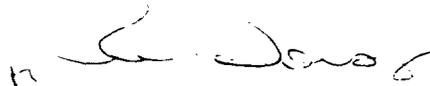
Barry Ohlson, Esq.

2.

Accordingly, your request is granted and the amount paid in error will be refunded. A check, made payable to the maker of the original check, and drawn in the amount of \$120.00, will be sent to you at the earliest practicable time.

If you have any questions concerning the refund, please call the Revenue & Receivable Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a small mark to the left of the first letter.

Mark A. Reger
Chief Financial Officer



DUPLICATE

March 22, 2000

1615 L Street, NW
Suite 1260
Washington, DC 20036
202-833-5678

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
The Portals, Room 1C144
445 Twelfth Street, S.W.
Washington, DC 20036

RECEIVED
MAR 22 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Winstar Wireless Fiber Corp; Request for Refund of Filing Fees

Mr. Fishel:

Pursuant to Section 1.1113(a)(1) of the Commission's Rules, Winstar Wireless Fiber Corp. ("Winstar") requests a refund of the filing fees it submitted on March 14, 2000 in connection with the notification of a consummation of a *pro forma* transfer of control.¹ In submitting the FCC Form 603, Winstar included a check for \$120.00, based on the fee for an assignment (copies of the FCC Form 603, FCC Form 159 and check are enclosed). However, it since has come to Winstar's attention that no fee is due for *pro forma* notifications. As the Commission indicated in a Public Notice concerning these types of filings:

Licenses in ULS Geographic Services who are filing notifications of pro forma assignments or transfers pursuant to the Commission's forbearance procedures may continue to use the letter notification procedures described in that order. In addition, starting September 23, 1998, licensees may provide such notification by filing Form 603 or Form 604, as appropriate, within 30 days of consummation of the pro forma assignment or transfer. **Whether notification is by form or by letter, no fee will be required for submission of such notification.**²

Section 1.1113(a)(1) of the Commission's Rules indicates that fees will be refunded or returned if no fee is required for the filing. Because that is precisely the situation here, Winstar respectfully requests that the Commission refund the filing fees it submitted on March 14th, 2000.

Please contact the undersigned counsel at 202-367-7600 if you have any questions with regard to this matter.

Sincerely,

Barry Ohlson
Counsel for Winstar Wireless Fiber Corp.

Enclosures

¹ Checks were submitted to the FCC in the name of Winstar Regulatory Affairs. Winstar Wireless Fiber Corp. and Winstar Regulatory Affairs are both wholly owned subsidiaries of Winstar Communications, Inc.

² *Public Notice*, 13 FCC Rcd 18687 (1998)(emphasis added, footnote omitted). *See also, Public Notice*, 13 FCC Rcd 17368 (1998)(same); *Public Notice*, 14 FCC Rcd 1744 (1998)(same).

Payment Transactions Detail Report

Date: 04/14/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
0003158130181006	WINSTAR REGULATORY AFFAIRS 1615 L STREET NW SUITE 1260 WASHINGTON DC 20036			GP00065947	0133585278	3/14/2000 00:00:0					
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$120.00	\$120.00	1	CCPM	1	WMK415	WINSTAR WIRELESS FIBER CORP	20036		\$75.00	1	PMT
\$120.00	\$120.00	2	CAPM	1	WMW493	WINSTAR WIRELESS FIBER CORP	20036		\$45.00	1	PMT
Total		2							\$120.00		