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Federal Communications Commission
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DA 04-1381
May 14, 2004

COMMENTS INVITED ON APPLICATION OF WINSTAR COMMUNICATIONS, LLC AND CERTAIN OF ITS SUBSIDIARIES TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 04-154
Comp. Pol. File No. 680

Comments Due: May 28, 2004

Section 214 Application

Applicants: Winstar Communications, LLC; Winstar Communications of Arizona, LLC; Winstar of Delaware, LLC; Winstar of Georgia, LLC; Winstar of Hawaii, LLC; Winstar of Indiana, LLC; Winstar of Louisiana, LLC; Winstar of Pennsylvania, LLC; Winstar of Virginia, LLC; Winstar of West Virginia, LLC

On April 15, 2004, Winstar Communications, LLC, located at 520 Broad Street, Newark, NJ 07102, filed an application with the Federal Communications Commission (FCC or Commission) on behalf of itself and certain of its subsidiaries including Winstar Communications of Arizona, LLC, Winstar of Delaware, LLC, Winstar of Georgia, LLC, Winstar of Hawaii, LLC, Winstar of Indiana, LLC, Winstar of Louisiana, LLC, Winstar of Pennsylvania, LLC, Winstar of Virginia, LLC, and Winstar of West Virginia, LLC (collectively Winstar or Applicants) requesting authority, under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain U.S. domestic telecommunications services in certain geographic areas.

The application indicates that Winstar currently uses its own facilities, or resells the services of other facilities-based providers, to provide certain local, domestic and international long distance, toll free, and "Internet" services to customers located in several areas nationwide. In a letter dated April 30, 2004, Winstar clarified that the "Internet" services it provides include

Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia (areas other than Washington, D.C. suburbs), Washington, West Virginia, Wisconsin and Wyoming. Winstar indicates that it plans to discontinue these services on June 15, 2004, and that it mailed written notices to affected customers in Texas on April 14, 2004, and to all other affected customers on April 7, 2004. Winstar states that it is non-dominant with respect to the services it seeks to discontinue.

In accordance with section 63.71(c) of the Commission's rules, the application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Winstar that the grant will not be automatically effective. In Winstar's notice to its customers, Winstar indicated that it would not discontinue service until June 15, 2004. Accordingly, pursuant to section 63.71(c), absent further Commission action, Winstar may not terminate service to the customers affected by this application until June 15, 2004. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **May 28, 2004**. Such comments should refer to **WC Docket No. 04-154 and Comp. Pol. File No. 680**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters 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 for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant.

receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. 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 mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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