

File

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2002 MAR 15 PM 4: 10

PUCO

Memorandum

To: Daisy Crockran, Chief Docketing

From: Dan Shields *DFS*

Date: March 15, 2002

Re: Document to be Filed in the Telecommunications Federal Activities Docket

Attached are two copies of a document to be filed in a Case No. 93-4000-TP-COI. The Daily Activities report description of the filing should read verbatim as follows:

The Public Utilities Commission of Ohio's (PUCO's) comments to the Federal Communications Commission (FCC) regarding Winstar Wireless Inc.'s (Winstar's) Section 214 application in NSD File No. W-P-D-568. The PUCO's comments request that the FCC not grant the application until Winstar has provided proof that all affected customers have had a reasonable opportunity to transition to other carriers.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician *UD* Date Processed *3/15/02*



Attorney General
Betty D. Montgomery

RECEIVED-DOCKETING DIV

March 15, 2002 4:10 PM

PUCO

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, TW-A325
Washington, DC 20554

93-4800-TP-7210

Re: Section 214 Application
Applicant: Winstar Wireless, Inc.
NSD File No.: W-P-D-568

Dear Ms. Salas:

The Staff of the Public Utilities Commission of Ohio (PUCO Staff) respectfully objects to Winstar Wireless, Inc.'s February 22, 2002 application to discontinue certain facilities-based services in Cleveland and Columbus, Ohio, among other cities. Winstar's application to discontinue services should not be automatically granted absent proof that all affected subscribers have had a reasonable opportunity to transition to other carriers. The PUCO Staff respectfully submits that notices sent by Winstar to date have created confusion and uncertainty, and have effectively denied subscribers a reasonable opportunity to make an informed decision whether to switch to another provider.

On January 17, 2002, Winstar filed an application with the PUCO to transfer its certificate to Winstar Communications, LLC. The transfer was sought in connection with Winstar's sale to IDT Corporation. A customer notification letter mailed on February 14, 2002 in connection with the transfer, a copy of which is attached, emphasized that customers would continue to receive the same features, terms, conditions of service, and rates after the transfer. Specifically, the notice informed customers that "We look forward to continuing to provide you with quality service for many years to come."

In notices to customers affected by the discontinuance of facilities-based services dated February 19, 2002, just five days later, a copy of which is likewise attached, the company stated that "Winstar will no longer be able to provide selected services in your building." Customers were advised that they "must select a new carrier as soon as possible to avoid any interruption of service."

Customers receiving both notices have understandably been confused, and the PUCO has received numerous calls seeking clarification. The PUCO Staff believes that customers potentially may have been adversely affected by this confusion. Because these customers are served using Winstar's own facilities, they may require more time to migrate to another carrier.


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The PUCO Staff therefore respectfully requests that Winstar's application to discontinue services should not be automatically granted absent an affirmative demonstration that all affected subscribers have been transitioned to other carriers. In that regard, the PUCO Staff notes that

Sincerely,

A handwritten signature in black ink, appearing to read "Werner L. Margard", with a large, sweeping flourish extending to the right.

Werner L. Margard
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 9th Floor
Columbus, Ohio 43215
(614) 466-4395
Fax: (614) 644-8764

VLMtyg

Attachments

Winstar Communications, Inc.
5151 Blazer Parkway, Suite A
Dublin, OH 43017

winstar

**NOTICE OF SERVICE DISCONTINUANCE
DO NOT DISREGARD THIS NOTICE**

[REDACTED]

February 19, 2002

Dear Winstar Customer,

We regret to inform you that as of April 2, 2002, Winstar will no longer be able to provide selected services in your building in Cleveland, OH. Therefore, Winstar must discontinue all facilities-based services you receive in your building, including LOCAL, LONG DISTANCE, TOLL FREE AND INTERNET SERVICES. Subject to final regulatory approval, the anticipated date for the discontinuance of your service is April 2, 2002.

If you have business offices in other areas served by Winstar, those locations will not be impacted unless otherwise notified. We are eager to help you minimize any inconvenience this action may cause.

You must select a new carrier as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider as some carriers may require several weeks to install new services. To help avoid service disruption, please check carefully that all service types you currently have with Winstar (local phone service, long distance, calling card, toll free and/or Internet) are moved to your new carrier. Once you have chosen your new provider, Winstar will use its best efforts to ensure a smooth transition of service.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Winstar Wireless, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

In addition to sending written comments to the Federal Communications Commission at the above address, a copy of your comments should be sent via facsimile to Jon Minkoff, Attorney, FCC Network Services Division at 202-418-2345.

Winstar appreciates the opportunity we have had to serve you. We are committed to your complete satisfaction during this transition period. If you have any questions regarding the discontinuance of your service, please contact us at 1-888-961-8800 or visit http://www.winstar.com/customer_care/private. Please check the website frequently for updates. Your master account number (listed above) is required to access the website information regarding this notification.

Sincerely,

Winstar Wireless, Inc.
Attention: Customer Satisfaction

**IMPORTANT NOTICE REGARDING A CHANGE IN YOUR WINSTAR BROADBAND
COMMUNICATIONS SERVICES**

February 14, 2002

Dear Valued Winstar Customer:

As outlined in our letter to you of December 19, 2001, Winstar ("former Winstar") has entered into an agreement to sell a substantial portion of its domestic telecommunications business to IDT Corporation. IDT is a leading multinational telecommunications company with strong financial resources and a national telecommunications network. As the eighth largest US-based telecommunications provider, IDT carries over 8 billion minutes of telecommunications traffic a year.

The new Winstar -- Winstar Communications, LLC -- will function as an independent entity under IDT and will continue to operate Winstar's high quality broadband network. You will continue to receive all of the features, terms and conditions of service, and current rates that you enjoy today. In the months and years ahead, we will work to leverage the resources of IDT to deliver new offerings and other opportunities for your business. Of course, notices of any adjustment in rates, terms or conditions of service will be provided to you as required by law.

Subject to final regulatory approval, the anticipated date for the transfer of your service from the former Winstar to Winstar Communications, LLC is April 15, 2002. This transfer of your service will be transparent and without charge to you. Your current services, telephone number(s), and contract terms will remain unchanged, and Winstar Communications, LLC will take over the responsibility for assuring that any questions or concerns about your service are addressed.

We look forward to continuing to provide you with quality service for many years to come. Be assured that any "freeze" you have placed on Winstar's services to prevent their unauthorized transfer to another carrier will be maintained. You remain in control of and have the right to select another carrier for your services consistent with the terms of your contract.

If you have any questions regarding this notice or any of Winstar's services, please contact a Winstar representative by telephone at 888-961-8800 or by e-mail at info@winstar.com.

Sincerely,

Charles H.F. Garner
Chief Executive Officer
Winstar Communications, LLC