

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04A-232AT

IN THE MATTER OF THE APPLICATION OF WINSTAR COMMUNICATIONS, LLC TO
DISCONTINUE OR CURTAIL CERTAIN LOCAL AND INTEREXCHANGE SERVICES TO
CERTAIN CUSTOMERS IN COLORADO.

**ORDER GRANTING APPLICATION
TO DISCONTINUE SERVICE**

Mailed Date: June 18, 2004
Adopted Date: June 16, 2004

I. BY THE COMMISSION

A. Statement and Findings of Fact

1. On May 11, 2004, Winstar Communications, LLC (WINSTAR), filed an application to discontinue providing regulated telecommunications services to certain customers in the State of Colorado. The authority to provide local exchange telecommunications services was granted in Decision No. C02-194, effective February 28, 2002.

2. WINSTAR has effective tariffs on file with the Commission. WINSTAR represents that it currently offers local exchange, emerging competitive, and interexchange services to approximately 260 commercial customers in the State of Colorado that it intends to discontinue services.

3. On May 13, 2004, notice of the application to discontinue certain services was posted on the Commission's web site. Interventions were due on or before June 14, 2004. None were filed.

4. The Commission received a copy of the customer notice and affidavit from WINSTAR that it had provided notice to its customers as required by Commission rule. An affidavit from WINSTAR that it had provided all of the notice requirements pursuant to Commission Rule 4 *Code of Colorado Regulations* 723-25-7.6 was filed on May 21, 2004. The notices to customers stated that service would be discontinued as of June 15, 2004 and June 30, 2004, subject to regulatory approval.

5. WINSTAR indicated in its application that it has an agreement for its customers, if they so choose, to select Z-Tel Communications, Inc., to provide services currently being offered by WINSTAR.

6. WINSTAR requests that it be able to modify its tariffs in order to delete those services that it will no longer be offering to customers and retain its authorities to offer telecommunications services.

7. We find that WINSTAR has provided sufficient information for the Commission to take appropriate action relating to this matter.

8. It is of paramount importance that affected end users are provided with all relevant information, and afforded every opportunity to transition to new telecommunications providers in a timely manner. We are satisfied that WINSTAR has taken every measure necessary to ensure a seamless transition for its end users.

9. We further find that it is in the best interest of WINSTAR's affected end users to extend the date for discontinuance of service for all affected customers to June 30, 2004, to ensure that those end users are provided sufficient time to transition to a new telecommunications service provider.

II. ORDER**A. The Commission Orders That:**

1. The application of Winstar Communications, LLC to discontinue providing certain telecommunications services in Colorado is deemed complete.

2. Winstar Communications, LLC's application to discontinue offering certain of its service in the Qwest Corporation service territory shall be effective July 1, 2004, and is approved with the following conditions:

a) Applicant will make arrangements to the best of its ability to ensure that customers retain their existing phone numbers when they are transferred to a new provider.

b) Applicant will absorb any costs that would normally be charged for transferring local service to a new provider. The end use customer will be held harmless in this transaction.

3. The obligation of Winstar Communications, LLC to file an annual report with the Commission and contribute to all applicable Colorado funds for the period up until the effective date of this Order remains. These funds include the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism Fund, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

4. Winstar Communications, LLC, following the completion of transfer of its customers and complying with the conditions stated above, will file an Advice Letter that modifies its existing tariff to delete those services that it is no longer providing for its customers. This will be a compliance filing that notes this Decision as its authority to make such changes.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 16, 2004.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

COMMISSIONER POLLY PAGE ABSENT.