

47-14

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.**

FINANCIAL ANALYSIS

In the Matter of )  
 )  
Section 63.71 Application of )  
 )  
**Winstar Communications, LLC** ) WC Docket No. 04-\_\_\_\_\_  
 )  
For Authority to Discontinue )  
Certain Services )

**SECTION 63.71 APPLICATION**

Winstar Communications, LLC and certain of its subsidiaries<sup>1</sup> (“Winstar”), through their undersigned counsel, hereby file this Application to discontinue services pursuant to Section 63.71 of the Commission’s rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, in selected areas defined herein. Specifically, Winstar is seeking to discontinue the provision of certain local, domestic and international long distance, toll free, ATM, frame-relay, Winstar switched private line, and other high-speed data transmission services to non-federal governmental customers in a number of locations nationwide on August 31, 2004 (for service locations outside of Oregon) and September 30, 2004 (for service locations in Oregon).<sup>2</sup> In support of this Application, Winstar submits the following information:

<sup>1</sup> The affected subsidiaries include 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 New Jersey, LLC, Winstar of New York, LLC, Winstar of Pennsylvania, Winstar of Virginia, LLC, and Winstar of West Virginia, LLC.

<sup>2</sup> Winstar has previously filed two separate applications to discontinue other groups of customers on June 15, 2004 and June 30, 2004, respectively. This first group of customer was the subject of a Section 63.71 Application for Authority to Discontinue Certain Services filed with the FCC on April 15, 2004. *In re Section 63.71 Application of Winstar Communications, LLC for Authority to Discontinue Certain Services*, Section 63.71 Application, WC Docket No. 04-154 (filed Apr. 15, 2004). After Winstar sent written notice to the first group of customers, it identified additional customers whose service would be discontinued, including certain customers who recently requested or began receiving service. *In re Section 63.71 Application of Winstar Communications, LLC for Authority to Discontinue Certain Services*, Section 63.71 Application, WC Docket No. 04-212 (filed May 13, 2004). More recently, Winstar determined that it would discontinue service to all remaining non-federal governmental

**I. Description of Discontinuance**

**1. Name and address of carrier**

Winstar Communications, LLC  
520 Broad Street  
Newark, NJ 07102

For purposes of this application, Winstar may be contacted at:

Joseph M. Sandri  
Senior Vice President & Regulatory Counsel  
Winstar Communications, LLC  
1850 M Street, NW, Suite 300  
Washington, DC 20036  
Tel: (202) 367-7643  
Fax: (202) 659-1931  
E-Mail: jsandri@winstar.com

**2. Date of planned service discontinuance**

The anticipated date for the discontinuance of service in the markets described below in paragraph 3 is (1) August 31, 2004 for customer locations in the District of Columbia and all states except Oregon and (2) September 30, 2004 for customer locations in Oregon, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained.

**3. Points of geographic areas of service affected**

By this Application, Winstar seeks authority to discontinue the provision of certain commercial services provided to non-federal governmental customers in the District of Columbia and all states, except Alaska, Maine and Vermont. Specifically, Winstar will discontinue ATM, frame relay and Winstar switched private line services in all markets. Winstar is also discontinuing all the services described in paragraph 4 in Connecticut, the District of Columbia, Maryland, New Jersey, New York, and Virginia. Other high-speed data transmission services and/or local exchange, long distance, and toll free services are being discontinued to a relatively

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customers that receive local, domestic and international long distance, toll free, ATM, frame relay, Winstar switched

small number of customers in thirteen states who were not the subject of Winstar's two previous discontinuance applications.

**4. Brief description of the type of service affected**

Winstar proposes to discontinue the provision of commercial local, domestic and international long distance, toll free, ATM, frame-relay, Winstar switched private line, and other high-speed data transmission services to commercial customers in the states listed in paragraph 3, above.

Winstar's federal government customers, Winstar's fixed wireless services and offerings supporting mobile carrier infrastructures; cable, Wi-Fi and other backhaul systems; private circuits; closed networks; and spectrum lease offerings, all offered nationwide, remain unaffected by this application.

**5. Brief description of the dates and methods of notice to all affected customers**

Written notice to all affected customers substantially in the form of the sample letters attached as Exhibits A, B or C was mailed to customers on June 15, 2004, June 18, 2004 and June 30, 2004, respectively. The notice letter provided in Exhibit A was mailed on June 15, 2004 to commercial customers that receive ATM, frame relay, and/or Winstar switched private line services and are within WilTel Communications LLC's ("WilTel") service areas. Along with the notice letter and FAQ (Frequently Asked Questions), Winstar included an informational letter, price quote, and sample contract from Wiltel. These documents explain that WilTel is interested in being the customer's new provider, the terms and conditions of WilTel's services, and how to obtain services.

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private line and other high-speed data transmission services.

The notice letter provided in Exhibit B was mailed on June 18, 2004 to commercial customers that that receive ATM, frame relay, and/or Winstar switched private line services but are not within WilTel's service area. The notice letter, therefore, did not speak of WilTel, but instead advised customers that they needed to find a new provider as soon as possible.

The notice letter provided in Exhibit C was mailed on June 30, 2004 to commercial customers that receive local exchange, domestic and international long distance, toll free, and/or high-speed data transmission services.<sup>3</sup> Again, the notice letter advised customers that they needed to find a new provider as soon as possible.

As described above, Oregon customers were sent a notice letter similar to those in Exhibits A and B, that had a discontinuance date of September 30, 2004, rather than August 31, 2004. The customer notice letters were prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules.

**6. Non-dominance of the carrier with respect to the service to be discontinued**

Winstar is non-dominant with respect to the services that it proposes to discontinue.

**7. Service**

In accordance with Section 63.71(a) of the Commission's rules, Winstar has mailed a copy of this application to the Governor and the public utility commission of each of the states listed above in paragraph 3, and to the Special Assistant for Telecommunications for the Secretary of Defense.

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<sup>3</sup> These customers also may have received a notice letter in the form of Exhibit A or B depending on the services they receive and if they are within WilTel's service area.

**8. Additional questions regarding this application may be addressed to:**

Jean L. Kiddoo  
Brian McDermott  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, Suite 300  
Washington, D.C. 20007  
Tel: (202) 424-7500  
Fax: (202) 424-7645  
Email: JLKiddoo@swidlaw.com  
BMMcdermott@swidlaw.com

**II. Circumstances of Discontinuance**

As part of Winstar's plan to refocus its business plan in order to maintain long term profitability, Winstar has determined to discontinue the provision of certain services in a number of locations nationwide. This discontinuance application does not address private line customers that are not served through a Winstar switch and federal government customers.

First, Winstar is discontinuing ATM, frame relay, and Winstar switched private line to commercial customers throughout the United States. Second, Winstar is discontinuing certain commercial facilities-based services, except those excluded in paragraph 4, that are currently provided through the use of Winstar switches located in the state of New York and the District of Columbia. In addition, Winstar will also discontinue certain customers who receive commercial service through the resale of services provided by other facilities-based providers in the New York and District of Columbia metropolitan areas. Finally, Winstar is discontinuing local exchange, long distance, toll-free, and other high-speed data transmission services to certain customers outside of the New York and District of Columbia metropolitan areas who were not affected by Winstar's previous discontinuances.

**III. Conclusion**

Winstar believes that the proposed discontinuance is reasonable and necessary. Winstar will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, Winstar respectfully requests, pursuant to 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, that the Commission permit it to discontinue the provision of services to certain customers pursuant to Section 63.71.

Respectfully submitted,

**Winstar Communications, LLC**

By:



Joseph M. Sandri  
Senior Vice President & Regulatory Counsel  
Winstar Communications, LLC  
1850 M Street, N.W., Suite 300  
Washington, DC 20036  
Tel: (202) 367-7643  
Fax: (202) 659-1931  
E-Mail: jsandri@winstar.com

Dated: July 14, 2004

**CERTIFICATION OF APPLICANT**

On behalf of Winstar Communications, LLC, I hereby certify that the statements in the foregoing Application for Section 63.71 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

Winstar Communications, LLC

By:

Name:

Title:

Date:

  
\_\_\_\_\_

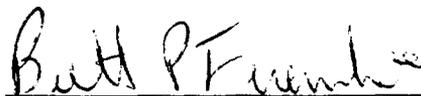
E. Brian Finkelstein

Chief Executive Officer

July 13, 2004

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of Winstar Communications, LLC was served this 15<sup>th</sup> day of July, 2004, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing on the attached list.

A handwritten signature in cursive script, reading "Brett P. Ferencak", written over a horizontal line.

Brett P. Ferencak

## SERVICE LIST

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

Mayor Anthony A. Williams  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Governor, Robert R. Riley  
State Capitol, Suite N-104,  
600 Dexter Avenue  
Montgomery, AL 36130

Governor, Janet Napolitano  
State Capitol, Executive Tower  
1700 West Washington Street  
Phoenix, AZ 85007

Governor, Mike Huckabee  
State Capitol Building  
Little Rock, AR 72201

Governor, Arnold Schwarzenegger  
State Capitol  
1<sup>st</sup> Floor  
Sacramento, CA 95814

Governor, Bill Owens  
136 State Capitol Building  
Denver, CO 80203-1792

Governor, Ruth Ann Minner  
Tatnall Building, 2<sup>nd</sup> Floor  
Dover, DE 19901

Sanford M. Speight, Acting Secretary  
District of Columbia Public Service  
Commission  
1333 H Street, NW  
2nd Floor, West Tower  
Washington, DC 20005

Alabama Public Service Commission  
Walter L. Thomas, Jr., Secretary  
RSA Building, 100 N. Union Street,  
Room 850  
Montgomery, AL 36104-3719

Arizona Corporation Commission  
Brian C. McNeil, Executive Secretary  
Utilities Division  
1200 W. Washington Street  
Phoenix, AZ 85007

Arkansas Public Service Commission  
Diane K. Wilson, Secretary  
1000 Center Street  
Little Rock, AR 72201-4300

Docket Office, Room 2001  
California Public Utilities Commission  
State Building  
505 Van Ness Avenue, Suite 100  
San Francisco, CA 94102-3298

Colorado Public Utilities Commission  
Bruce N. Smith, Director  
1580 Logan Street  
Office Level 2  
Denver, CO 80203

Delaware Public Service Commission  
Karen Nickerson, Secretary  
Cannon Building  
861 Silver Lake Boulevard  
Dover, DE 19904

**SERVICE LIST (Cont'd)**

Governor, Jeb Bush  
The Capitol  
Tallahassee, FL 32399-0001

Florida Public Service Commission  
Blanca S. Bayo, Commission Clerk and  
Administrator Services  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

The Honorable Sonny Perdue  
203 State Capitol  
Atlanta, GA 30334

Reece McAlister, Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, S.W.  
Atlanta, GA 30334

Honorable Governor Linda Lingle  
Executive Chamber  
State Capitol  
Honolulu, HI 96813

Karen Higashi, Chief Clerk  
Hawaii Public Utilities Commission  
465 South King Street, Room 103  
Honolulu, HI 96813

Governor, Dirk Kempthorne  
State Capitol Building  
West Wing, 2<sup>nd</sup> Floor  
Boise, ID 83720-0034

Idaho Public Utilities Commission  
Jean D. Jewell, Secretary  
472 W. Washington Street  
Boise, ID 83702

Governor, Rod R. Blagojevich  
207 State Capitol Building  
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Governor, Joseph E. Kernan  
206 State House  
200 West Washington Street  
Indianapolis, IN 46204

Illinois Commerce Commission  
Nancy E. Manley, Executive Secretary  
302 West Washington Street  
Suite E306  
Indianapolis, IN 46204

Governor, Thomas J. Vilsack  
State Capitol Building  
Des Moines, IA 50319

Iowa Utilities Board  
Judi Cooper, Executive Secretary  
350 Maple Street  
Des Moines, IA 50319

Governor, Kathleen Sebelius  
State Capitol, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1590

Kansas State Corporation Commission  
Jeff Wagaman, Executive Director  
1500 S.W. Arrowhead Road  
Topeka, KS 66604

**SERVICE LIST (Cont'd)**

Governor, Ernie Fletcher  
100 State Capitol  
700 Capitol Avenue  
Frankfort, KY 40601

Kentucky Public Service Commission  
Thomas Dorman, Executive Director  
211 Sower Boulevard  
Frankfort, KY 40602-8294

Governor, Kathleen Babineaux Blanco  
State Capitol  
P.O. Box 94004  
Baton Rouge, LA 70804-7099

Louisiana Public Service Commission  
Lawrence C. St. Blanc, Executive Secretary  
One American Place, Suite 1630  
Corner of North & N. 4<sup>th</sup> Streets  
Baton Rouge, LA 70821

Governor, Robert L. Ehrlich, Jr.  
State House  
100 State Circle  
Annapolis, MD 21401

Felecia L. Greer, Executive Secretary  
Maryland Public Service Commission  
6 St. Paul Street, 16<sup>th</sup> Floor  
William Donald Schaefer Tower  
Baltimore, MD 21202

Governor, Mitt Romney  
State House  
Executive Office, Room 360  
Boston, MA 02133

Mary Cottrell, Secretary  
Massachusetts Department of  
Telecommunications and Energy  
One South Station  
Boston, MA 02110

Governor, Jennifer Granholm  
George W. Romney Building  
P.O. Box 30013  
Lansing, MI 48909

Michigan Public Service Commission  
Mary Jo Kunkle, Executive Secretary  
6545 Mercantile Way, Suite 7  
Lansing, MI 48911

Governor, Tim Pawlenty  
130 State Capitol  
75 Rev. Dr. MLK Jr., Blvd.  
St. Paul, MN 55155

Minnesota Department of Commerce  
Linda Chavez, Telephone Docketing Coord.  
85 7<sup>TH</sup> Place E., Suite 500  
St. Paul, MN 55101

Governor, Haley Barbour  
P.O. Box 139  
Jackson, MS 39205

Mississippi Public Service Commission  
Brian U. Ray, Executive Secretary  
501 North West Street, Suite 201-A  
Woolfolk State Office Building  
Jackson, MS 39201

## SERVICE LIST (Cont'd)

Governor, Bob Holden  
216 State Capitol  
P.O. Box 720  
Jefferson City, MO 65102

Governor, Judy Martz  
P.O. Box 200801  
Helena, MT 59620-0801

Governor, Mike Johanns  
State Capitol  
P.O. Box 94848  
Lincoln, NE 68509-4848

Governor, Kenny Guinn  
Executive Chambers  
101 North Carson Street  
Carson City, NV 89701

Governor, Craig R. Benson  
208-214 State House  
107 North Main Street  
Concord, NH 03301

Governor, Bill Richardson  
State Capitol Building  
490 Old Santa Fe Trail, Room 400  
Santa Fe, NM 87501

Governor, Michael F. Easley  
116 W. Jones St.,  
20301 Mail Service Ctr.  
Raleigh, NC 27699

Governor, John Hoeven  
State Capitol, Dept. 101  
600 East Boulevard Avenue  
Bismarck, ND 58505-0001

Missouri Public Service Commission  
Dale Roberts, Secretary/Chief Regulatory  
Law Judge  
200 Madison Street  
Suite 100  
Jefferson City, MO 65101

Montana Public Service Commission  
Rhonda Simmons, Secretary  
1701 Prospect Avenue  
Helena, MT 59601-4500

Nebraska Public Service Commission  
Andy Pollock, Executive Director  
300 The Atrium  
1200 N Street  
Lincoln, NE 68509

Nevada Public Utilities Commission  
Crystal Jackson, Secretary  
1150 E. William Street  
Carson City, NV 89701-3109

New Hampshire Public Utilities Comm.  
Debra Howland, Executive Director &  
and Secretary  
8 Old Suncook Road  
Concord, NH 03301

New Mexico Public Regulation Commission  
Tom Halpin, Records Manager  
224 East Palace Avenue – Marian Hall  
Santa Fe, NM 87501

North Carolina Public Utilities Commission  
Geneva Thigpen, Chief Clerk  
Office of the Chief Clerk  
430 North Salisbury Street  
Dobbs Building  
Raleigh, NC 27603-5918

North Dakota Public Service Commission  
Jon Mielke, Executive Secretary  
600 East Boulevard  
Dept. 408  
Bismarck, ND 58505-0480

**SERVICE LIST (Cont'd)**

Governor, Bob Taft  
Vern Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, OH 43215

Governor, Charles Bradford Henry  
212 State Capitol  
Oklahoma City, OK 73105

Governor, Ted Kulongoski  
900 Court Street, NE  
Salem, OR 97301-4047

The Honorable Edward Rendell  
Room 225  
Main Capitol Building  
Harrisburg, PA 17120

Governor, Don Carcieri  
State House  
Providence, RI 02903

Governor, Mark Sanford  
State House  
P.O. Box 12267  
Columbia, SC 29211

Governor, Mike Rounds  
State Capitol  
500 East Capitol Avenue  
Pierre, SD 57501-5070

Governor, Phil Bredesen  
State Capitol  
First Floor  
Nashville, TN 37243-0001

Ohio Public Utilities Commission  
Renee Jenkins, Secretary  
180 E. Broad Street  
Columbus, OH 43215-3793

Oklahoma Corporation Commission  
Peggy Mitchell, Secretary  
2101 N. Lincoln Blvd.  
Jim Thorpe Office Building  
Oklahoma City, OK 73105

Oregon Public Utility Commission  
Vikie Bailey-Goggins, Administrator  
Regulatory Service  
550 Capitol Street, N.E., Suite 215  
Salem, OR 97301-2551

Pennsylvania Public Utility Commission  
James J. McNulty, Secretary  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Rhode Island Public Utilities Commission  
Luly Massaro, Clerk  
89 Jefferson Boulevard  
Warwick, RI 02888-1046

South Carolina Public Service Commission  
Gary E. Walsh, Executive Director  
Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

South Dakota Public Utilities Commission  
Pam Bonrud, Executive Director  
500 E. Capitol Avenue  
Capitol Building, 1<sup>st</sup> Floor  
Pierre, SD 57501-5070

Tennessee Regulatory Authority  
Sharla Dillon, Dockets & Record Manager  
460 James Robertson Parkway  
Nashville, TN 37243-0505

## SERVICE LIST (Cont'd)

Governor, Rich Perry  
State Capitol  
P.O. Box 12428  
Austin, TX 78711

Texas Public Utility Commission  
Cathy Hightower, File Clerk  
1701 N. Congress Avenue  
Austin, TX 78711-3326

Governor, Olene S. Walker  
210 State Capitol  
Salt Lake City, UT 84114

Utah Public Utility Commission  
Julie P. Orchard, Secretary  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84114

Governor, Mark R. Warner  
State Capitol  
Richmond, VA 23219

Virginia State Corporation Commission  
Joel H. Peck, Clerk  
Tyler Building  
1300 East Main Street  
Richmond VA 23219

Governor, Gary Locke  
Insurance Building  
P.O. Box 40002  
Olympia, WA 98504-0002

Washington Utilities and Transportation  
Commission  
Carole J. Washburn, Executive Secretary  
1300 South Evergreen Park Drive, S.W.  
Olympia, WA 98504

Governor, Bob Wise  
State Capitol Building  
1900 Kanawha Boulevard, East  
Charleston, WV 05305

West Virginia Public Service Commission  
Sandra Squire, Director/Executive Secretary  
201 Brooks Street  
Charleston, WV 25301

Governor, Jim Doyle  
State Capitol  
P.O. Box 7863  
Madison, WI 53707-7863

Wisconsin Public Service Commission  
Lynda Dorr, Secretary  
610 N. Whitney Way  
Madison, WI 53705-2750

Governor, David D. Freudenthal  
State Capitol, Room 124  
200 West 24<sup>th</sup> Street  
Cheyenne, WY 82002-0010

Wyoming Public Service Commission  
Stephen Oxley, Secretary & Chief Counsel  
2515 Warren Avenue, Suite 300  
Cheyenne, WY 82002

**EXHIBIT A**

**Sample June 15<sup>th</sup> Discontinuance Notice Letter**



Winstar Communications, LLC  
520 Broad Street  
Newark, New Jersey 07102

**NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE**  
**DO NOT DISREGARD THIS NOTICE**  
**YOU MUST CHOOSE A NEW SERVICE PROVIDER BY JULY 15, 2004**

June 15, 2004

[REDACTED]

RE: Frame Relay, ATM or PRIVATE LINE Account # [REDACTED] ALL SERVICE LOCATIONS

Dear Winstar Customer:

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we can no longer provide your Frame Relay, ATM or Private Line services. We have also informed the Federal Communications Commission of this development. **Accordingly, Winstar will discontinue all FRAME RELAY, ATM, PRIVATE LINE AND ALL OTHER TELECOMMUNICATIONS AND DATA COMMUNICATIONS SERVICES** that you receive in your current service location(s). Subject to regulatory approval, the anticipated date for the discontinuance of your Frame Relay, ATM or Private Line service is Tuesday, August 31, 2004. This notification does not alter any prior notification dates of other service discontinuance.

**YOUR ACTION IS REQUIRED! YOU MUST CONTRACT WITH A NEW SERVICE PROVIDER AS QUICKLY AS POSSIBLE, BUT NOT LATER THAN JULY 15, 2004 OR YOU MAY LOSE YOUR SERVICES.**

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 (Frame Relay, ATM, Private Line and all other telecommunications and data communications services) are moved to your new carrier. Once you have contracted with your new provider, Winstar will work with the carrier you have selected to assist in the transition of your service. **WilTel Communications LLC**, a nationwide telecommunication provider, has advised us that it would welcome the opportunity to work with you to convert your service to a comparable WilTel service. WilTel has already begun working with Winstar to make your transition as smooth as possible should you select WilTel, and has attached a price quote for replacement of your existing service. It is important to note that WilTel's quote is for end-to-end service, including the local access to your service location. Your current Winstar invoice may not include all local access charges being billed to you. A copy of WilTel's contract terms and conditions is also provided for your review, but you must complete the new agreement with WilTel. You may contact WilTel with questions about your quote or to discuss the services WilTel offers at 1-800 448-4046, or email questions to [winstarproject@wiltel.com](mailto:winstarproject@wiltel.com). You must contract with a new provider by July 15, 2004 or it is likely you will lose all services on August 31, 2004.

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 Communication, LLC. 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.*

Winstar appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. Please review the attached list of Frequently Asked Questions. If you have any further questions regarding the discontinuance of our services, please contact us at 1-800-778-3757.

Sincerely yours,  
Winstar Customer Service

Attachment: Frequently Asked Questions

## FREQUENTLY ASKED QUESTIONS – June 15, 2004 Notification

### **I received a Notice of Discontinuance of my Frame Relay, ATM, or Private Line Service. What should I do now?**

Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. You should contact other carriers that serve your area to discuss their rates and terms and make immediate arrangements to migrate your service to a new carrier. A list of carriers serving your area can usually be found in the front of your local telephone book. *As noted in the attached letter, WilTel Communications LLC has advised us that it would welcome an opportunity to work with our customers to convert their Winstar service to any comparable WilTel service. You must contract directly with WilTel or another carrier to prevent losing your services. You may contact WilTel to discuss the services they offer at 1-800 448-4046.* To help avoid unplanned service disruption, please check carefully that all service types you currently have with Winstar (Frame Relay, ATM, Private Line and all other telecommunications and data communications services) are moved to your new carrier. Once you have contracted with a new provider, Winstar will make every effort to assist in a smooth service transition. **This notification does not alter any prior notification dates of other service discontinuance.**

### **Who is WilTel Communications LLC?**

WilTel Communications LLC provides advanced data, IP, voice and video solutions to enterprises and telecommunications carriers. Such customers include leading global telecommunications, media and entertainment companies - companies where innovative network solutions enhance or enable the products and services they deliver. WilTel's advanced network infrastructure reaches border-to-border and coast-to-coast with international connectivity to accommodate global traffic. For more detailed information, visit [www.wiltel.com](http://www.wiltel.com).

### **Can I still contact Winstar if I have issues related to my account?**

Yes. Winstar's National Customer Satisfaction Center will be available to assist with your transition and any related questions you have. If you have a customer request or inquiry, you may either call us at 800-778-3757 or you may contact us at [assistance@winstar.com](mailto:assistance@winstar.com). We are committed to providing personal assistance with every inquiry.

### **I have an installation scheduled with Winstar. What is the status?**

Please contact Winstar immediately at 800-778-3757 if you choose to cancel your pending orders.

### **What will happen to my bill?**

You will need to pay all charges applicable to your account through the date your service is switched and calls are carried by your new provider. A final invoice will be sent to you showing applicable charges through that date, which will be due and payable per Winstar's payment policy. You will not be charged any early termination fees.

### **I have a long-term contract with Winstar. Will I be charged for leaving?**

No. Winstar customers in the service locations affected by this discontinuance will not be invoiced for early termination fees related to the breaking of a contract term.

### **I am having technical trouble with my service. Who do I speak to?**

Winstar will continue to respond to reports of technical problems. If you are having technical trouble, call us at (888) WINSTAR (888-946-7827).

### **I have a question that was not answered in these FAQs. How do I contact Winstar?**

If you have a question that was not addressed in these FAQs you may either send us an email to [assistance@winstar.com](mailto:assistance@winstar.com) or you may contact us at 800-778-3757.

**EXHIBIT B**

**Sample June 18<sup>th</sup> Discontinuance Notice Letter**



Winstar Communications, LLC  
520 Broad Street  
Newark, New Jersey 07102

**NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE**  
**DO NOT DISREGARD THIS NOTICE**  
**YOU MUST CHOOSE A NEW SERVICE PROVIDER BY JULY 15, 2004**

June 18, 2004

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Frame Relay, ATM or PRIVATE LINE Account # [REDACTED] / ALL SERVICE LOCATIONS

Dear Winstar Customer:

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we can no longer provide your Frame Relay, ATM or Private Line services. We have also informed the Federal Communications Commission of this development. **Accordingly, Winstar will discontinue all FRAME RELAY, ATM, PRIVATE LINE AND ALL OTHER TELECOMMUNICATIONS AND DATA COMMUNICATIONS SERVICES** that you receive in your current service location(s). Subject to regulatory approval, the anticipated date for the discontinuance of your Frame Relay, ATM or Private Line service is Tuesday, August 31, 2004. This notification does not alter any prior notification dates of other service discontinuance.

**YOUR ACTION IS REQUIRED! YOU MUST CONTRACT WITH A NEW SERVICE PROVIDER AS QUICKLY AS POSSIBLE, BUT NOT LATER THAN JULY 15, 2004 OR YOU MAY LOSE YOUR SERVICES.**

**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 (Frame Relay, ATM, Private Line and all other telecommunications and data communications services) are moved to your new carrier. Once you have contracted with your new provider, Winstar will work with the carrier you have selected to assist in the transition of your service. You must contract with a new provider by July 15, 2004 or it is likely you will lose all services on August 31, 2004.

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 Communication, LLC. 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.*

Winstar appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. Please review the attached list of Frequently Asked Questions. If you have any further questions regarding the discontinuance of our services, please contact us at 1-800-778-3757.

Sincerely yours,  
Winstar Customer Service

Attachment: Frequently Asked Questions

## FREQUENTLY ASKED QUESTIONS – June 18, 2004 Notification

### **I received a Notice of Discontinuance of my Frame Relay, ATM, or Private Line Service. What should I do now?**

Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. You should contact other carriers that serve your area to discuss their rates and terms and make immediate arrangements to migrate your service to a new carrier. A list of carriers serving your area can usually be found in the front of your local telephone book. To help avoid unplanned service disruption, please check carefully that all service types you currently have with Winstar (Frame Relay, ATM, Private Line and all other telecommunications and data communications services) are moved to your new carrier. Once you have contracted with a new provider, Winstar will make every effort to assist in a smooth service transition. **This notification does not alter any prior notification dates of other service discontinuance.**

### **Can I still contact Winstar if I have issues related to my account?**

Yes. Winstar's National Customer Satisfaction Center will be available to assist with your transition and any related questions you have. If you have a customer request or inquiry, you may either call us at 800-778-3757 or you may contact us at [assistance@winstar.com](mailto:assistance@winstar.com). We are committed to providing personal assistance with every inquiry.

### **I have an installation scheduled with Winstar. What is the status?**

Please contact Winstar immediately at 800-778-3757 if you choose to cancel your pending orders.

### **What will happen to my bill?**

You will need to pay all charges applicable to your account through the date your service is switched and calls are carried by your new provider. A final invoice will be sent to you showing applicable charges through that date, which will be due and payable per Winstar's payment policy. You will not be charged any early termination fees.

### **I have a long-term contract with Winstar. Will I be charged for leaving?**

No. Winstar customers in the service locations affected by this discontinuance will not be invoiced for early termination fees related to the breaking of a contract term.

### **I am having technical trouble with my service. Who do I speak to?**

Winstar will continue to respond to reports of technical problems. If you are having technical trouble, call us at (888) WINSTAR (888-946-7827).

### **I have a question that was not answered in these FAQs. How do I contact Winstar?**

If you have a question that was not addressed in these FAQs you may either send us an email to [assistance@winstar.com](mailto:assistance@winstar.com) or you may contact us at 800-778-3757.

**EXHIBIT C**

**Sample June 30<sup>th</sup> Discontinuance Notice Letter**



Winstar Communications, LLC  
520 Broad Street  
Newark, New Jersey 07102

**NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE**  
**DO NOT DISREGARD THIS NOTICE**  
**YOU MUST CHOOSE A NEW SERVICE PROVIDER BY JULY 30, 2004**

June 30, 2004

[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Account # [REDACTED] / ALL SERVICE LOCATIONS

Dear Winstar Customer:

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we can no longer provide your telecommunications and data communications services. We have also informed the Federal Communications Commission of this development. **Accordingly, Winstar will discontinue all LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, FRAME RELAY, ATM, PRIVATE LINE, INTERNET, and ALL OTHER TELECOMMUNICATIONS AND DATA COMMUNICATIONS SERVICES** that you receive in your current service location(s). Subject to regulatory approval, the anticipated date for the discontinuance of your service is Tuesday, August 31, 2004. This notification does not alter the dates for any prior notification of service discontinuance that you have received.

**YOUR ACTION IS REQUIRED! YOU MUST CONTRACT WITH A NEW SERVICE PROVIDER AS QUICKLY AS POSSIBLE, BUT NOT LATER THAN JULY 30, 2004 OR YOU MAY LOSE YOUR SERVICES.**

**Select a new carrier as soon as possible to avoid any interruption of service, 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, long distance, toll free, calling card, Internet, all other telecommunications and data communications services) are moved to your new carrier. Once you have contracted with your new provider, Winstar will work with the carrier you have selected to assist in the transition of your service. Generally, you can find a list of other telephone service providers in your local telephone directory. **You must contract with a new provider by July 30, 2004 or it is likely you will lose service on August 31, 2004.**

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 Communication, LLC. 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.*

Winstar appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. Please review the attached list of Frequently Asked Questions. If you have any further questions regarding the discontinuance of our services, please contact us at 1-800-778-3757.

Sincerely yours,  
Winstar Customer Service

Attachment: Frequently Asked Questions

## FREQUENTLY ASKED QUESTIONS – June 30, 2004 Notification

### **I received a Notice of Discontinuance of Service. What should I do now?**

Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. You should contact other carriers that serve your area to discuss their rates and terms and make immediate arrangements to migrate your service to a new carrier. A list of carriers serving your area can usually be found in the front of your local telephone book. To help avoid unplanned service disruption, please check carefully that all service types you currently have with Winstar (local, long distance, toll free, calling card, Internet, Frame Relay, ATM, Private Line, all other telecommunications and data communications services) are moved to your new carrier. Once you have contracted with a new provider, Winstar will make every effort to assist in a smooth service transition. **This notification does not alter any dates of prior notifications of discontinuance.**

### **Can I still contact Winstar if I have issues related to my account?**

Yes. Winstar's National Customer Satisfaction Center will be available to assist with your transition and any related questions you have. If you have a customer request or inquiry, you may either call us at 800-778-3757 or you may contact us at [assistance@winstar.com](mailto:assistance@winstar.com). We are committed to providing personal assistance with every inquiry.

### **I have an installation scheduled with Winstar. What is the status?**

Please contact Winstar immediately at 800-778-3757 if you choose to cancel your pending orders.

### **My business has local phone service from Winstar. What will happen to my phone number?**

Your phone number may be transferred to your new local phone company upon completion of the migration process. Make sure that your new carrier is aware of your desire to keep your existing phone number(s).

### **What will happen to my bill?**

You will need to pay all charges applicable to your account through the date your service is switched and calls are carried by your new provider. A final invoice will be sent to you showing applicable charges through that date, which will be due and payable per Winstar's payment policy. You will not be charged any early termination fees.

### **I have a long-term contract with Winstar. Will I be charged for leaving?**

No. Winstar customers in the service locations affected by this discontinuance will not be invoiced for early termination fees related to the breaking of a contract term.

### **I am having technical trouble with my service. Who do I speak to?**

Winstar will continue to respond to reports of technical problems. If you are having technical trouble, call us at (888) WINSTAR (888-946-7827).

### **I have a question that was not answered in these FAQs. How do I contact Winstar?**

If you have a question that was not addressed in these FAQs you may either send us an email to [assistance@winstar.com](mailto:assistance@winstar.com) or you may contact us at 800-778-3757.