

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

The Office of the Public Counsel,	)	
	)	
Complainant,	)	
	)	
v.	)	Case No. TC-2008-0346
	)	
Winstar Communications, L.L.C.,	)	
	)	
Respondent.	)	

**MOTION FOR NOTICE OF COMPLAINT AND EXTENSION OF  
TIME TO FILE STAFF'S REPORT OF INVESTIGATION**

**COMES NOW** Counsel for the Staff of the Missouri Public Service Commission and respectfully requests the Missouri Public Service Commission (Commission) to issue a new Notice Of Complaint to effectuate service on Winstar Communications, L.L.C (Winstar), and extend the date to file Staff's report of investigation, due June 22, 2008, until thirty (30) days after Winstar files an answer. For such request, Counsel for Staff respectfully states as follows:

1. On April 18, 2008, The Office of the Public Counsel (OPC) filed a Complaint against Winstar.
2. On April 23, 2008, the Commission issued its Notice of Complaint and Order Directing Staff Investigation. Staff of the Missouri Public Service Commission (Staff) was ordered to file a report of its investigation by June 22, 2008.
3. On May 23, 2008, Counsel for Staff received return mail of the Commission's Notice of Complaint And Order Directing Staff Investigation, which is addressed to Winstar Communications, L.L.C., Legal Department, P.O. Box 7153, McLean, VA 22106. See EFIS Docket # 6.

4. Also, on May 23, 2008, Counsel for Staff provided the Commission's Data Center with an updated service address for Winstar.
5. On May 30, 2008, Counsel for Staff received a letter from William D. Steinmeier, stating  
  
[u]pon receipt of the Complaint, we attempted to contact Winstar, but those attempts were unsuccessful. William D. Steinmeier, P.C. has not been retained by Winstar Communication, LLC to represent it in this matter, nor does any ongoing relationship exist between this firm and Winstar. Please do not include us in the service list for this case.

See EFIS Docket # 7.

6. To date, the Commission has not received a certified return indicating service has been effectuated on Winstar.
7. The April 23, 2008 Order instructed Staff to investigate the "contested issues set out in the pleadings and to file a report of its findings with the Commission." However, the contested issues remain unknown as Winstar has not been served or filed an answer in this matter.
8. On May 20, 2008, Counsel for Staff filed its Suggestion of Bankruptcy and Partial Motion to Dismiss Due to Bankruptcy Stay, indicating that on March 19, 2008, Winstar filed for Chapter 11 Bankruptcy protection in the United States Bankruptcy Court for the Eastern District of Michigan.
9. On May 20, 2008, OPC filed its Voluntary Dismissal Count III (Prayer C) and Count IV (Prayer D), dismissing the request for Winstar to show cause why it did not comply with the Judgment By Default entered by the St. Louis County Circuit Court, and an order directing the general counsel to seek penalties for each day's continuance.
10. Winstar is represented in its bankruptcy proceedings by the following:

Howard M. Borin  
Schafer and Weiner, PLLC  
40950 Woodward Ave., Ste. 100  
Bloomfield Hills, MI 48304  
(248) 540-3340  
Fax : 248-642-2127  
Email: [hborin@schaferandweiner.com](mailto:hborin@schaferandweiner.com)

James R. Harris  
400 Monroe  
Suite 410  
Detroit, MI 48021  
(313) 586-0001  
Email: [j.harris\\_esq@sbcglobal.net](mailto:j.harris_esq@sbcglobal.net)

11. Winstar's address as listed on the bankruptcy petition is:

Winstar Communications, LLC  
333 W. Fort Street Suite 1600  
Detroit, MI 48226

12. Additionally, Winstar's Missouri registered agent, as listed on the Secretary of State's website, is:

C T Corporation System  
120 South Central Avenue  
Clayton, MO 63105

13. On June 10, 2008, the Commission issued its Order Directing Filing, ordering Staff to file, no later than July 4, 2008, "a report setting out the status of Winstar Communications, L.L.C's customer base."

14. In this Motion, Staff is not requesting relief from the June 10, 2008 Order.

**WHEREFORE**, Counsel for Staff respectfully requests the Commission 1) issue a new Notice of Complaint to effectuate service on Winstar, reflecting the issues voluntarily dismissed by the Office of Public Counsel; and 2) allow Staff to file its report of investigation, originally due June 22, 2008, thirty (30) days after Winstar files an answer.

Respectfully submitted,

**/s/ Jennifer Hernandez**

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

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Missouri Public Service Commission

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### **CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 16th day of June 2008.

/s/ Dawn M. Carafeno