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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
WinStar Wireless, Inc. for a)	
Certificate of Service Authority to)	
Provide Intrastate Interexchange and)	Case No. TA-99-219
Non-Switched Local Exchange)	Tariff No. 9900391
Telecommunications Services to the)	
Public within the State of Missouri)	
and for Competitive Classification.)	

ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

WinStar Wireless, Inc. (WWI) applied to the Public Service Commission on November 16, 1998, for a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under § 392.410-.450 RSMo, 1994 and RSMo Supp. 1997¹. WWI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Applicant is a Delaware corporation, with its principal office located at 1146 19th Street N.W., Suite 250, Washington, D.C. 20036.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 24, directing parties wishing to intervene to file their requests by December 9. The requirement for a hearing is met

¹All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo.App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

WWI filed a proposed tariff in conjunction with its application with an effective date of December 31. WWI's tariff adopts the tariffs filed with the Public Service Commission prior to December 31, 1998 by WinStar Wireless of Missouri, Inc. In its Memorandum filed on December 14, the Staff of the Commission (Staff) recommended that the Commission grant Applicant a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunication service on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Applicant competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed Adoption Notice to become effective on December 31.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Applicant should be granted certificates of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as

a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that the tariff that WWI proposes to adopt details the services, equipment, and pricing it proposes to offer. The Commission finds that the Adoption Notice filed on November 16, should be approved to become effective on December 31.

IT IS THEREFORE ORDERED:

1. That WinStar Wireless, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That WinStar Wireless, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That WinStar Wireless, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.240(1) - ratemaking
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1997 - issuance of securities, debts and notes

Commission Rules

- | | |
|-------------------------|-------------------------------|
| 4 CSR 240-10.020 | - depreciation fund income |
| 4 CSR 240-30.010(2) (C) | - rate schedules |
| 4 CSR 240-30.040 | - Uniform System of Accounts |
| 4 CSR 240-32.030(1) (B) | - exchange boundary maps |
| 4 CSR 240-32.030(1) (C) | - record keeping |
| 4 CSR 240-32.030(2) | - in-state record keeping |
| 4 CSR 240-32.050(3) | - local office record keeping |
| 4 CSR 240-32.050(4) | - telephone directories |
| 4 CSR 240-32.050(5) | - call intercept |
| 4 CSR 240-32.050(6) | - telephone number changes |
| 4 CSR 240-32.070(4) | - public coin telephone |
| 4 CSR 240-33.030 | - minimum charges rule |
| 4 CSR 240-33.040(5) | - financing fees |

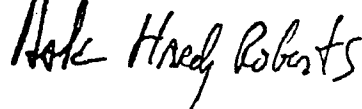
4. That the Adoption Notice filed by WinStar Wireless, Inc. on November 16, 1998, designated as tariff file number 9900391, is approved to become effective on December 31, 1998. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on December 28, 1998.

6. That this case shall be closed on December 29, 1998.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 16th day of December, 1998.