

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

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

**OFFICE OF THE PUBLIC COUNSEL’S
NOTICE THAT IT DOES NOT ELECT TO SUBMIT COMPLAINT TO
MEDIATION AND REQUEST TO SET EARLY HEARING**

The Office of Public Counsel advises the Missouri Public Service Commission that Public Counsel elects not to submit its complaint against Winstar Communications, LLC. to mediation, and instead, asks the Commission to set this case for an early hearing.

The Commission issued notice on April 23, 2008, to respondent and to interested parties of the filing of this complaint by Public Counsel. In that notice, the PSC advised Winstar that it could elect mediation as alternative dispute resolution method and then set a timetable for Public Counsel to respond. Public Counsel opposes submission of the complaint to mediation because mediation would not be productive and would only cause undue delay given the nature of the violations, the relief requested and the failure of Winstar to respond to past complaints and civil actions brought against Winstar by the Staff.

Public Counsel submits that the nature of the complaint based on the failure to pay lawful, final judgments and other fees and assessments due the Commission as well

as failure to make certain mandated reports of operations and the requested administrative action to cancel or terminate Winstar's certificate to provide telecommunications services does not lend itself to mediation. Therefore, Public Counsel declines to submit it to mediation. This early notice of Public Counsel's position will avoid undue delay and the unnecessary expenditure of resources involving mediation and requests for mediation.

Therefore, upon an answer filed by respondent or upon its failure to respond in the allowed time for response, the Office of Public Counsel requests that the Commission set this complaint for hearing as soon as practical and for such relief as the Commission deems just and reasonable.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, emailed and/or hand delivered this 5^h day of May 2008 to the following attorneys of record:

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