

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)	

ORDER DIRECTING FILING

Issue Date August 13, 2008

Effective Date: August 13, 2008

For its relief in this complaint against Winstar Communications, LLC, the Office of the Public Counsel initially requested that the Commission: A) issue an order to Winstar to show cause why its certificate of service authority should not be revoked and terminated; B) establish a procedural schedule and provide for an evidentiary hearing on Public Counsel's complaint and on whether or not Winstar's certificate should be revoked; C) order Winstar to show cause why it did not comply with the Judgment By Default entered on February 8, 2008 in St. Louis County Circuit Court and that this violation is a continuing one; D) direct its general counsel to seek the maximum penalty for each day's continuance of this violation; E) direct its general counsel to pursue all remedies to implement and enforce termination of Winstar's certificate of service authority; F) provide for the orderly transition of customers from Winstar to other carriers; and G) order such other relief as the Commission deems proper.

Because Winstar filed a petition in Bankruptcy Court, the Commission's General Counsel filed a pleading suggesting that that the Commission dismiss Public Counsel's requests C and D, above, as such requests may be in violation of the automatic stay resulting from the bankruptcy proceeding. However, General Counsel did not set out its position with regard to the Commission cancelling the company's certificate. The Commission will therefore require General Counsel to file a pleading regarding the Commission cancelling the company's certificate.

IT IS ORDERED THAT:

1. The General Counsel to the Commission shall file no later than August 20, 2008, a pleading setting out its position with regard to cancelling Winstar Communications, LLC's certificate of service authority to provide basic local telecommunications services.

2. This order shall become effective upon issuance.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of August, 2008.