

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency joint
application for approval of
assignment of assets and
AAV/ALEC Certificate No. 4025
and IXC Certificate No. 2699
from Winstar Wireless, Inc. to
Winstar Communications, LLC.

DOCKET NO. 020054-TP
ORDER NO. PSC-02-0321-PAA-TP
ISSUED: March 12, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING ASSIGNMENT OF ASSETS AND
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS AND
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

On January 28, 2002, Winstar Wireless, Inc. (Winstar Wireless)
and Winstar Communications, LLC (Winstar Communications) filed with
this Commission a joint request for assignment of assets and
Alternative Access Vendor, with Alternative Local Exchange
Telecommunications authority, (AAV/ALEC) Certificate No. 4025 and
Interexchange Telecommunications (IXC) Certificate No. 2699 from
Winstar Wireless to Winstar Communications.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Winstar Wireless and Winstar Communications have complied with Rule 25-24.730 and Rule 25-24.473, Florida Administrative Code, regarding the assignment of AAV and IXC certificates. We find the assignment to be in the public interest and, therefore, approve the assignment of assets and certificates. AAV/ALEC Certificate No. 4025 and IXC Certificate No. 2699 shall be amended to reflect that Winstar Communications is the holder of these certificates.

If this Order becomes final and effective, it shall serve as Winstar Communications's certificates. Winstar Communications should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

AAV providers are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor Services. ALEC providers are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. AAV and ALEC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes.

Pursuant to Section 364.337(2), Florida Statutes, basic telecommunications service provided by an ALEC "... must include access to operator services, "911" services, and relay services for the hearing impaired." Further, Section 364.337(2), requires that an ALEC's "911" service "... shall be provided at a level equivalent to that provided by the local exchange telecommunications company serving the same area."

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both Winstar Wireless and Winstar Communications for payment by January

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of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th Day of March, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
And Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 2, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.