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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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COMMISSION
CLERK

040000 - PV

WCB Docket No. 04-_____

In the Matter of)
)
Section 63.71 Application of)
)
Winstar Communications, LLC)
)
For Authority to Discontinue)
Certain Services)

SECTION 63.71 APPLICATION

Winstar Communications, LLC and certain of its subsidiaries¹ ("Winstar"), through their undersigned counsel, hereby file this Application to discontinue services pursuant to Section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, in selected areas defined herein. Specifically, Winstar is seeking to discontinue the provision of certain local, domestic and international long distance, toll free and Internet services to customers in a number of locations nationwide. In support of this Application, Winstar submits the following information:

I. Description of Discontinuance

1. Name and address of carrier

Winstar Communications, LLC
520 Broad Street
Newark, NJ 07102

For purposes of this application, Winstar may be contacted at:

Joseph M. Sandri
Senior Vice President & Regulatory Counsel
Winstar Communications, LLC
1850 M Street, NW, Suite 300
Washington, DC 20036
Tel: (202) 367-7643
Fax: (202) 659-1931
E-Mail: jsandri@winstar.com

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC T
OTH Jim

Nannye

¹ Winstar Communications of Arizona, LLC; Winstar of Delaware, LLC; Winstar of Georgia, LLC; Winstar of Hawaii, LLC; Winstar of Indiana, LLC; Winstar of Louisiana, LLC; Winstar of Pennsylvania, LLC; Winstar of Virginia, LLC; and Winstar of West Virginia, LLC.

DOCUMENT NUMBER DATE

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2. Date of planned service discontinuance

The anticipated date for the discontinuance of service in the markets described below in paragraph 3 is June 15, 2004, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained.

3. Points of geographic areas of service affected

Winstar seeks authority to discontinue the provision of certain commercial services provided to non-federal governmental customers in the states of Alaska, Alabama, Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland (areas other than Washington D.C. suburbs), Massachusetts, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Mexico, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia (areas other than Washington D.C. suburbs), Washington, Wisconsin, West Virginia, and Wyoming.

4. Brief description of the type of service affected

Winstar proposes to discontinue the provision of local, domestic and international long distance, toll free and Internet services to commercial customers in the states listed in paragraph 3, above. All these services remain unaffected in other Winstar markets, namely the Washington, DC and the New York City metropolitan areas. Additionally, Winstar fixed wireless services supporting mobile carrier infrastructures and other backhaul systems, in addition to spectrum lease offerings, all offered nationwide, remain unaffected by this application.

5. Brief description of the dates and methods of notice to all affected customers

Written notice to all affected customers substantially in the form of the sample letter attached as Exhibit A, was mailed to customers on April 7, 2004, except for Texas customers whose letters were mailed April 14, 2004. The customer notice letter was prepared in accordance with the requirements of Section 63.71(a) of the Commission's Rules.

6. Non-dominance of the carrier with respect to the service to be discontinued

Winstar is non-dominant with respect to the services that it proposes to discontinue.

7. Service

In accordance with Section 63.71(a) of the Commission's rules, Winstar has mailed a copy of this application to the Governor and the public utility commission of each of the states listed above in paragraph 3, and to the Special Assistant for Telecommunications for the Secretary of Defense.

8. Additional questions regarding this application may be addressed to:

Jean L. Kiddoo
Brian McDermott
Swidler Berlin Shereff Friedman, LLP
3000 K Street, Suite 300
Washington, D.C. 20007
Tel: (202) 424-7500
Fax: (202) 424-7645
Email: JLKiddoo@swidlaw.com
BMMcdermott@swidlaw.com

II. Circumstances of Discontinuance

As part of Winstar's plan to refocus its business plan in order to maintain long term profitability, Winstar has determined to discontinue the provision of certain services in a number of locations nationwide. This includes the discontinuance of certain commercial facilities-based services that are currently provided through the use of Winstar switches located in the states of Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Maryland, Minnesota, Missouri, Ohio, Pennsylvania, Texas and Washington. In addition, Winstar will also discontinue certain customers who receive commercial service through the resale of services provided by other facilities-based providers. This discontinuance application does not address federal government customers and will not affect any customers who receive local, domestic and international long distance, toll free, private line and Internet services in the New York City or Washington, DC, metropolitan areas.

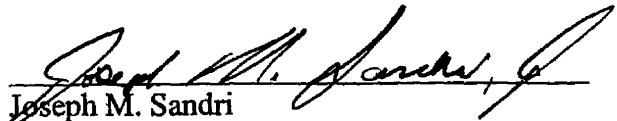
III. Conclusion

Winstar believes that the proposed discontinuance is reasonable and necessary. Winstar will take all reasonable steps, to the extent it is able, to assure that the discontinuance of service is not unduly disruptive to the present or future public convenience and necessity. For the foregoing reasons, Winstar respectfully requests, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a) and Section 63.71 of the Commission's Rules, that the Commission permit it to discontinue the provision of services to certain customers pursuant to Section 63.71.

Respectfully submitted,

Winstar Communications, LLC

By:



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Senior Vice President & Regulatory Counsel
Winstar Communications, LLC
1850 M Street, N.W., Suite 300
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Fax: (202) 659-1931
E-Mail: jsandri@winstar.com

Dated: April 14, 2004

Exhibit A

Sample Discontinuance Notice Letter



Winstar Communications, LLC
520 Broad Street
Newark, New Jersey 07102

NOTICE OF COMMUNICATION SERVICES DISCONTINUANCE
DO NOT DISREGARD THIS NOTICE

April 7, 2004

[REDACTED]
[REDACTED]
[REDACTED]

RE: Account # 8100011423

Dear Winstar Customer:

We regret to inform you that Winstar plans to reconfigure and redesign the services it offers in your geographic area. As a result, we have determined that we can no longer provide your telecommunications services. We have also informed the Federal Communications Commission of this development. Accordingly, Winstar intends to discontinue all LOCAL, DOMESTIC AND INTERNATIONAL LONG DISTANCE, TOLL FREE, PRIVATE LINE, and INTERNET SERVICES that you receive in your current service location. Subject to regulatory approval, the anticipated date for the discontinuance of your service is Tuesday, June 15, 2004.

Select a new carrier as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. To help avoid service disruption, please check carefully that all service types you currently have with Winstar (local, long distance, toll free, calling card and/or Internet) are moved to your new carrier. Once you have chosen your new provider, Winstar will work with the carrier you have selected to assist in the transition of your service. Z Tel Communications, Inc., a nationwide telecommunications provider, has advised us that it would welcome the opportunity to work with our customers to convert their Winstar service to a comparable Z-Tel service. You may contact Z-Tel directly to discuss the services they offer at 1-800-371-3818.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by a telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the Section 63.71 Application of Winstar Communication, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

Winstar appreciates the opportunity we have had to serve you. We are committed to making your service transition as smooth as possible. Please review the attached list of Frequently Asked Questions. If you have any further questions regarding the discontinuance of our services, please contact us at 1-800-778-3757.

Sincerely yours,
Winstar Customer Service

Attachment: Frequently Asked Questions

FREQUENTLY ASKED QUESTIONS – April 7, 2004

I received a Notice of Discontinuance of Service. What should I do now?

Please do not delay in arranging for a new service provider, as some carriers may require several weeks to install new services. You should contact other carriers that serve your area to discuss their rates and terms and make immediate arrangements to migrate your service to a new carrier. A list of carriers serving your area can usually be found in the front of your local telephone book. *As noted in the attached letter, Z-Tel Communications, Inc. has advised us that it would welcome an opportunity to work with our customers to convert their Winstar service to any comparable Z-Tel service. You may contact Z-Tel to discuss the services they offer at 1-800-371-3818.* To help avoid unplanned service disruption, please check carefully that all service types you currently have with Winstar (local phone, long distance, calling card, toll free, and/or Internet services) are moved to your new carrier. Once you have chosen your new provider, Winstar will make every effort to assist in a smooth service transition.

Who is Z-Tel?

Z-Tel is a nationwide wire line and broadband telecommunications company serving consumers and businesses. Unlike other providers, Z-Tel offers its customers enhanced calling features, such as voice-activated dialing and Web-accessible voicemail, which make communications smarter and more efficient. In addition to serving its own customers, Z-Tel is the backbone provider for Sprint's local service and formerly for MCI's The Neighborhood. Z-Tel has been serving customers since 1999 and is traded on the Nasdaq exchange under the symbol "ZTEL". Over half a million customers across the country rely on Z-Tel-powered services every day.

Can I still contact Winstar if I have issues related to my account?

Yes. Winstar's National Customer Satisfaction Center will be available to assist with your transition and any related questions you have. If you have a customer request or inquiry, you may either call us at 800-778-3757 or you may contact us at assistance@winstar.com. We are committed to providing personal assistance with every inquiry.

I have an installation scheduled with Winstar. What is the status?

Winstar will proceed with currently scheduled installations of local phone service, long distance, or high speed Internet services for your affected service location; however, we anticipate disconnecting these services, subject to regulatory approvals, on Tuesday, June 15, 2004. Please contact Winstar immediately at 800-778-3757 if you choose to cancel your pending order.

My business has local phone service from Winstar. What will happen to my phone number?

Your phone number may be transferred to your new local phone company upon completion of the migration process. Make sure that your new carrier is aware of your desire to keep your existing phone number(s).

What will happen to my bill?

You will need to pay all charges applicable to your account through the date your service is switched and calls are carried by your new provider. A final invoice will be sent to you showing applicable charges through that date, which will be due and payable per Winstar's payment policy. You will not be charged any early termination fees.

I have a long-term contract with Winstar. Will I be charged for leaving?

No. Winstar customers in the service locations affected by this discontinuance will not be invoiced for early termination fees related to the breaking of a contract term.

I am having technical trouble with my service. Who do I speak to?

Winstar will continue to respond to reports of technical problems. If you are having technical trouble, call us at (888) WINSTAR (888-946-7827).

I have a question that was not answered in these FAQs. How do I contact Winstar?

If you have a question that was not addressed in these FAQs you may either send us an email to assistance@winstar.com or you may contact us at 800-778-3757.

Where does Winstar still operate?

Winstar intends to maintain its commercial switched network in the New York and Washington, DC markets. It also maintains numerous fixed wireless, mobile network infrastructure, and government systems nationwide.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application of Winstar Communications, LLC was served this 15th day of April, 2004, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses appearing on the attached list.

Beth Pfeiffer

SERVICE LIST

Secretary of Defense
Attn: Special Assistant for Telecommunications
1000 Defense Pentagon
Washington, D.C. 20301-1000

Governor, Robert R. Riley
State Capitol, Suite N-104,
600 Dexter Avenue
Montgomery, AL 36130

Alabama Public Service Commission
Walter L. Thomas, Jr., Secretary
RSA Building, 100 N. Union Street,
Room 850
Montgomery, AL 36104-3719

Governor, Frank H. Murkowski
State Capitol
P.O. Box 110001
Juneau, AK 99811-0001

Alaska Regulatory Commission
Records & Filings
701 West Eight Avenue, Suite 300
Phillips Tower South
Anchorage, AK 99501-3469

Governor, Janet Napolitano
State Capitol, Executive Tower
1700 West Washington Street
Phoenix, AZ 85007

Arizona Corporation Commission
Brian C. McNeil, Executive Secretary
Utilities Division
1200 W. Washington Street
Phoenix, AZ 85007

Governor, Mike Huckabee
State Capitol Building
Little Rock, AR 72201

Arkansas Public Service Commission
Diane K. Wilson, Secretary
1000 Center Street
Little Rock, AR 72201-4300

Governor, Arnold Schwarzenegger
State Capitol
1st Floor
Sacramento, CA 95814

Docket Office, Room 2001
California Public Utilities Commission
State Building
505 Van Ness Avenue, Suite 100
San Francisco, CA 94102-3298

Governor, Bill Owens
136 State Capitol Building
Denver, CO 80203-1792

Colorado Public Utilities Commission
Bruce N. Smith, Director
1580 Logan Street
Office Level 2
Denver, CO 80203

Governor, Ruth Ann Minner
Tatnall Building, 2nd Floor
Dover, DE 19901

Delaware Public Service Commission
Karen Nickerson, Secretary
Cannon Building
861 Silver Lake Boulevard
Dover, DE 19904

SERVICE LIST (Cont'd)

Governor, Jeb Bush
The Capitol
Tallahassee, FL 32399-0001

Florida Public Service Commission
Blanca S. Bayo, Commission Clerk and
Administrator Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

The Honorable Sonny Perdue
203 State Capitol
Atlanta, GA 30334

Reece McAlister, Executive Secretary
Georgia Public Service Commission
244 Washington Street, S.W.
Atlanta, GA 30334

Honorable Governor Linda Lingle
Executive Chamber
State Capitol
Honolulu, HI 96813

Karen Higashi, Chief Clerk
Hawaii Public Utilities Commission
465 South King Street, Room 103
Honolulu, HI 96813

Governor, Dirk Kempthorne
State Capitol Building
West Wing, 2nd Floor
Boise, ID 83720-0034

Idaho Public Utilities Commission
Jean D. Jewell, Secretary
472 W. Washington Street
Boise, ID 83702

Governor, Rod R. Blagojevich
207 State Capitol Building
Springfield, IL 62706

Elizabeth A. Rolando, Chief Clerk
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

Governor, Joseph E. Kernan
206 State House
200 West Washington Street
Indianapolis, IN 46204

Illinois Commerce Commission
Nancy E. Manley, Executive Secretary
302 West Washington Street
Suite E306
Indianapolis, IN 46204

Governor, Thomas J. Vilsack
State Capitol Building
Des Moines, IA 50319

Iowa Utilities Board
Judi Cooper, Executive Secretary
350 Maple Street
Des Moines, IA 50319

Governor, Kathleen Sebelius
State Capitol, 2nd Floor
Topeka, KS 66612-1590

Kansas State Corporation Commission
Jeff Wagaman, Executive Director
1500 S.W. Arrowhead Road
Topeka, KS 66604

SERVICE LIST (Cont'd)

Governor, Ernie Fletcher
100 State Capitol
700 Capitol Avenue
Frankfort, KY 40601

Kentucky Public Service Commission
Thomas Dorman, Executive Director
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Frankfort, KY 40602-8294

Governor, Kathleen Babineaux Blanco
State Capitol
P.O. Box 94004
Baton Rouge, LA 70804-7099

Louisiana Public Service Commission
Lawrence C. St. Blanc, Executive Secretary
One American Place, Suite 1630
Corner of North & N. 4th Streets
Baton Rouge, LA 70821

Governor, John E. Baldacci
One State House Station
Augusta, ME 04333

Maine Public Utilities Commission
Dennis Keschl, Administration Director
242 State Street
18 State House Station
Augusta, ME 04333-0018

Governor, Robert L. Ehrlich, Jr.
State House
100 State Circle
Annapolis, MD 21401

Felecia L. Greer, Executive Secretary
Maryland Public Service Commission
6 St. Paul Street, 16th Floor
William Donald Schaefer Tower
Baltimore, MD 21202

Governor, Mitt Romney
State House
Executive Office, Room 360
Boston, MA 02133

Mary Cottrell, Secretary
Massachusetts Department of
Telecommunications and Energy
One South Station
Boston, MA 02110

Governor, Jennifer Granholm
George W. Romney Building
P.O. Box 30013
Lansing, MI 48909

Michigan Public Service Commission
Mary Jo Kunkle, Executive Secretary
6545 Mercantile Way, Suite 7
Lansing, MI 48911

Governor, Tim Pawlenty
130 State Capitol
75 Rev. Dr. MLK Jr., Blvd.
St. Paul, MN 55155

Minnesota Department of Commerce
Linda Chavez, Telephone Docketing Coord.
85 7TH Place E., Suite 500
St. Paul, MN 55101

Governor, Haley Barbour
P.O. Box 139
Jackson, MS 39205

Mississippi Public Service Commission
Brian U. Ray, Executive Secretary
501 North West Street, Suite 201-A
Woolfolk State Office Building
Jackson, MS 39201

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Governor, Bob Holden
216 State Capitol
P.O. Box 720
Jefferson City, MO 65102

Missouri Public Service Commission
Dale Roberts, Secretary/Chief Regulatory
Law Judge
200 Madison Street
Suite 100
Jefferson City, MO 65101

Governor, Judy Martz
P.O. Box 200801
Helena, MT 59620-0801

Montana Public Service Commission
Rhonda Simmons, Secretary
1701 Prospect Avenue
Helena, MT 59601-4500

Governor, Mike Johanns
State Capitol
P.O. Box 94848
Lincoln, NE 68509-4848

Nebraska Public Service Commission
Andy Pollock, Executive Director
300 The Atrium
1200 N Street
Lincoln, NE 68509

Governor, Kenny Guinn
Executive Chambers
101 North Carson Street
Carson City, NV 89701

Nevada Public Utilities Commission
Crystal Jackson, Secretary
1150 E. William Street
Carson City, NV 89701-3109

Governor, Craig R. Benson
208-214 State House
107 North Main Street
Concord, NH 03301

New Hampshire Public Utilities Comm.
Debra Howland, Executive Director &
and Secretary
8 Old Suncook Road
Concord, NH 03301

Governor, Bill Richardson
State Capitol Building
490 Old Santa Fe Trail, Room 400
Santa Fe, NM 87501

New Mexico Public Regulation Commission
Tom Halpin, Records Manager
224 East Palace Avenue – Marian Hall
Santa Fe, NM 87501

Governor, Michael F. Easley
116 W. Jones St.,
20301 Mail Service Ctr.
Raleigh, NC 27699

North Carolina Public Utilities Commission
Geneva Thigpen, Chief Clerk
Office of the Chief Clerk
430 North Salisbury Street
Dobbs Building
Raleigh, NC 27603-5918

Governor, John Hoeven
State Capitol, Dept. 101
600 East Boulevard Avenue
Bismarck, ND 58505-0001

North Dakota Public Service Commission
Jon Mielke, Executive Secretary
600 East Boulevard
Dept. 408
Bismarck, ND 58505-0480

SERVICE LIST (Cont'd)

Governor, Bob Taft
Vern Riffe Center, 30th Floor
77 South High Street
Columbus, OH 43215

Ohio Public Utilities Commission
Renee Jenkins, Secretary
180 E. Broad Street
Columbus, OH 43215-3793

Governor, Charles Bradford Henry
212 State Capitol
Oklahoma City, OK 73105

Oklahoma Corporation Commission
Peggy Mitchell, Secretary
2101 N. Lincoln Blvd.
Jim Thorpe Office Building
Oklahoma City, OK 73105

Governor, Ted Kulongoski
900 Court Street, NE
Salem, OR 97301-4047

Oregon Public Utility Commission
Vikie Bailey-Goggins, Administrator
Regulatory Service
550 Capitol Street, N.E., Suite 215
Salem, OR 97301-2551

The Honorable Edward Rendell
Room 225
Main Capitol Building
Harrisburg, PA 17120

Pennsylvania Public Utility Commission
James J. McNulty, Secretary
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Governor, Don Carcieri
State House
Providence, RI 02903

Rhode Island Public Utilities Commission
Luly Massaro, Clerk
89 Jefferson Boulevard
Warwick, RI 02888-1046

Governor, Mark Sanford
State House
P.O. Box 12267
Columbia, SC 29211

South Carolina Public Service Commission
Gary E. Walsh, Executive Director
Saluda Building
101 Executive Center Drive
Columbia, SC 29210

Governor, Mike Rounds
State Capitol
500 East Capitol Avenue
Pierre, SD 57501-5070

South Dakota Public Utilities Commission
Pam Bonrud, Executive Director
500 E. Capitol Avenue
Capitol Building, 1st Floor
Pierre, SD 57501-5070

Governor, Phil Bredesen
State Capitol
First Floor
Nashville, TN 37243-0001

Tennessee Regulatory Authority
Sharla Dillon, Dockets & Record Manager
460 James Robertson Parkway
Nashville, TN 37243-0505

SERVICE LIST (Cont'd)

Governor, Rich Perry
State Capitol
P.O. Box 12428
Austin, TX 78711

Texas Public Utility Commission
Cathy Hightower, File Clerk
1701 N. Congress Avenue
Austin, TX 78711-3326

Governor, Olene S. Walker
210 State Capitol
Salt Lake City, UT 84114

Utah Public Utility Commission
Julie P. Orchard, Secretary
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Governor, James H. Douglas
Pavilion Office Building
109 State Street, 5th Floor
Montpelier, VT 05609-0101

Vermont Public Utilities Commission
Susan Hudson, Clerk
112 State Street, Drawer 20
Montpelier, VT 05620-2701

Governor, Mark R. Warner
State Capitol
Richmond, VA 23219

Virginia State Corporation Commission
Joel H. Peck, Clerk
Tyler Building
1300 East Main Street
Richmond VA 23219

Governor, Gary Locke
Insurance Building
P.O. Box 40002
Olympia, WA 98504-0002

Washington Utilities and Transportation
Commission
Carole J. Washburn, Executive Secretary
1300 South Evergreen Park Drive, S.W.
Olympia, WA 98504

Governor, Bob Wise
State Capitol Building
1900 Kanawha Boulevard, East
Charleston, WV 05305

West Virginia Public Service Commission
Sandra Squire, Director/Executive Secretary
201 Brooks Street
Charleston, WV 25301

Governor, Jim Doyle
State Capitol
P.O. Box 7863
Madison, WI 53707-7863

Wisconsin Public Service Commission
Lynda Dorr, Secretary
610 N. Whitney Way
Madison, WI 53705-2750

Governor, David D. Freudenthal
State Capitol, Room 124
200 West 24th Street
Cheyenne, WY 82002-0010

Wyoming Public Service Commission
Stephen Oxley, Secretary & Chief Counsel
2515 Warren Avenue, Suite 300
Cheyenne, WY 82002