

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-3251  
of Winstar Communications, LLC, )  
Newark, New Jersey, seeking to ) GRANTED  
discontinue frame relay services )  
in the State of Nebraska. ) Entered: September 21, 2004

BY THE COMMISSION:

By application filed July 22, 2004, Winstar Communications, LLC, (Winstar) Newark, New Jersey, seeks to discontinue frame relay services in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 10, 2004. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

O P I N I O N     A N D     F I N D I N G S

Winstar was authorized by this Commission to provide local and interexchange telecommunications throughout Nebraska pursuant to Application No. C-2658 on March 5, 2002. In its current application, Winstar seeks authority to discontinue the provision of commercial frame relay services to commercial customers in Nebraska. Further, consistent with the previous discontinuance granted by this Commission on June 22, 2004, in Application No. C-3192, Winstar seeks to retain its certificate and continue to provide service to federal government customers, and to provide fixed wireless services and offerings supporting mobile carrier infrastructures, cable, Wi-Fi and other backhaul systems, private circuits, closed networks and its spectrum lease offerings.

The discontinuance occurs as a part of Winstar's business plan to refocus for long-term profitability. On August 31, or as soon thereafter as the necessary regulations have been obtained, Winstar plans to discontinue services to non-federal governmental customers located primarily in the Omaha metropolitan area. This discontinuance will affect approximately three (3) customers at four (4) locations in Nebraska. Written notice was mailed to the affected customers on June 18, 2004.

Winstar does not seek to surrender the certificate obtained from the Commission pursuant to Docket No. C-2658 on March 5, 2002, to provide local and interexchange telecommunications throughout Nebraska. Further, Winstar's federal government customers, Winstar's fixed wireless services, and offerings supporting mobile carrier infrastructures and other backhaul

systems, and Winstar's spectrum lease offerings in Nebraska remain unaffected by this application.

Upon consideration of the request and being fully advised, the Commission finds the request to be reasonable and approves Winstar's discontinuance of frame relay services to commercial customers in the State of Nebraska.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-3251 be, and it is hereby, granted and that Winstar's discontinuance of certain services across Nebraska be approved.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of September 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director