

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	DOCKET UT-020358
Winstar Communications, LLC	)	
	)	ORDER GRANTING WAIVER
For Waiver of WAC 480-120-139	)	OF RULES
.....	)	

**BACKGROUND**

- 1        On March 22, 2002, Winstar Communications, LLC (New Winstar) filed with the Commission a petition requesting waiver from WAC 480-120-139. The reason for the waiver is that New Winstar is transferring the customer base of Winstar Wireless, Inc., (Old Winstar).
  
- 2        The request is prompted by New Winstar's purchase of the customer base of Old Winstar, whose accounts comprise local service and intraLATA and interLATA toll service. Under WAC 480-120-139, "Changes in local exchange and intrastate toll services," New Winstar would not be able to submit a change in a customer's intrastate toll service without confirming the customer's authorization in accordance with requirements in the rule.
  
- 3        This request is limited specifically to the transfer of Old Winstar's customer base. Customer notices have been mailed to all affected customers. New Winstar will credit any charge imposed by local exchange carriers for changing the customers' primary interexchange carriers to New Winstar. New Winstar's products and services are similar to those offered by Old Winstar. New Winstar will notify the customers of changes in rates.
  
- 4        This matter was brought before the Commission at its regularly scheduled open meeting on April 10, 2002. The Commissioners, having been fully advised in the matter, and having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order and related provisions.

**FINDINGS**

- 5        (1)    Winstar Communications, LLC and Winstar Wireless, Inc., are public service companies subject to the jurisdiction of this Commission under the provisions of chapter 80.36 RCW.

- 6 (2) The waiver of WAC 480-120-139 as described above, is reasonable and consistent with the public interest, and should therefore be approved.

**ORDER**

- 7 After the effective date of this Order, Winstar Communications, LLC is granted a waiver of WAC 480-120-139, for the initial transfer of local service and intraLATA and interLATA toll customers from Winstar Wireless, Inc.

DATED at Olympia, Washington, and effective this 10th day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary