

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 6th day of  
September, 2007.

The Staff of the Missouri Public Service Commission,	)	
	)	
	)	
	)	
Complainant,	)	
v.	)	
	)	
Winstar Communications, LLC,	)	
	)	
Respondent.	)	

**Case No. TC-2007-0494**

**ORDER GRANTING DEFAULT**

Issue Date: September 6, 2007

Effective Date: September 13, 2007

On June 29, 2007, the Staff of the Missouri Public Service Commission filed a complaint against Winstar Communications, LLC, alleging that Winstar failed to remit Relay Missouri Surcharges pursuant to Section 209.255, RSMo, failed to remit Missouri Universal Service Fund Surcharges pursuant to Section 392.248, RSMo, failed to submit its 2006 Annual Report pursuant to Section 392.210, RSMo, and failed to submit its quarterly quality of service report for the first quarter of 2007 pursuant to 4 CSR 240-3.550(5). The Commission issued its Notice of Complaint on July 10, 2007, advising Winstar that it must answer these allegations no later than August 9, 2007. The notice was sent via certified mail and was received by both the Respondent and its registered agent.

On August 16, 2007, the Commission issued an order directing the Respondent to show good cause why a default order should not be entered against it in this matter.

Winstar was given until August 24, 2007, to respond. The dates for filing an answer and to show good cause have both passed and the Commission has received no response from Winstar.

Commission Rule 4 CSR 240-2.070 governs complaints. That rule, at section (9), provides:

If the respondent in a complaint case fails to file a timely answer, the complainant's averments may be deemed admitted and an order granting default entered. The respondent has seven (7) days from the issue date of the order granting default to file a motion to set aside the order of default and extend the filing date of the answer. The commission may grant the motion to set aside the order of default and grant the respondent additional time to answer if it finds good cause.

Respondent has failed to file an answer. Therefore, the Commission finds that Winstar is in default and that Staff's allegations are deemed admitted.

The Commission determines that Winstar has failed to remit deaf relay and Missouri Universal Service Fund surcharges and has failed to submit its 2006 Annual Report and its quality of service report for the first quarter of 2007. The Commission shall authorize its General Counsel to bring a penalty action against Winstar as provided in Section 386.600, RSMo, based on the penalties statutes applicable to each violation. In addition, the General Counsel shall be authorized to bring an action to recover the surcharges as appropriate.

**IT IS ORDERED THAT:**

1. Default is hereby entered against Respondent, Winstar Communications, Inc., and the averments of Staff's Complaint are deemed admitted.
2. The relief requested in the Complaint filed by the Staff of the Missouri Public Service Commission is granted.

3. The General Counsel of the Commission is authorized to bring a penalty action against Winstar Communications, Inc., in circuit court.

4. The General Counsel of the Commission is authorized, pursuant to Section 386.360, RSMo 2000, to file a petition in circuit court to seek such judgments as necessary, including a writ of mandamus or injunction against Winstar Communications, Inc., to recover surcharges and compel compliance with the relevant statutes and regulations.

5. This order shall become effective on September 13, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton,  
and Appling, CC., concur.

Dippell, Deputy Chief Regulatory Law Judge