

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Joint Application of)
Winstar Wireless, Inc. and Winstar)
Communications, Inc. for Approval of)
Transfer Assets and Authorization to)
Provide Telecommunications Service)

DOCKET NO.02-2210-01
ORDER AUTHORIZING TRANSFER OF
ASSETS AND PROVIDE
TELECOMMUNICATIONS SERVICE

ISSUED: February 4, 2002

By The Commission:

By Application filed January 18, 2002, Winstar Wireless, Inc. (Wireless) and Winstar Communications, LLC (Communications), jointly request Commission approval of a transfer of assets from Wireless to Communications and authorization for Communications to provide telecommunications services. The proposed transaction arises from Wireless' bankruptcy; the proposed transfer of assets has been approved by U.S. Bankruptcy Court dealing with Wireless' bankruptcy. By Memorandum submitted January 25, 2002, the Division of Public Utilities recommended that the Commission approve the Application and suggested proceeding pursuant to Rule 110.

Under an approved purchase agreement, IDT Corporation will acquire the telecommunication assets from Wireless' bankruptcy estate and Wireless' parent company's operating subsidiaries. IDT Corporation proposes to then use those assets and provide telecommunications services through its newly formed subsidiary Communications. As such, Communications will essentially take over Wireless' operations in Utah and customers and citizens of Utah will have access to IDT Corporation's and Communications' managerial, technical and financial resources to provide public telecommunications service in Utah. The Application and supporting evidence demonstrate IDT Corporation's and Communications' capabilities and qualification to receive a certificate to provide the services pursuant to the proposed transaction. The Commission concludes that it may follow Rule 110 in this docket. Pursuant to that Rule, the Commission may enter an Order, without hearing. The Order issued herein will be tentative for a 20 day period. The Commission approves the transfer of assets and the provision of services by Communications; no detriment has been shown and likely benefit has been established.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The transfer of Winstar Wireless, Inc.'s assets, to Winstar Communications, LLC, is approved.
2. Winstar Communications, LLC, is authorized to provide telecommunications service under the certificate previously issued to Winstar Wireless, Inc., in PSC Docket No. 97-2210-01 (at the time operating as Winstar Wireless of Utah, Inc. and subsequently authorized to operate as Winstar Wireless, Inc., in PSC Docket No. 98-2210-01).
3. This Order is issued pursuant to Rule 110 and shall be effective 20 days from the issuance date. Any person may file a protest to this Order prior to its effective date and the Commission shall suspend the effectiveness of this Order, pending further proceedings, upon the filing of a meritorious protest. Absent the filing of any meritorious protest during that 20 day period, the Order shall automatically become effective without further action.
4. Notice of this Order shall be made by the Commission through the Commission's Telecommunications notice list.

DATED at Salt Lake City, Utah, this 4th day of February, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#28096