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September 2, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: GN Docket Nos. 09-29, 09-47, 09-51; RM-11358
Ex Parte Notice

Dear Ms. Dortch:

On Tuesday, September 1, 2009, Heather Burnett Gold, Senior Vice President of External Affairs at XO Communications, LLC ("XO"), Lisa Youngers, Vice President, Federal Affairs at XO, A. Richard Metzger, Jr. of Lawler, Metzger, Keeney & Logan, LLC, and I met with Priya Aiyar, Legal Advisor for Wireline Competition and International Issues for Chairman Julius Genachowski. At this meeting, XO's representatives described how robust competition is critical to advancing the Commission's broadband goals, including increased broadband penetration, greater innovation, and lower prices. We explained that a competitive broadband marketplace requires efficient access to last-mile facilities and services, bottlenecks that are currently dominated by incumbent local exchange carriers ("LECs"). We also pointed out that existing copper facilities can be used for faster and more cost-effective deployment of broadband than other technologies. Copper plant is ubiquitously deployed nationwide, providing far greater reach than fiber. In addition, advances in copper technology have enabled the deployment of "Ethernet-over-copper" technology, which supports data speeds up to 45 Mbps today and possibly greater than 100 Mbps in the future. Finally, we explained that incumbent LECs' premature retirement of copper plant represents a major obstacle to increased broadband access throughout the United States.

At the meeting, we provided with Ms. Aiyar with copies of a number of filings previously submitted by XO in the above-captioned proceedings, and also provided her with copies of two filings submitted in these dockets by Hatteras Networks, Inc., a developer of

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Ethernet-over-copper technology.¹ Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this letter is being filed for inclusion in the public record of the above-captioned proceedings.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Priya Aiyar

¹ Petition for Rulemaking to Amend Certain Part 51 Rules Applicable to Incumbent LEC Retirement of Copper Loops and Copper Subloops, XO Communications, LLC; Covad Communications Group, Inc.; NuVox Communications; and Eschelon Telecom, Inc., RM-11358 (Jan. 18, 2007); Letter from Stephen Goodman, Counsel for Hatteras Networks, Inc., to Marlene Dortch, FCC, RM-11358 (Jan. 29, 2008) (attaching *Mid-Band Ethernet, Leveraging Copper, A National Treasure*, Hatteras Networks, Inc.); Comments of XO Communications, LLC and Nextlink Wireless, Inc., GN Docket No. 09-29 (Mar. 25, 2009) (attaching *Final Report, Commonwealth of Virginia's Broadband Roundtable* (Sep. 9, 2008)); Comments of XO Communications, LLC and Nextlink Wireless, Inc., GN Docket No. 09-47 (Apr. 10, 2009); Comments of XO Communications, LLC, GN Docket No. 09-51 (June 8, 2009); Letter from Jeffrey White, President, Hatteras Networks, Inc., GN Docket No. 09-51 (June 8, 2009) (attaching *Leveraging Installed Copper to Reach Underserved and Unserved Community Anchor Institutions*, Hatteras Networks (June 1, 2009) and *Mid-Band Ethernet Technology Handbook, The New Standard for High-Speed Symmetrical Copper Access*, Hatteras Networks, Inc. (2007)); Reply Comments of XO Communications, LLC, GN Docket No. 09-51 (July 21, 2009); Comments of XO Communications, LLC, WC Docket No. 07-38, GN Docket Nos. 09-47, 09-51 (July 30, 2009).