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October 21, 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, October 20, 2009, Carl Grivner, Chief Executive Officer at XO Communications, LLC ("XO"), Heather Burnett Gold, Senior Vice President of External Affairs at XO, Lisa Youngers, Vice President, Federal Affairs at XO, Richard Metzger of Lawler, Metzger, Keeney & Logan, LLC, and I met with Commissioner Mignon Clyburn; Renée Crittendon, Commissioner Clyburn's Chief of Staff and Senior Legal Advisor, Spectrum, International and Public Safety; and Carol Simpson, Commissioner Clyburn's Acting Legal Advisor, Wireline and Broadband. 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 today's existing, ubiquitously deployed copper infrastructure is already in place as a solution for the delivery of broadband services throughout the United States. Given its nationwide reach, copper facilities can be used for faster and more cost-effective deployment of broadband than other technologies, including the fiber facilities that currently extend to less than twenty percent of the nation's business locations. We explained that incumbent LECs' premature retirement of copper plant represents a major obstacle to increased broadband access throughout the United States.

Significantly, advances in copper technology have enabled the deployment of "Ethernet Over Copper" ("EoC") technology, which supports data speeds up to 45 Mbps today and possibly greater than 100 Mbps in the future. Certainly, the cost-effective deployment of EoC promises important benefits for rural areas of the United States that have previously lacked affordable broadband access. This technology will promote regional economic development in rural areas by attracting small, medium, and large businesses that require high-speed transmission services.

Ms. Marlene Dortch
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At the meeting, we provided Commissioner Clyburn and her staff with a slide presentation addressing these broadband issues. These materials are attached as part of this written *ex parte* notice. Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this *ex parte* notification and the attached materials are being filed electronically for inclusion in the public record of the above-referenced proceedings.

Sincerely,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Commissioner Mignon Clyburn
Renée Crittendon
Carol Simpson



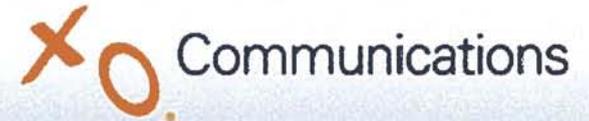
XO Communications

A National Broadband Strategy

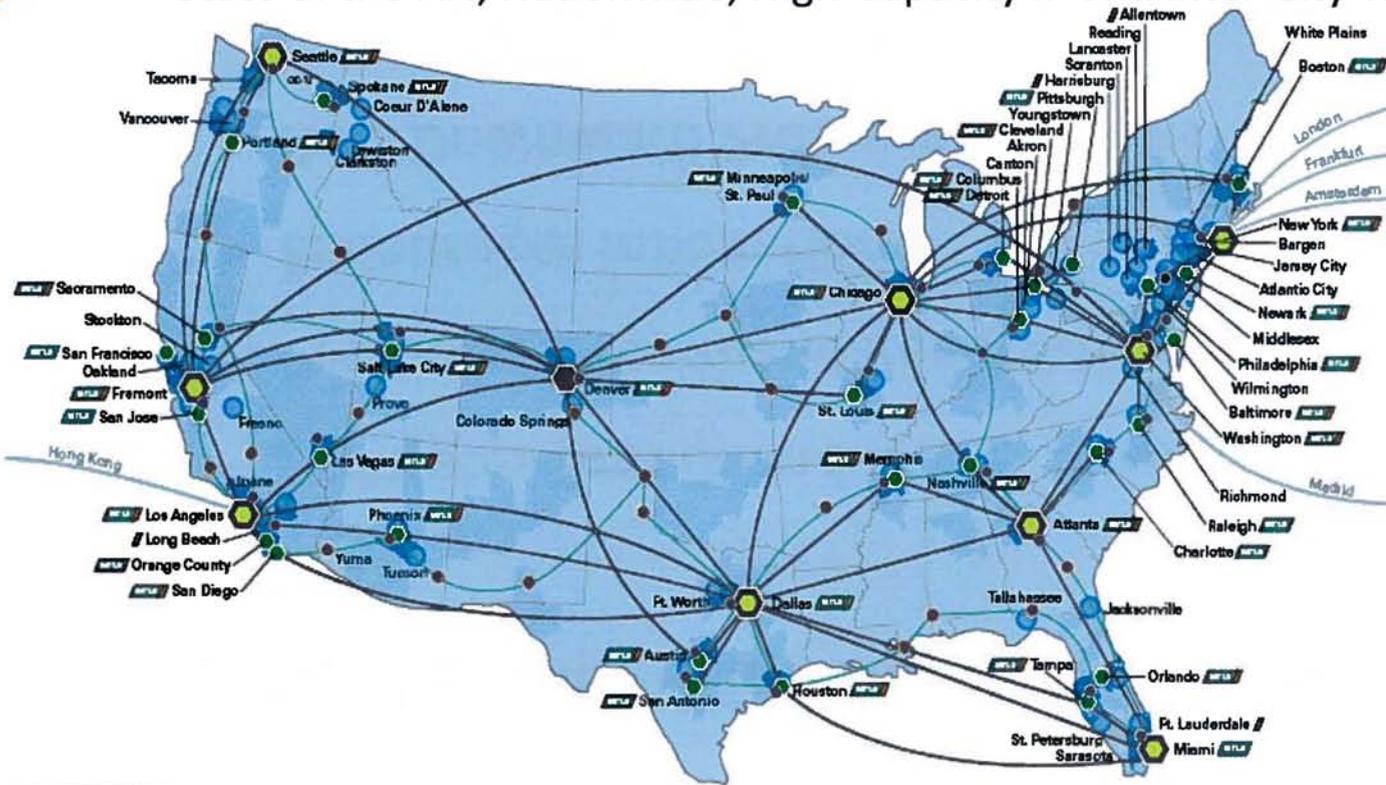
October 20, 2009

- **One of the nation's largest providers of innovative broadband and other competitive services**
- **Leading alternative for businesses - 90,000 customers - small and medium businesses and large enterprises**
- **Over \$7 billion in network investment, annual revenues of nearly \$1.5 billion, 4,000 employees**
- **Serves 75 markets in 23 states**

Broad Nationwide Reach



State of the Art, Nationwide, High-Capacity IP and Inter-City Transport Networks



FIBER ASSETS

- Terabit-Capable Nationwide IP Network
- 1.2 Terabit Inter-City Transport Network
- 18,000 Route Miles
- 75 Markets
- Reach 40% of U.S. businesses
- Robust Softswitch Platform
- >15B Minutes of VoIP Traffic Each Year

WIRELESS ASSETS

- ◆ 28 GHz-31 GHz spectrum
- ◆ Deliver 10-100 Mbps DIA and Ethernet services
- ◆ Reach locations up to 10 miles

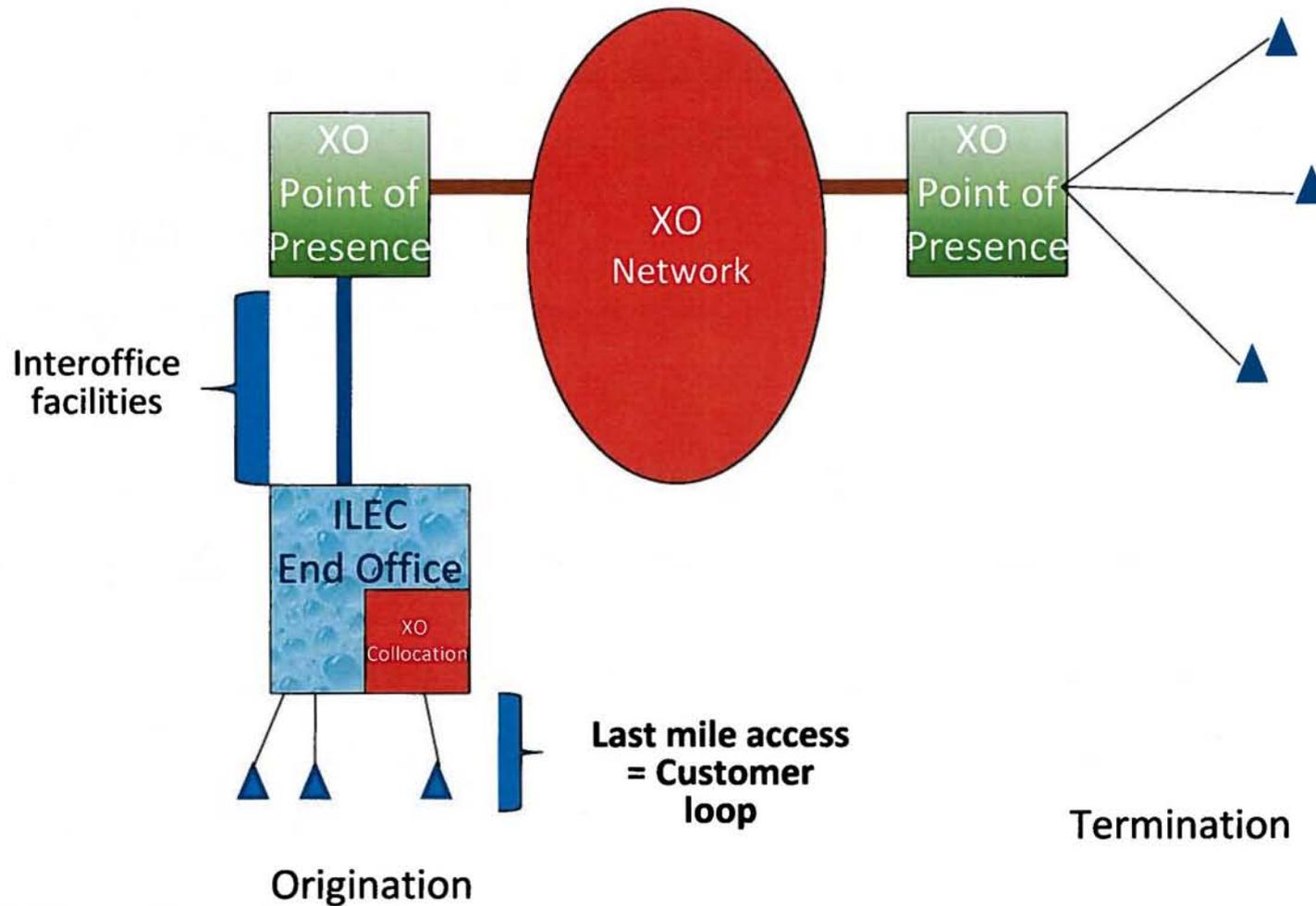
LEGEND

● Core IP Node	▮ Media Gateway	▮ MPLS IR/VPN PoP	▮ Local Voice Footprint
● Metro IP Node	● Longhaul Termination (All Bandwidths)	— Nx10Gigabit Ethernet	▮ Broadband/Wireless Spectrum
● Core IP Node w/ Peering	● Longhaul Termination (OC-48 & Above Only)	— Inter-City Long Haul Network	● XO Market

- **Competition Policy is Key**
- **Robust Competition Advances FCC Broadband Goals:**
 - **Promotes Broadband Entry - Now**
 - **Promotes Broadband Penetration - Now**
 - **Encourages Innovation**
 - **Puts Downward Pressure on Prices**

***Greater Availability of Broadband =
Economic Development and Job Creation***

How XO Provisions Its Services



Vigorously Competitive Broadband Requires Cost-Effective Access to Last Mile Bottlenecks

- **Despite billions of dollars in investment, XO remains highly dependent upon the incumbent for last mile access**
 - 96% ILEC
 - 3% alternative vendors
 - 1% XO owned
- **Existing facilities -- *Copper* -- could be used for more rapid and cost-effective deployment of Broadband**
 - To all business customers regardless of geography
 - Many underserved residential customers

Copper: Key to Robust, Cost-Effective Broadband Deployment



- **Copper Plant: Nationwide, Ubiquitous, Ready-to-go, and Cost-Effective**
 - Far greater reach and more cost-effective than fiber
- **Advances in copper technology have enabled Ethernet deployment**
 - Up to 50 Mbps today, possibly 100 Mbps+ in future
- **Needless Retirement of Copper Plant: A Major Obstacle to Quick and Robust Broadband Deployment by Competitors**

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