LAWLER, METZGER, KEENEY & LOGAN, LLC

2001 K STREET, NW
SUITE 802
WASHINGTON, D.C. 20006

REGINA M. KEENEY

PHONE (202) 777-7700
FACSIMILE (202) 777-7763

October 26, 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 Friday, October 23, 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 Michael Copps and Jennifer Schneider, Commissioner Copps' Broadband, Wireline and Universal Service Legal Advisor. 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.

The attached slide presentation on these broadband issues formed the basis for our discussion at this meeting. This presentation is 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 presentation 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 Michael Copps
Jennifer Schneider

XO Communications

A National Broadband Strategy

October 23, 2009

© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC

About XO Communications

XO Communications

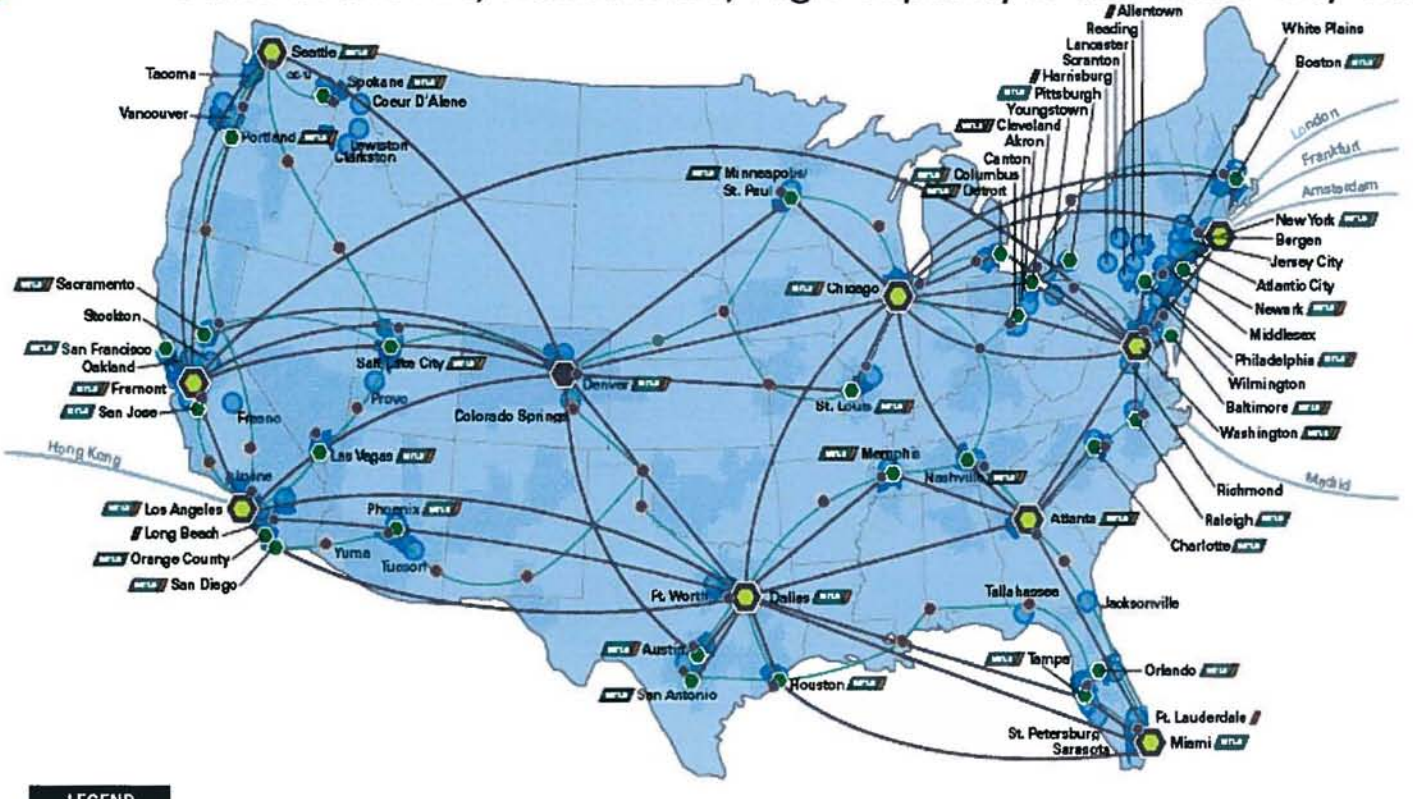
- One of the nation's largest providers of innovative broadband and other competitive services
- Leading alternative for businesses - 90,000 customers - small and medium businesses and large enterprises
- Over $7 billion in network investment, annual revenues of nearly $1.5 billion, 4,000 employees
-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

© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC.

Broad Nationwide Reach

XO Communications

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



LEGEND

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

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

© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC.

National Broadband Strategy

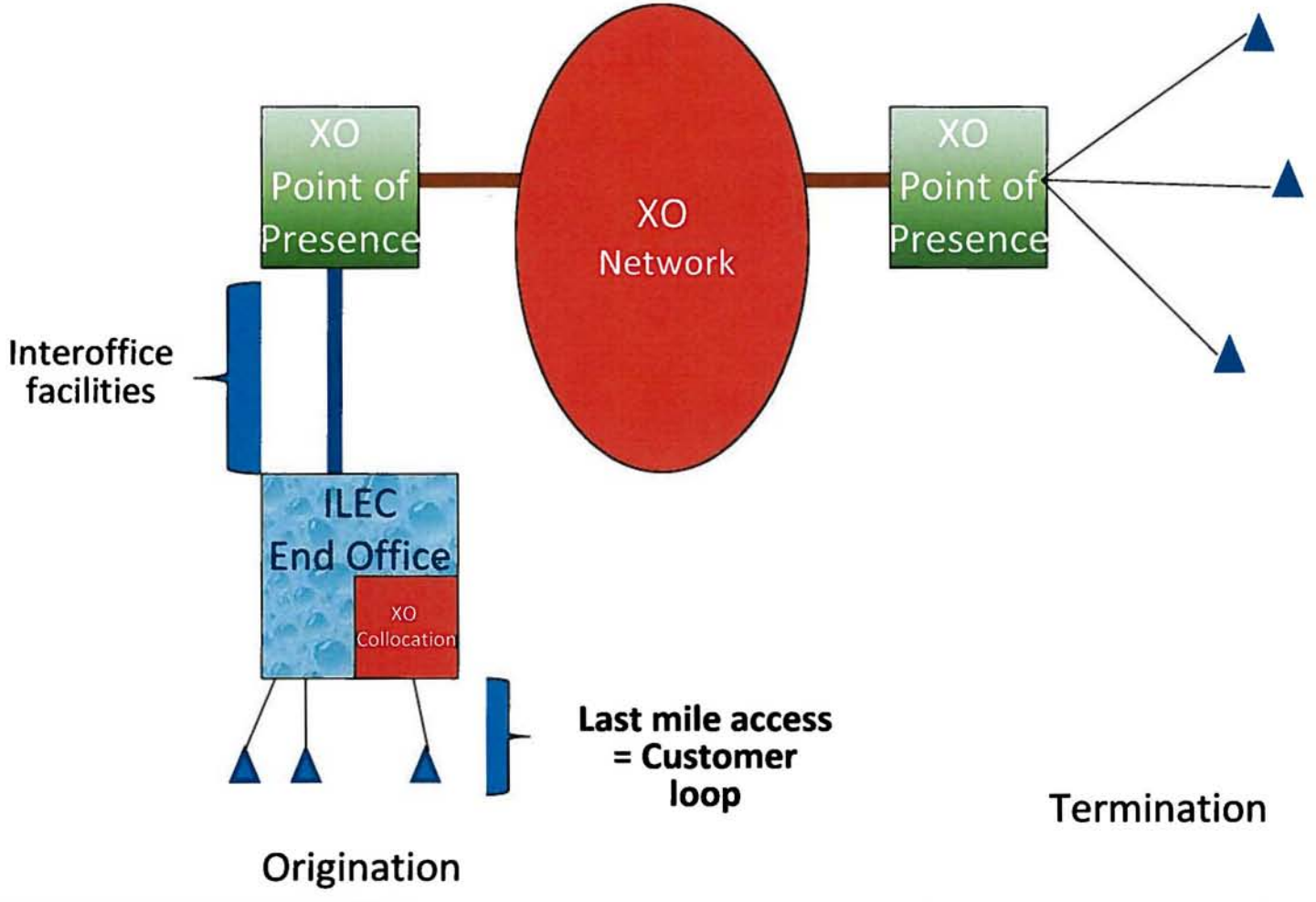
XO Communications

- **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

© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC.

How XO Provisions Its Services



© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC

Last Mile Access

XO Communications

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**

© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC

Copper: Key to Robust, Cost-Effective Broadband Deployment

XO Communications

- **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**

© Copyright 2009 XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC.

Copper: Key to Robust, Cost-Effective Broadband Deployment

XO Communications

- **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**

© Copyright 2009. XO Communications, LLC. All rights reserved. XO, the XO design logo, and all related marks are registered trademarks of XO Communications, LLC.