

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

December 23, 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, December 22, 2009, Carl Grivner, Chief Executive Officer, Heather Burnett Gold, Senior Vice President of External Affairs, Lisa Youngers, Vice President, Federal Affairs, all of XO Communications, LLC (XO), Richard Metzger of Lawler, Metzger, Keeney & Logan, LLC, and I met with Blair Levin from the Federal Communications Commission. At this meeting, consistent with the concerns XO has raised in its prior written submissions in this proceeding, we urged that the Commission recognize in its National Broadband Plan the critical importance of efficient access to last-mile facilities and other transmission services, bottlenecks that are currently dominated by incumbent local exchange carriers ("LECs"). We also urged that, as part of its National Broadband Plan, the Commission recognize that the existing, ubiquitously-deployed copper infrastructure is an inexpensive means of delivering broadband services to small businesses and other customers, and commit to completing promptly its pending rulemaking proceeding on the retirement of copper loops by incumbent LECs.

Pursuant to section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings.

Respectfully submitted,

/s/ Regina M. Keeney
Regina M. Keeney

cc: Blair Levin