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December 7, 2012

FILED/ACCEPTED

DEC 7 2012

BY HAND DELIVERY

RECEIVED

Federal Communications Commission  
Office of the Secretary

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

DEC 17 2012

FCC-Competition Policy Division

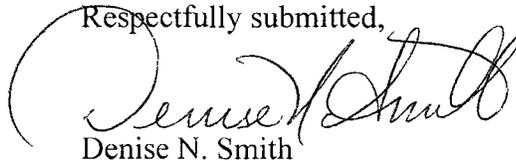
Re: XO Communications, LLC Section 63.71 Application

Dear Ms. Dortch:

On behalf of XO Communications, LLC, ("XO Communications") and pursuant to section 63.71 of the Federal Communications Commission rules, 47 C.F.R. § 63.71(a), enclosed please find an original and four copies of XO Communications' Section 63.71 Application for the discontinuance of selected domestic dial-up services.

Also enclosed is a duplicate of this filing. Kindly date-stamp the duplicate and return it to the courier.

Respectfully submitted,



Denise N. Smith

Counsel to XO Communications, LLC

Enclosures

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

**FILED/ACCEPTED**

In the Matter of )  
 )  
Section 63.71 Application of )  
XO Communications, LLC )

DEC 7 2012

Federal Communications Commission  
Office of the Secretary

**SECTION 63.71 APPLICATION**

XO Communications, LLC (“XO” or “Applicant”) hereby seeks authorization, pursuant to Section 214(a) of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 214, and Section 63.71 of the Commission’s rules, 47 C.F.R. § 63.71, to discontinue its provision of selected dial-up services (“Dial-Up Services”) to a limited number of customers. The services to be discontinued currently are provided by XO’s operating subsidiary, XO Communications Services, LLC (“XOCS”). XO is a leading provider of local and long distance telecommunications services, interexchange access services, VoIP services, Internet access services and other information/enhanced services. XO is authorized by the Commission to provide both interstate and international telecommunications services. XOCS also is authorized to provide intrastate telecommunications services in 49 states and the District of Columbia.<sup>1</sup>

The Applicant provides the following information pursuant to Section 63.71 of the Commission’s Rules:

1. Name and Address of Carrier: XO is located at 13865 Sunrise Valley Drive, Herndon, Virginia 20171-4661.

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<sup>1</sup> XOCS does not operate in Nevada and Virginia, where XO provides service through two additional subsidiaries: XO Telecommunications of Nevada, LLC and XO Virginia, LLC, respectively.

2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue the provision of its Dial-Up Services effective January 21, 2013. Applicant understands that this application will be automatically granted on the 31<sup>st</sup> day after public notice of filing unless the Commission notifies the Applicant to the contrary.

3. Points of Geographic Areas of Service Affected: By this Application, XO proposes to discontinue the provision of its Dial-Up Services to customers in California, Florida, Georgia, Kentucky, Maryland, Nevada, New York, Ohio, Oregon and Texas.<sup>2</sup>

4. Brief Description of Type of Service Affected: The Dial-Up Service offerings affected by this discontinuance are XO's Wholesale Dial and Enterprise Dial services. These services provide subscribers with dial-up service only, enabling subscribers to access other ISPs. For these service offerings, XO provides subscribers with only transmission service.

XO is in the process of streamlining its product offerings. Accordingly, XO has decided to discontinue its Dial-Up Services to better focus on those services most requested by its customers. The proposed discontinuance of XO's Dial-Up Services will not harm the affected customers because there are other alternative dial-up service providers and technologically advanced services that perform essentially the same or better functions. In addition, the affected customers should easily be able to obtain alternative means to access ISPs from ISPs themselves as well as from other telecommunications carriers.

XOCS previously had sought and obtained Commission approval of the discontinuance of these Dial-Up Services but has since identified a few additional customers of these services

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<sup>2</sup> XO previously sought and obtained Commission approval to discontinue the Dial-Up services to states within XO's nationwide service territory. *See* XO Communications Services, LLC Section 63.71 Application, WC Dkt. 12-313, Comp. Pol. File No. 1059 (filed Oct. 9, 2012).

that did not receive the initial notice of discontinuance.<sup>3</sup> Accordingly, XOCS did not discontinue the services of these customers. XOCS has now notified those customers of the discontinuance and will be discontinuing the Dial-Up Services to those customers on January 21, 2013.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers:

In accordance with Section 63.71(a), by letter dated November 30, 2012, XO provided written notice, by first class mail to its affected subscribers. A sample copy of the notice to customers is attached hereto as Attachment A.

6. Whether the Carrier is Considered Dominant or Non-Dominant with Respect to the Service to Be Discontinued, Reduced or Impaired: Applicant is considered non-dominant with respect to the affected services.

In accordance with Section 63.71 of the Commission's Rules and concurrent with the filing of this Application, a copy of this Application is being mailed to the Special Assistant for Telecommunications for the Secretary of Defense and the public service commissions and Governors of the affected states.

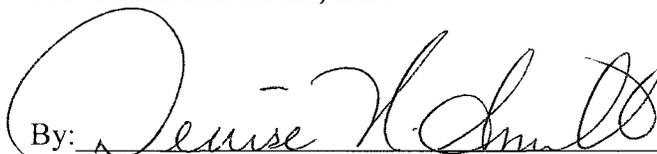
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<sup>3</sup> *Id.*

Additional questions regarding this application may be addressed to the undersigned.

Respectfully submitted,

**XO Communications, LLC**

By: 

Brad E. Mutschelknaus  
Denise N. Smith  
Kelley Drye & Warren LLP  
3050 K Street, NW – Suite 400  
Washington, DC 20007  
Tel: (202) 342-8400  
E-Mail: [dsmith@kelleydrye.com](mailto:dsmith@kelleydrye.com)

Its Attorneys

Dated: December 7, 2012

# Attachment A

November 30, 2012

IMPORTANT SERVICE-RELATED NOTICE  
FOR XO CUSTOMERS WITH  
WHOLESALE DIAL  
ENTERPRISE DIAL

**IMPORTANT NOTICE REGARDING DISCONTINUANCE OF SERVICE**

Dear Sir or Madam:

Effective January 21, 2013, XO Communications Services, LLC and its affiliates, XO Virginia, LLC and Telecommunication of Nevada, LLC (collectively, "XO"), will no longer be providing to customers its Wholesale Dial, or Enterprise Dial Services ("Dial Services"). This discontinuance impacts all markets where these services are currently provided.

We are furnishing you with notice sufficient to allow you to evaluate alternative providers.

The Federal Communications Commission will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12<sup>th</sup> Street, SW, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of XO Communications Services, LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

If you have questions concerning this notice, please feel free to contact your assigned Carrier/Client Services Manager (CSM) or call the designated toll-free number shown on your monthly XO invoice. We thank you for your business and look forward to continuing to serve you in other capacities.

Sincerely,

XO COMMUNICATIONS

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 7<sup>th</sup> day of December, 2012, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addresses listed below.

Secretary of Defense  
Attn: Special Assistant for  
Telecommunications  
Pentagon  
Washington, D.C. 20301

Kentucky  
Office of Governor Steven L. Beshear  
700 Capitol Ave., Suite 100  
Frankfort, KY 40601

California  
Office of Governor Edmund Brown  
State Capitol  
Sacramento, CA 95814

Mr. Jeff R. Derouen  
Executive Director  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

Mr. John M. Leutza  
Director, Telecommunications Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Maryland  
Office of Governor Martin O'Malley  
State House  
100 State Circle  
Annapolis, MD 21401

Florida  
Office of Governor Rick Scott  
PL 05 The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399-0001

Mr. David Collins  
Executive Secretary  
William Donald Schaefer Tower  
6 St. Paul St., 16th Floor  
Baltimore, MD 21202

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Nevada  
Office of Governor Brian Sandoval  
Capitol Building  
Carson City, NV 89701

Georgia  
Office of Governor Nathan Deal  
203 State Capitol  
Atlanta, GA 30334

Ms. Donna Skau  
Commission Secretary  
Nevada Public Utilities Commission  
1150 East William Street  
Carson City, Nevada 89701

Mr. Reece McAlister  
Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta, GA 30334

New York  
Office of Governor Andrew Cuomo  
State Capitol  
Albany, NY 12224

Ms. Jaclyn Brillling, Secretary  
New York Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

Oregon  
Office of Governor John Kitzhaber  
State Capitol, Room 160  
900 Court St. N.  
Salem, OR 97301

Ohio  
Office of Governor John Kasich  
30th Floor  
77 South High Street  
Columbus, OH 43215

Ms. Becky Beier  
Executive Secretary  
Public Utility Commission of Oregon  
550 Capitol St NE #215  
PO Box 2148  
Salem OR 97308-2148

Ms. Renee Jenkins  
Secretary  
Public Utilities Commission of Ohio  
180 E. Broad St.  
Columbus, OH 43215

Texas  
Office of Governor Rick Perry  
P.O. Box 12428  
Austin, TX 78711

James Galloway  
Central Records Clerk  
Texas Public Utilities Commission  
1701 N. Congress Avenue  
PO Box 13326  
Austin, TX 78711-3326



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Denise N. Smith