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WC Docket No. 13-74

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FILED/ACCEPTED

February 25, 2013

FEB 25 2013

Federal Communications Commission
Office of the Secretary

BY HAND DELIVERY

RECEIVED

FEB 27 2013

FCC-Competition Policy Division

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

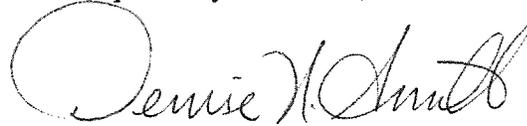
Re: XO Communications, LLC Section 63.71 Application

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 basic business line services in New York.

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

FEB 25 2013

**Federal Communications Commission
Office of the Secretary**

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

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 Federal Communications Commission’s (“Commission”) rules, 47 C.F.R. § 63.71, to discontinue its provision of selected Basic Business Line services (“Business Line Services”) to a limited number of customers. Specifically, XO is discontinuing those Business Line Services that are provisioned over copper facilities in the 140 West Street and 104 Broad Street central offices (collectively, the “Impacted COs”) in New York, New York. XO provisions these services over copper facilities. However, XO has been informed by its underlying carrier, Verizon, that the copper lines at the Impacted COs used to provision these Business Line Services were damaged beyond repair as a result of Hurricane Sandy and will not be replaced with copper. As a result, XO has decided to discontinue Business Line Service provisioned out of the two Impacted COs. 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 is authorized to provide intrastate telecommunications services in 49 states and the District of Columbia.¹

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.

2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue the provision of its Business Line Services effective April 20, 2013. Applicant understands that this application will be automatically granted on the 31st day after public notice of filing unless the Commission notifies the Applicant to the contrary.

3. Points of Geographic Areas of Service Affected: XO proposes to discontinue the provision of its Business Line Services for those services that are provisioned with copper out of the 140 West Street and 104 Broad Street central offices in New York, New York.

4. Brief Description of Type of Service Affected: The XO Business Line Service offerings affected by this discontinuance are its Basic Business Line, Business Line and True Business services. The Business Line Service is a basic access service that supplies a single, voice-grade communications channel for single line telephones, key telephone systems, modems and other devices needing access to the public switched telephone network (PSTN).

XO has provisioned these services at these locations over copper facilities obtained from Verizon who has informed XO that these copper facilities were damaged beyond repair and are not being replaced with copper. Due to the unavailability of the copper facilities, XO is

¹ 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.

discontinuing its copper-based Business Line Service in those specific locations. The proposed discontinuance of XO's Business Line Services will not harm the affected customers because there are other alternative service providers and technologically advanced services that perform essentially the same functions.

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

In accordance with Section 63.71(a), on February 22, 2013, XO provided written notice, by first class U.S. Postal Service mail to its affected customers. A sample copy of the notice sent 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 Governor and public utility commission for the affected state.

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

Respectfully submitted,

XO Communications, LLC

By:  _____

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

Its Attorneys

Dated: February 25, 2013

Attachment A

Sample Customer Notice

February 22, 2013

(Recipient's Name – 2 returns from date)
(Address line 1)
(Address line 2)
(City, State Zip)

Dear (Recipient's Name – 3 returns from address):

Re: IMPORTANT NOTICE REGARDING DISCONTINUANCE OF SERVICE

Dear Sir or Madam:

Effective April 20, 2013, XO Communications Services, LLC, will no longer be providing certain services to its customers whose service is specifically provisioned from the 140 West Street or 104 Broad Street central offices in New York, NY. The services impacted are Basic Business Lines, Business Lines, and True Business (“Business Line Service”). Business Line Service is a basic access service that supplies a single, voice-grade communications channel for single line telephones, key telephone systems, modems and other devices needing access to the public switched telephone network (PSTN). XO’s Business Line Service is a service that is provided over copper lines purchased from an underlying vendor. XO has been informed by its vendor that the copper lines at the above locations used to provision your Business Line Service were damaged beyond repair as a result of Hurricane Sandy and are now being replaced with fiber. As a result, XO has decided to discontinue your Business Line Service. Only those services described above are impacted by this discontinuance, all other services provided by XO will continued to be provided as usual. You are receiving this notice because your company appears in XO’s records as a “customer-of-record” of these services. As a result, we are furnishing you with notice to allow you to evaluate alternative providers and contact another provider for your service. A list of other providers is located in the telecom pages of your telephone directory.

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 12th 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.

You will receive additional information from XO shortly. If you have questions, please contact the toll-free number that appears on your monthly XO invoice, or call 800.421.3872. We thank you for your business.

Sincerely,

XO COMMUNICATIONS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 25th day of February, 2013 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

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Hon. Jeffrey Cohen
Acting Secretary to the Commission
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350



Denise N. Smith