

WC Docket No. 13-98

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April 2, 2013

DATE STAMP & RETURN

BY HAND DELIVERY

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

FILED/ACCEPTED

APR - 2 2013

Federal Communications Commission
Office of the Secretary

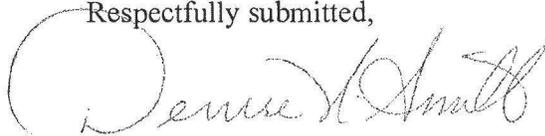
Re: XO Communications, LLC Section 63.71 Application

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 interstate managed modem port 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

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 Commission’s rules, 47 C.F.R. § 63.71, to discontinue its provision of Managed Modem Port Services (“MMPS”): MMPS Enhanced Service, Dedicated MMPS IP Transit Service and Dedicated MMPS IP Transport Service (“MMPS Services”) to a limited number of customers. These interstate services to be discontinued currently are provided by XO’s operating subsidiaries, XO Communications Services, LLC (“XOCS”) and XO Virginia, LLC. 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 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.

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 MMPS Services effective May 21, 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 MMPS Services in California, Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Utah, and Virginia.

4. Brief Description of Type of Service Affected: The XO MMPS Service offerings affected by this discontinuance are network-based dial-up Internet access wholesale services sold to Internet Service Providers (ISPs) that sell dial-up access to their end users. 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 MMPS Services to better focus on those services most requested by its customers. The proposed discontinuance of XO's MMPS Services will not harm the affected customers because there are other alternative 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.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: In accordance with Section 63.71(a), on March 26, 2013, XO sent written notice, by first class mail

or e-mail to its affected subscribers. A sample copy of the notice to customers is attached hereto as Exhibit 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 Governors and public utility commissions for the affected states.

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: April 2, 2013

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 2nd day of April, 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

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

Mr. Michael C. Amato
Interim Director, Telecommunications
Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Connecticut
Office of Governor Dan Malloy
210 Capitol Avenue
Hartford, CT 06106

Ms. Kimberley J. Santopietro
Executive Secretary
Connecticut Department of Public Utilities
10 Franklin Square
New Britain, CT 06051

Massachusetts
Office of Governor Deval Patrick
State House
Office of the Governor, Room 360
Boston, MA 02133

Ms. Catrice Williams
Secretary
Massachusetts Department of
Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118

New Jersey
Office of Governor Chris Christie
The State House
P.O. Box 001
Trenton, NJ 08625

Ms. Kristi Izzo
Secretary
New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

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

Mr. Jeffrey Cohen
Acting Secretary
New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

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

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

Pennsylvania
Office of Governor Tom Corbett
Room 225
Main Capitol Building
Harrisburg, PA 17120

Ms. Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Rhode Island
Office of Governor Lincoln Chafee
State House
Providence, RI 20903

Ms. Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

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 78701

Utah
Office of Governor Gary R. Herbert
Utah State Capitol
Suite 200
Salt Lake City, UT 84114

Ms. Julie Orchard
Commission Secretary
Utah Public Service Commission
160 East 300 South, 4th Floor
Salt Lake City, UT 84114

Virginia
Office of Governor Bob McDonnell
State Capitol
Third Floor
Richmond, VA 23219

Mr. Joel Peck
Clerk of the Commission
Virginia Corporation Commission
P.O. Box 2118
Richmond, VA 23218



Denise N. Smith

ATTACHMENT A

SAMPLE CUSTOMER NOTICE

March 26, 2013

IMPORTANT SERVICE-RELATED NOTICE
FOR XO CUSTOMERS WITH
MANAGED MODEM PORT SERVICE (MMPS)
MMPS ENHANCED SERVICE
DEDICATED MMPS IP TRANSIT SERVICE
DEDICATED MMPS IP TRANSPORT SERVICE

IMPORTANT NOTICE REGARDING DISCONTINUANCE OF SERVICE

Dear Sir or Madam:

Effective May 21, 2013, XO Communications Services, LLC and its affiliate, XO Virginia, LLC, (collectively, "XO"), will no longer be providing to customers Managed Modem Port Service, MMPS Enhanced Service, Dedicated MMPS IP Transit Service and Dedicated MMPS IP Transport Service. This discontinuance impacts all markets where these services are currently provided.

XO has decided to discontinue the above referenced services to better focus on services most requested by our customers. We are furnishing you with notice sufficient to allow you to evaluate alternative providers if you currently are using any of these services.

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.

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