

**REQUEST FOR CHANGE TO AGENDA CONFERENCE  
HAND DELIVER**

Date of Request: 11/20/2002 - Date of Agenda Conference: 12/02/2002 - Item No.         

Docket No.: 020251-TP Brief Title: 020251-TP - Application for approval of transfer of control of XO Communications, Inc., sole shareholder of XO Long Distance Services (holder of IXC Certificate No. 7290) and XO Florida, Inc. (holder of IXC Certificate No. 3505 and ALEC Certificate No. 5648), pursuant to corporate restructuring involving the issuance and sale of new common stock . . . .

Requested by:  Staff  Other Joseph McGlothlin / McWhirter Reeves, Attorneys at Law (Name)

Please attach a copy of the written documentation filed (if other)

STAFF's Recommendation to Executive Suite (IF OTHER)  Approve Request  Deny Request

**ACTION REQUESTED [see APM 2.11 and SOP 1607]**

- Defer Item to Agenda Scheduled Date: \_\_\_\_\_
- Change Order of Item or Take Up at Time Certain
- Withdraw Item
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [ see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

RECEIVED  
NOV 21 PM 1:40  
COMMISSION CLERK

Concise explanation, justification or comments (attach additional sheet if necessary):

XO Communications, Inc. filed a request to reopen Docket No. No. 020251-TP ; vacate Order No. PSC-02-1072-CO-TP issued on August 8, 2002 and close Docket No. 020251-TP because the restructuring did not go forward.

Signature (OPR Staff): Brenda A. Hawkins Initials (OPR Division Director or Designee):         

Signature (Legal Staff): Ywayne D. King Initials (Legal Division Director or Designee):         

**EXECUTIVE DIRECTOR:**

Recommendation to the Chairman's Office  Approve Request  Deny Request

Initials: MAZ Date: 11/21/02

Comments:

**CHAIRMAN'S OFFICE:**

Approve Request  Deny Request

Initials:          Date: 11/21/02

Sandy, Rose, Bianca  
PSC/EXD-1 (03/02)

DOCUMENT NUMBER-DATE

**12818 NOV 21 02**

FPSC-COMMISSION CLERK

# MCWHIRTER REEVES

ATTORNEYS AT LAW

TAMPA OFFICE  
400 NORTH TAMPA STREET, SUITE 2450  
TAMPA, FLORIDA 33602-5126  
P.O. BOX 3350, TAMPA, FL 33601-3350  
(813) 224-0866 (813) 221-1854 FAX

PLEASE REPLY TO:  
TALLAHASSEE

TALLAHASSEE OFFICE:  
117 SOUTH GADSDEN  
TALLAHASSEE, FLORIDA 32301  
(850) 222-2525  
(850) 222-5606 FAX

November 20, 2002

Ms. Jacquelyn Gilchrist  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, Florida 32399-0850

Re: Docket No. 020251-TP

Dear Ms. Gilchrist:

By letter delivered earlier today, I requested expedited consideration of Docket No. 021117, involving the planned restructuring of XO Long Distance Services, Inc. (holder of IXC Certificate No. 7290) and XO Florida, Inc. (holder of IXC Certificate No. 3505 and ALEC Certificate No. 5648) to a reorganized XO Communications, Inc., that will be controlled by High River Limited Partnership.

Consistent with that request, I also ask that the pending request to vacate Order PSC-02-1072-CO-TP, issued on August 8, 2002 be processed at the same time. In Docket No. 020251-TP the Commission approved a restructuring plan that did not go forward. It would therefore be appropriate to vacate the order approving that plan at the same time the Commission acts on the replacement plan that is the subject of Docket No. 021117.

Thank you for your consideration.

Yours truly,



Joseph A. McGlothlin

JAM/mls

cc: Blanca Bayo  
Wayne Knight  
Brenda Hawkins  
Dana Shaffer