

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

RECEIVED-FPSC

FACSIMILE

11 SEP 19 AM 10:14

(202) 342-8451

www.kelleydrye.com

COMMISSION CLERK

DIRECT LINE: (202) 342-8614

EMAIL: dsmith@kelleydrye.com

110000-0T

NEW YORK, NY  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES  
MUMBAI, INDIA

September 14, 2011

BY HAND DELIVERY

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

110000-0T

11 SEP 19 AM 9:43

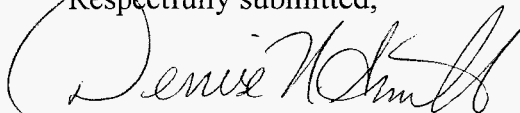
Re: XO Communications, LLC Section 63.71 Application

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 telecommunications 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 selected domestic telecommunications and VoIP services – namely, Carrier Long Distance Termination Services and VoIP Termination Services – to a limited number of wholesale customers throughout the “lower 48” states and the District of Columbia.<sup>1</sup> The services to be discontinued currently are provided by XO’s operating subsidiaries: XO Communications Services, LLC, XO Virginia, LLC and XO Telecommunications of Nevada, 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. Specifically, XO offers its customers a wide variety of VoIP services, local and long distance voice services, private line/network services, hosted services and carrier wholesale services. XO is authorized by the Commission to provide both interstate

---

<sup>1</sup> XO currently offers Carrier Long Distance Termination Services and VoIP Termination Services to Carrier Services customers in all states (and the District of Columbia) *except* Alaska and Hawaii.

and international telecommunications services.<sup>2</sup> XO also is authorized to provide intrastate telecommunications services in 49 states and the District of Columbia.

In an effort to streamline its product set and focus its resources on its core IP and data services, XO has decided to discontinue providing Carrier Long Distance Termination Services and VoIP Termination Services, both of which are switched intercity termination products sold to XO Carrier Services customers on a wholesale basis. The proposed discontinuance will not result in harm to the affected customers because all customers are sophisticated purchasers of high volume communications services that can easily migrate to alternative service providers. The services to be discontinued consist of high volume termination services that are provided on a wholesale basis to other telecommunications carriers, interconnected VoIP providers and providers of information/enhanced services. Numerous other CLECs, ILECs, IXC's and VoIP providers offer similar interstate switched termination services in all areas where XO plans to discontinue service.

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.

---

<sup>2</sup> XO currently provides various international services through five wholly-owned subsidiaries: XO Communications Services, Inc. ("XOCS"), a Delaware corporation (See Report No. TEL-00942, DA No. 05-2397, rel. Sept. 1, 2005, citing June 2, 2005 letter of XO LLC in File No. ITC-214-20001117-00674); XO Virginia, LLC, a Washington limited liability company, and XO Telecommunications of Nevada, LLC, a Delaware limited liability company (See Report No. TEL-00322S, File No. ITC-214-200011177-00674, rel. 12/1/00); XO International, Inc. ("XO Intl."), a Delaware corporation (See Report No. TEL-01364, DA No. 09-1254, rel. June 4, 2009, citing May 8, 2009 letter of XO LLC in File No. ITC-214-20001117-00674); and XO NS, Inc., a Nova Scotia corporation (letter of XO LLC in File No. ITC-214-20001117-00674 filed November 5, 2007). XO filed notice with the FCC, pursuant to section 63.19, regarding the discontinuance of the selected international telecommunications and VoIP services.

2. Date of Planned Service Discontinuance, Reduction or Impairment: The Applicant plans to discontinue the provision of Carrier Long Distance Termination Services and VoIP Termination Services to the affected XO Carrier Services customers throughout the “lower 48” states and the District of Columbia effective November 1, 2011. 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: XO proposes to discontinue the provision of Carrier Long Distance Termination Services and VoIP Termination Services to the affected XO Carrier Services customers located throughout the “lower 48” states and the District of Columbia.

4. Brief Description of Type of Service Affected: The communications services received by the affected XO Carrier Services customers include the provision of Carrier Long Distance Termination Services and VoIP Termination Services. The services to be discontinued consist of high volume termination of intercity switched and VoIP services provided on a wholesale basis to other telecommunications carriers, interconnected VoIP providers and information/enhanced services providers.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers: On August 31, 2011, XO sent written customer notice by first-class mail in accordance with the requirements of Section 63.71(a) of the Commission’s rules, informing affected customers of the projected November 1, 2011 discontinuance date. A sample copy of the notice to customers is appended 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, a copy of this Application is being mailed to the Governor(s) and Public Service Commission(s) of all states except Alaska and Hawaii, to the Mayor and Public Service Commission of the District of Columbia, and to the Special Assistant for Telecommunications for the Secretary of Defense, concurrent with the filing of this Application.

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: [bmutschelknaus@kelleydrye.com](mailto:bmutschelknaus@kelleydrye.com)

Its Attorneys

Dated: September 14, 2011

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 14<sup>th</sup> day of September, 2011, by mailing true and correct copies thereof, postage prepaid, to the following persons at the addressed listed below.

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

Alabama  
Office of Governor Robert Bentley  
State Capitol  
600 Dexter Avenue  
Montgomery, AL 36130-2751

Arizona  
Office of Governor Jan Brewer  
State Capitol  
1700 West Washington  
Phoenix, AZ 85007

Arkansas  
Office of Governor Mike Beebe  
State Capitol  
Room 250  
Little Rock, AR 72201

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

Colorado  
Office of Governor John Hickenlooper  
136 State Capitol  
Denver, CO 80203-1792

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

Delaware  
Office of Governor Jack Markell  
Legislative Hall  
Dover, DE 19901

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

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

Idaho  
Office of Governor C.L. "Butch" Otter  
700 West Jefferson  
Second Floor  
Boise, ID 83702

Illinois  
Office of Governor Pat Quinn  
State Capitol  
207 Statehouse  
Springfield, IL 62706

Indiana  
Office of Governor Mitch Daniels  
State House  
Room 206  
Indianapolis, IN 46204-2797

Iowa  
Office of Governor Terry Branstad  
State Capitol  
Des Moines, IA 50319-0001

Kansas  
Office of Governor Sam Brownback  
Capitol  
300 SW 10th Avenue, Suite 212S  
Topeka, KS 66612-1590

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

Louisiana  
Office of Governor Bobby Jindal  
P. O. Box 94004  
Baton Rouge, LA 70804-9004

Maine  
Office of Governor Paul LePage  
#1 State House Station  
Augusta, ME 04333

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

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

Michigan  
Office of Governor Rick Snyder  
P.O. Box 30013  
Lansing, MI 48909

Minnesota  
Office of Governor Mark Dayton  
130 State Capitol  
75 Rev. Dr. Martin Luther King, Jr.  
Boulevard  
St. Paul, MN 55155

Mississippi  
Office of Governor Haley Barbour  
P.O. Box 139  
Jackson, MS 39205

Missouri  
Office of Governor Jeremiah W. (Jay)  
Nixon  
Capitol Building  
Room 218, P.O. Box 720  
Jefferson City, MO 65102

Montana  
Office of Governor Brian Schweitzer  
State Capitol  
Helena, MT 59620-0801

Nebraska  
Office of Governor Dave Heineman  
P.O. Box 94848  
Lincoln, NE 68509-4848

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

New Hampshire  
Office of Governor John Lynch  
Office of the Governor  
25 Capitol Street, Room 212  
Concord, NH 03301

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

New Mexico  
Office of Governor Susana Martinez  
State Capitol  
Fourth Floor  
Santa Fe, NM 87501

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

North Carolina  
Office of Governor Beverly Perdue  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

North Dakota  
Office of Governor Jack Dalrymple  
Dept. 101  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0001

Northern Mariana Islands  
Office of Governor Benigno Fitial  
Caller Box 10007  
Saipan, MP 96950

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

Oklahoma  
Office of Governor Mary Fallin  
Capitol Building  
2300 Lincoln Blvd., Rm. 212  
Oklahoma City, OK 73105

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

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

Puerto Rico  
Office of Governor Luis G. Fortuño  
La Fortaleza  
P.O. Box 9020082  
San Juan, PR 00902-0082

Rhode Island  
Office of Governor Lincoln Chafee  
State House  
Providence, RI 02903

South Carolina  
Office of Governor Nikki R. Haley  
1205 Pendleton Street  
Columbia, SC 29201

South Dakota  
Office of Governor Dennis Daugaard  
500 East Capitol Street  
Pierre, SD 57501

Tennessee  
Office of Governor Bill Haslam  
Tennessee State Capitol  
Nashville, TN 37243-0001

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

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

Vermont  
Office of Governor Peter Shumlin  
109 State Street  
Pavilion Office Building  
Montpelier, VT 05609



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

Washington  
Office of Governor Chris Gregoire  
Office of the Governor  
P.O. Box 40002  
Olympia, WA 98504-0002

West Virginia  
Office of Governor Earl Ray Tomblin  
1900 Kanawha Street  
Charleston, WV 25305

Wisconsin  
Office of Governor Scott Walker  
115 East State Capitol  
Madison, WI 53707

Wyoming  
Office of Governor Matthew Mead  
State Capitol Building  
Room 124  
Cheyenne, WY 82002

Mr. Walter L. Thomas, Jr.  
Secretary  
Alabama Public Service Commission  
Suite 850  
100 North Union Street  
Montgomery, AL 36104

Mr. Ernest G. Johnson  
Executive Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Ms. Jan Sanders  
Commission Secretary  
Arkansas Public Service Commission  
1000 Center Street  
Little Rock, AR 72201

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

Mr. Doug Dean  
Director  
Colorado Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, CO 80202

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

Ms. Alisa Bentley  
Secretary  
Delaware Public Service Commission  
861 Silver Lake Blvd.,  
Suite 100  
Dover, DE 19904

Ms. Dorothy Wideman  
Commission Secretary  
District of Columbia Public Service  
Commission  
1333 H Street, NW  
2nd Floor West Tower  
Washington, DC 20005

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

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

Ms. Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, ID 83702

Ms. Elizabeth A. Rolando  
Chief Clerk  
Illinois Commerce Commission  
527 E. Capitol Avenue, 8th Floor  
Springfield, IL 62701

Indiana Utility Regulatory Commission  
Communications Division  
PNC Center  
101 West Washington Street  
Suite 1500 East  
Indianapolis, IN 46204

Ms. Joan Conrad  
Executive Secretary  
Iowa Utilities Board  
1375 E. Court Avenue, Room 69  
Des Moines, Iowa 50319

Ms. Susan Duffy  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Mr. Jeff R. Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

Eve Kahao Gonzalez  
Secretary  
Louisiana Public Service Commission  
602 North 5th Street  
Baton Rouge, LA 70802

Ms. Karen Geraghty  
Administrative Director  
Maine Public Utilities Commission  
101 Second St.  
Hallowell, ME 04347

Ms. Terry J. Romine  
Executive Secretary  
Maryland Public Service Commission  
William Donald Schaeffer Tower  
6 St. Paul Street  
Baltimore, MD 21202

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

Mary Jo Kunkle  
Executive Secretary  
Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, MI 48911

Burl Haar  
Executive Secretary  
Minnesota Public Service Commission  
121 7th Place East, Suite 350  
St. Paul, MN 55101

Mr. Brian U. Ray, Executive Secretary  
Mississippi Public Service Commission  
P.O. Box 1174  
Jackson, Mississippi 39215-1174

Steven C. Reed  
Secretary  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65102-0306

Verna Stewart  
Commission Secretary  
Montana Public Service Commission  
1701 Prospect Ave  
P.O. Box 202601  
Helena, MT 59620-2601

Mike Hybl  
Executive Director  
Nebraska Public Service Commission  
1200 N Street, Suite 300,  
Lincoln, NE 68508

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

Debra A. Howland  
Executive Director and Secretary  
New Hampshire Public Utilities  
Commission  
21 South Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Ms. Kristi Izzo  
Secretary  
New Jersey Board of Public Utilities  
Two Gateway Center  
Suite 801  
Newark, New Jersey 07102

Regina Padilla  
Secretary, Telecommunications Bureau  
New Mexico Public Regulation Commission  
P.E.R.A. Building  
1120 Paseo De Peralta  
Santa Fe, NM 87501

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

Ms. Renne Vance  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, NC 27603-5918

Mr. Darrell Nitschke  
Executive Secretary / Director of  
Administration  
North Dakota Public Service Commission  
600 E. Boulevard, Dept. 408  
Bismark, ND 58505

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

Ms. Peggy Mitchell  
Secretary  
Oklahoma Corporation Commission  
P.O. Box 52000  
Oklahoma City, OK 73152

Ms. Becky Beier  
Executive Secretary  
Oregon Public Utilities Commission  
P.O. Box 2148  
Salem, OR 97308-2148

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

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

Jocelyn Boyd  
Executive Director  
South Carolina Public Service Commission  
PO Drawer 11649  
Columbia, SC 29211

Ms. Patricia Van Gerpen  
Executive Director  
South Dakota Public Utilities Commission  
Capitol Building, 1st floor  
500 E. Capitol Ave.  
Pierre, SD 57501

Ms. Sharla Dillon  
Dockets & Records  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

James Galloway  
Central Records Clerk  
Texas Public Utilities Commission  
PO Box 13326  
Austin, TX 78701

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

Ms. Susan M. Hudson  
Clerk of the Board  
Vermont Public Service Board  
112 State Street, Drawer 20  
Montpelier, Vermont 05620-2701

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


Mr. Dave Danner  
Executive Director/Secretary  
Washington Utilities & Transportation  
Commission  
1300 South Evergreen Park Drive, SW  
P.O. Box 47250  
Olympia, WA 98504-7250

Ms. Sandra Squire  
Director  
Executive Secretary  
Public Service Commission of West  
Virginia  
201 Brooks Street  
Charleston, WV 25301

Ms. Sandra Paske  
Secretary  
Wisconsin Public Service Commission  
P.O. Box 7854  
Madison, WI 53707-7854

Ms. Mary Kiser  
Docketing Clerk  
Wyoming Public Service Commission  
Hansen Building  
2515 Warren Avenue Suite 300  
Cheyenne, Wyoming 82002

District of Columbia  
Office of Mayor Vincent Gray  
1350 Pennsylvania Avenue, NW, Suite 316  
Washington, DC 20004



Denise N. Smith