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December 7, 2012

RECEIVED-FPSC
12 DEC 13 AM 9:04
COMMISSION
CLERK

BY HAND DELIVERY

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

120554-07

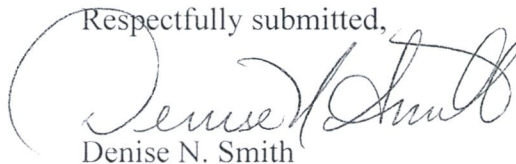
Re: XO Communications, LLC Section 63.71 Application

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

DOCUMENT NUMBER-DATE

08107 DEC 13 12

FPSC-COMMISSION CLERK

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 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.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.

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.

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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 31st 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.²

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

² 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.³ 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.

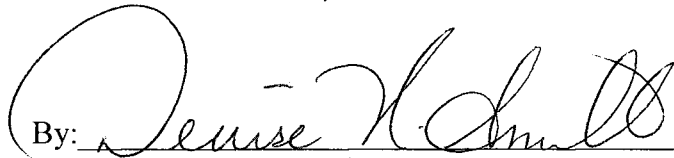
In accordance with Section 63.71 of the Commission's Rules and concurrent with the filing of this Application, a copy of this Application is being mailed to the Special Assistant for Telecommunications for the Secretary of Defense and the public service commissions and Governors of the affected states.

³ *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

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 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

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Section 63.71 Application was served this 7th 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

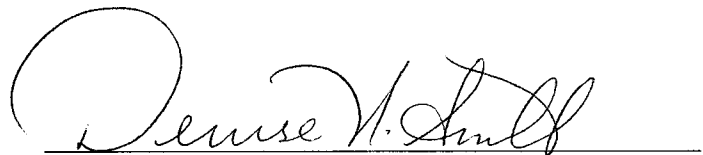
Ohio
Office of Governor John Kasich
30th Floor
77 South High Street
Columbus, OH 43215

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



Denise N. Smith