



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 11-1659**  
**Released: September 30, 2011**

## **COMMENTS INVITED ON APPLICATION OF XO COMMUNICATIONS, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES & INTERCONNECTED VOIP SERVICES**

**WC Docket No. 11-155**  
**Comp. Pol. File No. 1011**

**Comments Due: October 17, 2011**

### **Section 214 Application** **Applicant: XO Communications, LLC**

On September 14, 2011, XO Communications, LLC (XO or Applicant), located at 13865 Sunrise Valley Drive, Herndon, Virginia 20171-4661, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services and interconnected Voice of Internet Protocol (VoIP) services in the District of Columbia and all U.S. states except Alaska and Hawaii (collectively Service Areas).<sup>1</sup> By an amendment filed September 28, 2011, XO corrected certain deficiencies in its initial application and updated the record regarding service to state entities.<sup>2</sup> Accordingly, XO's application is deemed complete as of September 28, 2011.

XO indicates that it currently offers Carrier Long Distance Termination Services and VoIP Termination Services to XO Carrier Services customers located in the Service Areas. XO specifies that it provides these services through its operating subsidiaries: XO Communications Services, LLC; XO Virginia, LLC; and XO Telecommunications of Nevada, LLC. XO explains that these services 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. XO states, however, that it now intends to streamline its product set and focus its resources on its core IP and data services. XO submits that it has, therefore, decided to discontinue its provision of Carrier Long Distance Termination Services and VoIP Termination Services in the Service Areas effective November 1, 2011, subject to Commission authorization. XO maintains that numerous other CLECs, ILECs, IXC and VoIP providers offer similar interstate switched termination services in the Service Areas. XO indicates that, on August 31, 2011, it sent written notice of the proposed discontinuance to the affected customers by first-

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<sup>1</sup> XO's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on September 20, 2011.

<sup>2</sup> XO's amendment was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on September 30, 2011.

class mail in accordance with the requirements of section 63.71(a) of the Commission's rules. XO asserts that it is considered non-dominant with respect to the services to be discontinued.

In accordance with section 63.71(c) of the Commission's rules, XO's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies XO that the grant will not be automatically effective. In the application and customer notice, XO indicates that it plans to discontinue Carrier Long Distance Termination Services and VoIP Termination Services in the Service Areas effective November 1, 2011, subject to Commission authorization. Accordingly, pursuant to section 63.71(c) and the terms of XO's application and notice, absent further Commission action, XO may terminate its provision of Carrier Long Distance Termination Services and VoIP Termination Services in the Service Areas on or after **November 1, 2011**. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **October 17, 2011**. Such comments should refer to **WC Docket No. 11-155 and Comp. Pol. File No. 1011**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://fjallfoss.fcc.gov/ecfs2/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number.

Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at

FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit **[http://www.fcc.gov/wcb/cpd/other\\_adjud](http://www.fcc.gov/wcb/cpd/other_adjud)**.

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