PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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COMMENTS INVITED ON APPLICATION OF XO COMMUNICATIONS, LLC TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 12-313
Comp. Pol. File No. 1059

Comments Due: November 8, 2012

Section 214 Application
Applicant: XO Communications, LLC

On **October 9, 2012, 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 certain domestic telecommunications services in Arizona, California, Colorado, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia and Washington (collectively Service Areas).[1] With amendments filed on October 17, 2012 and October 23, 2012, XO corrected certain deficiencies in its application and updated the record regarding XO's operating subsidiaries and the geographic areas of service affected by the proposed discontinuance. Accordingly, XO's application is deemed complete as of October 23, 2012.

XO indicates that it currently offers Wholesale Dial, Enterprise Dial and Managed Modem Port Services (collectively Dial-Up Services) in the Service Areas through its operating subsidiaries, XO Communications Services, LLC, XO Telecommunications of Nevada, LLC and XO Virginia, LLC (collectively XO Subsidiaries). XO explains that its Dial-up Services provide subscribers with interstate domestic dial-up transmission-only services that allow access to ISPs. XO states, however, that it is in the process of streamlining its product offerings and that it has decided to discontinue its Dial-Up Services in order to better focus on services most requested by customers. XO specifies that it plans to discontinue its Dial-Up Services effective November 26, 2012. According to XO, affected customers should not be harmed by the proposed discontinuance because there are alternative dial-up service providers and technologically advanced services that perform essentially the same or better functions. XO maintains that customers should still be able to access ISPs through alternative means including through other telecommunications carriers as well as through the ISPs themselves. XO indicates that it provided written notice to affected subscribers by first class mail sent on October 8, 2012. XO states that it is considered non-dominant with respect to the services to be discontinued.

[1] The application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on October 12, 2012.

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 its application and notice to customers, XO indicates that it plans to discontinue its Dial-Up Services effective November 26, 2012. Accordingly, pursuant to section 63.71(c) and the terms of XO's application and notice, absent further Commission action, XO may terminate its Dial-Up Services in the Service Areas on or after **November 26, 2012**. 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.

Comments objecting to this application must be filed with the Commission on or before **November 8, 2012**. Such comments should refer to **WC Docket No. 12-313 and Comp. Pol. File No. 1059**. 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 may be filed electronically using the Internet by accessing the ECFS: 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules.[2] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation

[2] 47 C.F.R. §§ 1.1200 *et seq*.

consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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**.

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