

November 26, 2013

Mr. Steven King, Acting Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive, SW  
Olympia, Washington 98504-7250

Re: Docket UT-130866 –Withdrawal of Request for Mitigation of Penalty

Dear Mr. King:

XO Communications Services, LCC (“XO”) hereby withdraws its June 7, 2013 request for total mitigation of the penalty assessed in the above-referenced proceeding. XO has paid the assessed penalty of \$175 dollars and requests that the Commission deem the matter resolved and close the docket.

On May 10, 2013, the Commission issued a “Notice of Enforcement Action” to XO Communications Services, LCC (“XO”) regarding a failure to timely file a complete copy of XO’s 2012 Annual report. By letter dated June 7, 2013, XO requested total mitigation of the potential penalty. On August 2, 2013, the Commission issued a penalty assessment to XO in the amount of \$175.00. That assessment reflects partial mitigation of the total potential penalty of \$700.00 down to \$175.00. On September 3, 2013, Commission Staff filed a letter recommending no further mitigation of the assessed penalty. On August 28, 2013, XO overnighted payment of the \$175.00 penalty to the Commission. XO’s June 7<sup>th</sup> request for total mitigation is, therefore, moot and is hereby withdrawn.

Please feel free to contact me with any questions.

Very truly yours,

Davis Wright Tremaine LLP



Mark P. Trincherro  
Attorney for XO

MPT/jan

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