

UT-121958

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December 7, 2012

BY HAND DELIVERY

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

RECEIVED
RECORDS MANAGEMENT
2012 DEC 11 AM 8:24
STATE OF TEXAS
UTILITY DIVISION
REGISTRATION

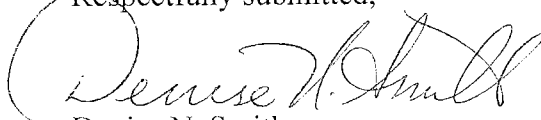
Re: XO Communications, LLC Section 63.71 Application

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

**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. Specifically, XO is discontinuing the provision of the transmission component of the Dial-Up Services. 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 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 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.

1. Name and Address of Carrier: XO is located at 13865 Sunrise Valley Drive, Herndon, Virginia 20171-4661.

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: XO proposes to discontinue the provision of its Dial-Up Services throughout its nationwide service territory.

4. Brief Description of Type of Service Affected: The XO Dial-Up Service offerings affected by this discontinuance are its Consumer Dial and Corporate Dial services. The Consumer Dial and Corporate Dial service offerings provide standalone dial up service in addition to e-mail service and, for Corporate Dial service, website services. XO operates as an internet service provider (“ISP”) for these Dial-Up offerings, providing the transmission as well as the e-mail and web services. For each of the Dial-Up Services, XO will be discontinuing its provision of the transmission component of the service. For the Consumer Dial and Corporate Dial services, the information service component of the services will be migrated to a new platform.

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. Further, the affected

customers should easily be able to obtain alternative means to the transmission component from other ISPs as well as other telecommunications carriers.

5. Brief Description of the Dates and Methods of Notice to All Affected Customers:

In accordance with Section 63.71(a), during the week ending November 30, 2012, XO provided written notice, by first class mail or e-mail to its affected subscribers. Many of XO's affected customers are long-time subscribers and have elected to have their monthly service charges paid automatically by credit card or debit from a bank account. XO does not mail paper invoices to these subscribers. Instead all communications are conducted by e-mail. Due to the longstanding nature of these accounts and the subscribers' preference for automated payments and e-mail correspondence, XO does not have current physical mailing addresses for a small number of these subscribers. Accordingly, those subscribers, for whom XOCS does not have physical mailing addresses, were notified by e-mail of the impending discontinuance of the Applicants' Dial-Up services. XO believes these e-mailed notices satisfy the requirements of Section 63.71(a) that customers be provided with written notice of a discontinuance. To the extent a waiver of the Section 63.71(a) written notice requirement is necessary, XO hereby respectfully requests such waiver. A sample copy of the notices 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 Governors and public utility commissions for the affected states.

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

Concentric Cloud Solutions, LLC
13865 Sunrise Valley Drive
Herndon, VA 20171



November 28, 2012

John Q Sample
123 Main St
Anytown, US 12345-6789
|||||BARCODE|||||

EFFECTIVE DATE: January 21, 2013

IMPORTANT SERVICE-RELATED NOTICE – SECOND NOTIFICATION

Dear Valued Customer,

You are receiving this letter because you currently subscribe to Consumer Dial service, Corporate Dial service, or Web Hosting service with Dial option enabled ("Service" or "Services") from Concentric Cloud Solutions, LLC ("Concentric"). These Services are comprised of three components: (1) dial-up Internet connectivity; (2) e-mail; and (3) web hosting. The dial-up Internet connection component of your Service is provided by XO Communications Services, LLC ("XO"), an affiliate of Concentric. XO will be decommissioning the dial-up component of your Service on January 21, 2013. The purpose of this letter is to make you aware of this change and your service options.

If you do not currently use the dial-up component of the Service to access the Internet, you may continue to use the remaining components of your Service, including your Concentric email address(es). However, if you currently use the dial-up component of the Service to access the Internet, you will need to find a new Internet access provider by January 21, 2013 to avoid any disruption to the email and web hosting components of your Service.

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.

As part of the Service changes, we will upgrade email and web hosting services beginning in early 2013 to enhance your user experience and to offer you additional features and functions such as a new user interface, integration with social media, mobile presence, support for WordPress and MS SQL, and GB's of email, website and bandwidth resources, just to name a few. Please look for additional communications in early 2013 for more information regarding these service upgrades.

If you have any questions regarding this important service announcement, or if you wish to discontinue your Service in its entirety, please contact Concentric customer service at (855) 227-2142 or cloud-support@concentric.com. It's our pleasure to be able to serve you with cloud-based solutions that help you become more productive and help your business not only grow, but thrive. We look forward to a mutually satisfying relationship for many more years.

Sincerely,

Concentric Cloud Solutions

From: XO Product Team [mailto:support@cnc.net]
Sent: Wednesday, November 28, 2012 10:35 AM
To: [REDACTED]
Subject: Important Notice Regarding support.cnc.net -- Second Notice

November 28, 2012
EFFECTIVE DATE: January 21, 2013

IMPORTANT SERVICE-RELATED NOTICE - SECOND NOTIFICATION

Dear Valued Customer,

You are receiving this letter because you currently subscribe to Consumer Dial service, Corporate Dial service, or Web Hosting service with Dial option enabled ("Service" or "Services") from Concentric Cloud Solutions, LLC ("Concentric"). These Services are comprised of three components: (1) dial-up Internet connectivity; (2) e-mail; and (3) web hosting. The dial-up Internet connection component of your Service is provided by XO Communications Services, LLC ("XO"), an affiliate of Concentric. XO will be decommissioning the dial-up component of your Service on January 21, 2013. The purpose of this letter is to make you aware of this change and your service options.

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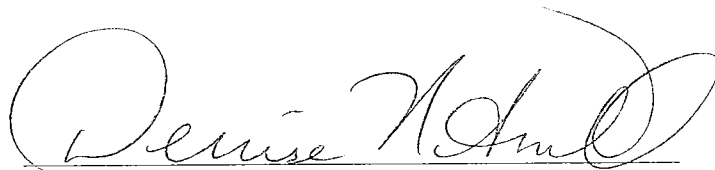
If you have any questions regarding this important service announcement, or if you wish to discontinue your Service in its entirety, please contact Concentric customer service at (855) 227-2142 or cloud-support@concentric.com. It's our pleasure to be able to serve you with cloud-based solutions that help you become more productive and help your business not only grow, but thrive. We look forward to a mutually satisfying relationship for many more years.

Sincerely,

Concentric Cloud Solutions

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.



Denise N. Smith

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

Walter Thomas, Secretary
Alabama Public Service Commission
100 North Union Street, Suite 850
Montgomery, AL 36104-3702

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

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

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

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

Connecticut
Office of Governor Dan Malloy
210 Capitol Avenue
Hartford, CT 06106
Ms. Kimberley J. Santopietro
Executive Secretary
Connecticut Department of Public Utilities
10 Franklin Square
New Britain, CT 06051

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

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

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

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

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

Ms. Brinda Westbrook - Sedgwick
Commission Secretary
District of Columbia Public Service
Commission
1333 H Street, NW
2nd Floor West Tower
Washington, DC 20005

Florida
Office of Governor Rick Scott
PL 05 The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001
Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

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

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

The Honorable Neil Abercrombie
Governor, State of Hawai'i
Executive Chambers, State Capitol
Honolulu, Hawai'i 96813

Ms. Eleanor Tuiasosopo
Chief Clerk
Hawaii Public Utilities Commission
465 South King Street, Room 103
Honolulu, HI 96813

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

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

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

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

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

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

Iowa
Office of Governor Terry Branstad
State Capitol
Des Moines, IA 50319-0001
Ms. Joan Conrad
Executive Secretary
Iowa Utilities Board
1375 E. Court Avenue, Room 69
Des Moines, IA 50319

Kansas
Office of Governor Sam Brownback
Capitol
300 SW 10th Avenue, Suite 2125
Topeka, KS 66612-1590

Ms. Patti Peterson-Klein
Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Louisiana
Office of Governor Bobby Jindal
Frankfort, KY 40601

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

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

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

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

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

Massachusetts
Office of Governor Deval Patrick
State House
Office of the Governor, Room 360
Boston, MA 02133
Catrice Williams
Secretary
Massachusetts Department of
Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118

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

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

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

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

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

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

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

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

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

Verna Stewart
Commission Secretary
Montana Public Service Commission
1701 Prospect Avenue
PO Box 202601
Helena, MT 59620-2601

Nebraska
Office of Governor Dave Heineman
PO Box 94848
Lincoln, NE 68509-4848

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

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

Ms. Donna Skau
Commission Secretary
Nevada Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701
New Hampshire
Office of Governor John Lynch
Office of the Governor
25 Capitol Street, Room 212
Concord, NH 03301

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Becky Beier
Executive Secretary
Oregon Public Utilities Commission
550 Capitol St NE #215
P.O. Box 2148
Salem, OR 97308-2148

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

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

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

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

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

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

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

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

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 78701

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

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

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

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

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

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

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

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

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

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

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
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2515 Warren Avenue Suite 300
Cheyenne, Wyoming 82002