October 21, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re:   GN Docket Nos. 09-29, 09-47, 09-51; RM-11358
       Ex Parte Notice

Dear Ms. Dortch:

   On Tuesday, October 20, 2009, Carl Grivner, Chief Executive Officer at XO Communications, LLC (“XO”), Heather Burnett Gold, Senior Vice President of External Affairs at XO, Lisa Youngers, Vice President, Federal Affairs at XO, Richard Metzger of Lawler, Metzger, Keeney & Logan, LLC, and I met with Commissioner Mignon Clyburn; Renée Crittendon, Commissioner Clyburn’s Chief of Staff and Senior Legal Advisor, Spectrum, International and Public Safety; and Carol Simpson, Commissioner Clyburn’s Acting Legal Advisor, Wireline and Broadband. At this meeting, XO’s representatives described how robust competition is critical to advancing the Commission’s broadband goals, including increased broadband penetration, greater innovation, and lower prices. We explained that a competitive broadband marketplace requires efficient access to last-mile facilities and services, bottlenecks that are currently dominated by incumbent local exchange carriers (“LECs”). We also pointed out that today’s existing, ubiquitously deployed copper infrastructure is already in place as a solution for the delivery of broadband services throughout the United States. Given its nationwide reach, copper facilities can be used for faster and more cost-effective deployment of broadband than other technologies, including the fiber facilities that currently extend to less than twenty percent of the nation’s business locations. We explained that incumbent LECs’ premature retirement of copper plant represents a major obstacle to increased broadband access throughout the United States.

   Significantly, advances in copper technology have enabled the deployment of “Ethernet Over Copper” (“EoC”) technology, which supports data speeds up to 45 Mbps today and possibly greater than 100 Mbps in the future. Certainly, the cost-effective deployment of EoC promises important benefits for rural areas of the United States that have previously lacked affordable broadband access. This technology will promote regional economic development in rural areas by attracting small, medium, and large businesses that require high-speed transmission services.
At the meeting, we provided Commissioner Clyburn and her staff with a slide presentation addressing these broadband issues. These materials are attached as part of this written ex parte notice. Pursuant to section 1.1206(b)(2) of the Commission’s rules, 47 C.F.R. § 1.1206(b)(2), this ex parte notification and the attached materials are being filed electronically for inclusion in the public record of the above-referenced proceedings.

Sincerely,

\[ /s/ \textit{Regina M. Keeney} \]
Regina M. Keeney

cc: Commissioner Mignon Clyburn
Renée Crittendon
Carol Simpson
XO Communications

A National Broadband Strategy

October 20, 2009
About XO Communications

• One of the nation’s largest providers of innovative broadband and other competitive services

• Leading alternative for businesses - 90,000 customers - small and medium businesses and large enterprises

• Over $7 billion in network investment, annual revenues of nearly $1.5 billion, 4,000 employees

• Serves 75 markets in 23 states
Broad Nationwide Reach

State of the Art, Nationwide, High-Capacity IP and Inter-City Transport Networks

FIBER ASSETS
- Terabit-Capable Nationwide IP Network
- 1.2 Terabit Inter-City Transport Network
- 18,000 Route Miles
- 75 Markets
- Reach 40% of U.S. businesses
- Robust Softswitch Platform
- >15B Minutes of VoIP Traffic Each Year

WIRELESS ASSETS
- 28 GHz-31 GHz spectrum
- Deliver 10-100 Mbps DIA and Ethernet services
- Reach locations up to 10 miles

www.xo.com
National Broadband Strategy

• Competition Policy is Key

• Robust Competition Advances FCC Broadband Goals:
  • Promotes Broadband Entry - Now
  • Promotes Broadband Penetration - Now
  • Encourages Innovation
  • Puts Downward Pressure on Prices

Greater Availability of Broadband = Economic Development and Job Creation
How XO Provisions Its Services

XO Point of Presence

Interoffice facilities

ILEC End Office

XO Collocation

Last mile access = Customer loop

Origination

XO Network

XO Point of Presence

Termination

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Vigorously Competitive Broadband Requires Cost-Effective Access to Last Mile Bottlenecks

- Despite billions of dollars in investment, XO remains highly dependent upon the incumbent for last mile access
  - 96% ILEC
  - 3% alternative vendors
  - 1% XO owned

- Existing facilities -- Copper -- could be used for more rapid and cost-effective deployment of Broadband
  - To all business customers regardless of geography
  - Many underserved residential customers
Copper: Key to Robust, Cost-Effective Broadband Deployment

- Copper Plant: Nationwide, Ubiquitous, Ready-to-go, and Cost-Effective
  - Far greater reach and more cost-effective than fiber

- Advances in copper technology have enabled Ethernet deployment
  - Up to 50 Mbps today, possibly 100 Mbps+ in future

- Needless Retirement of Copper Plant: A Major Obstacle to Quick and Robust Broadband Deployment by Competitors
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