

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Waiver of)	
Certain Rules and Statutes as to)	File No. _____
XO Communications Services, LLC.)	
)	
)	
)	

**NOTIFICATION OF ELECTION OF WAIVERS ON BEHALF OF
XO COMMUNICATIONS SERVICES, LLC.**

XO Communications Services, LLC (“XO”) hereby notifies the Commission of its election to waive and be exempt from the application and enforcement of certain Commission rules and statutes, pursuant to Sections 392.245.5(8), 392.420 and 392.461, RSMo, as amended by HB 338.

Background

1. XO is a Delaware Limited Liability Company with headquarters located at 13865 Sunrise Valley Drive, Herndon, Virginia 20171. XO is authorized by the Commission to provide local exchange and interexchange services. It is authorized to do business in Missouri¹ and its current name was duly submitted to the Commission.² It is an “alternative local exchange telecommunications company” classified as “competitive” which is duly authorized to provide “basic local exchange telecommunications service” within the State of Missouri, as each of those terms is defined in Section 386.020, RSMo.

2. XO has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve Missouri retail customer service or rates,

¹ See Exhibit 1.

² See File No. LN-2012-0376.

which action, judgment or decision has occurred within three (3) years of the date of this Notification.

3. XO has no overdue annual reports or regulatory assessment fees in Missouri.

4. For purposes of this Notification only, XO may be contacted at the electronic mail address, facsimile and telephone numbers of its attorneys, as set out under the signature block of this Notification. All correspondence, pleadings, orders, decisions, and communications regarding this Notification should be sent to:

Rex Knowles
Executive Director
Regulatory Affairs
XO Communications
7050 Union Park Avenue, Suite 400
Midvale, Utah 84047

Kelly Faul
Regulatory Affairs Director
XO Communications
13865 Sunrise Valley Drive
Herndon, Virginia 20171

Election of Waivers

5. In accordance with sections 392.245.5(8), 392.420 and 392.461, as amended by HB 338, XO hereby exercises its statutory right to elect to waive the application and enforcement of the statutes and rules listed in Paragraph 4 of the Motion of the Staff of the Missouri Public Service Commission filed October 18, 2011 in File No. TE-2012-0073, to the extent not already waived for it.³

³ See Exhibit 2.

WHEREFORE, XO hereby notifies the Commission of its election made pursuant to this Notification of Election, commencing on the date of this filing.

Respectfully submitted,

Dated: August 23, 2012

XO Communications Services, LLC

By: /s/Carl J. Lumley

Carl J. Lumley, #32869

Curtis, Heinz, Garrett & O'Keefe, PC

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E-mail: clumley@lawfirmemail.com

Attorney for **XO Communications Services,
LLC**

COUNTY OF Fairfax)
)
STATE OF Virginia)

SS:

VERIFICATION

I, Kelly Faul, being duly sworn upon my oath, state that I am over twenty-one, am sound of mind, and am authorized to act on behalf of XO Communications Services, LLC, regarding the document to which this Verification is appended. I have read the document and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.

Kelly Faul

Sworn and subscribed to before me this 22 day of August, 2012.

Janet Lee Snellbaker
Notary Public



Certificate of Service

I hereby certify that copies of the foregoing were mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following the 23rd day of August, 2012.

/s/ Carl J. Lumley

General Counsel
Kevin Thompson
Missouri Public Service Commission
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Jefferson City, MO 65102
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Exhibit 1

STATE OF MISSOURI



Robin Carnahan
Secretary of State

**CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

XO COMMUNICATIONS SERVICES, LLC

using in Missouri the name

**XO COMMUNICATIONS SERVICES, LLC
FL1178205**

a DELAWARE entity was created under the laws of this State on the 18th day of October, 2011, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 23rd day of August, 2012

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State

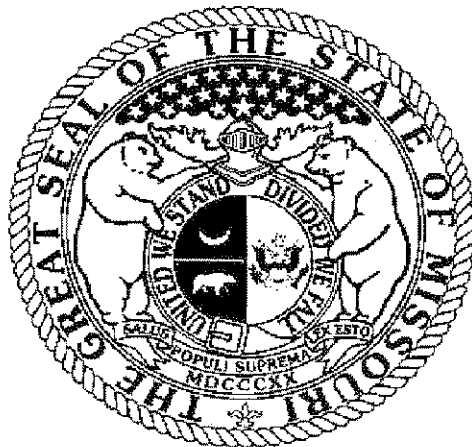


Exhibit 2

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Waiver of)
Certain Rules and Statutes to)
Telecommunications Companies) **File No. TE-2012-0073**

STAFF MOTION

COMES NOW the Staff of the Missouri Public Service Commission and for its Motion states:

1. On August 28, 2008, §392.245.5(8) and §392.420 RSMo were amended by H.B. 1779, allowing regulated telecommunications companies to apply for or elect waivers of certain provisions of statutes and regulations.

2. This year, on August 28, H.B. 338 added §392.461, which provides as follows:

A telecommunications company may, upon written notice to the commission, elect to be exempt from certain retail rules relating to:

(1) The provision of telecommunications service to retail customers and established by the commission which include provisions already mandated by the Federal Communications Commission, including but not limited to federal rules regarding customer proprietary network information, verification of orders for changing telecommunications service providers (slamming), submission or inclusion of charges on customer bills (cramming); or

(2) The installation, provisioning, or termination of retail service.

3. The Staff moves that the Commission require telecommunications companies who seek or elect waivers to file a Notice of Election of Waivers into this case file. The Staff notes that the assignment of discrete file numbers to notices of election has made the granted waivers difficult to track. In this Motion, the Staff also recommends that the Commission allow companies to elect a waiver of the requirement that they list waivers in their tariffs;

therefore the use of a single file will act as a simple repository of these Notices of Election, and will significantly enhance the ability to track which companies have which waivers in the future. Should companies file Notices of Election under other file numbers, the Staff requests that the other matter be subsumed under this file number.

4. The Staff believes the following waivers are consistent with §§392.245.5(8), 392.420 and §392.461; the Staff recommends that the Commission grant them if they are requested or elected by any certificated telecommunications company:

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 Reasonableness of rates
- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of Commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
- 392.340 Company reorganization
- 4 CSR 240-3.520 Applications to sell or transfer assets
- 4 CSR 240-3.525 Applications to merge or consolidate
- 4 CSR 240-3.530 Applications to issue stocks, obtain loans
- 4 CSR 240-3.535 Applications to acquire stock
- 4 CSR 240-3.545(8)(C) Listing of Waivers in Tariff
- 4 CSR 240-3.550 Telco Records and Reports (except (5)(B), (D) and (E))
- 4 CSR 240-3.555 Residential Customer Inquiries
- 4 CSR 240-3.560 Procedure for Ceasing Operations
- 4 CSR 240-10.020 Depreciation Records
- 4 CSR 240-30.020 Residential Telephone Underground Systems
- 4 CSR 240-30.040 Uniform System of Accounts
- 4 CSR 240-32.010 General Provisions
- 4 CSR 240-32.040 Metering, Inspections and Tests
- 4 CSR 240-32.050 Customer Services
- 4 CSR 240-32.060 Engineering and Maintenance
- 4 CSR 240-32.070 Quality of Service
- 4 CSR 240-32.080 Service objectives and surveillance levels
- 4 CSR 240-32.090 Connection of equipment and Inside Wiring
- 4 CSR 240-32.100 Provision of Basic Local and Interexchange Services
- 4 CSR 240-32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))
- 4 CSR 240-32.180-190 Caller ID blocking requirements
- 4 CSR 240-33.010 Service and Billing Practice General Provisions
- 4 CSR 240-33.040 Billing and Payment standards
- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits

- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information

5. The Staff requests that the Commission require the Notices of Election to simply state either that "the Company elects the waivers set out in Paragraph 4 of the Staff's Motion" or that "the Company elects the waivers set out in Paragraph 4 of the Staff's Motion with the following exceptions:..." This will allow for considerable lessening of the administrative burden to the Staff of comparing the lists of waivers to ensure that they are correct.

WHEREFORE, the Staff moves that the Commission establish the procedures whereby telecommunications companies may seek or elect waivers by filing Notices of Election as set forth above.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 18th day of October, 2011.

A handwritten signature in black ink, appearing to be "Allan D. [unclear]", is written above the signature line.