

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF XO COMMUNICATIONS SERVICES,) **CASE NO. XOC-T-04-1**
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) **NOTICE OF APPLICATION**
PROVIDE COMPETITIVE)
TELECOMMUNICATIONS SERVICES) **NOTICE OF MODIFIED**
WITHIN THE STATE OF IDAHO) **PROCEDURE**
)
) **NOTICE OF COMMENT/**
) **PROTEST DEADLINE**
)
) **ORDER NO. 29608**

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that on July 27, 2004, XO Communications Services, Inc. filed an Application for a Certificate of Public Convenience and Necessity with the Commission seeking its review and approval.

YOU ARE FURTHER NOTIFIED that according to its Application XO Communications Services, the Applicant, and XO Idaho Inc. are both wholly owned, direct subsidiaries of XO Communications, Inc. XO Idaho is currently authorized to provide competitive local exchange and interchange telecommunications services pursuant to a Certificate of Public Convenience and Necessity granted by this Commission in Case No. GNR-T-99-1, Order No. 28134. XO Communications Services states that the purpose of the Application is to complete an internal corporate re-organization whereby upon the Commission's grant of authority requested by the Application, XO Idaho will transfer its intrastate telecommunications assets and customers to XO Communications Services through a merger between the two subsidiaries. After the merger, XO Idaho will cease to exist and XO Communications Services will assume all of XO Idaho current operations and customers.

YOU ARE FURTHER NOTIFIED that the Application states that XO Communications Services intends to offer a complete set of telecommunications services, which includes local and long distance voice, Internet access, Virtual Private Networking (VPN), Ethernet, Wavelength, Web Hosting, and integrated voice and data services. The proposed service area is statewide. The Application states that the Company will provide services

primarily to small and medium-sized business customers, as well as large business enterprises (e.g., national customers with multiple locations), governmental entities, and institutional end users.

YOU ARE FURTHER NOTIFIED that the Application filed in Case No. XOC-T-04-1 can be viewed during regular business hours at the offices of the Idaho Public Utilities Commission, 472 West Washington Street, Boise, Idaho.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and that the Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filing of record in Case No. XOC-T-04-1. The Commission has preliminarily determined that the public interest may not require a hearing to consider the issues presented in this case and that issues raised by the Company's filing may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. IDAPA 31.01.01.201-204. In so doing, the Commission notes that Modified Procedure and written comment have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that the Commission may not hold a hearing in this proceeding unless it receives written protests or comments opposing the use of Modified Procedure and stating why Modified Procedure should not be used. Reference IDAPA 31.01.01.203.

YOU ARE FURTHER NOTIFIED that if no protests or written comments are received within the deadline, the Commission will consider the matter and enter its Order without a hearing. If protests or comments are filed within the deadline, the Commission will consider them and may, in its discretion, set the matter for hearing or decide the matter and issue its Order on the basis of the written positions before it. IDAPA 01.01.01.204.

NOTICE OF COMMENT/PROTEST DEADLINE

YOU ARE FURTHER NOTIFIED that **the deadline for filing written comments or protests** with respect to the Application and the Commission's use of Modified Procedure in

Case No. XOC-T-04-1 is **21 days from the service date of this Order**. Persons desiring a hearing must specifically request a hearing in their written protests or comments.

YOU ARE FURTHER NOTIFIED that written comments concerning Case No. XOC-T-04-1 should be mailed to the Commission and to XO Communications Services, Inc. at the addresses reflected below.


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| Commission Secretary Idaho Public Utilities Commission Po Box 83720 Boise, ID 83720-0074 Street Address For Express Mail: 472 W. Washington Street Boise, ID 83702-5983 | Brett Heather Freedson Kelley Drye & Warren LLP 1200 Nineteenth Street, NW, Suite 500 Washington, D.C. 20036 E-mail: bfreedson@kelleydrye.com |
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These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's homepage located at www.puc.state.id.us. Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to the Applicants at the address listed above.

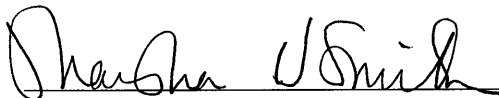
ORDER

IT IS HEREBY ORDERED that this case be processed under Modified Procedure. Persons interested in submitting written comments regarding this case or protesting the use of Modified Procedure should do so no later than 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6th
day of October 2004.



PAUL KJELLANDER, PRESIDENT

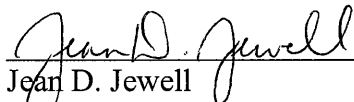


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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