BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of a Proposed Rulemaking)	
to Amend 4 CSR 240-33.160, Customer)	Case No. TX-2008-0090
Proprietary Network Information)	

COMMENTS OF XO COMMUNICATIONS SERVICES, INC.

Comes now XO Communications Services, Inc. and respectfully submits the following comments to the Missouri Public Service Commission ("Commission") concerning proposed changes to 4 CSR-33.160, the Commission's Customer Proprietary Network Information ("CPNI") Rule.

1. 4 CSR 240-33.160 (3)(A) 1, 2, and 3 concerning confidentiality agreements are over and above the FCC's rules and would impair our Indirect Channel. The FCC rules do not specify what should be in our contracts with agents, affiliates, independent contractors and third party vendors. Section 3B which disallows agents, affiliates, independent contractors and third party vendors from using, allowing access to or disclosing CPNI to any other party unless required to under force of law is especially troubling. While XO's contracts with our agents require them to follow all applicable rules and regulations, including the FCC CPNI rules, many of our agents have subagents. XO has a contractual relationship with the "master agent" with whom we share CPNI. That "master agent" then may have "sub-agents" working on XO accounts with whom they subsequently share XO-customer CPNI. As XO does not have a contractual relationship with the "sub-agents" we have taken the position that XO will only share CPNI with the "master agent." As agents, affiliates, independent contractors and third party vendors should be subject to all the FCC's CPNI rules, XO believes that Section 3C requiring these entities to take appropriate protections to protect CPNI is redundant.

2. The language in 4 CSR 240-33.160 (4)(C) 8 is confusing and potentially

misleading. XO can only release CPNI to appropriate parties, so the language stating that

XO can release this to "any person upon affirmative written request by the customer and

subject to appropriate authentication procedure" may confuse the customer into thinking

that XO will be releasing CPNI upon any written request by the customer, when that is

not the case. XO will only release to authenticated customers pursuant to specific rules

consistent with the FCC rules.

In 4 CSR 240-33.160 (8) (CPNI Security Breaches), the Commission is

requiring notice on the same schedule as the FCC Rules require. While the FCC rules do

say that "Notwithstanding any state law to the contrary, the carrier shall not notify

customers or disclose breach to the public until 7 full business days have passed after

notification to the USSS and FBI," XO believes that the Commission should allow more

time to report to them. XO has up to 7 days to investigate the breach and report under the

FCC rules and having more time before reporting to the state would be helpful.

Respectfully Submitted,

/s/ Leland B. Curtis

Carl J. Lumley, #32869

Leland B. Curtis, #20550

130 S. Bemiston, Suite 200

Clayton, Missouri 63105

(314) 725-8788

(314) 725-8789 facsimile

clumley@lawfirmemail.com

lcurtis@lawfirmemail.com

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was sent via email on the 1^{st} day of April, 2008, to the following:

General Counsel
Public Service Commission
gencounsel@psc.mo.gov

Office of Public Counsel opcservice@psc.mo.gov

/s/ Leland B. Curtis