



XO Communications

Two Easton Oval  
Suite 300  
Columbus, OH 43219  
USA

November 26th, 2003

Kenneth E. Martin  
Account Manager  
SBC-Industry Markets  
45 Erievue Plaza, Suite 961  
Cleveland, Ohio 44114

Re: Change in Law Notice under the Approved Interconnection Agreements  
Between Various XO and SBC Operating Entities

Dear Mr. Martin:

XO Communications, Inc. and its operating subsidiaries (collectively, "XO") are in receipt of your letters dated October 30, 2003 and November 24, 2003 (the "Letters"), in which you notified XO that SBC Communication Inc.'s operating subsidiaries (collectively "SBC") wished to negotiate modifications to XO's Interconnection Agreements ("ICAs") to conform those ICAs to the Federal Communications Commission's Report and Order and Order on Remand and Further Notice of Proposed Rulemaking in *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket Nos. 01-338, 96-98 and 98-147, FCC 03-36 (rel. Aug. 21, 2003; eff. Oct. 2, 2003) (the "TRO").<sup>1</sup>

Pursuant to the change of law provisions in the respective ICAs, XO is ready and willing to begin good faith negotiation of an amendment to implement certain changes in law brought about by the TRO. To facilitate such negotiations, XO requests that SBC provide XO with its proposed TRO Amendment *as soon as possible*. Once XO receives SBC's proposed TRO Amendment, XO will review it and provide substantive feedback to SBC regarding all of the issues raised, including but not limited to, whether the matters are properly the subject of these negotiations.

Regarding SBC's "Negotiations Start date" as proposed in its Letters, Paragraph 704 of the TRO makes clear that negotiation of an amendment to an interconnection agreement pursuant to a change of law provision, and the time frame for resolving any disputes related thereto under Section 252(b) of the Communications Act of 1934, commences immediately upon receipt of a contract change request. XO received SBC's

<sup>1</sup> SBC also stated that it was seeking to amend the ICAs to conform to "USTA," but provided no citation as to which "USTA" decision it was referencing and did not indicate whether such decision actually constituted a change in law relevant to the ICAs.



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first Letter requesting amendment of the ICAs pursuant to the relevant change of law provisions on October 31, 2003. Accordingly, for purposes of the Section 252(b) timetable, October 31, 2003 shall be deemed to be the notification request date for negotiation of an amendment to the Parties' ICAs to implement the provisions of the TRO. Consequently, if XO and SBC are unable to reach a negotiated agreement, the Parties' requests for state arbitration would be submitted no sooner than the 135<sup>th</sup> day and no later than the 160<sup>th</sup> day after the October 31, 2003 negotiation request date.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. W. Kinkoph'.

Douglas W. Kinkoph  
Vice President, Regulatory & External Affairs