#### Section 1 - Bureau of Records Complet

Docket No. 040869-TI Date Docketed: 08/17/2004 Title: Acknowledgment of name change on IXC Registration No. TJ112 from X0 Florida, Inc. to X0 Communications Services, Inc.

Company: X0 Communications Services, Inc. X0 Florida, Inc.

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#### Section 1 - Bureau of Records Completes

Docket No. 040869-TI Date Docketed: 08/17/2004 Title: Acknowledgment of name change on IXC Registration No. TJ112 from XO Florida, Inc. to XO Communications Services, Inc., effective August 17, 2004.

Company: XO Communications Services, Inc. XO Florida, Inc.

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XO COMMUNICATIONS

## **XO** Communications



To:	Kay Flynn	From:	Martin Pfister	and a second
Fax:	(850) 413-6745	Pages:	(including cover)	
Phone:	(850) 413-6744	Date:	7/30/2004	
Re:	Allegiance Telecom Address Change	¢C;		····
🗆 Urge	nt 🗇 For Review 🗇 Please Co	omment	🗌 Please Reply	🗆 Please Recycle

• Comments: Please change the mailing address on file for Allegiance Telecom and provide copies of the Local and Long Distance Allegiance returns for the period 7/03-12/03.

XO Communications, Inc.



11111 Sunset Hills Rood Reston, VA 20190 USA

# Memo

To: Kay Flynn

From: Martin Pfister, Regulatory Tax Manager

Date: 7/30/2004

Re: Allegiance Telecom Change of Address due to acquisition by XO Communications, Inc.

On June 23, 2004, XO Communications, Inc. purchased Allegiance Telecom, Inc. (FEIN 75-2777353). Piease change the all mailing addresses for Allegiance Telecom to the following:

> XO Communications, Inc. C/O Tax Department 11111 Sunset Hills Rd, Reston, VA 20190

I have attached the Form 8-K which was filed appropriately with the SEC as proof of purchase. Please call me with any questions or concerns.

I would also like to request a copy of both the Local and Long Distance returns filed by Allegiance for 07/01/03-12/31/03. If you could fax those to (703) 547-2420 I would greatly appreciate it.

Thank you,

Martin Pflster Property & Regulatory Tex Manager (703) 547-2866 martin.g.pfister@xo.com

Page 1

www.xo.com

### Form 8-K for XO COMMUNICATIONS INC

29-Jun-2004

#### Acquisition or Disposition of Assets and Financial Statements & Exhibits

#### Item 2. Acquisition or Disposition of Assets.

On June 23, 2004, XO Communications, Inc. ("XO") announced that itcompleted its acquisition of the purchase of substantially all of the assets of Allegiance Telecom, Inc. for approximately \$322.0 million in cash, including\$11 million of adjustments for working capital, and 45.4 million shares of XOcommon stock. The cash portion of the purchase price was funded out of XOCommunication's working capital. The terms of the purchase agreement, includingthe purchase price, were determined through arms-length negotiations between the parties thereto. Allegiance is a facilities-based national local exchangecarrier that provides integrated telecommunications services to business, government and other institutional users in 36 major metropolitan areas across the United States.

A copy of the press release of the Company announcing the approval of the purchase is attached hereto as Exhibit 99.1.

#### Item 7, Financial Statements and Exhibits.

Exhibits, XO Communications, Inc.

99.1 Press Release of XO Communications, Inc., dated June 23, 2004.

#### Kay Flynn

From: Sent: To: Cc: Subject: Kay Flynn Friday, July 30, 2004 3:06 PM Sally Simmons; Karen Belcher Beth Keating; Kimberley Pena; Nonnye Grant XO/Allegiance



I received a fax a short time ago (copy attached) stating XO Communications, Inc. purchased Allegiance Telecom, Inc. 6/23/04 and asking us to change all mailing addresses for Allegiance to an XO address.

Wouldn't this kind of transaction need to be treated as a transfer and cancellation of Allegiance's CLEC cert and IXC registration, meaning XO needs to make a formal filing for docketing and PSC approval and acknowledgment? If so, Sally, could you have someone on your staff call and instruct them on how to proceed? We won't make any address changes till we hear back from CMP.

Karen, please note that the fax includes a request for "a copy of both the local and long distance returns filed by Allegiance for 07/01/03 - 12/31/03." Is he talking about RAFs? If so, can you have someone fax the forms to the fax number listed in his request?

Thanks. Kay

Tracking:

Recipient Sally Simmons Karen Belcher Beth Keating Kimberley Pena Nonnye Grant Read Read: 7/30/2004 3:08 PM Read: 7/30/2004 3:33 PM

Read: 7/30/2004 3:10 PM Read: 7/30/2004 3:07 PM

8:47 AM

#### Kay Flynn

From: Sent: To: Cc: Subject: Sally Simmons Friday, July 30, 2004 3:55 PM Tommy Williams Kay Flynn; Beth Keating FW: XO/Allegiance



Tommy, please see me Monday morning so that we can discuss. I'm thinking that XO needs a waiver of the slamming rules and approval for the acquisition (with respect to Allegiance's IXC entity, but not the CLEC entity), plus Allegiance's IXC registration and CLEC certificate need to be canceled once all RAFs are paid. I don't deal with these types of questions very often and need your thoughts. Thanks.

-----Original Message-----From: Kay Flynn Sent: Friday, July 30, 2004 3:06 PM To: Sally Simmons; Karen Belcher Cc: Beth Keating; Kimberley Pena; Nonnye Grant Subject: XO/Allegiance

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Thanks. Kay

#### Kay Flynn

To: Sally Simmons

Subject: RE: XO of Florida

Thanks for the further clarification, Sally.....we'll take action when we get a filing or Tommy asks us to open dockets.

Page 1 of 1 040868 040869

040870

From: Sally Simmons Sent: Tuesday, August 03, 2004 2:09 PM To: Kay Flynn Subject: FW: XO of Florida

FYI -- I talked with Tommy further and understand that Allegiance's old CLEC certificate and IXC registration will be canceled.

From: Tommy Williams Sent: Tuesday, August 03, 2004 1:44 PM To: Sally Simmons Subject: RE: XO of Florida

All will be consolidated into XO communications

From: Sally Simmons Sent: Tuesday, August 03, 2004 11:32 AM To: Tommy Williams Cc: Kay Flynn Subject: RE: XO of Florida

Tommy, re. Allegiance's old CLEC and IXC entities, will the certificate/registration be canceled or held by XO? Thanks.

From: Tommy Williams Sent: Tuesday, August 03, 2004 11:21 AM To: Sally Simmons Cc: Kay Flynn Subject: XO of Florida

FYI:

Talked to Julie this morning and I had forgotten about a letter that we received on July 19 that was in my in box. As soon as they get conformation back from Division of Corp. on another name change concerning all of XO subsidiaries I will open a docket to transfer and waive slamming. All is well and I will hole on the the name change information until this arrives.

#### Kay Flynn

To: Tommy Williams; Sally Simmons

Subject: RE: XO of Florida

Thanks, Tommy. We'll place this fax in the undocketed correspondence file and wait for an "official" document to open a docket.

Kay

From: Tommy Williams Sent: Tuesday, August 03, 2004 11:21 AM To: Sally Simmons Cc: Kay Flynn Subject: XO of Florida

#### FYI:

Talked to Julie this morning and I had forgotten about a letter that we received on July 19 that was in my in box. As soon as they get conformation back from Division of Corp. on another name change concerning all of XO subsidiaries I will open a docket to transfer and waive slamming. All is well and I will hole on the the name change information until this arrives.