

Docket # T-04302A-08-0176  
Decision # 70471



0000091923

13865 Sunrise Valley Drive  
Herndon, VA 20171

ORIGINAL

December 9, 2008

VIA OVERNIGHT MAIL

Ms. Camill Hood  
Utilities Division  
Arizona Corporation Commission  
1200 W. Washington Street  
Phoenix, AZ 85007

RECEIVED

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AZ CORP COMM  
Director Utilities

Re: Confidential and Proprietary Information  
XO Communications Services, Inc.  
Performance Bond

Dear Ms. Hood:

XO Communications Services, Inc. ("XO") hereby provides the following information pursuant to the above-referenced subject matter. Enclosed please find an original and thirteen copies.

Pursuant to A.A.C. R14-2-1115.F.2, XO asks that the financial information contained in the enclosed correspondence be treated as confidential. XO deems this information to be confidential because it contains market-sensitive information that competitors could use to their economic advantage. Accordingly, XO treats this information as confidential and proprietary within the Company and does not share it in any public forum.

Sincerely,

Sharon Adams  
Senior Regulatory Analyst

Arizona Corporation Commission  
**DOCKETED**

DEC 16 2008

DOCKETED BY	
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Enclosures

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AZ CORP COMMISSION  
DOCKET CONTROL

**VERIFICATION CERTIFICATE FOR  
INDEFINITE TERM SURETY BOND**

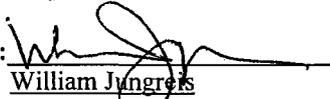
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THIS IS TO CERTIFY that Bond No. [REDACTED] issued by Westchester Fire Insurance Company dated this 31 day of March, 2007, in the amount of Three Hundred Fifty Two Thousand Five Hundred Dollars and 00/100 Dollars (\$352,500.00), on behalf of XO Communications Services, Inc. (as Principal), and in favor of Arizona Corporation Commission (as Obligee), covers a term which began on the 31 day of March, 2007, and ends only with the cancellation of said bond or other legal termination thereof; and that the said bond remains in effect, subject to all its agreements, conditions and limitations.

Signed, sealed and dated\* (enter below)

Westchester Fire Insurance Company

BY:

  
William Jungreis  
Attorney-in-Fact

12/3/2008

\*Use current or renewal date.

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**Power of Attorney**

**WESTCHESTER FIRE INSURANCE COMPANY**



**Know all men by these presents:** That **WESTCHESTER FIRE INSURANCE COMPANY**, a corporation of the State of New York, having its principal office in the City of Atlanta, Georgia, pursuant to the following Resolution, adopted by the Board of Directors of the said Company on December 11, 2006, to wit:

- RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into the ordinary course of business (each a "Written Commitment"):
- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
  - (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such persons written appointment as such attorney-in-fact.
  - (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
  - (4) Each of the Chairman, the President and Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
  - (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested.

FURTHER RESOLVED, that the Resolution of the Board of Directors of the Company adopted at the meeting held on November 8, 1999 relating to the authorization of certain persons to execute, for and on behalf of the Company, Written Commitments and appointments and delegations, is hereby rescinded.

Does hereby nominate, constitute and appoint **WILLIAM JUNGREIS** and **NATALIE E. DAVIS** both of the City of Philadelphia, Commonwealth of Pennsylvania, each individually if there be more than one named, its true and lawful attorney-in-fact, to make, execute, seal and deliver on its behalf, and as its act and deed any and all bonds, undertakings, recognizances, contracts and other writings in the nature thereof in penalties not exceeding Ten Million Dollars (\$10,000,000) and the execution of such writings in pursuance of these presents shall be as binding upon said Company, as fully and amply as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office.

IN WITNESS WHEREOF, the said **Stephen M. Haney**, Vice-President, has hereunto subscribed his name and affixed the corporate seal of the said **WESTCHESTER FIRE INSURANCE COMPANY** this 11th day of April 2008.



**WESTCHESTER FIRE INSURANCE COMPANY**

**Stephen M. Haney**, Vice President

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF PHILADELPHIA ss.

On this 11th day of April, A.D. 2008, before me, a Notary Public of the Commonwealth of Pennsylvania in and for the County of Philadelphia came **Stephen M. Haney**, Vice-President of the **WESTCHESTER FIRE INSURANCE COMPANY** to me personally known to be the individual and officer who executed the preceding instrument, and he acknowledged that he executed the same, and that the seal affixed to the preceding instrument is the corporate seal of said Company; that the said corporate seal and his signature were duly affixed by the authority and direction of the said corporation, and that Resolution, adopted by the Board of Directors of said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Philadelphia the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA  
**NOTARIAL SEAL**  
**KAREN E. BRANDT**, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires September 26, 2010

Notary Public

I, the undersigned Assistant Secretary of **WESTCHESTER FIRE INSURANCE COMPANY**, do hereby certify that the original **POWER OF ATTORNEY**, of which the foregoing is a substantially true and correct copy, is in full force and effect.

In witness whereof, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of the Corporation, this 3 day of December 2008



**William L. Kelly**, Assistant Secretary

THIS POWER OF ATTORNEY MAY NOT BE USED TO EXECUTE ANY BOND WITH AN INCEPTION DATE AFTER April 11, 2010.