

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-20065778
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 01/20/06
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: HICKEY, MICHAEL

RESPONDENT/APPLICANT: XO COMMUNICATIONS SERVICES, INC

COMP/APP COUNTY: MONTGOMERY

UTILITY CODE: 311331

ALLEGATION OR SUBJECT

COMPLAINANT STATES THERE ARE INCORRECT CHARGES ON HIS BILL. HE WOULD LIKE THE PUC TO REMOVE THE CHARGES, DISCIPLINE ALLEGIANCE/XO FOR ALTERING THE CONTRACT AND REINSTATE HIS GOOD STANDING WITH D & B.

DOCUMENT
FOLDER

DOCKETED
JAN 20 2006

ORIGINAL

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

2005 JAN 20 AM 10:00

Please print or type.

C-20065778

SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name Michael Hickey

Street/P.O. Box P O Box 4 Apt # _____

City Flourtown State PA Zip 19031

County Mont

Area Code/HOME Phone _____

Area Code/WORK Phone 215-253-1501

Utility Account Number (from your bill) 2731521

~~RECEIVED~~

~~DEC 14 2005~~

~~PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU~~

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name 86 Bethlehem Pike

Street/P.O. Box _____

City Philadelphia State PA Zip 19118

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: Allegiance / XO Communication Services

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER
(taxi, moving company, limousine)

TELEPHONE
(local) long distance

36

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other.
(explain)

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

- I AM BEING ASKED TO PAY A TERMINATION OF SERVICE FEE. THE ALLEGIANTE/CO CONTRACT INDICATES A 1 YEAR AGREEMENT, WHICH I HAVE THE COPY. UNFORTUNATELY THE COPY HELD BY THE TELEPHONE COMPANY SHOWS A TWO YEAR AGREEMENT AND A PROMOTION CODE WHICH DOES NOT SHOW ONLY NOV. - ON OR ABOUT 11/5/2005 I WAS INFORMED BY JASON KING CHARGES WERE REMOVED BUT I CONTINUE TO BE DUNNED FOR PAYMENT.

5.

RELIEF What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space. -

THREE ISSUES.

- ① Removal From the Charges
- ② Discipline Allegiant/CO for ALTERING the contract
- ③ Reinstatement my Good Standing with D+B.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES

(includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I Michael Hickey, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Michael Hickey
(Signature)
Michael Hickey

12/12/2005
(Date)
01/15/2006

9. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
--	--

Facsimiles and/or electronic filings of the complaint form will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

ACCESS RECEIVABLES MANAGEMENT

PO BOX 9801
TOWSON, MD 21284-9801
ADDRESS SERVICE REQUESTED

DATE: 11-21-05
CREDITOR: ALLEGIANCE TELECOM
ACCOJNT: 2731521 PA
AMOUNT DUE: \$1024.39

PERSONAL & CONFIDENTIAL
MICHAEL HICKEY INSURANCE 1220502
MICHAEL HICKEY
PO BOX 4
FLOURTOWN PA 19031 0004

See enclosed.

THE ABOVE REFERENCED CREDITOR HAS PLACED YOUR ACCOUNT FOR COLLECTION AND HAS INSTRUCTED US TO COLLECT THIS ACCOUNT WITHOUT DELAY. WE WISH TO WORK WITH YOU IN ORDER TO RESOLVE THIS SITUATION WITHOUT INCONVENIENCE. IT IS OUR POLICY TO REPORT ALL UNPAID DEBTS TO THE CREDIT BUREAU UNLESS WE HAVE AN APPROVED PAYMENT ARRANGEMENT WITHIN 60 DAYS OF REFERRAL.

PLEASE CONTACT OUR OFFICE AT 410-583-8601. YOU MAY ALSO COMMUNICATE WITH THIS OFFICE AND EVEN PAY YOUR BILL ONLINE AT WWW.2MYBILL.COM. IF THERE IS ANY REASON THAT PAYMENT IN FULL WILL BE DELAYED, PLEASE CONTACT US PROMPTLY TO INFORM US OF YOUR SITUATION.

UNLESS YOU NOTIFY THIS OFFICE WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL ASSUME THIS DEBT IS VALID. IF YOU NOTIFY THIS OFFICE IN WRITING WITHIN 30 DAYS OF RECEIVING THIS NOTICE THAT YOU DISPUTE THE VALIDITY OF THIS DEBT OR ANY PORTION THEREOF, THIS OFFICE WILL OBTAIN VERIFICATION OF THE DEBT OR OBTAIN A COPY OF A JUDGEMENT, AND MAIL YOU A COPY OF SUCH JUDGEMENT OR VERIFICATION. IF YOU REQUEST THIS OFFICE IN WRITING WITHIN 30 DAYS AFTER RECEIVING THIS NOTICE, THIS OFFICE WILL PROVIDE YOU WITH THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR.

THIS IS AN ATTEMPT TO COLLECT A DEBT,
AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

-----DETACH AND MAIL WITH YOUR PAYMENT-----

MICHAEL HICKEY INSURANCE 1220502
MICHAEL HICKEY
PO BOX 4
FLOURTOWN PA 19031-0004

ALLEGIANCE TELECOM
ACCOUNT #2731521 PA

PAYMENT AMOUNT _____

MAKE CHECK PAYABLE TO: ACCESS RECEIVABLES MANAGEMENT
PO BOX 9801
TOWSON, MD 21284-9801

YOU MAY PAY BY CHECK OR CREDIT CARD OVER THE PHONE BY CALLING 410-583-8601 OR BY VISITING OUR WEBSITE AT WWW.2MYBILL.COM. PLEASE HAVE YOUR CHECKBOOK OR CREDIT CARD HANDY WHEN YOU CALL. PLEASE NOTE THERE WILL BE A FEE OF \$20.00 ADDED FOR ANY CHECKS RETURNED FROM YOUR BANK.

MICHAEL HICKEY INS AGCY INC
Auto-Life-Health-Home and Business
86 BETHLEHEM PIKE
PHILADELPHIA, PA 19118 PHONE (215) 753-1501

December 13, 2005

Michael Hickey
86 bethlehem Pike
Phila., Pa

Re Allegiance/XO telecom account 2731521 Pa.

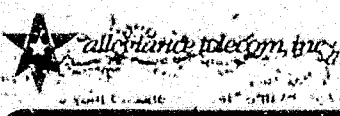
Enclosed are copies of my contract. You will Note the changes made by the representative of allegiance. I consider this willful misconduct leaning toward fraud.

Sincerely

SINCERELY,



MICHAEL HICKEY, AGENT



Original Copy

VOICE SERVICES/INTEGRATED SERVICES AGREEMENT

ORDER TYPE

PLAN TYPE	CUSTOMER TYPE	<input type="checkbox"/> RENEWAL CUSTOMER - no changes to current services
<input checked="" type="checkbox"/> ALLEGIANCE STANDARD PLAN	<input checked="" type="checkbox"/> NEW CUSTOMER	<input type="checkbox"/> RENEWAL CUSTOMER - changes listed below of on attached form
<input type="checkbox"/> ALLEGIANCE INDEPENDENCE PLAN	<input type="checkbox"/> EXISTING CUSTOMER - adding to existing service agreement	

CUSTOMER PROFILE

Customer Account Name <i>Michael Hickey</i>		Mail Locations (If Yes, use Multi-Location Addendum) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No # Location with this order	
Customer Account Contact Person <i>Michael Hickey</i>		Account Contact Phone Number <i>715-735-1501</i>	Ext. #1
Customer Account Contact E-mail Address <i>Michael.Hickey@allegiantel.com</i>		Customer Account Contact Fax <i>715-735-1504</i>	
Customer Account Mailing Address <i>P.O. Box 4</i>		City <i>Exeter</i>	State <i>PA</i>
Billing Contact Person #1 <i>Michael Hickey</i>		Billing Contact Phone Number #1 <i>715-735-1501</i>	Ext. #1
Billing Contact E-mail Address #1 <i>Michael.Hickey@allegiantel.com</i>		Billing Contact Fax #1 <i>715-735-1504</i>	
Billing Address #1 <i>P.O. Box 4</i>		City #1 <i>Exeter</i>	State #1 <i>PA</i>
Service Location Contact Person #1 <i>Michael Hickey</i>		Service Location Contact Phone Number #1 <i>715-735-1501</i>	Ext. #1
Service Location Contact E-mail Address #1 <i>Michael.Hickey@allegiantel.com</i>		Primary Service Location Contact Fax #1 <i>715-735-1504</i>	
Service Location #1 <i>Exeter</i>		City #1 <i>Exeter</i>	State #1 <i>PA</i>
Sales Representative <i>Michael Hickey</i>		City <i>Exeter</i>	State <i>PA</i>
Term (beginning from date of installation) <input type="checkbox"/> OPTIONAL 2 YEAR		Minimum Monthly Revenue Commitment (MMRC) <input type="checkbox"/> \$100 <input type="checkbox"/> \$200 <input type="checkbox"/> \$500 <input checked="" type="checkbox"/> \$1000 <input type="checkbox"/> \$1500 <input type="checkbox"/> \$2000 <input type="checkbox"/> \$2500	
* A MINIMUM 1 YEAR TERM IS REQUIRED		* \$25 Account Set-up Fee	
Early Termination Fees apply. See reverse for details.		* Set-up Fee Applicable to each billed invoice established.	
Invoice Type <input type="checkbox"/> Suppress Paper Invoice (AIM) <input checked="" type="checkbox"/> Paper Invoice		Tax Exempt <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

POOR ORIGINAL

NOTE: NOT IN ORIGINAL

VOICE SERVICES

Local Service (UNE) <input checked="" type="checkbox"/> New Number(s) <input type="checkbox"/> Existing Number(s)	Trunk (Local Tel) <input type="checkbox"/> New Number(s) <input type="checkbox"/> Existing Number(s)	Line QTY. <input type="checkbox"/> Other <input type="checkbox"/> Calling Card(s) <input type="checkbox"/> Toll-Free Number(s) <input type="checkbox"/> Voice Mail <input type="checkbox"/> Feature Package <input type="checkbox"/> Wire Maintenance <input type="checkbox"/> Local Call Detail	Name Specific <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	International Termination <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Trunk Business Package (UNE) <input type="checkbox"/> Existing Number(s)	ISDN PRI <input type="checkbox"/> New Number(s) <input type="checkbox"/> Existing Number(s)	Line QTY. <input type="checkbox"/> Other <input type="checkbox"/> Wire Maintenance <input type="checkbox"/> Local Call Detail	Refer to Feature Package Request Form	(Number of locations with LCD)

VOICE SERVICES CARRIER INFORMATION

Allegiance Select... you are authorized to provide you with local toll and long distance services at all locations served by us. By making this selection, you are signing...

LOCAL CALLING and IntraLATA TOLL

Allegiance Telecom Local Calling Options <input type="checkbox"/> Standard <input type="checkbox"/> True Business Solutions <input type="checkbox"/> Optional (where available)	Allegiance Telecom IntraLATA Toll Options <input type="checkbox"/> Standard <input type="checkbox"/> True Business Solutions <input type="checkbox"/> Optional (where available)
Other IntraLATA Carrier <input type="checkbox"/>	Carrier/Account Number

LONG DISTANCE TOLL (InterLATA) and TOLL-FREE SERVICES

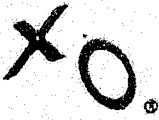
<input type="checkbox"/> Allegiance Telecom	<input type="checkbox"/> Allegiance Optional Plan (where available)
<input type="checkbox"/> Standard InterState/InterLATA	<input type="checkbox"/> Other InterLATA Carrier
<input type="checkbox"/> Allegiance Telecom Across America 1	Carrier/Account Number
<input type="checkbox"/> Business Plus 3-6c	
<input type="checkbox"/> True Savings 3-6c	
<input type="checkbox"/> Business 2-Pack	
<input type="checkbox"/> Business 15-Pack	
<input type="checkbox"/> Business 25-Pack	

INTEGRATED SERVICES

INTEGRATED ACCESS

TOTAL COMMUNICATIONS

Select Line Package: <input checked="" type="checkbox"/> 12 Voice Lines	PKG. QTY. <i>12</i>	Select Package: <input type="checkbox"/> ATC Standard Package	PKG. QTY.	Total Voice Lines	Choose Speed: <input type="checkbox"/> 256K
<input type="checkbox"/> 16 Voice Lines		<input type="checkbox"/> TC Digital Package			<input type="checkbox"/> 384K
<input type="checkbox"/> 20 Voice Lines					<input type="checkbox"/> 512K
<input type="checkbox"/> 23 Voice Lines					<input type="checkbox"/> 768K



XO Communications Services, Inc.
9201 North Central Expressway
Dallas TX 75231

00000018
MICHAEL HICKEY INSURANCE
PO BOX 4
FLOURTOWN PA 19031

Past Due Notice

Account Number 2731521

September 27, 2005

Dear Customer:

We value our business relationship with you and would sincerely like to continue providing your phone service. However, we have not received a recent payment from you and your account has a balance due of \$1,009.47. It is very important that we hear from you within the next 10 days regarding payment to avoid any further collection activity.

Please give this matter your immediate attention. If you have any questions or if there is a problem in regards to your billing, feel free to call us. For your convenience, XO now accepts Mastercard, Visa and American Express payments by calling this number, 877-815-5930. Payments by check should be mailed to the address below and account number must be referenced on your check.

XO Communications Services, Inc.
PO Box 5738
Carol Stream, IL 60197-5738

We appreciate your prompt attention to this matter.

Collections Department
XO Communications Services, Inc

*I have made every attempt
to clear this account. I have
filed a complaint with Pe PuL
and I am considering legal action
if the charges are not removed
because of your willful misconduct.
M.H.*

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JANUARY 20, 2006

DOCUMENT
OLDER

MICHAEL HICKEY
Complainant

v.

XO COMMUNICATIONS SERVICES,
INC.

Respondent

Complaint Docket
No: C-20065778

DOCKETED
JAN 20 2006

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: XO COMMUNICATIONS SERVICES, INC.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

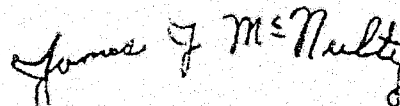
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DATE SERVED: JANUARY 20, 2006

C-20065778

XO COMMUNICATIONS SERVICES, INC.
1111 SUNSET HILLS ROAD
RESTON VA 20190-5339

DOCUMENT FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by MICHAEL HICKEY. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

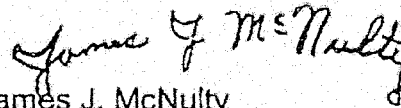
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

JANUARY 20, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

Very truly yours,



James J. McNulty
Secretary

JIH

STEVENS & LEE
LAWYERS & CONSULTANTS

17 North Second Street
16th Floor
Harrisburg, PA 17101
(717) 234-1090 Fax (717) 234-1099
www.stevenslee.com

Direct Dial: (717) 255-7364
Email: rlh@stevenslee.com
Direct Fax: (610) 988-0851

ORIGINAL

February 8, 2006

James McNulty, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**DOCUMENT
FOLDER**

SECRETARY'S BUREAU
2006 FEB -8 PM 11:13

Re: Michael Hickey Insurance Agency, Complainant v. XO Communications Services, Inc., Respondent
Docket No. C-20065778

Dear Mr. McNulty:

Enclosed please find for filing an original and three (3) copies of the Answer of XO Communications Services, Inc. to Michael Hickey Insurance Agency's Complaint. Also enclosed is my Entry of Appearance in the above mentioned matter.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

STEVENS & LEE

Renardo L. Hicks
Renardo L. Hicks

RLH:toa

cc: Attached Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster
Scranton • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION

MICHAEL HICKEY INSURANCE
AGENCY

Complainant

vs.

XO COMMUNICATIONS SERVICES, INC.
Respondent

C-20065778

SECRETARY'S BUREAU

2006 FEB -8 PM 4:14

ENTRY OF APPEARANCE

To the Prothonotary:

Please enter my appearance for XO Communications Services, Inc. in the above captioned matter.

Date: February 8, 2006

DOCUMENT
FOLDER

Renardo L. Hicks

Renardo L. Hicks, Esquire
Stevens & Lee
17 N. Second Street
16th Floor
Harrisburg, PA 17101
Tel.: (717) 255-7364
Fax: (717) 988-0851
rlh@stevenslee.com

DOCKETED
FEB 10 2006

BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION

SECRETARY'S BUREAU

2006 FEB -8 P: 14: 14

MICHAEL HICKEY INSURANCE
AGENCY

Complainant

vs.

XO COMMUNICATIONS SERVICES, INC.

Respondent

C-20065778

DOCUMENT
FOLDER

ANSWER OF RESPONDENT XO COMMUNICATIONS SERVICES, INC.

XO Communications Services, Inc ("Respondent") respectfully provides its Answer to the Formal Complaint ("Complaint") of its former customer Michael Hickey Insurance Agency, ("Complainant") and requests dismissal of the Complaint.

Respondent hereby answers Complainant's allegations as follows:

1. Respondent admits that it assessed early termination charges to Complainant based on a two-year term agreement.
2. Respondent denies that it had any knowledge that Complainant's contract was altered or of Complainant's claim that its contract was altered.
3. Respondent admits that the Complainant produced a contract that showed a different term commitment.
4. The individual involved in this transaction is no longer employed by Respondent. Respondent is therefore without knowledge or information

DOCKETED
FEB 10 2006

ORIGINAL

sufficient to form a reasonable belief regarding the difference between the two agreements.

5. Respondent has reversed the early termination charges, has ceased all collection activity, and has restored the customer's good credit standing. Respondent has communicated these actions to the Complainant. Respondent therefore has resolved this Complaint.

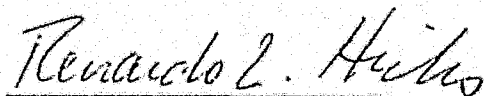
WHEREFORE, Respondent respectfully urges the Commission to dismiss this Complaint, or in the alternative, to direct this matter to mediation for final resolution.

FIRST AFFIRMATIVE DEFENSE

Complainant fails to state a claim upon which Commission may grant relief.

SECOND AFFIRMATIVE DEFENSE

Complainant is barred from the relief requested by the express terms of Respondent's tariff and of Complainant's contract for services.



Renardo L. Hicks, Esquire
Stevens & Lee
17 N. Second Street
16th Floor
Harrisburg, PA 17101
Tel.: (717) 255-7364
Fax: (717) 988-0851
rlh@stevenslee.com

February 8, 2006

VERIFICATION

I, Teresa Miller, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Dated: February 8, 2006

Teresa Miller
Teresa Miller

CERTIFICATE OF SERVICE

I hereby certify that I have on this 8th day of January, 2006 served a true copy of the foregoing document upon the persons listed below in accordance with the requirements of 52 Pa. Code Sections 1.54 and 1.55 of the Commission's rules.

Michael Hickey
86 Bethlehem Pike
Philadelphia, PA 19118

Respectfully submitted,

Renardo L. Hicks

Renardo L. Hicks, Esquire
Stevens & Lee
17 N. Second Street
16th Floor
Harrisburg, PA 17101
Tel.: (717) 255-7364
Fax: (717) 988-0851
rlh@stevenslee.com

Date: February 8, 2006

ORIGINAL