

David Cosson
ATTORNEY AT LAW

2154 Wisconsin Ave, N.W.
Washington, D.C. 20007

Telephone (202) 333-5275
Telecopier (202) 333-5274

April 1, 2008

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

By Electronic Filing

Re: Joint Petition of Accipiter Communications,
Inc. and Qwest Corporation for Waiver of the
Definition of "Study Area" of the Appendix-
Glossary of Part 36 of the Commission's Rules,
Petition for Waiver of Sec. 69.3(e)(11) of the
Commission's Rules. CC Doc. No. 96-45

Ex Parte Notice

Dear Ms. Dortch:

In the course of an ex parte meeting on March 26, 2007, the Commission's staff asked Accipiter's representatives to quantify that portion of the area subject to the study area request where a CLEC has deployed facilities. Accipiter has reviewed the area and determined that approximately 32% of the subject area is exclusively served by CLEC facilities. Another 7% of the area is served by both the CLEC and Accipiter.

Accipiter respectfully continues to seek the requested study area waiver in order to enable it to provide incumbent local exchange carrier services to the entire subject area in fulfillment of its carrier of last resort responsibilities.

Please contact me if there are any questions on this matter.

Sincerely yours,

David Cosson
Counsel to Accipiter Communications, Inc

Cc: Dana Shaffer, Jeremy Marcus
Amy Bender, Melissa Newman

