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September 19, 2012

**Via ECFS**

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

**Re: Notice of Ex Parte**  
**WC Docket Nos. 10-90, 07-135, 05-337, 03-109**  
**CC Docket Nos. 01-92, 96-45**  
**GN Docket No. 09-51**

Dear Ms. Dortch:

On Tuesday, September 18, 2012, Kenneth Johnson of Bennet & Bennet, PLLC, met with Nicholas Degani, Wireline Legal Advisor to Commissioner Ajit Pai of the Federal Communications Commission (“FCC” or “Commission”). Patrick Sherrill, President and Chief Executive Officer of Accipiter Communications Inc. (“Accipiter”) and Jenifer Velluci, Chief Financial Officer for Accipiter were also present via teleconference. At the meeting, Accipiter discussed its original and amended petition for waiver of the FCC’s universal service rules.<sup>1</sup>

Accipiter explained that its unique situation warrants a limited and targeted waiver of the FCC’s rules. Accipiter reasserted its request, previously made in its amended petition for waiver, that for 2012 and 2013, the Commission use Accipiter’s most current line count data as of June 30, 2012, as a replacement variable in the per-line formula and regression formulas for determining Accipiter’s universal service fund (“USF”) limitations. A limited waiver will enable Accipiter to maintain service to its subscribers and meet its obligations to its lenders. Accipiter noted that its request would still cap Accipiter’s support, leading to increased efficiencies in line with the Commission’s overall universal service policies. Accipiter noted that while its need for

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<sup>1</sup> See *in re Connect America Fund, Accipiter Communications, Inc. Petition for Waiver of the Commission’s Rules Implementing Reform of Universal Service Support*, Petition for Temporary Waiver, WC Docket No. 10-90 (filed April 18, 2012); See also *in re Connect America Fund, Accipiter Communications, Inc. Petition for Waiver of the Commission’s Rules Implementing Reform of Universal Service Support*, Amendment to Petition for Temporary Waiver, WC Docket No. 10-90 (filed July 19, 2012).

a waiver is acute, such waiver would be for a discrete and particularly limited duration. Accipiter emphasized the need for a timely FCC decision in this matter.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

By: /s/ Kenneth C. Johnson

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cc (via email): Nicholas Degani