



Law Offices of Bennet & Bennet, PLLC

Maryland

6124 MacArthur Boulevard
Bethesda, Maryland 20816
Tel: (202) 371-1500
Fax: (202) 371-1558
www.bennetlaw.com

District of Columbia

10 G Street, NE, Suite 710
Washington, DC 20002

Caressa D. Bennet
Michael R. Bennet
Marjorie G. Spivak*
Kenneth C. Johnson‡

* Admitted in DC & PA Only
‡Admitted in DC & VA Only

Howard S. Shapiro
Daryl A. Zakov^
Robert A. Silverman
Anthony K. Veach#

^Admitted in DC & WA Only
#Admitted in DC & FL Only

November 16, 2012

Via ECFS

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte

Connect America Fund, WC Docket No. 10-90, High-Cost Universal Service Support, WC Docket No. 05-337, Accipiter Communications Inc. Petition for Waiver of the Commission's Rules Implementing Reform of Universal Service Support

Dear Ms. Dortch:

On Wednesday, November 14, 2012, Ken Johnson and Tony Veach of Bennet & Bennet PLLC, and Patrick Sherrill, President and Chief Executive Officer of Accipiter Communications Inc. ("Accipiter"), met with Priscilla Argeris, legal advisor to Commissioner Jessica Rosenworcel, to discuss Accipiter's second amended petition for waiver.¹

Accipiter explained that since its July 19, 2012 filing,² Accipiter has experienced significant and unexpected revenue reductions from the National Exchange Carrier Association ("NECA") traffic sensitive pool. These negative changes in revenue have adversely affected Accipiter's already dire financial situation. Accipiter noted that it continues to experience steady growth, and has been able to keep its operating expenses flat, making the need for any waiver limited.

¹ See *In re Connect America Fund, Accipiter Communications, Inc. Petition for Waiver of the Commission's Rules Implementing Reform of Universal Service Support*, Second Amendment to Petition for Temporary Waiver, WC Docket No. 10-90 (filed Nov. 1, 2012).

² 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).

November 16, 2012
Page 2 of 2

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

Respectfully submitted,

By: /s/ Kenneth C. Johnson

Kenneth C. Johnson
Bennet & Bennet, PLLC
6124 MacArthur Boulevard
Bethesda, MD 20816
(202) 371-1500

cc (via email): Priscilla Argeris