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November 19, 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 Thursday, November 15, 2012, Kenneth Johnson of Bennet & Bennet PLLC, and Patrick Sherrill, President and Chief Executive Officer of Accipiter Communications Inc. ("Accipiter"), in a series of meetings, met with 1) Nicholas Degani, Wireline Legal Advisor to Federal Communications Commission ("FCC" or "Commission") Commissioner Ajit Pai; 2) Carol Matthey, Rebekah Goodheart, Amy Bender, Trent Harkrader, Joseph Cavender, Victoria Goldberg, Gary Seigel, Joseph Sorresso, Deena Shetler, Randy Clarke of the Wireline Competition Bureau ("WCB"); and 3) Angela Kronenberg, Wireline Legal Advisor to FCC Commissioner Mignon Clyburn, to discuss Accipiter's second amended petition for waiver.¹

On Friday, November 16, 2012, Kenneth Johnson had a follow-up telephone conversation with Julie Veach, Rebekah Goodheart, Joseph Cavender, and Trent Harkrader to further discuss Accipiter's financial situation. On Monday, November 19, 2012, Ken Johnson and Patrick Sherrill had a telephone conversation with Joseph Cavender to provide further details concerning Accipiter's financials.

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).

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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, making the Commission’s consideration of Accipiter’s request for waiver in an expedited manner paramount. 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.

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

Respectfully submitted,

By: /s/ Kenneth C. Johnson

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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).