FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

DA 12- 2084

December 27, 2012

Kenneth C. Johnson
Bennett & Bennett, PLLC
Counsel to Accipiter Communications, Inc.
6124 MacArthur Boulevard
Bethesda, Maryland 20816

Re: Accipiter Communications, Inc. Petition for Temporary Waiver of Certain High-Cost Universal Service Rules, WC Docket No. 10-90

Dear Mr. Johnson:

On April 18, 2012, Accipiter Communications, Inc. (Accipiter) filed a petition seeking a temporary waiver of the $250 per line limit on high cost universal service support and a postponement of the HCLS benchmarking rule.[1]

Based on the Wireline Competition Bureau's review of the information already provided, as well as the record received in response to the petition,[2] the Bureau now requests the additional information specified in the attached Appendix. The additional information will provide necessary context and details that were not evident from the information provided in the initial filing, but are necessary to evaluate the waiver request.

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[1] Accipiter Communications, Inc. Petition for Temporary Waiver of the Commission's Rules, WC Docket No. 10-90 *et al.* (filed Apr. 18, 2012) (Petition). The Bureau recently granted Accipiter interim relief, as necessary to ensure the continuation of Accipiter's wireline voice and broadband service during the pendency of the Bureau's review. *See Accipiter Communications, Inc. Petition for Temporary Waiver of Certain High-Cost Universal Service Rules*, Order, DA 12-2016, WC Docket No 10-90 et al., (rel. Dec. 20, 2012).

[2] Comments of the National Telecommunications Cooperative Association, WC Docket No 10-90, WT Docket No. 10-208, at 1 (filed June 5, 2102); Cox Communications, Inc. Opposition to Petition for Waiver, WC Docket No. 10-90, WT Docket No. 10-208 (filed June 5, 2012).

If Accipiter requires that any information or documents responsive to this letter be treated in a confidential manner, it may file the information in accordance with the Bureau's *Protective Order* in this proceeding.[3]

Please provide the requested information no later than the close of business on **10 days from the date of this letter**.

If you have any questions please call Erin Boone at (202) 418-0736.

Sincerely,

Julie A. Veach
Chief, Wireline Competition Bureau
Federal Communications Commission

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[3] *Connect America Fund et al.,* WC Docket No. 10-90 et al., Third Protective Order (Wireline Comp. Bur. 2012).

Appendix

1. Provide the name, position, responsibilities, annual compensation, and deferred compensation if any, of Accipiter's employees and those of each of its affiliates, if any, for 2009, 2010, and 2011. Provide employment agreements, if any, with these individuals. In addition to salary, include as part of compensation any benefits or any other non-salary forms of compensation. Please separately identify the various compensation components for each employee.

2. **[REDACT]** Are the above pension and retirement costs included in the employee compensation costs provided in question number 1 above?

3. **[REDACT]** did Accipiter make any distributions of capital to shareholders for non-rural development projects or operations during 2009, 2010, and 2011? Has Accipiter made, or does Accipiter plan on making any distribution of capital to shareholders during 2012 or 2013? If so, please provide the corporate bylaws, or Board of Directors meeting minutes that authorized such distributions.

4. Has Accipiter entered into any other building or operating lease agreements with any of its shareholders or any other affiliate from 2009 through the present date? If so, please provide a copy of the relevant lease agreements.

5. For Accipiter's vehicle leases, please list the type of vehicle (e.g., automobile, aircraft, all-terrain vehicle, watercraft) for each lease. Also, please list the year, make, and model for each vehicle being leased.

6. Please provide the total marketing and advertising costs year-to-date for 2012.

7. **[REDACT]**