

PAUL A. GOSAR, D.D.S.
FIRST DISTRICT, ARIZONA

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**Congress of the United States
House of Representatives
Washington, DC 20515-0301**

July 8, 2011

**The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554**

Dear Chairman Genachowski:

We represent Northern Arizona in the House of Representatives, and Accipiter Communications serves many of our constituents, doing business as Zona Communications. We write to you today, concerning Accipiter Communication Inc.'s Application for Review of the September 2010 decision of the Wireline Competition Bureau, CC Docket No. 96-45. As you know, the Wireline Competition Bureau denied the joint petition for waiver of the Commission's rule establishing a study area boundary freeze for federal universal service purposes.

It is our understanding that the Wireline Competition Bureau's September order denying the waiver asserted that the petitioners failed to show that a grant of the waiver would serve the public interest. However, Accipiter had agreed to forgo a subsidy from the Universal Service Fund (USF) for the area in question and therefore had eliminated the only public interest concern expressed during the four years that the petition was before the Bureau. The remainder of the record before the Bureau provided multiple public interest benefits including competition, the presence of a carrier-of-last-resort in the area, and better economies of scale which help Accipiter to support its existing rural customer base.

The comments filed by the Arizona Corporation Commission (ACC) on May 26, 2011 revisit the public interest benefits noted above and clearly demonstrate the ACC's finding that modification of service area boundaries is in the public interest. In view of the state's strong explicit interest and the fact that the sole purpose of the Commission's rule is to control growth of the Universal Service Fund, we cannot understand why the Bureau would deny the waiver in contradiction to the public interest findings of a state agency.

Accipiter has expressed concern to us about the company's ability to operate in the unprecedented regulatory situation created by the Wireline Competition Bureau's denial order. We are particularly concerned to learn that the FCC has told senior management at

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Rate
870*

Accipiter that it does not have the resources at this time to process the application, given the Commission's focus on Universal Service Fund (USF) and Inter-carrier Compensation (ICC) reform. We are extremely concerned about the potential for this delay to strangle Accipiter's ability to provide telecommunications services to our rural constituents. We request your immediate attention in addressing this situation and encourage a favorable solution for Accipiter. We appreciate your fair and thoughtful analysis of the facts associated with this issue and look forward to your response.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul A. Gosar", written over a horizontal line.

Paul A. Gosar, DDS
Member of Congress

A handwritten signature in dark ink, appearing to read "Trent Franks", written over a horizontal line.

Trent Franks
Member of Congress