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<p>IN THE MATTER OF THE APPLICATION OF ACCIPITER COMMUNICATIONS, INC., TO EXTEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY IN MARICOPA COUNTY</p>	<p>DOCKET NO. T-02847A-02-0641</p> <p>NOTICE OF AMENDMENT OF THE LEGAL DESCRIPTION FOR THE REQUESTED EXTENSION AREA IN ACCIPITER'S APPLICATION TO EXTEND ITS CC&N</p>
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On August 22, 2002, Accipiter Communications, Inc., ("Accipiter" or the "Company"), filed an application ("Application") with the Arizona Corporation Commission ("Commission") seeking an extension of the Company's Certificate of Convenience and Necessity ("CC&N") in Maricopa County to include that portion of the proposed master-planned development known as Vistancia¹ (the "Extension Area") which is not already included within the Company's existing CC&N. Although the requested Extension Area is currently included in the service area maps of Qwest Corporation ("Qwest"), Qwest has no telecommunications facilities and no customers within the Extension Area. On September 24, 2003, Qwest filed a Motion to Intervene in the docket, and Qwest's motion was granted in a procedural order dated April 1, 2004. On December 22, 2003, Qwest filed its response ("Qwest Response") to Accipiter's application, stating that Qwest met with Accipiter and agreed to transfer to Accipiter the following four sections of Qwest's service area to Accipiter, as described in Exhibit A to the Qwest Response: Sections 25,

¹ The Vistancia development was referred to in Accipiter's Application as Lakeland Village/White Peak Ranch, which was an earlier name for the project. However, the name of the development is "Vistancia."

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1 26 and 35 in Township 5 North, Range 1 West, and Section 30 in Township 5 North, Range 1
2 East.

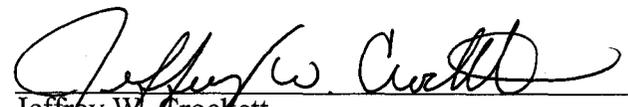
3 In its Application, Accipiter had excluded from the requested Extension Area three parcels
4 within Sections 26 and 35, Township 5 North, Range 1 West, and a large part of Section 30,
5 Township 5 North, Range 1 East. However, Accipiter now seeks to amend its Application and
6 the requested Extension Area to include all of Sections 26 and 35, Township 5 North, Range 1
7 West, and all of Section 30, Township 5 North, Range 1 East, so that all parts of Qwest's service
8 area within the requested Extension Area will be included in Accipiter's CC&N. A revised map
9 of the requested Extension Area is attached hereto as Exhibit "A."

10 Vistancia is located in the City of Peoria in the newly emerging growth area of the
11 northwest Phoenix metropolitan area. Vistancia consists of 7,100 acres, and at build-out will
12 include more than 17,000 housing units, 820 acres dedicated to commercial, mixed-use and
13 business park facilities, school sites, golf courses, parks and other amenities. The majority of the
14 Vistancia development is already located within Accipiter's CC&N, and the Extension Area is
15 contiguous to the southern boundary of Accipiter's existing CC&N. With its Application,
16 Accipiter seeks to extend its CC&N to include the entire development so that all residents of
17 Vistancia will have access to a single incumbent local exchange carrier.

18 Vistancia opened for business in February 2004, and by the end of April 2004, sales had
19 already exceeded 350 homes according to a press release issued by the developers. A number of
20 developers have completed model homes, and sales are brisk. Clearly, there is a present need for
21 telecommunications services within Vistancia, and the public convenience and necessity will be
22 served by the extension of Accipiter's CC&N to include the requested Extension Area.
23 Accordingly, Accipiter requests that the Commission proceed with the expeditious processing of
24 its Application.
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RESPECTFULLY SUBMITTED this 12th day of May, 2004.



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ORIGINAL and thirteen (13) copies
of the foregoing filed this 12th day
of May, 2004, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

COPY mailed this 12th day
of May, 2004, to:

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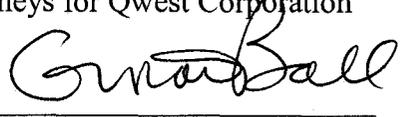


EXHIBIT A

