



0000028061

RECEIVED

SOT

2005 AUG 31 P 2:43

AZ CORP COMMISSION
DOCUMENT CONTROL

August 30, 2005

VIA OVERNIGHT MAIL

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

RE: Docket No. T-00000A-05-0380: In the Matter of Adopting Expanded Eligibility Criteria for Lifeline and Link-Up and Certification, Verification and Recordkeeping Requirements

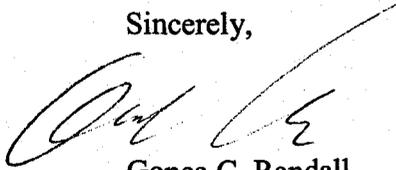
Dear Sir/Madam:

In response to the Order issued on June 21, 2005 in Docket No. T-00000A-05-0380, Decision No. 67941, Accipiter Communications, Inc. made a compliance tariff filing on August 22, 2005.

Based on a recent discussion with the Commission Staff, Accipiter Communications, Inc. is revising its original filing. The attached tariff sheets replace the tariff sheets filed on August 22, 2005 in its entirety.

Please call me at (512) 343-2544 if there are any questions regarding this filing.

Sincerely,



Gonca C. Randall
Authorized Representative
Accipiter Communications, Inc.

GCR/pjf

Attachments

cc: Mr. Charles V. Gowder, President, Accipiter Communications, Inc.
Ms. Mary Villegas, Controller, Accipiter Communications, Inc.

Cover Sheet

**Do Not Use This Space
Official
Use
Only**

**Do Not Use This Space
Official
Use
Only**

COMPANY NAME: Accipiter Communications, Inc.
DBA (if applicable): _____
DOCKET NUMBER(s): T-00000A-05-0380

INSTRUCTIONS: Please choose the item that best describes the nature of the case/filing.

UTILITIES – NEW APPLICATION

<input type="checkbox"/> New CC&N	<input type="checkbox"/> Interconnection Agreement
<input type="checkbox"/> Extension of CC&N	<input type="checkbox"/> Rates
<input type="checkbox"/> Deletion of CC&N	<input type="checkbox"/> Financing
<input type="checkbox"/> Cancellation of CC&N	<input type="checkbox"/> Formal Complaint
<input type="checkbox"/> Tariff (NEW)	
<input type="checkbox"/> Miscellaneous - Specify: _____	

UTILITIES – REVISIONS/AMENDMENTS/COMPLIANCE

Application	Tariff
Decision No: _____	Promotional: _____
Docket No: _____	Compliance: <u>X</u>

MISCELLANEOUS FILINGS

<input type="checkbox"/> Affidavit (Publication, Public Notice)	<input type="checkbox"/> Motion to Intervene
<input type="checkbox"/> Request/Motion	<input type="checkbox"/> Notice of Errata
<input type="checkbox"/> Comments	<input type="checkbox"/> Testimony
<input type="checkbox"/> Exception	<input type="checkbox"/> Response / Reply
<input type="checkbox"/> Exhibit(s)	<input type="checkbox"/> Witness List
<input type="checkbox"/> Miscellaneous - Specify: _____	

08/31/05
Date

Gonca C. Randall
Print name of the person who signed the document
(i.e. Contact Person, Respondent, Attorney, Applicant, etc.)

14.0 SPECIAL HELP PROGRAMS (Continued)

14.3. Link-Up America Program

14.3.1 General

14.3.1.1 The Link-Up America Program is a federally sponsored telephone assistance program designed to make basic telephone service accessible to qualifying low-income customers who are currently not on the public switched telephone network.

14.3.1.2 The Company shall provide Link-Up America Program assistance to all qualifying low-income customers within its service area.

14.3.1.3 A customer eligible for the Lifeline Program or Arizona Low-Income Telephone Assistance Program is automatically eligible for the Link-Up America Program. However, a customer may qualify and receive assistance under the Link-Up America Program independently of the Lifeline Program or Arizona Low-Income Telephone Assistance Program.

14.3.1.4 Assistance is provided to the qualifying low-income customer by one or both of the following programs:

- A fifty percent (50%) reduction of the service connection charges, or \$30, whichever is less, for connection of telephone service at the qualifying low-income customer's principal place of residence.
- A one-year, non-interest assessed, deferred payment plan for payment, up to \$200, of service connection charges associated with the establishment of telephone service for the qualifying low-income customer. Service connection charges include those charges customarily assessed for the establishment of telephone service.

(T)

(T)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0 SPECIAL HELP PROGRAMS (Continued)

(N)

14.3 Link-Up America Program (Continued)

14.3.1 General (Continued)

14.3.1.5 Nothing in this section shall prohibit a customer who is otherwise eligible for the Link-Up America Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.

14.3.1.6 A customer is not eligible for Link-Up America Program from the Company if the customer receives Link-Up credit for service provided by another company.

14.3.2 Eligibility Requirements

14.3.2.1 Qualifying Low-income (Eligible) Customer Criteria

The Link-Up America Program will be provided for one (1) telephone line per household, at the qualifying customer's principal place of residence. Assistance is targeted to those individuals who participate in one of the following programs:

- Medicaid
- Food Stamps
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance (FPHA)
- Low-Income Home Energy Assistance Program (LIHEAP)
- Temporary Assistance to Needy Families (TANF)
- National School Lunch - Free Lunch Program (NSL)
- State Children Health Insurance Plan (SCHIP or KidsCare)

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0 SPECIAL HELP PROGRAMS (Continued)

(N)

14.3 Link-Up America Program (Continued)

14.3.2 Eligibility Requirements (Continued)

14.3.2.2 Obligations of the Customer

14.3.2.2.1 Applicants seeking Link-Up America assistance must provide documentation to the Company establishing that the customer or applicant is an individual who participates in at least one of the following programs in paragraph 14.3.2.1, or whose annual household income is at or below 150% of the Federal Poverty Guidelines.

14.3.2.2.2 A customer who is eligible for the Link-Up America Program, but does not have telephone service shall be responsible for initiating a request for the Link-Up America Program from the Company.

14.3.2.2.3 Prior to implementation of the Link-Up America Program, the Company shall require the eligible customer to sign a document certifying, under penalty of perjury, that:

- The customer receives benefits from one of the programs previously identified in this subsection and the identity of the specific program(s); and
- The customer agrees to notify the Company if the customer ceases to participate in the identified program(s).

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0 SPECIAL HELP PROGRAMS (Continued)

(N)

14.3 Link-Up America Program (Continued)

14.3.2 Eligibility Requirements (Continued)

14.3.2.2 Obligations of the Customer (Continued)

14.3.2.2.4 Applicants shall present documentary evidence of income level and certify under penalty of perjury the number of people residing at that location and/or that they participate in one of the listed programs. The Company will verify and certify participants in accordance with the provisions of F.C.C. rules, 47 U.S.C. Part 54.

14.3.2.2.5 Upon receipt of the applicant's documentation establishing eligibility as stated above, the Company will provide the Link-Up America discount.

14.3.2.2.6 A qualifying customer is eligible to receive the benefit of the Link-Up America Program a second or subsequent time only for a principal place of residence with an address different from the residence address at which the Link-Up America Program assistance was previously provided.

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0 SPECIAL HELP PROGRAMS (Continued)

14.3 Link-Up America Program (Continued)

14.3.3 Credit and Billing

14.3.3.1 Credit Reference

The credit verification procedures used for all applicants who apply for service with the Company will also be used for eligible customers applying for service under the Link-Up America Program.

14.3.3.2 Deposit

The deposit standards used for all applicants who apply for service with the Company will also be used for eligible customers applying for service under the Link-Up America Program; however, deposit requirements will be waived for eligible customers of the Link-Up America Program who voluntarily elect to receive toll blocking.

14.3.3.3 Billing Standards

Once service has been established for a Link-Up America Program applicant, the customer will be expected to adhere to the same bill payment policies expected of any other Company customer.

(N)

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS

14.4 Lifeline Program

The Lifeline Program is a retail local service offering designed to make telephone service available at reduced rates to qualifying low-income customers.

14.4.1. General

- 14.4.1.1 A qualifying low-income customer subscribing to the Lifeline Program shall receive federal reductions to their monthly tariffed residential local exchange access line rate and federal subscriber line charge.
- 14.4.1.2 Nothing in this section shall prohibit a customer who is otherwise eligible for the Lifeline Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.
- 14.4.1.3 The Lifeline Program rate reductions do not apply to long distance service, 976 and other information related telecommunications services, custom calling features, or other ancillary services which may or may not be tariffed. Customers may obtain these services, where available, at their discretion.
- 14.4.1.4 The Lifeline Program rate reductions do not apply to service connection charges; however, customers eligible for the Link-Up America Program will receive a 50% reduction, or \$30.00, whichever is less, on applicable service connection charges as provided in this Tariff.
- 14.4.1.5 A customer eligible for the Lifeline Program is automatically eligible for the Link-Up America Program. However, a customer may qualify and receive assistance under the Link-Up America Program independently of the Lifeline Program.

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

(T)

(T)

14.0. SPECIAL HELP PROGRAMS (Continued)

14.4 Lifeline Program (Continued)

14.4.1. General (Continued)

14.4.1.6 As a participant in the Lifeline Program, customers are eligible to receive Toll Restriction Service at no charge. This service will only be provided at the customer's request.

14.4.1.7 Local service deposit requirements will be waived for customers who voluntarily receive Toll Restriction Service.

14.4.1.8 Participants in the Lifeline Program shall not be disconnected from Local Service for non-payment of toll charges. In addition, the Company will not deny re-establishment of local service to customers who are eligible for the Lifeline Program and have previously been disconnected for non-payment of toll charges. The Lifeline Program will not be connected if an outstanding balance is owed by the customer for local service.

14.4.1.9 Partial payments that are received from Lifeline customers will first be applied to local service charges and then to any outstanding toll charges.

14.4.1.10 A customer is not eligible for Lifeline Service from the Company if the customer is currently receiving Lifeline credit for service provided by another company.

(N)

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

(N)

14.4 Lifeline Program (Continued)

14.4.2 Designated Lifeline Program Services

The Company shall offer the following services or functionalities defined to be qualified, or designated, Lifeline Program services:

- Single party service
- Local usage
- Voice-grade access to the public network
- Dual tone multi frequency (DTMF) signaling or its functional equivalent
- Access to emergency services
- Access to operator services
- Access to interexchange services
- Access to directory assistance services
- Toll blocking service

14.4.3 Eligibility Requirements

14.4.3.1 Qualifying Low-income (Eligible) Customer Criteria

The Lifeline Program rate reductions will be provided per eligible customer. An eligible customer shall be defined as an individual who participates in at least one of the following programs or whose annual household income is at or below 150% of the Federal Poverty Guidelines:

- Medicaid
- Food Stamps
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance (FPHA)
- Low-Income Home Energy Assistance Program (LIHEAP)
- Temporary Assistance to Needy Families (TANF)
- National School Lunch - Free Lunch Program (NSL)
- State Children Health Insurance Plan (SCHIP or KidsCare)

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

(N)

14.4 Lifeline Program (Continued)

14.4.4 Obligations of the Customer

14.4.4.1 Customers whose annual household income is at or below 150% of the federal poverty guidelines but do not receive benefits under Medicaid, Food Stamps, SSI, FPHA, LIHEAP, TANF, NSL, and SCHIP (KidsCare) programs shall self-certify with the Company for Lifeline Program benefits. The self-certification form must be accompanied by supporting documentation at enrollment time. Supporting documentation includes the prior year's state, federal or tribal tax return, current income statements from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal or tribal notice letter of participation in Bureau of Indian Affairs General Assistance, a divorce decree, or child support document. If the documentation does not cover a full year, such as paycheck stubs, three consecutive months of the same documentation from within the same calendar year is required. In addition, the customer must certify, under penalty of perjury, the number of individuals in the household and that the information supplied at the time of the application for Lifeline Service is accurate.

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

(N)

14.4 Lifeline Program (Continued)

14.4.4 Obligations of the Customer (Continued)

14.4.4.2 A customer who is eligible for the Lifeline Program but does not have telephone service shall be responsible for initiating a request for the Lifeline Program from the Company.

14.4.4.3 Prior to implementation of the Lifeline Program, the Company shall require the eligible customer to sign a document certifying, under penalty of perjury, that:

- The customer receives benefits from one of the programs previously identified in this subsection and the identity of the specific program(s) and the customer agrees to notify the Company if the customer ceases to participate in the identified program(s); or
- The customer's income is at or below 150% of the federal poverty guidelines and the number of individuals in their household.

14.4.4.4 Lifeline Program customers will lose their Lifeline Program eligibility and the reduced billing under the Lifeline Program will be terminated once they cease to participate in at least one of the identified, qualified programs and if their income is above 150% of the federal poverty guidelines.

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

14.4 Lifeline Program (Continued)

14.4.5 Obligations of the Company

14.4.5.1 The Company will report on the implementation of outreach programs as required by the Arizona Corporation Commission.

14.4.5.2 In accordance with F.C.C. rules, 47 U.S.C. Part 54, the Company has appropriate procedures in place for:

- Self-certification by the consumer and for the Company to obtain documentation that confirms the consumer's household income and the number of individuals in the household;
- Certification by an officer of the Company that there are income verification procedures in place and that the Company was presented with documentation confirming the customer's eligibility;
- Annually verifying continued eligibility of a statistically valid sample of the Company's Lifeline subscribers via survey or other means.

(N)

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

(N)

14.4 Lifeline Program (Continued)

14.4.5 Obligations of the Company (Continued)

14.4.5.3 The Company will maintain records in accordance with Arizona Corporation Commission Decision No. 67941 and paragraphs 38 and 39 of FCC Order No. FCC 04-87.

14.4.6 Discontinuance of Service

14.4.6.1 Once a customer becomes ineligible for Lifeline Service, the Company will notify a customer of the impending termination of Lifeline benefits by sending a termination notice to the customer. The customer will have up to 60 days after the date of the termination notice to prove their continued eligibility before the Lifeline discount is discontinued. If a dispute arises between the Company and the customer, the customer may go to the Commission for dispute resolution.

14.4.6.2 The customers receiving Lifeline benefits may be required to provide their continuing eligibility on an annual basis to avoid disconnection of their Lifeline Service.

For program based eligibility, customers may present a copy of their Lifeline-qualifying public assistance program cards (Medicaid, etc.) and also self-certify that they continue to participate in the qualified program(s).

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

(N)

14.4 Lifeline Program (Continued)

14.4.6. Discontinuance of Service (Continued)

14.4.6.2 (Continued)

For income based eligibility, customers may present current documentation, such as prior year's state, federal, or tribal tax return, current income statements from an employer or paycheck stub, a Social Security statement of benefits, a Veterans Administration statement of benefits, a retirement/pension statement of benefits, an Unemployment/Workmen's Compensation statement of benefits, federal or tribal notice letter of participation in Bureau of Indian Affairs General Assistance, a divorce decree, or child support document. If the documentation does not cover a full year, such as paycheck stubs, three consecutive months of the same documentation from within the same calendar year is required. Customers must also self-certify, under penalty of perjury, the number of individuals in the household and that the documentation presented accurately represents their annual household income.

14.4.7 Deposit and Credit Requirements

14.4.7.1 The Company does not charge a service deposit in order to initiate the Lifeline Program if the eligible customer voluntarily elects to receive toll blocking.

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

(N)

14.4 Lifeline Program (Continued)

14.4.7 Deposit and Credit Requirements (Continued)

14.4.7.2 The Company may charge a service deposit if the eligible customer denies subscription to toll blocking upon subscribing to the Lifeline Program.

14.4.7.3 In instances where the Company may require a service deposit, the same credit verification procedures and deposit regulations used for all applicants who apply for service with the Company are also applicable to eligible customers for the Lifeline Program.

14.4.8 Service Connection Charges

14.4.8.1 Service connection charges do not apply to eligible customers with existing, qualifying service converting to the Lifeline Program.

14.4.8.2 Service connection charges do apply when:

14.4.8.2.1 Existing eligible customers request additional non-qualifying services at the time Lifeline Program reduced billing is initiated;

14.4.8.2.2 New customers (those without existing local exchange access service) eligible for the Lifeline Program, establish service;

14.4.8.2.3 Customers make subsequent moves or changes after the initial connection to the Lifeline Program.

(N)

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

14.0. SPECIAL HELP PROGRAMS (Continued)

14.4 Lifeline Program (Continued)

14.4.8 Service Connection Charges (Continued)

14.4.8.3 In instances where service connection charges apply, customers qualifying for the Lifeline Program automatically qualify for the Link-Up America Program and may be eligible to receive a reduction in the applicable service connection charges as provided in this Tariff.

14.4.9 Lifeline Program Rate Reduction

The Company shall apply Lifeline Program rate reductions, per eligible customer, as described below. Lifeline rate reductions will not exceed the total Residential Local Exchange Access Line Rate and Federal Subscriber Line Charge.

	<u>Monthly Rate Reduction</u>
Waiver of Federal Subscriber Line Charge	As specified in NECA FCC No. 5, 17.1.2
Maximum Federal Reduction to Residential Local Exchange Access Line Rate	\$1.75

ISSUED: August 22, 2005

EFFECTIVE: September 21, 2005

BY: ACCIPITER COMMUNICATIONS, INC.

(N)

(N)