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May 18, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Notice of Ex Parte Communication, WC Docket No. 10-90

Dear Secretary Dortch:

On May 16, 2016, the undersigned along with Jeffrey S. Nordhaus, Executive Vice President, Innovation & Broadband, Empire State Development (“ESD”), and Charles Small, Associate Director of Federal Affairs of the Washington D.C. Office of Governor Andrew Cuomo of New York, had a conference call with Travis Litman, Commissioner Jessica Rosenworcel’s legal advisor, to discuss the above-captioned proceeding.

During the call, the parties discussed the points raised in the recent ex parte submitted by ESD and the New York State Public Service Commission asserting that declined Connect America Fund (“CAF”) funding be dedicated to advance broadband deployment in New York and the other states in which the funding was originally allocated. Mr. Nordhaus stated that the national auction currently under consideration by the Commission for declined CAF funds could result in the reallocation of this funding to other states. Such a result would not ensure the deployment of broadband services in those New York communities the FCC previously had identified as unserved or underserved by broadband.

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To ameliorate these concerns, the parties discussed the potential approaches raised in the New York *ex parte* for partnering with states that are prepared to disburse the declined CAF funds. The group considered how to fund these states and align the FCC's reverse auction with state-specific broadband programs, including New York's upcoming auction under Governor Cuomo's New NY Broadband Program. The group further noted that the Commission has ample authority to disburse the declined CAF funds directly to states and that aligning the FCC's auction with state broadband efforts would spur additional states to fund their own broadband programs.

Lastly, the parties discussed the attached letters from Senators Charles Schumer (D-NY) and Kirsten Gillibrand (D-NY), which were recently submitted to Chairman Wheeler on these issues.

Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/

Clifford M. Sloan
John M. Beahn

Counsel to Empire State Development

cc: Travis Litman

Attachment