



THE CITY OF NEW YORK
LAW DEPARTMENT
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May 29, 2014

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

Re: WT Docket No. 13-238; WC Docket No. 11-59; RM-11688
(terminated); WT Docket No. 13-32

Dear Ms. Dortch:

On May 27, 2014, representatives of the City of New York ("the City") -- Maya Wiley, Stanley Shor, Rebecca Kagan, Edward Carlson and Bruce Regal -- met with Daniel Alvarez of Chairman Tom Wheeler's staff as well as Julius Knapp and Alan Stillwell of the Office of Technology and Engineering, Randy Clarke and Steven Rosenberg of the Wireline Competition Bureau, John Leibovitz of the Wireless Telecommunications Bureau, and Gregory Vadas and Stephen Klitzman of the Consumer and Government Affairs Bureau, to provide a briefing on the City's issuance of a request for proposals for a franchise contract to install, operate and maintain public communications structures on City sidewalks, intended to replace expiring payphone franchises with a franchise contract for structures that will include both payphone and free public wi-fi facilities and, potentially, facilities providing additional services.

As one element of the discussion, the City's representatives expressed the view that the contemplated facilities would constitute (for purposes of applying Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012) facilities authorized in the City's proprietary capacity as property owner and location provider, and not as a land use regulator, consistent with the approach which the Commission proposed to adopt at paragraph 129 of the Notice of Proposed Rulemaking in the above-captioned dockets adopted and released September 26, 2013.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Regal".

Bruce Regal

cc. Daniel Alvarez

Julius Knapp
Alan Stilwell
Randy Clarke
Stephen Rosenberg
John Leibovitz
Gregory Vadas
Stephen Klitzman