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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 Commissioner Jessica Rosenworcel and Valery Galasso of the Commissioner's office 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,

Bruce Regal

cc. Commissioner Jessica Rosenworcel
Valery Galasso