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August 8, 2024

By Hand

The Honorable Scott S. Harris
Clerk of the Court
United States Supreme Court
One First Street, N.E.
Washington, D.C. 20543

Attn: Robert Meek, Esq.

Re: *New York State Telecommunications Association, Inc., et al. v. James*,
No. 24A138 – Supplement to Application for an Emergency Stay of the
Judgment of the United States Court of Appeals for the Second Circuit

Dear Mr. Harris:

I write on behalf of all parties in the above-captioned matter to provide the Court with an update regarding the need for the relief requested in the Stay Application.

On August 5, 2024, Applicants and Respondent reached an agreement, memorialized in the attached stipulation, that New York's Attorney General will not enforce New York's broadband rate-regulation law against Applicants' members while the Court considers the petition for a writ of certiorari, which Applicants will file on August 12, 2024. As a result, Applicants withdraw their request for a ruling on the Stay Application on or before August 15, 2024.

However, Applicants cannot withdraw their Stay Application in its entirety. New York's Attorney General has not agreed to stay enforcement of the broadband rate-regulation law should the Court grant certiorari, absent a ruling from the Court compelling it not to enforce that law.

Finally, consistent with the attached stipulation, the parties jointly request that the Court set the deadline for Respondent's opposition to Applicants' Stay

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Application on the same date that Respondent's opposition to Applicants' petition for a writ of certiorari is due. The parties thank the Court for its attention to this matter.

Respectfully,



SCOTT H. ANGSTREICH
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Cc: Counsel for Respondent

Enclosure

ATTACHMENT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

NEW YORK STATE
TELECOMMUNICATIONS ASSOCIATION,
INC., CTIA – THE WIRELESS
ASSOCIATION, ACA CONNECTS –
AMERICA’S COMMUNICATIONS
ASSOCIATION, USTELECOM – THE
BROADBAND ASSOCIATION, NTCA – THE
RURAL BROADBAND ASSOCIATION, and
SATELLITE BROADCASTING &
COMMUNICATIONS ASSOCIATION, on
behalf of their respective members,

Plaintiffs,

v.

LETITIA A. JAMES, in her official capacity as
Attorney General of New York,

Defendant.

Case No. 2:21-cv-2389-GRB-AKT

**SUPPLEMENTAL STIPULATION REGARDING AGREEMENT NOT
TO ENFORCE N.Y. GEN. BUS. LAW § 399-zzzzz**

Plaintiffs — New York State Telecommunications Association, Inc.; CTIA – the Wireless Association; ACA Connects – America’s Communications Association; USTelecom – The Broadband Association; NTCA – The Rural Broadband Association; and Satellite Broadcasting & Communications Association (collectively, “Plaintiffs”) — and Defendant Letitia A. James, in her official capacity as Attorney General of New York (“Defendant,” and collectively with Plaintiffs, the “Parties”), by and through their respective counsel, hereby stipulate and agree as follows:

WHEREAS, on June 11, 2024, the Parties entered a Stipulation Regarding Agreement Not to Enforce N.Y. Gen. Bus. Law § 399-zzzzz, and

WHEREAS, the Parties now extend certain terms of that June 11, 2024 stipulation as outlined below (without superseding any other terms of the June 11, 2024 stipulation not referenced herein);

NOW, THEREFORE, in consideration of the foregoing, the Parties stipulate and agree as follows:

1. Plaintiffs agree to file any petition for a writ of certiorari seeking review of the judgment in *New York State Telecomms. Ass'n v. James*, No. 21-1975 (2d Cir. Apr. 26, 2024), no later than August 12, 2024.

2. The Parties agree that Defendant may respond to Plaintiffs' August 2, 2024, Application for an Emergency Stay of the Judgment of the U.S. Court of Appeals for the Second Circuit Pending Disposition of Petition for Writ of Certiorari ("stay application") by the same deadline as Defendant's response to Plaintiffs' forthcoming petition for a writ of certiorari. Plaintiffs agree that they will not object to any extension of time Defendant may seek for Defendant's response to the petition for a writ of certiorari and the stay application.

3. Defendant agrees not to enforce the Affordable Broadband Act, N.Y. Gen. Bus. Law § 399-zzzzz, against any member of the Plaintiff Associations until 30 days after the date when the U.S. Supreme Court decides whether to grant or deny the Plaintiffs' forthcoming petition for a writ of certiorari.

4. The Parties agree that this stipulation and agreement may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which, taken together, constitute one and the same agreement.

IT IS SO STIPLUATED AND AGREED.

Dated: August 7, 2024

/s/ _____

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/s/ _____

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*Attorney for Plaintiff ACA Connects –
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/s/ _____

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*Attorney for Plaintiffs New York State
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The Wireless Association, USTelecom – The
Broadband Association, and NTCA – The
Rural Broadband Association*

/s/ _____

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*Attorney for Plaintiff Satellite Broadcasting
& Communications Association*

4. The Parties agree that this stipulation and agreement may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which, taken together, constitute one and the same agreement.

IT IS SO STIPLUATED AND AGREED.

Dated: August 7, 2024

/s/ Philip Levitz

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