

IN THE
Supreme Court of the United States

NEW YORK STATE TELECOMMUNICATIONS
ASSOCIATION, INC., ET AL.,
Petitioners,

v.

LETITIA A. JAMES, IN HER OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF NEW YORK,
Respondent.

**On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit**

SUPPLEMENTAL BRIEF FOR PETITIONERS

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January 17, 2025

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RULE 29.6 STATEMENTS

Petitioners' Statements pursuant to Rule 29.6 were set forth at pages iii-iv of the petition for a writ of certiorari, and there are no amendments to those Statements.

On January 15, 2025, New York began enforcing its broadband rate-regulation law for the first time since New York enacted it in 2021.¹ As we noted in our petition for rehearing (at 5 n.7), that event created a “serious risk that . . . some providers will cease offering broadband service in New York rather than sell at a loss.” That risk has come to pass. AT&T has withdrawn its 5G fixed wireless home internet offering — AT&T Internet Air — from New York because of the rate-regulation law.² AT&T had offered service in Albany, Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Rochester, Syracuse, Utica, and Watertown.³ AT&T currently offers Internet Air in cities in 47 other States and in the District of Columbia,⁴ which do not regulate broadband rates.

CONCLUSION

The petition for rehearing should be granted.

¹ See Order Reopening Proceeding and Reinstating Temporary Exemptions Subject to Conditions at 5-6, *Affordable Broadband Act*, Case Nos. 24-M-0255 & 21-M-0290 (Jan. 9, 2025) (“Any ISP operating in New York not subject to a temporary exemption as described herein must be in compliance with the requirements of GBL § 399-zzzzz by Wednesday, January 15, 2025, or be subject to a potential penalty action in accordance with the ABA.”), <https://on.ny.gov/3E7MSFD>.

² See Eli Blumenthal, *AT&T Is Stopping Its 5G Internet Air Service in NY Because of New Broadband Law*, CNET (Jan. 15, 2025), <https://cnet.co/4hiVI1S>. AT&T also withdrew its 5G fixed wireless business offering — AT&T Internet Air for Business — from New York because of the law.

³ AT&T Internet Air Coverage Map (Dec. 23, 2024), <https://web.archive.org/web/20241223110831/https://about.att.com/pages/internet-air>.

⁴ AT&T Internet Air Coverage Map (Jan. 16, 2025), <https://about.att.com/pages/internet-air>.

Respectfully submitted,

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