

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, D.C. 20007-5108

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES

MUMBAI, INDIA

DIRECT LINE: (202) 342-8518

EMAIL: tcohen@kelleydrye.com

February 12, 2016

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Filing of the American Cable Association and the Wireless Internet Service Providers Association on the Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

On February 11, 2016, Ross Lieberman, Senior Vice President for Government Affairs, American Cable Association (“ACA”), Stephen E. Coran, Counsel to the Wireless Internet Service Providers Association (“WISPA”), and the undersigned, Thomas Cohen, Counsel to ACA, met with Alex Minard and Heidi Lankau of the Wireline Competition Bureau and Neil Dellar of the Office of General Counsel. The purpose of the meeting was to review ACA/WISPA’s proposal, submitted in a February 9, 2016 *ex parte* letter,¹ that the Commission adopt alternative criteria by which a bank would be deemed eligible to issue an acceptable Letter of Credit (“LoC”) for the Connect America Fund Phase II competitive bidding process. The Commission is proposing that a bank would qualify if it is a top 100 bank, is FDIC-insured, and has an investment-grade credit rating. In their *ex parte* filing, ACA and WISPA proposed an alternative by which a bank would be eligible to issue an acceptable LoC if it is FDIC-insured and meets the “Well-Capitalized” threshold pursuant to the Basel III Capital Adequacy Standards as adopted by federal banking regulatory agencies. In the meeting, ACA and WISPA representatives explained, consistent with their *ex parte* filing, that use of their criteria would, in

¹ *Ex Parte* Letter from Ross J. Lieberman, Senior Vice President of Government Affairs, American Cable Association, and Stephen E. Coran, Counsel to the Wireless Internet Service Providers Association, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90 (Feb. 9, 2016).

KELLEY DRYE & WARREN LLP

Marlene H. Dortch
February 12, 2016
Page Two

comparison with the Commission's proposed criteria, expand the pool of banks eligible to issue a LoC from 63 to 6,195 and provide more reliable and verifiable indicators of bank viability. This should give the Commission comfort that it would have recourse to draw on the LoC in the event of a default by a winning bidder and would facilitate participation in the auction by a larger group of participants.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.

Sincerely,



Thomas Cohen
Kelley Drye & Warren, LLP
3050 K Street N.W.
Washington, DC 20007
202-342-8518
tcohen@kelleydrye.com
Counsel for the American Cable Association

cc: Alex Minard
Heidi Lankau
Neil Dellar