

# Telecommunications

## OVERVIEW

Eckert Seamans attorneys in the Telecommunications Group are recognized for their advocacy on diverse federal and state telecommunications issues, specializing in competitive wireline, wireless, broadband, and infrastructure issues. Our telecom attorneys represent clients before the Federal Communications Commission and the state public utility commissions on issues at the forefront of the evolving telecommunications markets, including open internet policy, navigating the IP transition, pole attachment terms and conditions, state level deregulation efforts, intercarrier compensation disputes, eligible telecommunications carrier designation, land use issues associated with telecommunications and broadband deployment, and allocation and management of wireless spectrum. Eckert Seamans' Telecommunications Group draws on the deep experience our professionals have garnered through years of experience with these issues as well as their former positions as utility commissioners, staff and representing state advocacy offices. Eckert Seamans attorneys recognize the importance of the regulatory issues associated with broadband deployment as they assist clients that utilize modern technologies to help serve rural, urban, and suburban customers.

## LEGISLATIVE & REGULATORY

### Federal Regulatory

Eckert Seamans attorneys address a wide variety of regulatory issues on behalf of clients before the FCC, drawing on decades of experience to support client interests before the Commission. Recent issues on which our attorneys have been engaged include the IP Transition, VoIP regulatory issues, Open Internet policy, the LNPA Transition, numbering issues, and pole attachment policy. We also provide regulatory support for new companies requiring section 214 authorization, as well as regulatory approvals for mergers and acquisitions.

### State Regulatory

Eckert Seamans has state regulatory attorneys positioned in state capitals throughout its footprint. Eckert attorneys are connected to state public utility commissions that enables them to influence policy regarding everything from complex policy rulemakings to certification applications and compliance filings. We have extensive experience litigating proceedings and making filings before state commissions across the country, and have also testified before over numerous state commissions and regulatory agencies, as well as state legislatures on telecommunications policy issues.

### Local Regulatory

Eckert Seamans has unmatched depth and experience with local rights-of-way, municipal franchise and license agreements, and related infrastructure issues. Our attorneys have negotiated public and private rights-of-way, franchise, and license agreements in multiple states and local jurisdictions. We support extensive fiber network build-outs, as well as cell tower, small cell, and distributed antenna systems deployment.

## LITIGATION

### Appellate

When needed to protect the interests of clients resulting from regulatory action, Eckert Seamans provides meaningful advocacy for clients in appellate proceedings. Our attorneys have filed and have prevailed in appeals on a variety of telecommunications issues in recent years. Eckert Seamans was the first firm to file an appeal of the Connect America Fund Order and filed the only pro-competitive appeal of the Open Internet Order.

### Federal and State Court

Eckert Seamans aggressively pursues its clients' interests in litigation in federal and state court. The firm has filed switched access and other intercarrier compensation collections actions, complaints concerning rights-of-way disputes, and complaints concerning pole attachment rights and rates. We have also handled appeals of FCC and state commission orders in federal and state courts.

### State Commission Litigation

Eckert Seamans specializes in regulatory compliance and other commission enforcement litigation before state public utility commissions as well as at the FCC. utility commissions. The firm has handled cases before Commissions across its footprint from Pennsylvania to Maryland to D.C. to Virginia to New Jersey, among others. Eckert Seamans' telecommunications team leverages its expertise across multiple offices in state commission cases.

## TRANSACTIONAL

Eckert Seamans assists in every aspect of a transaction, including both contractual negotiation and regulatory compliance. In addition, Eckert Seamans attorneys provide responsive and effective assistance with routine transactions and have extensive experience reviewing infrastructure contracts including utility poles, conduits, dark fiber leases, and infeasible rights of use (IRU).

## REPRESENTATIVE MATTERS

### WIRELINE COMPETITION ISSUES

- Negotiate and arbitrate interconnection agreements between carriers.
- Advocate on a broad range of issues related to intercarrier compensation, the regulation of VoIP, access to numbering resources, IP Transition, LNPA Transition, and Open Internet policy.
- Represent carriers in application proceedings before the FCC and state commissions for licensing and certification to provide domestic and international services, including local and long distance services.
- Represent clients on data security issues, including domestic and foreign encryption and lawful intercept requirements.
- File and obtain regulatory for various transactional matters, including financing, mergers, change of control and corporate reorganizations.
- Counsel competitive and specialized service providers (e.g., VoIP providers, wholesale carriers, dark fiber providers, and Internet Service Providers) on a variety of regulatory issues unique to their respective lines of business, including FCC and state compliance, reporting, and disclosure obligations.
- Advise telecommunications service providers on consumer privacy and data security obligations arising under the Telephone Consumer Protection Act, and the FCC's implementing rules as well as various state-specific regulations.
- Negotiate regulated and unregulated agreements for the purchase of telecommunications services, including agreements for the purchase, sale, and lease of fiber, equipment, and other telecommunications assets.

### WIRELESS AND SPECTRUM

- Represent interests of various stakeholders in rulemaking and policymaking proceedings before the FCC impacting the use and allocation of wireless spectrum resources.
- Represent spectrum users in application proceedings before the FCC for various classifications of wireless spectrum licenses, and advise applicants on related foreign ownership considerations.
- Negotiate agreements for the purchase, sale, lease, or sharing of authorized spectrum, including short-spacing agreements, and agreements for re-banding or re-location of frequencies, and other wireless telecommunications assets.
- Advise service providers on operational considerations related to unregulated service offerings, including WiFi.
- Represent wireless infrastructure owners in application proceedings before the FCC for tower construction or modification permissions.
- Advise clients on wireless infrastructure compliance matters, including FCC and Federal Aviation Administration (FAA) tower lighting and painting requirements, and environmental impact considerations.

- Advise wireless spectrum licensees on FCC-imposed compliance obligations, internal investigations, and due diligence matters, and prepare comprehensive compliance manuals.
- Represent wireless spectrum licensees in complaint and enforcement proceedings before the FCC.

## INFRASTRUCTURE ISSUES

- Counsel clients on a wide variety of infrastructure-related issues, including issues relating to pole attachments, fiber and conduit agreements, municipal rights-of-way, municipal licensing agreements, and other public and private easement/lease agreements.
- Negotiate commercial wholesale and retail contracts, including master service agreements (MSAs), dark fiber IRU, dark fiber lease, and collocation agreements.
- Represent clients in pole attachment disputes in federal and state courts and at the FCC and public utility commissions.
- Represent small cell and DAS providers, communication tower operators, and wireless communications service providers in real estate, contract, and trespass disputes.
- Represent carriers engaged in negotiating municipal, state and other public rights-of-way agreements. Guide carriers through the process of obtaining county and municipal approval for municipal rights-of-way and licensing agreements, as well as state certification and tariffing.
- Represent collocation companies, negotiating regulated and unregulated collocation agreements and litigating collocation disputes.