

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, and infrastructure issues. Our telecom attorneys represent clients before the Federal Communications Commission and the state public utilities commissions on issues at the forefront of the evolving telecommunications markets, including the regulation of Voice over Internet Protocol services, Open Internet policy, navigating the IP Transition, intercarrier compensation disputes, and allocation and management of wireless spectrum. Eckert Seamans' Telecommunications Group draws on the experience our professionals have garnered through former roles in Congress, on Capitol Hill, on state commissions, and as senior telecom in-house counsel.

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 in order to address 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 15 state commissions.

Local Regulatory

Eckert Seamans has unmatched depth and experience with local rights-of-way, municipal franchise, and related infrastructure issues. Our attorneys have negotiated public and private rights-of-way and franchise 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 regulatory agencies stray from their statutory mandates, Eckert Seamans represents clients in appellate proceedings. Our attorneys have filed appeals on a variety of telecom 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 court.

FCC Enforcement

Eckert Seamans pursues its clients' interests before the FCC Enforcement Bureau. Our attorneys have been bringing cases to FCC Enforcement for decades. We help clients navigate the processes and procedures of FCC Enforcement, and bring specialized expertise in wireline, wireless, pole attachment, and other infrastructure issues to the enforcement process.

State Commission Litigation

Eckert Seamans specializes in commission enforcement and collections litigation before the state public 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' telecom team leverages its expertise across multiple offices in state commission cases.

TRANSACTIONAL

Eckert Seamans assists in every aspect of a transaction, including both transactional and regulatory aspects. In addition, Eckert Seamans attorneys provide responsive and effective review of more routine transactions, with extensive experience reviewing infrastructure contracts including poles, conduits, and infeasible rights of use (IRU).

REPRESENTATIVE MATTERS

WIRELINE COMPETITION ISSUES

- Negotiate and arbitrate interconnection agreements on both a regulated and nonregulated basis with incumbent local exchange carriers (ILECs) and wireless carriers.
- Represent carrier clients in FCC and state commission rulemaking and policy proceedings addressing 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 and trade associations shaping the debate on the implementation of the LNPA Transition and its impact on the IP Transition.
- Eckert Seamans attorneys were a leading voice on the issue of direct access to phone numbers for VoIP providers.
- Represent competitive local exchange carriers and VoIP providers 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.
- Represent carriers in receiving necessary federal and state regulatory approvals for various transactional matters, including mergers and corporate reorganizations.
- Represent CLECs in FCC, state commission, and federal and state court litigation pertaining to the implementation of the Telecommunications Act, recovery of unpaid access charges and reciprocal compensation, and violations of federal and state statutes and regulations.

- Counsel competitive and specialized service providers (e.g., VoIP providers, wholesale carriers, UNE-P and resale 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 regulated 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, 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.
- 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 agreements, as well as state certification and tariffing.
- Represent collocation companies, negotiating regulated and unregulated collocation agreements and litigating collocation disputes.