



**JAMES N. HORWOOD**  
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**EDUCATION:** **University of Pennsylvania Law School, LL.B., 1958-1961**  
**University of Pennsylvania, B.S. in Economics, 1954-1958**

**BAR ADMISSIONS:** District of Columbia  
State of Ohio  
Supreme Court of the United States

United States Courts of Appeals for the District of Columbia, First, Second, Fourth, Sixth, Seventh, Eighth, and Ninth Circuits

**LEGAL EXPERIENCE:** Mr. Horwood has focused his practice on a wide range of energy, communications, and postal rate matters for over 40 years. He has been in private practice with the law firm of Spiegel & McDiarmid since 1973 with concentration in representing municipal and cooperative electric distribution systems, associations of such systems, municipal joint action agencies, and generation and transmission cooperatives in energy matters, as well as advising cities and non-profit organizations on communications issues.

With respect to communications issues, Mr. Horwood advises local governments on all aspects of communications law. These include work for cities considering municipal ownership and operation of cable systems, construction and ownership of infrastructure, including fiber optic systems, and issues that arise under cable television franchises, including those in connection with renewal, transfer, enforcement and rate regulation. This work often concerns questions involving interpretation and application of federal communications law, the U.S. Constitution (particularly the First Amendment), federal and state antitrust laws, and utility regulatory laws. Mr. Horwood is advising local governments on telephone and other communications issues arising from the advent and growth of new technologies. He is currently working with cities that are planning to install fiber optic facilities or broadband over powerline systems to provide communications services either limited to serving municipal functions or to provide telecommunication services more broadly to the public.

In addition to representation of cities, Mr. Horwood serves on the Board of Directors of the Alliance for Community Media as Special Appointee, Legal Affairs, and provides advice to organizations that manage access centers and to others interested in promoting the use of public, educational and governmental access.

**SIGNIFICANT PREVIOUS EMPLOYMENT:** Trial Attorney and Supervisory Trial Attorney, Federal Power Commission, 1962-1971

Supervisory Trial Attorney, U.S. Postal Rate Commission, 1971-1973

**SPEECHES:** **Joan Shorenstein Center on the Press, Politics and Public Policy; Carnegie-Knight Initiative on the Future of Journalism Education:** Participant in roundtable discussion with journalism school deans of the proposed strengthening of broadcast licensing requirements for TV and radio (September 2007)

**New Jersey State League of Municipalities' Annual Conference:** "Federal and State Legislation and its Effect on New and Existing Public Access (PEG) Television Stations" (November 16, 2006)

**Municipal Electric Power Association of Virginia: 2005 Annual Conference:** "Congress, FERC and Federal-State Issues in Energy and Telecommunication"

**National Conference for Media Reform:** "Winning Community Media Through Cable Franchise Renewal" (March 2005)

**National Association of Telecommunications Officers and Advisors 2005 Regional Workshop:** The Corps of Discovery; All Requesting Something – "Self Provisioning and Self Determination – The Louisiana Process"

**Optical Broadband Opportunities:** "Understanding the Impact of Recent Federal and State Regulatory Decisions on Municipal FTTH" (March 2005)

**Municipal Electric Power Association of Virginia: 2004 Annual Conference:** "Congress, FERC and Federal-State Tensions"

**National Association of Telecommunications Officers and Advisors 2004 Litigation and Regulation Seminar:** "Advocating Local Government Interests in Telecommunications: Actions Speak Louder Than Words"

**MIT Comparative Media Studies Communications Forum (2003):** "E-Topia/Designing Cambridge: 21<sup>st</sup> Century Communications for Our Community"

**American Public Power Association 2003 Legal Seminar:** "Municipal Provision of Telecommunications: Power Line, Fiber to the Home and Other Developments"

**Fiber to the Home Council Conference and Expo 2003:** "Small Towns, Big Fiber: Legal and Regulatory Issues"

**Municipal Electric Power Association of Virginia: 2003 Annual Conference:** “Impact of 2003 Virginia Legislation on Retail Competition and RTO Development”

**National Association of Telecommunications Officers and Advisors 2003 Regional Workshop:** “Transposing the Music: Transfers & Renewals”

**American Public Power Association Community Broadband Conference (2002):** “Legal Issues Briefing Understanding the Challenges! Municipal Entry: What is Really at Stake”

**National Association of Telecommunications Officers and Advisors 2002 Annual Conference:** “Avoiding Potentially Turbulent Issues”

**Municipal Electric Power Association of Virginia: 2002 Annual Conference:** “Update on RTO Developments in Virginia, FERC Initiatives to Foster Competitive Markets, and Federal Legislation”

**American Conference Institute: Telecoms 2002:** “Local Law Problems: Pole Connections, Tower Siting and Rights of Way”

**National Association of Telecommunications Officers and Advisors 2001 Annual Conference:** “Keeping Your Head Above Water – The Future of PEG Access: Legal Issues and Perspectives”

**American Conference Institute: Telecoms 2001:** “The Tension Between Municipalities and Telecommunications Providers: A Municipal Perspective”

**Illinois NATOA 11<sup>th</sup> Annual State Conference 2000:** “The Public’s Access to Telecommunications: the Benefits of Public, Educational and Governmental Access and the Challenges in Preserving and Expanding its Availability”

**Municipal Electric Power Association of Virginia: 2000 Annual Conference:** “Recent Developments Regarding Regional Transmission Organizations”

**League of Women Voters of Bucks County, Pennsylvania (2000):** “The Public’s Access to Telecommunications: The Benefits of Public, Educational and Governmental Access and the Challenge in Preserving and Expanding its Availability”

**National Association of Telecommunications Officers and Advisors: 1999 Annual Local Government Telecommunications Conference:** “Political Speech on Public, Education and Government Access Channels”

**National Association of Telecommunications Officers and Advisors: 1999 Legal Training Seminar:** “Title II and Title VI: Are They Trains Moving in Opposition Directions?”

**National Association of Telecommunications Officers and Advisors: 1998 Annual Conference:** “Cable Franchise Renewals -- Case Studies”

**National Association of Telecommunications Officers and Advisors: 1998 Regional Training Seminar:** “Utility Deregulation”

**South Carolina Association of Municipal Power Systems:** “Utility Deregulation and Restructuring: Its Impact on Municipal Power Systems” (1998)

**National Association of Telecommunications Officers and Advisors: 1997 Annual Conference:** “The Public’s Access to Telecommunications: Universal Service and PEG” and “Local Government Networks: Case Studies from Around the Country”

**National Association of Telecommunications Officers and Advisors: 1997 Regional Training Seminars:** Telecommunications in Your Community “Local Networks: Development and Implementation”

**Strategic Research Institute: Cable/Telco Video Franchising (1997):** “Overbuild Negotiations - Bringing Competition to Video Franchising Through Municipal or Telco Overbuilds”

**SCAN/NATOA: Telecommunications Crossroads (1997):** “Developing a Telecommunications Master Plan”

**Libraries for the Future,** Association of Independent Video and Filmmakers and School of Communication, American University (1997) -- Public Forum on Direct Broadcast Satellite

**Fordham Intellectual Property, Media & Entertainment Law Journal** (Fordham University School of Law) -- Fourth Annual Symposium (1996): Current Issues in Telecommunications Law and Cable Television

**Strategic Research Institute: Cable/Telco Video Franchising (1996):** “Municipal Ownership & Operation of Telecom Infrastructure and/or Systems”

**Municipal Electric Power Association of Kentucky -- 1996 Annual Fall Conference:** “Legal Framework for Municipal Utilities to Provide Telecommunications Services”

**Association of Monterey Bay Area Governments -- 1996 Telecommunications Seminar:** “Telecommunications Issues for Local Governments”

**National Association of Telecommunications Officers and Advisors: 1996 Annual Conference:** “Utility Company Entrance Into The Telecommunications Market”

**National Association of Telecommunications Officers and Advisors -- 1996 Regional Training Seminars:** Telecommunications Planning: “Meeting Local Community Information Needs”

**Strategic Research Institute -- Video Dial Tone in the New Competitive & Deregulated Telecom World (1995):** “Meeting the Public’s Need For Access”

**Institute for International Research -- Strategic Convergence '95:** “The Multi-Industry Cable, Telco, CAP and Utilities Executive Forum/Workshop”

**National Association of Telecommunications Officers and Advisors -- 1995 National Conference:** “Municipally Owned Fiber Optic Loops: Opportunities and Barriers”

**Indiana Municipal Electric Association -- 1995 Spring Conference:** Information Highway and the National Information Infrastructure

**National Association of Telecommunication Officers and Advisors -- 1994 National Conference:** “Avoiding Detours, Curves, and Road Blocks Along the Superhighway”

**California Municipal Utilities Association -- Information Superhighway Seminar (1994):** “Regulation of Municipal Fiber Optic Loops: Opportunities and Barriers”

**National Institute of Municipal Law Officers 59th Annual Conference (1994):** “Preservation of Public, Educational and Governmental Access Channels Under Current Cable Television Franchising and in a New Telecommunications Environment”

**Seton Hall University School of Law Symposium (1994) --** Traveling the Information Superhighway: Communications Law & Regulation in the 21st Century

**Fordham Intellectual Property, Media & Entertainment Law Journal** (Fordham University School of Law) -- Second Annual Symposium (1994): First Amendment and the Media: Current Issues in Telecommunications Law and Cable Television

**American Public Power Association -- 1993 Cable Communications Workshop:** When the Technology is Ahead of the Regulation: “Regulation of Municipal Fiber Optic Loops: Opportunities and Barriers”

**National Association of Telecommunications Officers and Advisors -- 1993 Annual Conference:** “Be Smart, Know the Laws Regarding PEG: The Effect of the 1992 Cable Act and FCC Regulations Thereunder on PEG Access and Commercial Leased Access”

**Media and the Law Seminar -- 1992;** cosponsored by Media/Professional Insurance, Inc., UMKC Law School/CLE, The Kansas City Star Co., Kansas City Press Club, and The Kansas City Metropolitan Bar Association-Media Law Committee

**National Association of Telecommunications Officers and Advisors -- 1992 Annual Conference:** “Telecommunications Democracy & PEG Access: Renewal Strategies, Benefits and Responsibilities”

**National Association of Telecommunications Officers and Advisors -- 1991 Annual Conference:** “Cable Regulation: Questions Every Community Should Ask,” Workshop for Beginner/Part-time Regulators

**Michigan Association of Municipal Attorneys and Michigan Municipal League -- 1991 Conference on Cable TV:** Effectively Addressing Rate and Services Issues: “Proposed Federal Cable Legislation/FCC Cable TV Rulemaking”

**National Association of Telecommunication Officers and Advisors -- 1989 Annual Conference:** “Franchise Fees: Practical Approaches for Monitoring Payments”

**North Carolina League of Municipalities 1986 Annual Convention -- Municipal Attorneys Seminar:** “Federal Actions Affecting Municipalities - Tax Reform, Antitrust Developments and Cable Television Regulations”

**Alliance for Community Media** (formerly National Federation of Local Cable Programmers) – 1984-2007 National Conferences; Northeast Region Fall Conference (1986); Central States Regional Fall Conference (1988); Central States/Midwest Regions Fall Conference (1989); Southwest Regional Conference (1990); Northeast Region Fall Conference (1990); Northeast/Mid-Atlantic Regions Spring Conference (1991); Northeast Region Fall Conference (1991); Northeast Region Spring Conference (1992); Central States Region Fall Conference (1992); Northeast Region Fall Conference (1992); Northeast Region Spring Conference (1993); Mountain States Region Spring Conference (1993); Far West Regional Fall Conference (1993); Northeast and Mid-Atlantic Regional Fall Conference (1993); Far West Regional Fall Conference (1994); Southeast & Mid-Atlantic Regional Fall Conference (1994); Northeast Region Winter Conference (1995); Central States Spring Conference (1995); Southeast Region Fall Conference (1995); Northeast & Mid-Atlantic Regional Conference (1995); Northwest Region Spring Conference (1996); Northeast Region Spring Conference (1996); Far West Regional Fall Conference (1996); Southeast Regional Spring Conference (1997); Northeast Region Spring Conference (1997); Far West Regional Conference (1997); Northeast Region Fall Conference (1997); Mid-Atlantic Regional Conference (1998); Massachusetts Chapter Cable Franchise Renewal Conference (1998); Northeast Regional Video Festival and Conference (1998); 1998 Western Regional Conference, Northeast Region Spring Conference (1999); Southeast Region Conference (1999); Mid-Atlantic Regional Conference (1999); Northeast Region Spring Conference (2000); Mid-Atlantic Region Conference (2000); Southwest Region Conference (2000); Western States Conference (2000); Western States Conference (2001); Northeast Region Spring Conference (2001); Mid-Atlantic Region Conference (2002); Western States Conference (2002); Northeast Region Spring Conference (2003); Southeast Regional Conference (2003); Central States Region Fall Conference (2003); Northeast Regional Fall Conference (2003); Western States Regional Conference (2003); and Western States Regional Conference (2004); Northwest Region Conference (2005); Northeast Region Spring Conference (2005); Mid-Atlantic Region Conference (2005); Mid-Atlantic Region Conference (2006); and Western Region Fall Conference (2006)

**ARTICLES:** “Federal Law Requires Telcos to Obtain Cable Franchises if they Provide Cable Service,” NATOA Journal of Municipal Telecommunications Policy (Spring 2005)

“The Formal Cable Renewal Process: Reaching the Light at the End of the Tunnel,” NATOA Journal of Municipal Telecommunications Policy (Fall 2004)

“Successfully Negotiating a Franchise Renewal, 2004 Revised Edition,” published by the Alliance for Community Media (3 chapters)

“Legal, Regulatory and Legislative Threats to PEG Access,” Community Media Review, Spring 2004

“Regulating Public Rights-of-Way; Fair and Reasonable Compensation in Light of Recent Developments,” Municipal Lawyer (January/February 2003) (with Allison L. Driver)

“Political Speech and PEG Access; a Legal Analysis,” Community Media Review, Winter 2002-2003 (with Allison L. Driver)

“ADA and Access,” Community Media Review, Autumn 2002 (with Peter J. Hopkins, Allison Driver, and Melinda Claybaugh)

“Municipal Web Site Liability Under the First Amendment and Its Relevance to PEG Access,” NATOA Journal of Municipal Telecommunications Policy (Summer 2001) (with Peter J. Hopkins and Alisa N. Stein)

“PEG Access and the Law: a Thumbnail History,” Community Media Review/The Journal of the Alliance for Community Media (Summer 2001)

“When a City Speaks: Municipal authority to manage our public rights of way is being threatened,” Legal Times (May 14, 2001) (with Scott H. Strauss and Alisa N. Stein)

“Municipal Web Site Liability Under the First Amendment,” Municipal Lawyer (January/February 2001) (with Peter J. Hopkins and Alisa N. Stein)

“Censorship of Cable Television’s Leased and Public Access Channels: Current Status of *Alliance for Community Media v. FCC*,” VI Fordham Intellectual Property, Media & Entertainment Law Journal 465 (1996)

“Public, Educational, and Governmental Access on Cable Television: A Model to Assure Reasonable Access to the Information Superhighway for all People in Fulfillment of the First Amendment Guarantee of Free Speech,” 25 Seton Hall Law Review 1413 (1995)

“Censorship of Cable Television’s Leased and Public Access Channels,” IV Fordham Intellectual Property, Media & Entertainment Law Journal 801 (1994)

**OTHER:** **Alliance for Community Media** (formerly National Federation of Local Cable Programmers) – Member, Board of Directors

**Energy Bar Association** – Past Member, Board of Directors; Past Chair, Ethics Committee; Past Chair, *Ad Hoc* Committee on Procedural and Accounting Implications of the Clean Air Act Amendments of 1990; Past Chairman, Committee on Regulations - Parts II and III, Federal Power Act; Past Chairman, Committee on Liaison with Administrative

Law Judges; Past Cochairman, Committee on Practice and Procedure

**Federal Communications Bar Association** – Past Co-Chair, State and  
Local Practice Committee

**National Association of Telecommunications Officers and Advisors**

**International Municipal Lawyers Association**

**American Bar Association**

**District of Columbia Bar**