

Telecommunications



Today, communications services and technologies play a dramatically increased role in the fiscal and operational wellbeing of state and local governments, municipal and cooperative utilities, educational institutions and other public-sector entities. Through Federal Communications Commission (FCC) proceedings, video/broadband franchising issues, broadcast licensing matters, tax and land use litigation and their own provision of broadband services, public-sector entities are now deeply involved in the communications sector. The lawyers of Spiegel & McDiarmid LLP bring decades of experience exclusively representing local governments, utilities and other public sector institutions in the complete range of communications matters.

We represent governmental, non-profit and other public sector clients before the FCC, the courts, Congress, state legislatures and state commissions on a wide range of issues, including telecom and broadband regulation, municipal broadband, rights-of-way access, cable/video franchising, public safety licenses and other FCC licensing matters, communications tax and fee matters and issues related to public, educational and governmental (PEG) access channels on cable/video systems.

We represent our clients in litigation at the administrative, trial and appellate levels, having appeared many times before the U.S. Supreme Court, the federal courts of appeals and other federal and state courts, as well as the FCC and state commissions. For example, state and local governments often find themselves involved in disputes with telecom providers or cable TV providers regarding franchises, or with wireless providers about land use and zoning applications for cell towers. We also advise clients on minimizing their litigation risks and exposure.

We provide both lobbying and contract negotiation services for our clients, representing their interests with regard to telecom- and tax-related legislation and assisting in contract negotiations with telecom, broadband and cable service providers on subjects such as franchise agreements, right-of-way access and permitting, zoning, taxes, and First Amendment and other constitutional issues. Our attorneys have lobbied Congress on behalf of clients with respect to every significant amendment to the federal Communications Act since 1992.



State and local governments also require representation on tax issues in appellate proceedings, with which we have extensive experience. We represent local governments, through both lobbying and litigation, to protect their taxing authority over the telecom and broadband industry against federal preemption legislation.

Increasingly, public sector institutions such as municipalities, utilities, cooperatives, state governments and universities are themselves becoming network providers of broadband, telecommunications and cable TV services (for public and emergency services, and sometimes also for providing services to their residents and businesses). These public sector institutions have also become content providers, typically over the Internet (with privacy and open-records implications) but also sometimes through their own cable channels, or radio or television broadcast stations. We are ideally positioned to assist clients in this emerging area of law.

Due to Spiegel & McDiarmid's public sector focus and its decades of experience on communications law matters, the firm is uniquely qualified to offer public sector clients tailored and in-depth advice and representation to enable them to adapt to a constantly evolving broadband and communications facilities and services environment.