

NATOA LITIGATION & REGULATORY SEMINAR

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Where Have All the Revenues Gone?

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Overview

- Municipal Broadband
- Private Sector Overbuilds
- Bankruptcies
- Pole Attachments
- Voice, Video and XoIP
- Other Issues

Municipal Broadband

- The *Missouri* case
 - Only decided Congress not clear enough in Section 253
 - No decision on merits – “respectable position”
 - Helpful citations to FCC policy findings, amici briefs
- Recent battles in the States
 - GA, FL, IA, NE, UT, VA (SCC), TN, WI, WA
- Growing number of success stories
 - E.g., Bristol, Dalton, Cedar Falls, Manassas

Private Sector Overbuilders

- Mixed operating results
 - Knology, Grande, SureWest, etc.
 - Altrio, RCN, WOW, Carolina BBD, Everest, etc.
- FCC and GAO Reports
 - Competition => Cable rates 15-41% lower
- Senate Judiciary Committee Hearings
 - NATOA Testimony
 - Committee Actions
 - Bill to eliminate terrestrial loophole
 - Asked GAO to study DBS competition
 - Refer anticompetitive conduct to DOJ

Bankruptcies

- Adelphia
 - Plan proposed in February → Emerge Intact
 - Equity Committee, Rigases, Others → Sell company
 - Today, Adelphia announced it will exploring selling itself
 - Hearings next week postponed
- RCN
 - Deferred interest payments, is negotiating with lenders
 - Must decide whether to pay interest by mid-May
 - Chapter 11 likely
- Others

Pole Attachments

- Potential impact of *Brand X*
 - Access and rates
- Cable Industry VoIP White Paper
- Trends in negotiations
 - One-on-one negotiations
 - Group negotiations
 - “Rulemakings”

Voice, Video and XoIP

- The Big Picture
 - A flat “No” is not the right answer for local governments
 - Core contributions/ needs of local governments
 - Pulver.com vs. AT&T (decided yesterday) vs. NPRM vs. States
- Points not covered by other speakers

Other Issues?