

FIBER TO THE HOME CONFERENCE  
New Orleans, LA

Key Legal Issues Affecting FTTX Projects

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# Fiber to the Home



# Overview

- Entry Issues (Public Entities)
- Regulatory Issues
- Operating Issues
- Competitive Issues
- Other Issues

## Entry Issues (Public Entities)

- Authority to provide services, facilities
  - Explicit and implicit grants, barriers
  - Public involvement models
  - Substantive and procedural issues
  - Financing implications
- Leading cases – *Missouri Municipal League*
- New federal and state developments

# Regulatory Issues

- Key Definitions – “Telecom Services” vs “Cable Services” vs “Information Services”
- Implications – Facility access, UNEs, Universal Service, access charges, franchise fees, customer service, poles, ROW, etc.
- FCC’s cable modem decision, wireline Internet proceeding, UNE order
- State proceedings (e.g., MN VoIP decision)

# Operating Issues

- Interconnection issues
- “Level Playing Field” laws and agreements
- Anticompetitive practices of incumbents – predatory and/or discriminatory pricing; denial of access to content, MTEs; refusals to deal with suppliers; other unfair practices
- Pole and conduit attachments
- Rights of way, easements
- Wireless facility issues

# Other Issues

- Tax “simplification” initiatives
- Copyright issues
- Privacy issues
- Homeland security issues
- Equal employment opportunity requirements