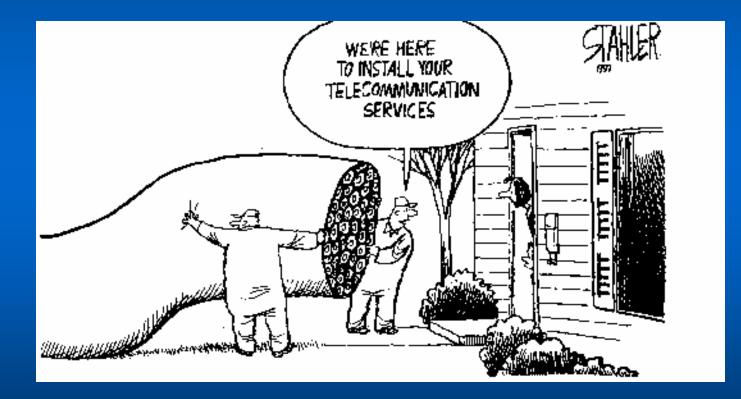
FIBER TO THE HOME CONFERENCE New Orleans, LA

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