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N E W S

December 2018

Newsletter of the Federal Communications Bar Association



2018 Charity Auction Committee (not pictured: Christine Crowe, Jamile Kadre, and Davina Sashkin)

29th Annual FCBA Charity Auction a Huge Success!

On November 1, members from all corners of the communications bar gathered to raise money for New Endeavors by Women (NEW) and the FCBA Foundation. Thanks to great prizes, generous bidders, and celebrity emcees Lee Petro and Natalie Roisman, the auction raised over **\$90,500!**

This year featured exciting one-of-a-kind prizes, including a Michelin Rated Retreat with dinner at the Inn at Little Washington (spurring a bidding war over the chance to try dishes such as Lamb Carpaccio with Caesar Salad Ice Cream), tickets to a taping

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Nominations for the 2019 FCBA Election

Pursuant to Article V, Section 21 of the Association's Bylaws, the FCBA Nominations Committee is beginning the process of preparing the ballot for the 2019 annual election. Positions to be filled are: President-Elect; Secretary; Assistant Secretary; Assistant Treasurer; Chapter Representative to the Executive Committee; Delegate to the American Bar Association; three (3) members of the Executive Committee; three (3) members of the Nominations Committee; and four (4) FCBA Foundation Trustees.

The first step of this process is for members to notify the Nominations Committee of their interest in being nominated, or to recommend other members for consideration

for nomination. Nominations should be sent to the Chair of the Nominations Committee, Bob Branson, via email to robert.branson@verizon.com, with a copy sent to kerry@fcba.org. Please give the name of the member to be considered for nomination, a brief statement about why the individual is being nominated, and the office they are being recommended for by **Tuesday, January 15, 2019**.

The Nominations Committee will present a slate of nominations to the membership via email and the in newsletter. At that point, members will have the option of making additional nominations as outlined in the Bylaws.

Upcoming Key Events

International Telecommunications Committee CLE Seminar

Date/Time: Wednesday, December 12, 3:00 – 5:00 p.m.
Location: Sheppard Mullin, 2099 Pennsylvania Avenue, NW
Topic: The 2018 ITU Plenipotentiary Conference: Results, Implications, and Next Steps

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Engineering and Technical Committee Brown Bag Lunch

Date/Time: Thursday, December 13, 12:15 – 1:30 p.m.
Location: Mintz, 701 Pennsylvania Avenue, NW, Suite 900
Topic: The Race to 6G?: Sharing and Protection in Terahertz Spectrum

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Mass Media Committee Brown Bag Lunch

Date/Time: Friday, December 14, 12:15 – 1:30 p.m.
Location: National Association of Broadcasters, 1771 N Street, NW
Topic: Meet the Press/A View from the Fourth Estate

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Wireline Committee CLE Seminar

Date/Time: Tuesday, December 18, 12:00 – 2:15 p.m.
Location: Wiley Rein LLP, 1776 K Street, NW
Topic: Inter-carrier Compensation Reforms on The Horizon

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Sign Up to Receive Committee and Chapter Notices

If you would like to sign up for or update the committee(s)/chapter(s) you are on, fill out the form on [page 27](#) of this newsletter and send it to the FCBA, 1020 19th Street, NW, Suite 325, Washington, DC 20036, fax: 202-293-4317, or email: elizabeth@fcba.org.

PRESIDENT'S Message

DEAR FELLOW FCBA MEMBERS:

Happy Holidays from the FCBA!

First, I want to congratulate the Young Lawyers Committee for another wildly successful Annual FCBA Charity Auction on November 1st! The Auction raised \$72,500 for this year's beneficiary, New Endeavors by Women, and \$18,000 for the FCBA Foundation's Scholarship program. NEW intends to use its funds to support its Youth Enrichment Program (YEP!), which provides school help and a summer enrichment program for children. This year, the Auction committee was led by Rachel Nemeth, who continued the long tradition of the Young Lawyers Committee's dedicated service to our local community.



We began the month with the second event hosted by our new Consumer Protection Committee. On December 4th, the Committee hosted two representatives from the Federal Trade Commission who discussed the series of FTC public hearings that started in 2018, and will continue into 2019. The Mass Media Committee will also host their annual "Meet the Press" Brown Bag Lunch on December 14.

Of special note, the Homeland Security and Emergency Communications Committee has teamed up with the FCBA Foundation for an exciting Holiday Service Initiative. Between December 11th and 19th, interested volunteers will be visiting the public safety answering points (PSAPs) for Alexandria, Arlington and the District of Columbia to deliver meals to the PSAP employees. This might be a good way to get in their good graces before you start your holiday cooking, so contact Kayla Gardner (kayla.gardner@via.org) if you are interested in participating.

Last, but certainly not least, the Annual Chairman's Dinner will be on December 6th at the Washington Hilton. This is a must-attend event, if only to see whether I can remember to "Kick, Walk" up the stairs. Also, the Social Media Committee asked me to remind everyone to tag your social media posts with "#TelecomProm." In connection with the Chairman's Dinner, the FCBA is partnering with the Practising Law Institute (PLI) for the annual Institute on Telecommunications Policy and Regulation. The co-chairs of the event, Scott D. Delacourt, Michele C. Farquhar, and Bryan N. Tramont, have been working hard to put together two days' worth of impressive programming that is well worth your time.

As always, please do not hesitate to reach out to me with your questions, comments, and recommendations, at lee.petro@pillsburylaw.com, or 202.663.8113.

Best wishes for the Holiday Season.

Lee G. Petro

FCBA President, 2018-2019



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BAR ASSOCIATION

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Website: <http://www.fcba.org/foundation>

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EXECUTIVE COMMITTEE LIAISON

Joshua S. Turner

Wednesday, December 12, 3:00 – 5:00 p.m. The 2018 ITU Plenipotentiary Conference: Results, Implications, and Next Steps

The FCBA **International Telecommunications Committee** will sponsor a CLE on **Wednesday, December 12** from **3:00 – 5:00 p.m.** entitled “The 2018 ITU Plenipotentiary Conference: Results, Implications, and Next Steps.” This program will be held at Sheppard Mullin, 2099 Pennsylvania Avenue, NW.

The 2018 International Telecommunication Union Plenipotentiary Conference was held from October 29 to November 16, 2018 in Dubai, UAE. The conference set the agenda and priorities for this important international regulatory body for the next four years, and adopted dozens of new it revised resolutions. Matters discussed at this conference will affect all segments of the Communications sector, including the wireless, wireline, satellite, broadcast, and Internet industries and address edissues like cybersecurity, data protection, closing the digital divide, and regulation of emerging technologies (e.g. Internet of Things, OTT, and Artificial Intelligence), as well as the rules and procedures governing the future activities of the ITU. At this CLE, experts representing the US government, communications industries, and consumer groups will discuss what happened at the conference, what it means for FCBA members, and what will come next.

To register, [click here](#) or go to the **FCBA Website – Calendar of Events** or use the form on [page 26](#).

Agenda

3:00 – 3:05 p.m.

WELCOME REMARKS

Jennifer Manner, Sr. Vice President, Regulatory Affairs, EchoStar Corporation and Co-Chair, FCBA International Telecommunications Committee

3:05 – 3:30 p.m.

“U.S. DIGITAL AND TECHNOLOGY DIPLOMACY: LESSONS LEARNED FROM PP-18”

Speaker:

Robert Strayer, Deputy Assistant Secretary for Cyber and International Communications and Information Policy, United States Department of State

3:30 – 3:45 p.m.

“INTRODUCTION TO THE ITU PLENIPOTENTIARY CONFERENCE”

Speaker:

Madeleine Lottenbach, Associate, Wiley Rein LLP

3:45 – 3:50 p.m.

BREAK

3:50 – 5:00 p.m.

“PP-18 – WHAT HAPPENED AND WHAT COMES NEXT?”

Moderator:

Ethan Lucarelli, Director, Regulatory and Public Policy, Inmarsat

Speakers:

Amy Alvarez, Assistant Vice President, International External & Regulatory Affairs, AT&T

Vernita Harris, Deputy Associate Administrator, Office of International Affairs (OIA), National Telecommunications and Information Administration (NTIA)

Robert Pepper, Head, Global Connectivity and Technology Policy, Facebook (*invited*)

Gus Rossi, Global Policy Director, Public Knowledge

Jennifer Warren, Vice President, Technology Policy & Regulation, Lockheed Martin

Tuesday, December 18, 12:00 – 2:15 p.m. Intercarrier Compensation Reforms on The Horizon

The FCBA **Wireline Committee** will sponsor a CLE on **Tuesday, December 18** from **12:00 – 2:15 p.m.** entitled “Intercarrier Compensation Reforms on The Horizon.” This program will be held at Wiley Rein LLP, 1776 K Street, NW.

The CLE will explore the current debates surrounding the FCC’s rulemakings on intercarrier compensation (“ICC”) that seek to (a) combat fraud and abuse; (b) explore whether the rules should be further modified for access stimulation traffic, and (c) ultimately transition to bill-and-keep, which the FCC believes will provide the right incentives for efficient use of the nation’s telephone system.

To register, [click here](#) or go to the **FCBA Website – Calendar of Events** or use the form on [page 26](#).

The FCLJ is Looking for Articles

The *Federal Communications Law Journal* (FCLJ) editorial board at The George Washington University Law School is seeking article submissions for potential publication in the upcoming issues of the FCLJ. Interested members may submit articles to the Senior Articles Editor, Katherine Krems (fcljarticles@law.gwu.edu). Articles may also be submitted through ExpressO. For general inquiries about the FCLJ, please contact the Editor-in-Chief, Stephen Conley (fclj@law.gwu.edu).

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DECEMBER 18 CLE

CONTINUED FROM PAGE 3

Agenda

12:00 – 12:05 p.m.

WELCOME AND INTRODUCTIONS

12:05 – 1:05 p.m.

ELIMINATING ACCESS ARBITRAGE—WHAT'S AT STAKE AND WHAT SHOULD THE FCC DO?

This past summer the FCC received comments in its rulemaking proceeding, WC Docket No. 18-155, that proposes to update the ICC regime by eliminating access arbitrage or financial incentives to engage in access stimulation. Access stimulation typically occurs when a local exchange carrier (“LEC”) with relatively-high switched access rates enters into an arrangement to terminate calls—often in a remote area—for an entity with a high call volume operation, such as a chat line and “free” conference calls, collectively high call volume services. The competitive LECs that terminate the traffic assert that many of the tentative conclusions in the FCC’s NPRM are not supported by record evidence that justifies eliminating the services and there are compelling reasons for the FCC not to take the actions it is proposing. This panel will examine the various forms of access stimulation in the marketplace, steps the FCC has taken, and explore whether the existing record supports the FCC’s tentative conclusions that further ICC reforms are warranted.

Moderator:

Philip Macres, Principal, Klein Law Group, PLLC

Panelists:

David Carter, Member, Innovista Law PLLC, Outside Counsel for BTC, Inc. d/b/a Western Iowa Networks, Goldfield Access Network, Great Lakes Communication Corporation, Northern Valley Communications, LLC, Louisa Communications, OmniTel Communications

Joe Cavender, Vice President & Assistant General Counsel, Federal Affairs, CenturyLink

Matthew Nodine, Assistant Vice President, Federal Regulatory, AT&T Services, Inc.

Mike Romano, Senior Vice President – Industry Affairs & Business Development, NTCA–The Rural Broadband Association

1:05 – 1:15 p.m.

BREAK

1:15 – 2:15 p.m.

REFORMING ICC FOR 8YY CALLS AND THE IMPACTS OF DOING SO

The FCC also recently received comments in a companion rulemaking proceeding, WC Docket No. 18-156, on whether it should modify the ICC regime for telephone calls made to toll free (“8YY”) numbers. The FCC sought comment on possible reforms to the ICC regime for 8YY traffic to address concerns that the current regime incentivizes (a) originating carriers and intermediate providers to artificially inflate access charges billed to the interexchange carriers that provide 8YY services, and (b) bad actors to flood 8YY numbers with robocalls. This panel will discuss how the FCC could address such issues and the impact of such ICC reforms on originating carriers and consumers.

Moderator:

Joel Bernstein, Vice President, Regulatory and Public Policy, Somos, Inc.

Panelists:

David Aldworth, President, Teliax, Inc.
Colleen Boothby, Levine, Blazak, Block & Boothby LLP, Counsel for Ad Hoc Telecom Users Committee

Michael Jacobs, Vice President, Regulatory Affairs, ITTA - The Voice of America’s Broadband Providers

Matthew Nodine, Assistant Vice President, Federal Regulatory, AT&T Services, Inc.

To Update Your Membership Contact Information

We’d like to remind everyone that if you have any changes to your membership contact information, please contact Elizabeth Hagerty (elizabeth@fcba.org). In order to keep a cohesive look to both our online and hard copy directories, we do not allow members to make any changes to their information themselves. Also note that we do not include prefixes or titles in any of our member listings.

A Message from the Social Media Committee

The FCBA Social Committee would like to thank returning co-chair Elizabeth Cuttner (elizabeth.cuttner@fcc.gov), as well as introduce the new co-chairs, Tyler Park (parktyj@gmail.com), Jonathan Mark (jonathan.mark@richmond.edu), and Colin Andrews (CAndrews@tiaonline.org). Please do not hesitate to reach out to any co-chair for help with promoting FCBA-related events, and be sure to follow the FCBA on **Facebook**, **Twitter** (@FCBALaw) and our newly launched **Instagram** (@fcba_law).

BE THE BELLE OF THE #TELECOMPROM

Take a selfie of your table at the Chairman’s Dinner using the #telecomprom hashtag and tag the FCBA for a chance to be featured on our social media!

COMMITTEE AND CHAPTER *Events*

Engineering and Technical Committee

Event: Brown Bag Lunch

Date/Time: Thursday December 13, 12:15 – 1:30 p.m.

Location: Mintz, 701 Pennsylvania Avenue, NW, Suite 900

Topic: The Race to 6G?: Sharing and Protection in Terahertz Spectrum

Description: In the FCC's ongoing Spectrum Horizons proceeding, it is looking towards the future of wireless technologies that will operate at frequencies above 95 GHz. This spectrum presents unique sharing challenges and opportunities, with "green pastures" spectrum and exciting potential for simultaneous operations, but also passive users that must be protected. This proceeding is one of the few times you'll see claims that the FCC is moving too quickly, seeking rules where the potential uses are still almost entirely theoretical. How should the FCC move forward, and at what pace, to ensure it enables rapid development without undermining current and future uses of this spectrum?

Speakers: Brian Patten, Chief, Terrestrial Branch, International Spectrum Policy Division, NTIA; Michael Marcus, Managing Partner, Marcus Partners LLC; Alyssia Bryant, Mintz (Moderator)

To RSVP: [Click here](#) or go to the [FCBA Website – Calendar of Events](#).

Intellectual Property Committee

Event: Brown Bag Lunch

Date/Time: Friday, January 11, 12:15 – 1:30 p.m.

Location: Wilkinson Barker Knauer, LLP, 1800 M Street, NW, Suite 800N

Topic: Dealing with Copyright Trolls.

The Internet has made it easier to find and incorporate content such as photos, videos and music into broadcast productions and websites; it has also made it easier for copyright owners to police unauthorized uses and threaten – or even file – infringement actions. While some demands are legitimate, others border on the outrageous, especially in terms of intensity of the assertions and the damages claimed. Join us for a discussion of how to react when your

clients receive a demand from one of these rights holders.

Speakers: Kevin M. Goldberg, Fletcher, Heald & Hildreth, P.L.C.; others TBD

To RSVP: [Click here](#) or go to the [FCBA Website – Calendar of Events](#).

International Telecommunications Committee

Event: CLE Seminar

Date/Time: Wednesday, December 12, 3:00 – 5:00 p.m.

Location: Sheppard Mullin, 2099 Pennsylvania Avenue, NW

Topic: The 2018 ITU Plenipotentiary Conference: Results, Implications, and Next Steps

For more information: See [page 3](#).

To register: [Click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 26](#).

Event: Brown Bag Lunch

Date/Time: Thursday, January 17, 12:15 – 1:30 p.m.

Location: Shepard Mullin, 2099 Pennsylvania Avenue, NW

Topic: How to Best Address Orbital Debris Issues as New Constellations Become a Reality

Speakers: Jennifer A. Manner, EchoStar, Moderator Speakers: Patrick Sullivan, Office of Commercial Space, US Commerce Department, George John, Spire, Others TBD

To RSVP: [Click here](#) or go to the [FCBA Website – Calendar of Events](#).

Mass Media Committee

Event: Brown Bag Lunch

Date/Time: Friday, December 14, 12:15 – 1:30 p.m.

Location: National Association of Broadcasters, 1771 N Street, NW

Topic: Meet the Press/A View from the Fourth Estate

Speakers: Todd Shields, Bloomberg; Margaret Harding McGill, Politico; Monty Tayloe, Communications Daily; Ted Johnson, Variety; Dennis Wharton, NAB (Moderator)

To RSVP: [Click here](#) or go to the [FCBA Website – Calendar of Events](#).

Wireline Committee

Event: CLE Seminar

Date/Time: Tuesday, December 18, 12:00 – 2:15 p.m.

Location: Wiley Rein LLP, 1776 K Street, NW
Topic: Intercarrier Compensation Reforms on The Horizon

For more information: See [page 3](#).

To register: [Click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 26](#).

Friday, February 15 – Saturday, February 16 National Telecommunications and Technology Moot Court Competition

The Law & Technology Institute and the Moot Court Association of the Catholic University of America, Columbus School of Law, together with the Federal Communication Bar Association (FCBA) are pleased to announce that the **25th Annual National Telecommunications and Technology Moot Court Competition** will be held on **February 15-16, 2019**, at the Columbus School of Law in Washington, DC.

The National Telecommunications and Technology Moot Court Competition provides students the opportunity to argue before private and government practitioners in the communications field. Past judges have included former FCC Commissioner Kathleen Abernathy, Chief of Staff to FCC Chairman Ajit Pai, Matthew Berry, First Amendment advocate Robert Corn-Revere, former FCBA President Christopher Wright, and Google Director of Communications Law and former FCC General Counsel Austin Schlick.

Each year, the competition problem, which is written by members of the FCBA, is "ripped from the headlines" of current technology, intellectual property, and telecommunications issues. Past topics have included potentially illegal jamming of unmanned aerial vehicles, consumer privacy of personal information, copyright protection of pre-1972 musical performances, and enforcement of broadcast indecency standards.

The registration deadline is Monday, December 3, 2018. Please note that registration is limited, so your prompt response is greatly appreciated. We expect the competition problem to be released in mid-December 2018.

For more information and to register, please visit <http://www.law.edu/mootcourt/National-Telecomm-competition.cfm>.

Come Join the HSEC/FCBA Foundation for a Holiday Service Initiative

This December, the Homeland Security and Emergency Communications Committee (HSEC) will team up with the FCBA Foundation for a holiday service initiative! We want to show our appreciation for the tireless men and women who answer and dispatch 9-1-1 calls every day. So, we are partnering with local public safety answering points (PSAPs) to provide a staff meal for dispatchers working during the holiday season. This year, we partnered with the Alexandria Department of Emergency Communications (DEC), Arlington County Emergency Communications Center (ECC), and the DC Office of Unified Communications (OUC). We will schedule meal deliveries and make in-person visits to extend our appreciation and send holiday greetings.

Interested in contributing? Please reach out to Kayla Gardner - kayla.gardner@wia.org.

SERVICE DATES

- December 11, 12:30 p.m. – Alexandria Department of Emergency Communications (DEC)
- December 17, 12:30 p.m. – Arlington ECC
- December 18, 3:00 p.m. – DC OUC State of the Agency
- December 19, 12:30 p.m. – Arlington ECC

FCBA New England Chapter

The New England Chapter has enjoyed another active year of discussing issues, sharing insights, and making connections in our region. The Chapter is led by five co-chairs: Sarah Aceves, of the Vermont Department of Public Service (DPS); David W. Bogan, of Locke Lord LLP; Gregory M. Kennan, of Fagelbaum &

Heller LLP; Jackie McCarthy, of CTIA; and Robert J. Munnely, Jr., of Davis Malm & D'Agostine, P.C. A vital component of the Chapter is its Steering Committee, which advises and assists the Co-Chairs and actively participates in planning and executing Chapter activities. The Steering Committee remains a strong and diverse group of practitioners, industry representatives, former commissioners, other government personnel and academics. The success of our Chapter is due in significant measure to them.

In the past year, the Chapter held two "Lunch and Learn" events. The first was at the Massachusetts Department of Telecommunications and Cable, where Commissioner Karen Charles Peterson and the Department's General Counsel and Division Chiefs briefed Chapter members on Department priorities and initiatives. Next was at the Vermont DPS, where Public Utility Commissioner Sarah Hofmann and DPS Public Advocacy Director Jim Porter, DPS Telecommunications Director Clay Purvis and DPS Special Counsel Sarah Aceves updated attendees on Vermont policy happenings.

The Chapter continued its collaboration with the New England Conference of

Public Utility Commissioners (NECPUC) to present a program during NECPUC's annual symposium in Maine, where the chapter supported a net neutrality panel and a breakfast meeting discussion with Maine Public Utility Commissioner Bruce Williamson, open to Commissioners and New England's telecommunications community.

In September, the Chapter held its annual fall program in association with the Boston University College of Communication. Entitled "Regulation of Big Data," the program explored the legal and regulatory issues surrounding the collection, safeguarding, and use of Big Data by telecommunications companies, large edge providers, and smaller providers (see "New England Chapter 'Regulation of Big Data' Program on September 27," FCBA Newsletter, November 2018).

Last but not least, the Chapter celebrated spring (and the end of another New England winter) with a social event at the Beehive Jazz and Blues Club in Boston. With all five Chapter co-chairs returning for 2018-19, we are looking forward to additional opportunities ahead.

Interested in Hosting an FCBA event?

The FCBA greatly appreciates the support of our members' firms and companies who provide space for our brown bag lunches, committee meetings, and CLE Seminars throughout the year. We are, however, always looking for new locations that can host FCBA events.

In general, we need conference rooms that can seat at least 30 people at tables for brown bag lunches and committee meetings and conference rooms that can seat at least 60 people theatre style for CLE seminars. Firms and companies hosting brown bag lunches provide beverages and desserts; firms and companies hosting CLE seminars provide beverages and snacks. Brown bag lunches are generally held from 12:00 – 1:30 p.m. and CLE seminars are generally held from 12:00 – 2:15 p.m., 3:00 – 5:15 p.m., or 6:00 – 8:15 p.m. Additionally, for CLE seminars we need facilities that can provide technology support for microphones for as many as six speakers on a panel, the ability to tie the house sound system into a teleconference bridge, and video projection capabilities for PowerPoint presentations. If your firm or company has the needed conference room facilities and capabilities and would be willing to host future FCBA activities, please email **Kerry Loughney**, kerry@fcba.org.

2019 FCBA Annual Seminar to be held at The Omni Homestead Resort May 17 – 19 ~ SAVE THE DATES!



The Omni Homestead Resort

Mark your calendars now and make plans to join your colleagues at The Omni Homestead Resort for the 2019 FCBA Annual Seminar on May 17-19. Watch for program details in the coming months.

The Omni Homestead Resort is nestled in the Allegheny Mountains and is known for its Southern hospitality and charm. The resort has been designated a National Historic Landmark and makes up most of the city of Hot Springs, Virginia. Located across more than 2,000 acres of scenic Virginia landscape, the resort provides timeless comforts and access to an exciting array of activities no matter the season of your stay.

Two major hot springs flow onto the property, featuring a full-service spa and offering you the opportunity to take in the mineral waters just as President Thomas Jefferson did in 1818. The two-acre water park, fueled by crystal-clear springs, features two water slides, a lazy river, a water play zone, and a sandy beach for the kids, along with a cozy whirlpool and private cabanas.

There are so many activities for guests to enjoy at the Hot Springs resort: golf, horseback riding, fly fishing, paintballing, zip lining, falconry, shopping, and more! Following a day of fun, fill up at one of our thoughtfully designed restaurants before enjoying a night of bliss in our elegant accommodations.

To learn more about The Omni Homestead and its many amenities and activities, go to: <https://www.omnihotels.com/hotels/homestead-virginia>.

We hope you join us for the 2019 FCBA Annual Seminar!

Volunteers Needed for Young Lawyers Committee Law School Outreach Program

It is time once again for the FCBA Young Lawyers Committee's annual law school outreach initiative. The goal of the initiative is to reach out to law students and introduce them to the FCBA and careers in communications law through sponsoring career panels at various law schools. We are currently looking for volunteers to speak on panels and help organize the events.

Please contact **Bill Durdach** (williamdurdach@gmail.com), **Tim Doughty** (timothy.doughty@gmail.com), and **Lauren McCarty** (laurenmcct@gmail.com) if you would like to help with this outreach effort and make 2018 another successful year for the program!



Join the FCBA on Facebook, Twitter, and Instagram!

Did you know that FCBA has a Facebook page and Twitter and Instagram accounts? The FCBA Social Media Committee invites you to "Like" and "Follow" our pages today to be in the loop for upcoming events, share fun pictures of your FCBA friends and colleagues, and grow your social media network! Come join the conversation on **Facebook**, **Twitter** (@FCBALaw) and -- newly launched -- **Instagram** (@fcba_law).

29th Annual FCBA CHARITY AUCTION

CHARITY AUCTION

CONTINUED FROM PAGE 1

of “Last Week Tonight” with John Oliver, and parties and game nights hosted by members of the FCBA.

The Executive Director of NEW, Wanda Steptoe spoke about the valuable services that the Youth Enrichment Program (YEP!) provides to the children of the families facing homelessness that NEW serves. “Children who experience success in school become excited about school, and we want to give them the support they need to be successful and become excited about what they can be when they grow up,” Ms. Steptoe said. “We are grateful for the funding we will receive from the FCBA Charity Auction this year.”

This year’s auction was successful thanks to the work of several individuals, particularly Auction Chair, Rachel Nemeth. In addition, this year’s sponsors made this event possible: AT&T, Cahill Gordon & Reindel LLP, Consumer Technology Association (CTA)TM, Covington & Burling, LLP, Cox Enterprises, Inc., CTIA, Davis Wright Tremaine LLP, DISH Network, DLA Piper, Google, Harris, Wiltshire & Grannis LLP, Hogan Lovells US LLP, T-Mobile US, Inc., Wiley Rein LLP, Wilkinson Barker Knauer, LLP, and Willkie Farr & Gallagher LLP.

The auction also depends on donors and attendees, as well as those who purchase raffle tickets. We raised approximately \$15,600 from raffle sales! Another important component of the auction is the online auction, where bidders purchased items like Disney vacation packages and lift tickets to local ski resorts. The online auction brought in \$3,500!

Additionally, there were unique and fun opportunities to get everyone excited about the auction and raise additional funds for our beneficiaries through our Inaugural DC Brewery Networking Event and Charity Auction “Pep Rally,” which was held at Atlas Brewery in October, and



our charity spin class, which took place on November 17th. Each of these events was led by a Young Lawyer’s Committee member and was well attended by the FCBA community.

Finally, the hard work of volunteers is a vital part of the auction’s success. Thanks to the many young lawyers and law students who donate their time and efforts to planning a wonderful night, soliciting prizes, and organizing the event. Thanks to everyone who attended, participated, volunteered, and donated to this year’s Charity Auction. We look forward to the 30th annual Charity Auction next year!



29th Annual FCBA CHARITY AUCTION



29th Annual FCBA CHARITY AUCTION



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29th Annual FCBA CHARITY AUCTION



29th Annual FCBA CHARITY AUCTION



29th Annual FCBA CHARITY AUCTION



Photos by Howard Lausat Photography

Thank you to the 29th Annual Charity Auction Committee and the sponsors and members who gave prizes, volunteered their time, and bid on the various items up for auction. It was an amazing night and a marvelous success. You have made all of us very proud.

-The FCBA Executive Committee and the FCBA Foundation Board of Directors

29th Annual FCBA CHARITY AUCTION

CHARITY AUCTION COMMITTEE

Noah Cherry
Christine Crowe
Elizabeth Cuttner
Emilie de Lozier
Brian Indovina
April Jones
Jamilé Kadre
Anisa Latif
Sarah Leggin
Lauren McCarty
Rachel Sanford Nemeth
(Chair)
Thom Parisi
Jessica Quinley
Katy Ross
Davina Sashkin
Becky Schwartz

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Valerie Barrish
Andres Bascumbe
Kamila Benzina
Van Bloys
Jonathan Campbell
Arturo Chang
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Crystal Evans
Darren Fernandez
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Get to Know an FCBA MEMBER

John Nakahata

By: Laura Phillips

John Nakahata has been a partner at the law firm of Harris, Wiltshire & Grannis since 1999, and has headed the firm's Telecommunications practice since 2009. He works with many types of service providers and others on complex communications matters. Those who only recently joined the bar may not realize that John has had portions of his successful career in large law firms, on Capitol Hill, and at the FCC, ending that stint as FCC Chief of Staff for Chairman Bill Kennard. It must say something that I recall well John's time as Chief of Staff and encountering John on the 8th floor of 1919 M Street, the same space that his law firm now occupies. I was delighted to have the opportunity to sit down with John and get his take on history and his career perspectives. And boy, did I learn things about John that I did not know.



Q: What attracted you to the field of communications?

A: Like perhaps many others, my choice of communications law as a career was both accidental and somewhat gradual. I went to Harvard Law and then joined Jenner & Block, which at the time was representing MCI before Judge Harold Greene in US District Court for the District of Columbia. It was quite interesting working on various MCI petitions and other matters. I did both communications litigation and general litigation for a couple of years. Then I had the chance to work for Senator Joseph Lieberman, first temporarily on an impeachment trial, and then permanently, where I worked on a number of different matters, including the 1992 Cable Act and rating systems for video games.

After five years on the Hill, it was time to move on. I had a wide range of things that had interested me. Honestly I was not sure what was next, but from my prior experience I knew that I liked economics so I started asking folks about what the Federal Trade Commission and the Federal Communications Commission do. It was chance that I ended up at the FCC rather than the FTC. I started there in early 1995, briefly with the Office of Legislative Affairs and then I moved to Chairman Reed Hundt's office to be a legal advisor. I started out working on mass media and cable issues, at a time when the FCC was considering the DTV

standards and continuing to refine its cable rate regulations. After about six months, I switched to handling common carrier and cable. When the 1996 Telecommunications Act passed, I did not have the bandwidth to also keep the cable portfolio. From then on, that really set my focus on wireline issues. That was an intense and interesting six months given the statutory deadlines in the 1996 Act. For two years, from a variety of positions in the FCC, I worked on implementing the 1996 Act's local competition and universal service proceedings. Not only were there the key provisions on unbundling and interconnection, and universal service, but also number portability, pole attachments, and the initial approach to Bell petitions for entry in to long distance. Universal service was a particular challenge, with significant changes to high cost, which had to be coordinated with access charge changes, changes to Lifeline, and the creation of the E-rate and rural healthcare programs. Then Bill Kennard came on as Chairman of the FCC and he sought me out to be his Chief of Staff. How could I refuse? But after all those years in some rather intense roles at the FCC, when I left the agency I was a bit tired and didn't know exactly what I wanted to do next. So, for about six months I did not have any affiliation, but I was informally working with the companies that formed the CALLS Coalition. Then in July 1999 I joined Harris Wiltshire, where I have been ever since.

Q: Have things unfolded in your career more or less the way you planned?

A: I would say my career was not at all planned but it has been propelled by a series of opportune events that have led me to where I am now. For example, when I was a Jenner & Block as an associate, I was doing a lot of commercial litigation. One case involved a document production in San Francisco, where I grew up. It was January and beautiful weather. That made me question why I was doing commercial litigation in Washington DC. That led me to ask to do more legislative and other DC focused work. Because I had made that request, when Senator Lieberman's legislative director (a former Jenner partner) approached the firm to ask for pro bono assistance with an impeachment trial, I was offered the opportunity for a detail. That opportunity opened the door for me later to join the Senator's staff. And, when I was looking to move on from there, that same legislative director was the person who sent my resume over to the FCC. I was incredibly lucky, and benefitted both from speaking up for what I wanted and from the assistance of mentors.

Q: What's the most interesting or challenging thing that you've done professionally?

A: I'd say looking back that there are three main things that stand out as things I am really proud of playing a role in. One happened when I was working with Joe Lieberman on the Hill; I was part of a group of staffers that did a deep dive on videogame violence. That process led us to suggesting rating standards, which led to the video rating system that is still in use today. Second, after I left the FCC, I remember an occasion where I attended a student-teacher conference at my child's school. Looking around, I saw lots of computers in the classroom for student use. It struck me that this was no accident. Having this technology in the classroom was because of the FCC's implementation of its E-rate program. That made me feel pretty terrific about having been a part of

CONTINUED ON NEXT PAGE ►

Get to Know an FCBA MEMBER

JOHN NAKAHATA

CONTINUED FROM PAGE 19

the whole thing. Finally, I was sort of the linchpin person that put together and put forward an industry proposal known as “CALLS” that was adopted by the FCC. It was a key intermediate step between the post-1996 Act universal service and access reform orders and the major 2011 universal service and intercarrier compensation transformation order. Looking back that’s another thing I’m proud of, as it was a complex and was a novel, industry-negotiated approach that laid very important groundwork.

Q: What is something or someone that is surprised or impressed you during your career and why?

A: When I look back I see that I’ve had the opportunity to be part of or interact with the FCC under a number of different Chairs: Reed Hundt, Bill Kennard, Michael Powell, Kevin Martin, Julius Genachowski, acting Chairwoman Mignon Clyburn, Tom Wheeler and now Ajit Pai. That’s a lot of FCC Chairmen and I think from seeing the FCC both on the inside and the outside, I appreciate more than most the difficulties of running an efficient and effective government agency or organization. Looking back, I am impressed by how Reed did a great job hiring strong leaders as Bureau and Office Chiefs, and provided some latitude to them to create frameworks that allowed for some flexibility and improvisation. There’s been a bipartisan trend towards centralization at the FCC and in the Chairman’s office, but looking back, I think that that framework empowering strong leadership led to impressive results.

Q: What do you enjoy reading?

A: I’m always interested in history, although I do have a time and a place for junk novels. In terms of reading and personal history, my family was one of the many Japanese American

families that were forced into special camps, incarcerated during the course of World War II. I find this sadly to be incredibly relevant to some of the things that are happening today. I have read extensively about this period of history, as well as history more generally. I do have a project I want to pursue that involves my grandfather. He was arrested right away after Pearl Harbor as one of the group of Japanese-American business leaders in San Francisco. He was taken and was kept apart from his family and he died a year and a half after he was detained without ever seeing his family again. But he wrote letters back to his family during that time and I have them. I’m excited to be able to review them, and who knows whether I might write something about this myself.

Additionally, since I’ve been living in Virginia I have increasingly been looking at southern history and African-American history and the history of race relations in general. I’m also particularly interested in the history of post-World War II as it addresses questions about how people go about rebuilding what was destroyed; not just buildings but bonds of community and trust, the fabric of society. I’ve spent some time going through museums at Normandy and elsewhere focused on this question and it’s fascinating to me.

Q: Can you share perspective on pitfalls to avoid or other career advice to those who are just getting started in the communications field?

A: I would say to the extent you can maintain the financial flexibility to do so, you ought to try and spend time in government. I think there’s really no substitute for the sort of learning that you get working in government. It provides anyone with the ability to meet and work with and know well agency folks and grow professionally. It is truly rewarding, even if you don’t spend your whole career doing that. Of course, I take my hat off to those that do.

Also, I look at the FCBA itself as a bit of a small town: the older folks are perfectly willing help the younger ones coming along. We try and nurture one another and mentor and sponsor when we can. However, as all small towns, reputations for honesty and integrity are important and they are earned, not assumed. So cultivate those qualities from the beginning of your career and it will be far more likely that the townspeople will welcome you and be friendly to you.

Q: What something interesting about you that people are not generally aware of that you are willing to share?

A: Well my daughter sings and she’s really pretty good at it. So, that developed in me a desire to accompany her instrumentally. I started taking piano lessons and it’s a project.

Q: How long have you been an FCBA member and what to you is the value of FCBA membership?

A: I don’t really know how long I’ve been a member but it’s been at least since my early days at the FCC. As to FCBA membership, I’ve been coming to events for well over 20 years and it seems to me the value is in making or renewing friendships. I would also highlight the possibility of personal and professional learning that comes from attending brown bag and CLE events. I do also have a soft spot in my heart for the FCBA Moot Court activities that I have volunteered to be a part of for the last couple of years. It’s a great way for to show interested students why communications cases problems and policies are complex, compelling and fun. It also gives law students a great venue to showcase their abilities.

Interested in learning more about another FCBA member? If there is a member you’d like to know better, please contact **Laura Phillips** at laura.phillips@dbr.com.

FCBA MEET AND GREET THE NEW FTC Reception



Photos by Mark Van Bergh

FCBA MEET AND GREET THE NEW FTC Reception



FCBA MEET AND GREET THE NEW FTC Reception



TO RESPOND TO JOB BANK LISTINGS

If the employer is listed, send the information requested directly to the employer. If you are responding to a **BLIND BOX** listing, email the necessary information to kerry@fcba.org. Clearly indicate the Blind Box number to which you are responding. If you are applying to a Blind Box, you may specify to the FCBA any organization to which you do not wish your application to be forwarded. Responses to Blind Box listings can be accepted only from FCBA members.

TO LIST A JOB

Complete a Job Bank Form (found by [clicking here](#) or going to the FCBA website under the Products, Publications, and Services link) and email or fax the form and the appropriate payment to Kerry Loughney (202-293-4317, kerry@fcba.org). In addition, please email the text of the ad to kerry@fcba.org. Listings and payment received by the 20th day of each month will appear in the next month's newsletter. If possible, ads should not exceed 75 words. Please call the FCBA questions. (No headhunters please).

LAW FIRM/CORPORATE

12.18.1

Attorney, Legal and Regulatory Affairs – The National Association of Broadcasters (NAB) seeks an attorney with 3-5 years of experience. NAB is a trade association that advocates for radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies and the courts. The position will involve significant interaction with attorneys, engineers, government relations advocates and other staff at NAB, radio and television members and personnel at the FCC and other government agencies.

Specific responsibilities include:

- Drafting memoranda, comments in regulatory proceedings and briefs
- Researching, reviewing and analyzing traditional legal resources including statutes, regulations and caselaw as well as non-traditional materials such as industry-specific publications, economic papers and engineering data
- Preparing and reviewing advocacy materials
- Planning and participating in industry events and programs
- Addressing NAB member inquiries about legal issues

Experience in one or more of the following areas is preferred: broadcast, wireless, satellite, cable, emerging technologies, intellectual property and/or litigation. For more information, please see the full job description on our website at: <https://www.nab.org/documents/about/ftPositions/attorney.asp>.

To apply, please email your cover letter and resume (PDF documents only) to HR@nab.org on or before **January 14, 2019**. Please include the title of the position that you are applying for in the subject line of your email or fax cover sheet. Incomplete applications may not be considered. NAB is an equal opportunity employer.

12.18.2

Communications Associate – Mid-Level – San Francisco – The San Francisco office of Davis Wright Tremaine LLP is seeking a mid-level regulatory associate to join its Communications Practice Group. Candidates must have strong writing and research skills, excellent academic credentials, and at least two years of law firm experience. California bar admission is required. The candidate will have experience in appearing before the CPUC.

To apply, please submit your cover letter, resume, transcript, and writing sample to Shumi Brody, Lawyer Recruiting Manager, California. We would appreciate you specifying how you heard about this position. We are accepting submissions from third-party recruiters.

Davis Wright Tremaine LLP believes that every employee has the right to work in surroundings that are free from all forms of unlawful discrimination. It is Davis Wright Tremaine's policy to hire, promote, transfer, terminate, and make all employment-related decisions without regard to an employee's race, color, sex, religion, age, national origin, handicap, sexual orientation, gender identity, or any other basis prohibited by applicable local, state, or federal laws.

Link: <https://careers.dwt.com/communications-associate-mid-level-san-francisco/job/9792293>

12.18.3

Mid-Level Attorney – Marshlian & Donahue, LLC, The CommLaw Group (www.CommLawGroup.com), a telecommunications, information technology, and data privacy law firm located in Tysons, VA is seeking motivated, experienced attorneys capable of serving existing firm clients while concurrently developing business with future growth potential, unleashed through a combination of practice area/

professional experience marketability, rate freedom, billing flexibility and realistic, sustainable compensation. Ideal candidate will have at least seven (7) years experience in private practice working on federal and state telecommunications regulation, with a focus on VoIP, UCaaS, Cloud Communications; communications tax experience also desired. Compensation negotiable; commensurate with region's mid-size firms. Candidate must demonstrate exceptional written and verbal communication skills, attention to detail and management experience required; demonstrated acumen with Legal Project Management a significant plus. Rare opportunity to take ownership of your labors and find true work/life balance. Position entails direct and immediate client contact, project management, practice development and fast-track to partnership at rapidly growing firm built to serve the "New Normal" legal marketplace. For the foreseeable future, our firm will be accepting applicants and will consider offering lateral opportunities to seasoned professionals whose personalities, talent and economic expectations and objectives fit within our firm's existing culture, compensation scale and long-term business goals. Submit detailed cover letter, resume, professional references, and compensation expectations and goals to Sherry Reese at sar@commlawgroup.com. All submissions will be held in strict confidence.

12.18.4

Virtual Law Partner – Marshlian & Donahue, PLLC, The CommLaw Group, is now interviewing qualified solo practitioners and other professionals with modest books of business with growth potential to staff its growing roster of "virtual" Law Firm Partners. Benefits of our unique legal service delivery model include: ability to practice "like a solo" when small sells; when opportunities require greater size, depth or scope of experience and staffing, easily scale up to serve complex engagements; "Eat What You Kill" minus a modest percentage to cover administrative expenses; telecommute or utilize our office space and resources, work independently or collaborate with collegial and richly experienced colleagues, all at your discretion. Set your agenda, your goals, reclaim your work-life balance, and "own" your practice like you never dreamed possible. Learn more at: <https://commlawgroup.com/careers/>

Frank W. Lloyd III (1941 - 2018)

Frank Wesley Lloyd III, 77, died on October 31, 2018, at Georgetown University Hospital after a long illness. Frank was a partner in the Washington office of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo from 1981 until his retirement in 2010. He specialized in cable television matters.

Frank was born August 5, 1941, in York, Pennsylvania, to Frank W. Lloyd Jr. and Dorothy Mundorf Lloyd. He attended York County schools and Mercersburg Academy, a private boarding school in Pennsylvania. He received his B.A. from Williams College (1963), his M.A. in English from the University of Michigan (1964) and his LL.B. from Harvard Law School (1967), where he was an editor of the Harvard Law Review.

Frank served as a law clerk to Judge Charles Merrill of the U.S. Court of Appeals for the Ninth Circuit from 1967 to 1968.

Frank began his legal career in Washington with the U.S. Office of Economic Opportunity, Office of General Counsel. He then practiced communications, securities and tax law with Wilmer, Cutler and Pickering, and later served as General Counsel of the National Public Affairs Center for Television. Starting in late



Frank W. Lloyd III

1973, Frank was Executive Director of the Citizens Communications Center, a public-interest law firm.

From February to October 1977, Frank was with the Office of Telecommunications Policy in the Executive Office of the President. From 1977 to 1981, he served as Chief of Staff to FCC Chairman Charles D. Ferris.

Frank joined the Mintz Levin law firm as a partner in 1981, in the firm's Communications section, where he led the firm's cable law practice. Frank argued cases before the FCC and the federal courts, and testified before the U.S. Senate and House of Representatives

on communications legislation. He was Chairman of the Practicing Law Institute's annual programs in New York, Chicago and San Francisco on cable television law. In addition, he was co-author of the four-volume treatise "Telecommunications Regulation: Cable, Broadcasting, Satellite and the Internet," published by Matthew Bender, and an editor of the monthly newsletter Cable TV and New Media Law & Finance. Frank was also the author of a monthly column on cable litigation as well as several law review articles on cable, copyright, and other aspects of communications law. He served as co-chair of the FCBA's Cable Practice Committee.

His first marriage, which ended in divorce, to Kathryn (Miller) Chefetz produced two children, Jennifer Lloyd and Aaron Lloyd.

Frank married Elizabeth Louise Athey in 1983 and adopted Margaret (Athey) Press in 1988. Frank and Betsy welcomed the birth of Laura (Athey-Lloyd) Kalis in 1984, and William Athey-Lloyd in 1988.

Frank was an active member of St. Mark's Church on Capitol Hill for 49 years. He was also an enthusiastic skier, hiker, traveler, lover of music and dancing, volunteer and mentor. He is survived by his wife Elizabeth (Betsy) Athey, his five children and their spouses, and five grandchildren.

Committee and Chapter Sign-Up

If you would like to sign up for or update the committee(s)/chapter(s) you are on, fill out the form on [page 27](#) of this newsletter or [click here](#) and send it back to the FCBA, 1020 19th Street, NW, Suite 325, Washington, DC 20036, fax: 202-293-4317, or email: elizabeth@fcba.org.

2018 FCBA Membership Directories

The FCBA 2018 Membership Directories were recently mailed to members. Please use the form on [page 28](#) to order additional copies.

COMMITTEE/CHAPTER EVENT *Registration Form*

Name _____ Organization _____
Address _____ Suite/Room/Apt. _____
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CHECK THE EVENT(S) FOR WHICH YOU ARE REGISTERING:

- ☐ **Wednesday, December 12, 2018, 3:00 – 5:15 p.m. – CLE Seminar: The 2018 ITU Plenipotentiary Conference: Results, Implications, and Next Steps.** Location: Sheppard Mullin, 2099 Pennsylvania Avenue, NW. Cost: \$135.00 for Private Sector Members; \$50.00 for Government/Academic/Transitional Members; No charge for Law Student Members; \$205.00 for Non-Members **Registrations and cancellations due no later than 48 hours prior to the program start time.**
- ☐ **Tuesday, December 18, 2018, 12:00 – 2:15 p.m. – CLE Seminar: Intercarrier Compensation Reforms on The Horizon.** Location: Wiley Rein LLP, 1776 K Street, NW. Cost: \$135.00 for Private Sector Members; \$50.00 for Government/Academic/Transitional Members; No charge for Law Student Members; \$205.00 for Non-Members **Registrations and cancellations due no later than 48 hours prior to the program start time.**

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PAYMENT MUST BE RECEIVED NO LATER THAN THE DAY OF THE EVENT. PHONE REGISTRATIONS WILL NOT BE ACCEPTED.

CLE CREDIT: FCBA will be requesting accreditation from the State Bars of Virginia and California for continuing legal education credit. If approved, forms for Virginia and California will be available at the Seminar Registration Desk. Please note that FCBA does not obtain CLE credit for other states. The FCBA will, however, assist with applications to other states, but attorneys must apply individually for credit courses and submit any forms and payments necessary directly to the state bar.

The number of credits corresponds with the number of hours of course time, i.e., a two-hour seminar equals 2.0 hours of credit.

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FEDERAL COMMUNICATIONS BAR ASSOCIATION 2018-2019 COMMITTEE AND CHAPTER *Registration*

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Descriptions of the focus and work of Standing Committees may be found in the Constitution and By-laws in the FCBA Directory and on the FCBA website.

Please indicate your committee/chapter choices and return this form to:

FCBA, 1020 19th Street, NW, Suite 325, Washington, DC 20036

Fax: 202-293-4317; Email: elizabeth@fcba.org

NOTE: Most announcements of committee and chapter meetings and events will appear in the FCBA Newsletter and/or on the FCBA's website at www.fcba.org.

2018 FCBA MEMBERSHIP DIRECTORY *Order Form*

Copies of the 2018 FCBA Membership Directory are available for purchase at a cost of \$60.00 for FCBA Members, \$35.00 for Law Student Members, and \$125.00 for Non-Members and in accordance with the terms set forth on this form. There is a 10% discount for orders of 10 or more Directories. **(Please add 6.0% sales tax for orders sent to DC addresses).**

Please note that the Directory is available solely for the personal and professional use of FCBA members and other purchasers of the Directory. All uses for commercial purposes are prohibited without prior written approval of the FCBA's Executive Director. By purchasing the Directory and signing below, purchaser agrees that they will not, and will not knowingly authorize or permit others to, duplicate, reproduce or copy the information printed in the Directory without the express written consent of the Association.

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The FCBA membership list also is available at a cost to FCBA members of \$400.00 for the first order and \$700 for each additional order (per calendar year), and \$700.00 for non-members per order. Please call the FCBA office, (202) 293-4000, for further details.

Calendar

December 6	32nd Annual FCBA Chairman's Dinner
December 6-7	36th Annual PLI and FCBA Conference
December 12	CLE Seminar: The 2018 ITU Plenipotentiary Conference: Results, Implications, and Next Steps presented by the International Telecommunications Committee
December 13	Engineering and Technical Committee Brown Bag Lunch
December 14	Mass Media Committee Brown Bag Lunch
December 18	CLE Seminar: Intercarrier Compensation Reforms on The Horizon presented by the Wireline Committee
January 11	Intellectual Property Committee Brown Bag Lunch
January 17	International Telecommunications Committee Brown Bag Lunch
May 17-19, 2019	Annual Seminar – The Omni Homestead Resort, Hot Springs, VA



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