

FCBA Breakfast Featuring The Honorable John G. Grimes on December 13

The Honorable John G. Grimes, Assistant Secretary of Defense for Networks and Information Integration / CIO will join FCBA members for a breakfast on **Wednesday, December 13, 2006** at the Mayflower Hotel, 1127 Connecticut Avenue, NW. The breakfast will begin at 8:00 a.m. with remarks beginning at 8:30 a.m. See page 14 for registration information.

Mr. Grimes was nominated by President Bush on June 17, 2005 and sworn in as the Assistant Secretary of Defense for Networks and Information Integration (ASD NII) / Department of Defense Chief Information

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The Honorable John G. Grimes



Chicago Mayor Richard M. Daley

Midwest Chapter Lunch to Celebrate its 15th Year Anniversary

The Midwest Chapter of the FCBA will celebrate its 15th Year Anniversary with a lunch on **Wednesday, January 10, 2007**, 12:00 - 1:30 p.m. to be held in the Emerald Room of the Palmer House. **Chicago Mayor Richard M. Daley** will speak on the role that Chicago has played in communications developments and policy. A reception will start at 11:30 a.m. and the lunch will begin at 12:00 noon. See page 14 for registration information.

20th Annual Chairman's Dinner Honoring FCC Chairman Kevin J. Martin on April 10, 2007

The 20th Annual Chairman's Dinner will be held **Tuesday, April 10, 2007** at the Washington Hilton Hotel. Look for detailed information about the dinner in future newsletters and on the FCBA web site in the coming weeks. The reservation form for tables and individual tickets can be found on page 13 of this newsletter.

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This Month's Key Events

Transactional Practice Committee CLE Seminar

Date/Time: Tuesday, December 5, 6:00 -8:15 p.m.
Topic: Equity Investments and Lending to FCC-Regulated Communications Companies
Location: Sidley Austin LLP, 1501 K Street, NW, 6th Floor
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Mass Media Practice Committee Brown Bag Lunch

Date/Time: Tuesday, December 12, 12:00 Noon
Location: National Association of Broadcasters, 1771 N Street, NW
Topic: Meet the Trade Press
 ► SEE PAGE 6

FCBA Breakfast Featuring The Honorable John G. Grimes

Date/Time: Wednesday, December 13, 8:00 a.m.
Location: Mayflower Hotel, 1127 Connecticut Avenue, NW
 ► SEE PAGE 1

24th Annual PLI/FCBA Conference

Date: Thursday, December 14 – Friday, December 15
Location: The Washington Hilton, 1919 Connecticut Avenue, NW
 ► SEE PAGE 15

PRESIDENT'S Message

DEAR MEMBERS,

As we approach the Holiday season, I'd like to wish you and your families a joyful and safe holiday. The spirit of the season was already in full force at the 17th Annual FCBA Foundation Charity Auction on November 16 through the vibrant bidding and volunteers present. I am very pleased to share with you that once again, through your generosity and the significant efforts of the *Ad Hoc* Charity Auction Committee, the FCBA and the Foundation raised in excess of \$85,000 for our beneficiary, Fair Chance. Through free partnerships, Fair Chance works with organizations that provide critical services including mentoring, tutoring, literacy, arts education, workforce and job skills development, and adolescent and family health programs to benefit children in at-risk communities in DC.



There are many groups and individuals that deserve recognition for this success. Let me begin by thanking five key groups — our sponsors, our donors, our raffle ticket purchasers, our bidders, and finally, our volunteers. In particular, I would like to recognize specifically the *Ad Hoc* Charity Auction Committee — **Natalie Roisman** and **Chris Fedeli** (co-chairs, Young Lawyers Committee), **Jason E. Friedrich**, **Tarah Grant**, **Catherine Hilke**, **Nancy A. Ory**, **Megan A. Stull**, **Ryan G. Wallach**, **Adam I. Kirschenbaum**, and, representing the Foundation, **Larry J. Movshin** and **Rick C. Chesson**. Their efforts were joined by those of 29 subcommittee chairs, and over 100 FCBA volunteers, who spent countless hours over the last several months in preparation. In addition, let me also thank our two FCBA auctioneer teams — **Kathleen Abernathy & Dick Wiley**, and **Melissa Newman & Bryan Tramont** — who successfully captured the attention (and wallets) of FCBA members that evening. Finally, I'd also like to recognize **Kerry Loughney**, our new Director of Membership Services, who, in her first FCBA Charity Auction, was invaluable to the organization of this year's auction. As usual, the Charity Auction brings volunteers together from across the full range of FCBA membership, enabling a strong sense of community.

While December is generally a busy month, filled with holiday events, I hope you will join us for this month's great slate of programs. We have an evening CLE on December 5, organized by the Transactional Committee, co-chairs **Neil Dellar**, **Christine Crowe**, and **David Turetsky**. We are also having our second FCBA speaker's event on December 13 featuring **The Honorable John Grimes**, Chief Information Officer and Assistant Secretary, Networks & Information Integration (NII) for the Department of Defense, as our breakfast keynote speaker. Finally, as our last event of the calendar year, we have our 24th Annual PLI/FCBA Conference on December 14-15, 2006. I thank in advance, the Conference Planning Committee, co-chaired by **Dick Wiley**, **Henry Rivera**, **Clark Wadlow**, and **Kathleen Abernathy**, for their hard work. It promises to be another top-notch conference.

I look forward to welcoming everyone back next year at the FCBA Luncheon on January 18, 2007, featuring **Commissioner Michael Copps**.

Happy New Year!

Jennifer A. Warren



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BAR ASSOCIATION

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1020 19th Street, N.W.
Suite 325
Washington, D.C. 20036-6101
Phone: (202) 293-4000
Fax: (202) 293-4317
E-mail: fcba@fcba.org
Website: <http://www.fcba.org>

OFFICERS

Jennifer A. Warren
President

Diane J. Cornell
President-Elect

Mark D. Schneider
Secretary

Carolyn W. Brandon
Assistant Secretary

Richard S. Whitt
Treasurer

Robert L. Pettit
Assistant Treasurer

EXECUTIVE COMMITTEE

John B. Branscome
Robert E. Branson
Sally A. Buckman
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Lauren M. Van Wazer
Ryan G. Wallach
Kathryn A. Zachem

CHAPTER REPRESENTATIVES

William P. Cox
William Levis

DELEGATE TO AMERICAN BAR ASSOCIATION

Brooks E. Harlow

YOUNG LAWYERS REPRESENTATIVE

Jason E. Friedrich

EXECUTIVE DIRECTOR

Stanley D. Zenor

DIRECTOR OF MEMBERSHIP SERVICES

Kerry K. Loughney

Editor — Kerry Loughney
Photographer — Mark Van Bergh

Password as of December 10, 2006: 305

FCBA Welcomes Its New Members

from 10-23-06 through 11-06

Brian Adkins

EMBARQ
401 9th Street, N.W.
Suite 400
Washington, DC 20004
Phone: 202-585-1936
Fax: 913-397-3430
Email: brian.adkins@embarq.com

Jamie Alan Aycock

Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006
Phone: 202-719-7048
Fax: 202-719-7049
Email: jaycock@wrf.com

Michele W. Bailey

Telecommunications
Management Group, Inc.
1600 Wilson Blvd.
Suite 710
Arlington, VA 22209
Phone: 703-224-1501
Fax: 703-224-1511
Email: michele@tmgtelecom.com

Paula Bedner

2519 Fallon Drive
Oak Hill, VA 20171
Phone: 703-547-2691
Email: paula_bedner@yahoo.com

Rhonda Binda

Alston & Bird, LLP
The Atlantic Buidling
950 F Street, NW
Washington, DC 20004
Phone: 202-756-3410
Fax: 202-756-3333
Email: rbinda@alston.com

J. Breck Blalock

Federal Communications
Commission
International Bureau
445 12th Street, SW
Washington, DC 20554
Phone: 202-418-8191
Fax: 202-418-2818
Email: breck.blalock@fcc.gov

Christopher Canter

The Helein Law Group, P.C.
8180 Greensboro Drive
Suite 775
McLean, VA 22102
Phone: 703-714-1308
Fax: 703-714-1330
Email: cac@thlglaw.com

Joseph C. Cavender

Harris, Wiltshire
& Grannis LLP
1200 18th Street, NW
Suite 1200
Washington, DC 20036
Phone: 202-730-1328
Fax: 202-730-1301
Email: jcavender@harriswiltshire.com

Glenda "Ginger" Clark

Federal Communications
Commission
Consumer and
Governmental Affairs Bureau
445 12th Street, SW
Room 5-A640
Washington, DC 20554
Phone: 202-418-2050
Fax: 202-418-2839
Email: ginger.clark@fcc.gov

Robert Deegan

NECA
80 South Jefferson Road
Whippany, NJ 07981
Phone: 973-884-8030
Fax: 973-884-8363
Email: rdeegan@neca.org

Elizabeth Drogula

Cole Raywid
& Braverman, LLP
1919 Pennsylvania Avenue,
NW
Suite 200
Washington, DC 20006
Phone: 202-828-9834
Fax: 202-452-0067
Email: ldrogula@crblaw.com

Peter Filon

Comcast Corporation
2001 Pennsylvania Avenue,
NW
Suite 500
Washington, DC 20006
Phone: 202-379-7116
Fax: 202-466-7718
Email: peter_filon@comcast.com

Carl Gehring

Law Office of Carl Gehring
PO. Box 98
West Mystic, CT 06388
Phone: 401-421-4050
Fax: 401-274-4055
Email: cgehring@thenlsgroup.com

Matthew L. Gibson

Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006
Phone: 202-719-7185
Fax: 202-719-7049
Email: mbigson@wrf.com

Emily Jane Helser

Pillsbury Winthrop Shaw
Pittman LLP
2300 N Street, NW
Washington, DC 20037
Phone: 202-663-9378
Fax: 202-663-8007
Email: emily.helser@pillsburylaw.com

Joseph R. Jackson

Verizon Communications
1300 I Street, NW
Suite 400 West
Washington, DC 20005
Phone: 202-515-2467
Fax: 202-336-7922
Email: joseph.r.jackson@verizon.com

Stephen Johnson

Federal Communications
Commission
Wireless
Telecommunications Bureau
445 12th Street, SW
Washington, DC 20554
Phone: 202-418-0354
Fax: 202-418-1186
Email: stephen.johnson@fcc.gov

Kimihiko Kimura

NICT
1020 19th Street, NW
Suite 880
Washington, DC 20036
Phone: 202-857-0070
Fax: 202-955-6098
Email: kimikimura@nictdc.org

Melissa Droller Kirkel

Federal Communications
Commission
Wireline Competition
Bureau
445 12th Street, SW
Washington, DC 20554
Phone: 202-418-7958
Fax: 202-418-2825
Email: melissa.kirkel@fcc.gov

Daniel Leza

Telecommunications
Management Group
1600 Wilson Blvd.
Suite 710
Arlington, VA 20005
Phone: 703-224-1501
Fax: 703-224-1511
Email: daniel@tmgtelecom.com

CONTINUED ON PAGE 4 ►

WELCOME Column

CONTINUED FROM PAGE 3

Abigail Lipman

National Cable & Telecommunications Association
25 Massachusetts Avenue, NW
Suite 100
Washington, DC 20001
Phone: 202-222-2459
Fax: 202-222-2446
Email: alipman@ncta.com

Marjorie B. Manne

Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006
Phone: 202-719-7297
Fax: 202-719-7049
Email: mmanne@wrf.com

James W. McConnaughey

National Telecommunications and Information Administration (NTIA)
US Department of Commerce
1201 Constitution Avenue, NW
Room 4725
Washington, DC 20230
Phone: 202-482-3161
Fax: 202-482-6173
Email: jmconnaughey@ntia.doc.gov

Steven E. Merlis

Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006
Phone: 202-719-7213
Fax: 202-719-7049
Email: smerlis@wrf.com

Thomas A. Messner

Wiley Rein & Fielding LLP
1776 K Street, NW
Washington, DC 20006
Phone: 202-719-7414
Fax: 202-719-7049
Email: tmessner@wrf.com

Jeffrey C. Mooradian

Leventhal Senter & Lerman PLLC
2000 K Street, NW
Suite 600
Washington, DC 20006-1809
Phone: 202-416-1084
Fax: 202-293-7783
Email: jmooradian@lsl-law.com

Gaku Nomizu

Research Institute of Telecommunications and Economics, Japan
1020 19th Street, NW
Suite 880
Washington, DC 20036
Phone: 202-857-0070
Fax: 202-955-6098
Email: nomizu@ritedc.org

Dominic F. Perella

Hogan & Hartson LLP
555 13th Street, NW
Suite 1300
Washington, DC 20004
Phone: 202-637-6452
Fax: 202-637-5910
Email: dfperella@hhlaw.com

Andrea Person

Capitol Solutions
1737 H Street, NW
Suite 200
Washington, DC 20006
Phone: 202-955-5390
Fax: 202-955-5391
Email: aperson@capitolsolutions.com

Claudia Quiroge

Mobile Satellite Ventures LP
10802 Parkridge Blvd.
Reston, VA 20191
Phone: 703-390-1560
Fax: 703-758-6263
Email: cquiroge@msvlp.com

Craig L. Rosenthal

Suddenlink Communications
12444 Powerscourt Drive
Suite 140
St. Louis, MO 63131
Phone: 314-965-2020
Fax: 314-315-9322
Email: craig.rosenthal@suddenlink.com

Daniel Schuman

Congressional Research Service
2112 New Hampshire Avenue, NW
Apartment 816
Washington, DC 20009
Phone: 202-577-6100
Email: dschuma@alum.emory.edu

Kim Robert Scovill

Comcast
1 Radburn Lane
Newark, DE 19711
Phone: 302-239-2553
Email: kimrobertscovill@yahoo.com

Kelley A. Shields

Harris, Wiltshire & Grannis LLP
1200 18th Street, NW
Suite 1200
Washington, DC 20036
Phone: 202-730-1354
Fax: 202-730-1301
Email: kshields@harriswiltshire.com

Imix Shish

1201 East West Highway
Apartment 233
Silver Spring, MD 20910
Phone: 703-615-0295
Email: imix.shish@gmail.com

Christina Speck

National Telecommunications and Information Administration (NTIA)
1401 Constitution Avenue, NW
Room 4701
Washington, DC 20230
Phone: 202-482-1440
Fax: 202-482-1865
Email: cspeck@ntia.doc.gov

Joseph Taylor

2001 North 15th Street
Apartment 307
Arlington, VA 22201
Phone: 540-435-2007
Email: taylorjw@hotmail.com

Jennifer Toland

Cole Raywid & Braverman, LLP
1919 Pennsylvania Avenue, NW
Suite 200
Washington, DC 20006
Phone: 202-828-9892
Fax: 202-452-0067
Email: jtoland@crblaw.com

Stephen Traylor

NATOA
1800 Diagonal Road
Suite 495
Alexandria, VA 22314
Phone: 703-519-8035
Fax: 703-519-0036
Email: straylor@natoa.org

Melissa Troiano

4101 Albermarle Street, NW
Apartment 405
Washington, DC 20016
Phone: 617-306-6692
Email: melissa.troiano@american.edu

Matt Wolfe

Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005
Phone: 202-736-8240
Fax: 202-736-8711
Email: mwolfe@sidley.com

December 5th, 6:00 – 8:15 p.m. Equity Investments and Lending to FCC-Regulated Communications Companies: Legal Issues and Business Considerations

Presented by the Transactional Practice Committee

The FCBA Transactional Practice Committee will hold a CLE Seminar entitled “Equity Investments and Lending to FCC-Regulated Communications Companies: Legal Issues and Business Considerations” on **Tuesday, December 5, 2006**, from **6:00 – 8:15 p.m.** at Sidley Austin LLP, 1501 K Street, NW, 6th Floor, Washington, DC.

The Communications Act and the FCC’s rules and policies place certain limitations on equity investments in and loans to FCC-regulated communications companies. Many of those constraints require case-by-case analysis and application – such as in the case of control, attribution and the treatment of certain investments. This CLE will examine the application of the statute and the FCC’s rules and policies to equity investments and lending

transactions involving FCC-regulated communications companies. The panelists will discuss the FCC’s rules and policies relating to attribution (including insulation/non-attribution of limited partners in private equity funds), *de jure* and *de facto* control, debt versus equity (including when debt will be treated as equity), and foreign ownership. The panelists will discuss how the interests of investors and lenders can be accommodated within the confines of these rules and policies, and where there are grey areas in drafting operative agreements.

See page 14 for registration information.

Agenda:

6:00 – 6:05 p.m.

WELCOME AND INTRODUCTION TO THE PANELS:

Christine Crowe, Neil Dellar and David Turetsky

6:05 – 7:05 p.m.

PANEL 1 – ATTRIBUTION AND CONTROL

Overview of FCC’s rules and policies regarding attribution, insulation, and *de jure* and *de facto* control; application of FCC’s rules and policies to various investor protection provisions (veto rights) and lender protections (negative covenants); discussion of analysis undertaken by potential lenders before providing financing; discussion of

creditor-to-creditor negotiation regarding secured status.

Panelists: **Tom Davidson**, Partner, Akin Gump Strauss Hauer & Feld LLP; **Lawrence Movshin**, Partner, Wilkinson, Barker, Knauer, LLP; **Charles Wiebe**, Principal, BIA Digital Partners LP; **[speaker from Columbia Capital invited]**

7:05 – 7:15 p.m.

BREAK

7:15 – 8:15 p.m.

PANEL 2 – DEBT VERSUS EQUITY; FOREIGN OWNERSHIP

Overview of FCC’s rules and policies regarding the treatment of debt as equity and the EDP rule, and application to various types of loans and investments; discussion of provisions necessary to ensure that debt is treated as bona fide debt; overview of foreign ownership limitations in Communications Act, FCC’s rules and policies; discussion of diligence necessary to ensure compliance with foreign ownership restrictions; discussion of foreign ownership limitations in the context of various instruments including warrants and options.

Panelists: **Howard Liberman**, Partner, Drinker Biddle & Reath LLP; **Thomas Carroccio**, Member, Bell, Boyd & Lloyd LLC

Save the Date! Thursday, March 22 The 2nd Annual FCBA/ABA Privacy & Data Security CLE

Time: 2:00 – 6:00 p.m.

Location: Covington & Burling Conference Center, Washington, DC
Please look to future newsletters and the FCBA website for further information.

Judges Needed for Moot Court Competition

The National Telecommunications Moot Court Competition Committee is seeking interested attorneys to serve as judges for the 2007 competition. Judges are needed to grade briefs and to judge oral arguments, which will be held at the Catholic University of America Columbus School of Law on **Friday, February 2, and Saturday, February 3, 2007**. If you can help, please email **Erica Stevens** at nattel2007@gmail.com indicating whether you would like to grade briefs, judge oral arguments, or both. Thank you in advance for your interest and participation in this season’s competition.

COMMITTEE AND CHAPTER *Events*

Mass Media Practice Committee

Event: Brown Bag Lunch

Date/Time: Tuesday, December 12, 12:00 Noon

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

Topic: Meet the Trade Press

Speakers: Dennis Wharton, NAB (moderator); Jeremy Pelofsky, Reuters; Amy Schatz, Wall Street Journal; Chris Stern, Bloomberg; Bill Triplett, Variety; Jeffrey Yorke, Radio & Records.

RSVP: No RSVP required. Questions? Contact Erin Dozier, edozier70@sheppardmullin.com, 202.772.5312

Transactional Practice Committee

Event: Brown Bag Lunch

Date/Time: Thursday, January 11, 12:15 p.m.

Location: Paul, Hastings, Janofsky & Walker LLP, 875 15th Street, N.W.

Topic: Outsourcing Transactions. Why do telecom companies do outsourcing transactions, what are they trying to accomplish, what issues arise in negotiating and drafting the agreements, and what are the best practices for addressing those issues?

Speakers: Jonathan Spencer, Vice President and General Counsel of Shenandoah Telecommunications, and Glynna Christian, Partner, LeBoeuf, Lamb, Greene & MacRae LLP.

RSVP to: Teresa Lloyd, tlloyd@llgm.com or 202-986-8184

Midwest Chapter

Event: Luncheon featuring Mayor Richard M. Daley, 15th Year Anniversary of the Midwest Chapter

Date/Time: Wednesday, January 10, 2007, 12:00 - 1:30 p.m. (reception begins at 11:30 a.m.)

Location: Palmer House, Emerald Room

Topic: Chicago in the Forefront of Communications Policy

Cost: \$60.00

For more information: contact Rob Neumann at rneumann@global-com.com

To register: Use form on page 14.

Northern California Chapter

Event: Brown Bag Lunch

Date/Time: Monday, December 4, 2006, 12:00 noon - 1:30 p.m.

Location: Duane Morris LLP, One Market, Spear Tower, Suite 2000, San Francisco, CA 94105-1104

Speaker: Administrative Law Judge Michelle Cooke will lead a tutorial and demonstrate the CPUC's new procedures for filing documents electronically.

Cost: \$15 for FCBA member, \$25 for non-members

Note: This program has been approved for MCLE credit by the State Bar of California in the amount of 1 hour. Cookies and beverages will be provided.

To register: Use form on page 14.

Pacific Northwest Chapter

Event: Telecommunications: "It Just Isn't Your Father's Oldsmobile Anymore!"

Date/Time: Friday, January 19, 2:00 p.m. to 6:30 p.m., reception included

Location: Davis Wright Tremaine, downtown Seattle, 2600 Century Square, 1501 4th Ave., 26th Floor (206-622-3150)

Speakers: Keynote, Rachele Chong, CPUC Commissioner; Mike Fidler, Digeo, CEO; Speaker from Xbox Live; Will Hodgman, M:Metrics, CEO; Speaker from Verizon; Sheryl Wilkerson, Ygomi, LLC, VP Business Development and Govt Affairs; Moderator, Mike Gallagher, Perkins Coie.

Cost: \$40 early registration for members (by Jan 1, 2007); \$50 for members; \$65 early registration for non-members (by Jan 1, 2007); and \$75 for non-members. Request for CLE in process.

To register: Use form on page 14.

Rocky Mountain Chapter

Event: CLE & Continental Breakfast

Date/Time: Tuesday, December 12, 8:00 - 9:00 a.m.

Location: EchoStar, 9601 S. Meridian Boulevard, Englewood, CO (Training Room 2)
Topic: Satellites - Technology's Promise for Rural America

Speakers: Carl Vogel, President and Vice Chairman of EchoStar Communications

Cost: \$10 for FCBA members and \$15 for non-members

Note: For security reasons, registrants' ID will be checked.

To register: Use form on page 14.

DECEMBER BREAKFAST

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Officer (CIO) on November 14, 2005. Mr. Grimes has extensive technical and policy experience in telecommunications, information systems and the command and control fields. His public service includes five years on the White House National Security Council Staff as Director for National Security Telecommunications Policy, Director of Defense Command, Control and Communications Programs, and Senior Director White House Situation Support Staff from 1984 to 1990. Mr. Grimes served as Deputy Assistant Secretary of Defense for Defense-wide Command, Control and Communications and was the Deputy Assistant Secretary of Defense for

Counterintelligence and Security Countermeasures from 1990 to 1994. As a member of the DoD senior executive service (SES), he held senior technical and staff positions with the National Communications System, Defense Communications Agency (predecessor to DISA), and the U.S. Army Communications Command following his military service in the U.S. Air Force.

Mr. Grimes joined Raytheon Company in 1994 where he served as Vice President of Intelligence and Information Systems, Washington Operations, prior to retiring in November 2005. Mr. Grimes has served on four Defense Science Board (DSB) Task Forces. He was a member of the Industry Executive Subcommittee of the President's National Security

Telecommunications Advisory Committee (NSTAC).

A native of Fredrick, Maryland, Mr. Grimes is a graduate of the University of Arizona and also holds a Master of Science Degree from Shippensburg University in Pennsylvania. He is a graduate of the U.S. Army War College, Carlisle Barracks, Pennsylvania; the Federal Executive Institute, Charlottesville, Virginia; and Harvard University's National and International Security Policy Program. He is the recipient of the American Institute of Aeronautics and Astronautics' (AIAA) Command, Control, Communications and Intelligence (C3I) Award among other public, military and Federal civil service awards to include two Presidential Rank awards.

Pacific Northwest Chapter

The PNW chapter is kicking off 2007 with an exciting program on January 19th, Telecommunications: "It Just Isn't Your Father's Oldsmobile Anymore!" The focus of the program is to provide a forum for attendees to learn about the challenges and issues faced by companies who offer new products and services that do not exactly fit the traditional telecommunications model, and how application, or potential application, of traditional telecommunications regulations affect the strategic, marketing, and business decisions made by such companies. Given the number of new technologies being created, and the challenges and questions those improvements or

innovations are raising for government decision makers, the intention of the program is to provide our members and telecom/technology community with a broader understanding of the issues from both sides of the fence, government and business.

Former FCC Commissioner **Rachelle Chong**, now a CPUC Commissioner, will be the keynote. Participants on the panel include Digeo, Xbox Live/Microsoft, M:Metrics, Verizon, and Ygomi LLC. The program co-chairs are **Greg Kopta**, Davis Wright Tremaine, **Kevin Minsky**, Microsoft, and PNW FCBA Co-chair **Angela Wu**. The program includes a reception sponsored by Microsoft Corporation.

See page 14 for registration information.

Rocky Mountain Chapter

Thursday, January 11th, 2007 The Center for the New West presents Putting "Network Neutrality" In Perspective

Co-Sponsored with the Federal Communications Bar Association, the Cable Center and Denver Telecom Professionals

Thursday, January 11th, 2007 at the Cable Center in Denver, Colorado. The hottest debate in telecommunications policy circles is whether broadband network providers should be subject to a "network neutrality" mandate. This mandate, although often undefined, suggests that the traditional "best efforts" Internet provides an open platform for innovation that is threatened by the plans of broadband providers to begin offering quality of service arrangements for a fee. As the Internet continues to evolve, and such arrangements move from the drawing board to the marketplace, we will be in an increasingly good position to determine what, if any, limitations on such arrangements make sense.

This conference will aim to take a step back from the tug-of-war character to many discussions of the issue (as well as take the debate outside of Washington) to provide a forum for constructive discussion. In so doing, it will bring together an array of thoughtful participants to examine the first principles that animate the ongoing debate—(1) what kind of innovation by applications providers is valuable; (2) what type of investment and innovation in the network itself is valuable; (3) when, if at all, might broadband operators support or seek to undermine such innovation; (4) what

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L to R: Co-chairs, Greg Romano, PNW General Counsel for Verizon; Dave Rice, Miller Nash; Angela Wu, Law Office of Angela Wu.

Pacific Northwest Chapter Reception a Success

The PNW FCBA chapter kicked off the year with a reception hosted at the home of co-chair **Angela Wu**, co-hosted with **Greg Kopta** with Davis Wright Tremaine, and **Dave Rice** with Miller Nash. We were delighted to introduce to our members, **Greg Romano**, the new PNW General Counsel for Verizon, who graciously agreed to be one of the co-chairs of PNW FCBA. During the reception, the chapter co-chairs announced they are planning three programs and several brown bag lunches for the upcoming year. The programs and brown bag lunches will focus on the impact government regulations have on business and investment decisions. The co-chairs also plan to grow the membership to include non-traditional telecom companies, entrepreneurs, and venture capital firms, in order to broaden the scope and depth of its membership, and add an additional dimension to its programs.

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risks are there that regulation might lead to unintended consequences; and (5) what risks are there that after-the-fact regulation—or even industry self-regulation—might be materially less effective than prophylactic rules.

The conference will center around three central themes—(1) the development of enhanced delivery technologies; (2) what is the Internet—divining the line between private, managed networks and the wide open public Internet; and (3) crafting effective regulatory safeguards to protect competition and consumers. As to effective delivery technologies, there are an array of innovations aimed at improving network performance—caching services; prioritized packet delivery; peer-to-peer mitigation; and blocking techniques (for spam, viruses, etc.) On the question of “what is the Internet,” we will discuss the Internet’s original mission and whether and how the development of new, private networks is in tension with that mission. Finally, on the question of effective regulatory safeguards, the question arises of what institution—the Federal Communications Commission, the Federal Trade Commission, antitrust courts, or self-regulation—can oversee protections against anticompetitive or anti-consumer conduct.

Agenda:

7:30-8:30 a.m.

REGISTRATION

8:30 a.m.-9:15 a.m.

WELCOME AND OPENING REMARKS

Phil Weiser, Professor of Law and Telecommunications, University of Colorado, and Telecommunications Policy Advisor, Center for the New West

OPENING KEYNOTE

Richard C. Notebaert, Chairman and Chief Executive Officer, Qwest Communications International, Inc.

9:15-10:30

WHAT IS THE INTERNET AND WHY IS IT UNIQUE?

Dale Hatfield – Adjunct Professor, University of Colorado

James Assey – Minority Senior Counsel, Senate Commerce, Science and Transportation Committee

Howard Waltzman – Chief Counsel for Telecommunications and the Internet, House Committee on Energy and Commerce (INVITED)

Brent Olson – Assistant Vice President Regulatory Policy, AT&T

Dan Brenner – Senior Vice President for Law & Regulatory Policy National Cable & Telecommunications Association

10:30-11:45

THE DEVELOPMENT OF ENHANCED DELIVERY TECHNOLOGIES

David Reed – Executive Vice President, Cablelabs

Link Hoewing – Assistant Vice President Internet Technology & Issues Management, Verizon

Jack Waters – Chief Technology Officer, Level 3 Communications

Kim Ambler – Director Industry and Policy Affairs, The Boeing Company

11:45-12:00

BREAK

and proceed to luncheon room

12:00-1:15

LUNCH AND KEYNOTE SPEAKERS

Anna-Maria Kovacs, President, Regulatory Source Associates, LLC

The Honorable Robert M. McDowell, Commissioner, Federal

Communications Commission (*invited*)

1:15 – 1:30

BREAK

and proceed back to meeting room

1:30 – 2:45

CRAFTING EFFECTIVE REGULATORY SAFEGUARDS

Melissa Newman – Vice President of Regulatory Affairs, Qwest

Ray Gifford – Partner, Kamlet, Shepherd & Reichert and Senior

Adjunct Fellow of the Progress and Freedom Foundation

Christopher Ornelas – Legislative Assistant Telecommunications, Senator Gordon Smith of Oregon

Rick Whitt – NetsEdge Consulting

2:45 – 3:45

THE CONGRESSIONAL PERSPECTIVE

The Honorable Chris Cannon – Member of Congress, Utah

The Honorable Larry E. Craig – United States Senator, Idaho

The Honorable Ken Salazar – United States Senator, Colorado (INVITED)

3:45

CONFERENCE WRAP-UP

with **Phil Weiser**

For registration information, see <http://www.centerfornewwest.org>.

February 11 – 12, 2007 The Silicon Flatirons Program presents The Digital Broadband Migration: The Next Wave of Innovation

Co-Sponsored with the Federal Communications Bar Association, Interdisciplinary Telecommunications Program and Denver Telecom Professionals

Sunday, February 11th and **Monday, February 12th, 2007** at the **University of Colorado School of Law in Boulder, Colorado**. Although still in a formative stage of change, the future of telecommunications will be radically different than what the drafters of the Telecommunications Act of 1996 envisioned. The network of tomorrow will not be optimized for particular applications (such as, for example, voice conversations, video programming delivery, etc.), but instead will be a general-purpose broadband platform capable of delivering applications to consumers through the

use of Internet Protocol technology. Twenty years from now, there will not be Voice over Internet Protocol or Internet Protocol Television: there will simply be opportunities for applications providing voice or video to be delivered to consumers over broadband.

The new world of telecommunications will be a far cry from the Bell System's motto of "one system, one policy, universal service." There will instead be a network of networks. The daunting challenges of this new architecture will include facilitating interoperability between those networks and securing delivery of communications, all while stimulating investment, competition, and innovation. To date, the Internet's open architecture has facilitated applications of all flavors, ranging from phishing scams, denial of service attacks, and spam as well as salutary developments such as innovation from applications developers who need not ask permission before launching the next Google, Skype, or YouTube. Preparing for this new world presents enormous challenges to businesses, policymakers, and academics alike.

This Conference will examine the emerging world of telecommunications, taking special care to evaluate the rhetoric and realities of convergence; network management, security, and interoperability; digital rights management; and the role of entrepreneurship and established firms in promoting innovation. Throughout all of these areas, a basic question arises as to whether and how policymakers can regulate software applications—or the transport platforms they rely on—to promote investment and innovation in the emerging digital broadband ecosystem.

For registration information, see <http://www.silicon-flatirons.org>.

Sunday, February 11, at CU Law School Wittemyer Courtroom

9:00 – 9:15

WELCOME

Phil Weiser, Executive Director, Silicon Flatirons Telecommunications Program

9:15 – 10:00

OPENING SPEAKER

Michael Powell, former Chairman, Federal Communications Commission

10:00 – 11:30

OPENING PANEL: THE RHETORIC AND REALITIES OF CONVERGENCE

Kenneth Dunn, Vice President, Qwest Communications

Michael T. Fries, President & CEO, Liberty Global, Inc.

Don Gips, Group Vice President, Level 3 Communications

Michael Gallagher, Partner, Perkins Coie

Michael Powell, former Chairman, Federal Communications Commission

11:30 – 1:00

LUNCH

1:00 – 3:00

NETWORK MANAGEMENT: BEYOND THE NETWORK NEUTRALITY DEBATE

Moderator: **Paul Ohm**, Associate Professor of Law, Univ. of Colorado

Presenters:

Ed Felten, Professor of Computer Science, Princeton University

Jerry Kang, Professor of Law, UCLA

Simon Wilkie, Professor of Economics, USC

Discussants: **Dorothy Attwood**, Senior Vice President, AT&T, Inc.; **Jon Nuechterlein**, Partner, Wilmer Hale;

Mark Cooper, Research Director, Consumer Federation of America

3:00 – 3:15

BREAK

3:15 – 5:15

DIGITAL RIGHTS MANAGEMENT:

Moderator: **Peter Rohrbach**, Partner, Hogan & Hartson

Presenters:

Pam Samuelson, Professor of Law, University of California-Berkeley

Neil Netanel, Professor of Law, UCLA

Mark Lemley, Professor of Law, Stanford University

Discussants: **Preston Padden**, Executive Vice President, Walt Disney Corporation; **Paul Glist**, Partner, Cole Raywird & Braverman; **Stephen**

Williams, Judge, D.C. Circuit Court of Appeals

5:15 – 6:15

RECEPTION (SPONSORED BY PERKINS COIE)

Monday, February 12, University Memorial Center

9:00 – 10:00

KEYNOTE SPEAKER

Morgan O'Brien, Founder of Nextel; Chairman of Cyren Call

10:00 – 12:00

SOURCES OF INNOVATION

Moderator: **Victor Fleischer**, Associate Professor of Law, Univ. of Colorado

Presenters:

Scott Hemphill, Associate Professor of Law, Columbia University

Michael Katz, Professor of Economics, University of California-Berkeley

Howard Shelanski, Professor of Law, University of California-Berkeley

Discussants: **Brad Feld**, Managing Director, Mobius Venture Capital; **Joel**

Hyatt, CEO, Current TV; **Joe Waz**, Vice President of External Affairs and Public Policy Counsel, Comcast Corp.

12:00 – 1:30

LUNCH AND CLOSING SPEAKER

William Kovacic, Federal Trade Commissioner

Volunteer Outreach for McKenna's Wagon on Christmas Eve and Martha's Table on New Year's Eve

Many of us are stretched for time these days, but why not consider spending a few hours on a Sunday to help the FCBA Foundation's partner charities? For several years now, the FCBA has been providing volunteers to Martha's Table and McKenna's Wagon. These organizations rely on the good work of our members each month, so grab a friend, colleague or family member and join your fellow FCBA volunteers! As we approach the holiday season, the need for volunteers to feed the homeless becomes even more pressing. This is especially true this month as many FCBA members will be traveling on **December 24** and **December 31**.

Martha's Table Seeking Volunteers on December 31st

Martha's Table feeds hundreds of hungry, homeless adults and children on the streets of Washington daily, through its mobile soup kitchen. Children and friends are also welcome. We will begin at 10:00 am and work until 1:00 pm. Martha's Table is located in a yellow building at 2114 Fourteenth Street, NW, in the District, near the intersection of 14th and U Streets. On-street parking is available. Volunteers are asked to bring food if possible, (e.g., cold cuts, bread, peanut butter, jelly, vegetables and potatoes) because the center often runs out of donated food.

The FCBA volunteers on the **last Sunday of every month**, so mark your calendars now. For more information, contact **Howard Weiss** at 703-812-0471 — weiss@fhhlaw.com.

McKenna's Wagon Seeking Volunteers for December 24th

McKenna's Wagon is a mobile soup and sandwich wagon that goes "on location" to deliver food to the needy. For those who have volunteered, it has been a wonderful experience and a great way to help the needy in the D.C. community.

The Wagon is a white van that is loaded up with sandwiches, snacks and soup. We meet at Martha's Table at 4:45 pm in comfortable clothes and shoes. Martha's Table is located in a yellow building at 2114 Fourteenth Street, NW, in the District, near the intersection of 14th and U Streets. On-street parking is available.

Upon arrival we get assignments (some of us will distribute snacks and sandwiches, others will serve soup), and put on aprons before we depart in the van to 5th and New York Ave., NW

(near the new Convention Center). We are driven by one of our experienced volunteers and the trip to distribution location takes about 10-15 minutes.

We serve about 30-75 people per visit including a few mothers who come for food for their families. The area is well patrolled by police. The food distribution is conducted in an efficient, calm and orderly fashion and many of the people we serve are quite appreciative of our efforts. Once we serve all of the food, we do a clean up of the immediate area. Total time for the distribution takes about one hour and we usually return to Martha's Table by or before 6:30 pm.

We would love to have you join us on one of our upcoming food runs which are always on the **4th Sunday of the month**. If you are able to volunteer on **December 24** or a future date, please contact **Marlo Go** at MGo@ctia.org or **Tom VanWazer** at tvanwazer@sidley.com.

Nominations Open for 2007 Elections

Pursuant to Article V, Section 20 of the Association's Bylaws, the FCBA's Nominations Committee is beginning the process of preparing the ballot for the 2006 annual election. Positions to be filled are: President-Elect; Secretary; Assistant Secretary; Assistant Treasurer; Chapter Representative to the Executive Committee; ABA Delegate; 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 FCBA Past President and Chair of the Nominations Committee, **Michele C. Farquhar**, via email to mcfarquhar@hhhlaw.com. Please give the name of the member to be considered for nomination and the office they are being recommended for by **January 15, 2007**.

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



The relationship between the FCBA and its Charity Auction beneficiaries continues long after the gold table has closed and the raffle grand prize winner is drawn. On November 1, 2006, the 2005 Charity Auction beneficiary, Kids Enjoy Exercise Now (KEEN), honored the FCBA with its 2006 Corporate

Award. The funds raised at last year's Charity Auction enabled KEEN to open two new sports programs for children with disabilities in Southeast D.C. Members of the 2005 Charity Auction Committee and live auctioneers from the 2005 Charity Auction accompanied FCBA President **Jennifer A. Warren** to

KEENFest 2006 in North Bethesda, Maryland, where Jennifer accepted the award on behalf of the FCBA.

Please look to the upcoming January Newsletter for photos from the November 16, 2006, Charity Auction!

In MEMORIAM

David L. Nicoll (1950-2006)

David L. Nicoll, associate general counsel for the National Cable & Telecommunications Association, died of brain cancer at age 56 on October 25, 2006.

A graduate of Wesleyan University with a master's in communications from the Annenberg School of Communications at the University of Pennsylvania, David began his communications career as a policy analyst with the Department of Justice, where he worked on the AT&T divestiture that led to the break up of the Bell system. In 1978, he moved to the FCC and spent time in both the cable television and common carrier bureaus. David received his law degree from Catholic University while working at the

Commission. He also worked as an associate at Mintz Levin Cohn Ferris Glovsky & Popeo.

For the past 22 years, David served in NCTA's Legal Department, handling a range of legal and policy issues of importance to the cable industry. According to NCTA General Counsel Neal Goldberg, David "was cable's phone guy before there was cable phone." His knowledge of telecommunications policy and regulatory issues helped position the industry to successfully enter the telephone business in the wake of the 1996 Telecommunications Act.

Engaged and curious, David maintained relationships with a wide network of communications lawyers and was actively involved in the FCBA. With few immediate relatives, he considered NCTA, his friends and

colleagues in Washington, and his uncles, aunts and cousins in New York to be his "family."

David was a voracious reader and closely followed politics. A native of Queens, N.Y., he was also an avid Dodgers fan who rooted for the team even after they broke his heart as a child by leaving Brooklyn. The last baseball game he attended was the Dodgers versus the Nationals in RFK Stadium.

At David's request, memorial contributions may be directed to: The William Winter Institute for Racial Reconciliation, University of Mississippi, P.O. Box 1848, University, MS 38677.

The FCBA is grateful to Neal Goldberg and Mike Schooler of NCTA for contributing information for this article.

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, send **ONE COPY** of the information requested to Kerry Loughney, Federal Communications Bar Association, 1020 19th Street, NW, Suite 325, Washington, DC 20036-6101, or **EMAIL** it to kerry@fcba.org. Please clearly indicate the Blind Box number to which you are responding. If you are applying to a Blind Box, you may enclose a separate note to the FCBA specifying 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 and send or fax the Form and the appropriate payment to Kerry Loughney, Federal Communications Bar Association, 1020 19th Street, NW, Suite 325, Washington, DC 20036-6101. In addition, please email the text of the ad to kerry@fcba.org. Listings and payment received by the 15th day of each month will appear in the next month's newsletter. If possible, ads should not exceed 75 words. Please call the

FCBA, (202) 293-4000, for a Job Bank Form. (No headhunters please).

LAW FIRM / CORPORATE

12.06.1

Communications Associate – Leventhal Senter & Lerman PLLC seeks a mid-level associate with experience in communications law (broadcast policy and regulatory experience preferred) for immediate hire. We offer a congenial work atmosphere, great clients, interesting projects, competitive compensation and benefits. Strong writing, research and people skills essential. Send resume and writing sample in confidence to Hiring Coordinator, Leventhal Senter & Lerman PLLC, Suite 600, 2000 K Street, NW, Washington, DC 20006.

12.06.2

Internet/Telecommunications Law and Policy Attorney – Dynamic, well-established Washington, DC, boutique practice seeks motivated, experienced attorney for telecommunications/Internet-related practice. Excellent opportunity to counsel on policy and business issues. Friendly atmosphere. Superior writing, research and interpersonal skills a must. Industry and regulatory

experience preferred. Submit resume, cover letter, writing sample. Please note that this is a Blind Box ad; see above.

12.06.3

Senior Counsel - Comcast, the nation's leading provider of cable, entertainment and communications products and services, is seeking a Counsel for its telephone and data operations. Your main responsibilities will include advising management on laws/regulations governing the telephone business; working with management to establish programs and processes to assure compliance; drafting policies and memoranda necessary to keep management informed of legal obligations and business opportunities; monitoring proposed legislative and regulatory changes which could affect the telephone and high-speed data businesses; working with the company's government affairs personnel to develop company responses to such proposals; preparing required submissions, filings and pleadings to the FCC and other regulatory bodies; drafting and negotiating agreements needed to fulfill business operations. Minimum 3 – 5 years experience in the telephone industry either at a law firm or government agency. Ability to work full-time at company HQ in Philadelphia. Comcast offers competitive salaries and benefits. For consideration, please submit resume and cover letter to the careers section of www.comcast.com and search for requisition number 39916BR. Comcast is an Equal Employment Opportunity/Affirmative Action/Drug-free workplace employer.

12.06.4

Telecommunications Associate Attorney – Ten-attorney firm has an immediate opening for a telecommunications associate attorney. The ideal candidate will have some working knowledge of the FCC, PUCs and the regulatory process. Qualified candidates must have strong academic credentials and be highly motivated with the ability to work independently and as part of a team. Excellent research, written, and oral communication skills are essential. Some prior experience in the wireless and wireline arenas is desirable. Salary commensurate with experience. To apply, please send cover letter, resume, and two non-litigation writing samples to recruiting@dc.bhb.com.

12.06.5

Telecommunications Attorney – Small to Mid-Sized Harrisburg, PA law firm seeks telecommunications attorney with a minimum of 2 years experience. Familiarity with rural issues preferred. Candidate must possess excellent writing skills, motivation, the ability to work independently and good client skills. Great opportunity for an energetic person who is looking for client contact, increasing responsibility and low key work environment. Fax resume to: 717-236-8278.

National Telecommunications Moot Court Competition - Call for Volunteers

The FCBA and The Catholic University Columbus School of Law will co-sponsor the **2007 National Telecommunications Moot Court Competition to be held February 2-3**. This year's competition centers on the fictional issuance of Federal Communications Commission ("FCC") enforcement actions against broadcast and cable news outlets which aired Video News Releases as authentic news broadcasts. Participating teams will analyze constitutional and administrative law issues attendant to FCC enforcement of video news release broadcasts. The oral arguments will take place at Catholic University Law School on February 2-3, 2007. The FCBA Moot Court Committee seeks volunteers to help prepare the problem and administer the competition. If you have expertise with these issues, or a general willingness to assist in the preparation of the problem, bench brief and related tasks, your contribution is needed. Please contact **Erica Stevens** at nattel2007@gmail.com for more information.

24th Annual Telecommunications Conference ~ December 14-15, 2006:

This is the last chance to register for the 24th annual Federal Communications Bar Association/Practising Law Institute on "Telecommunications Policy and Regulation." Please visit www.fcba.org or see past newsletters for a full agenda and further information. A registration form for this December 14-15 conference at The Washington Hilton Hotel is on page 15.

20TH ANNUAL FCC CHAIRMAN'S DINNER *Registration*

Tuesday, April 10, 2007

**HILTON WASHINGTON & TOWERS
1919 CONNECTICUT AVENUE, NW**

**RECEPTION - 6:00 P.M. - EXHIBIT HALL
DINNER - 7:30 P.M. - INTERNATIONAL BALLROOM**

FCBA FOUNDATION SPONSOR:*

___ table(s) (ten guests per table) at \$2,150.00 per table or

PURCHASE OF TABLE:

___ table(s) (ten guests per table) at \$1,800.00 per table

* The FCBA Foundation is a charitable organization qualified under §501(c)(3) of the Internal Revenue Code. Contributions to the FCBA Foundation are tax deductible in the amount of \$350 for each Sponsor Table. Tax ID # 51-0334407

INDIVIDUAL TICKETS:

___ FCBA Private Sector Member ticket(s) at \$180.00 each

___ FCBA Government/Academic/Law Student Member ticket(s) at \$100.00 each

___ Non-Member ticket(s) at \$275.00 each

Name _____

Organization _____

Address _____

Suite/Room/Apt. _____

City/State/Zip _____

Phone _____ Fax _____

E-mail _____

\$_____ Total Enclosed Visa MasterCard American Express

Credit card no. _____ Exp. date _____

Signature _____

PLEASE SEND THIS FORM AND A CHECK MADE PAYABLE TO THE "FCBA" NO LATER THAN WEDNESDAY, MARCH 21 TO:

Federal Communications Bar Association
Chairman's Dinner
1020 19th Street, N.W.
Suite 325
Washington, D.C. 20036-6101
Phone: (202) 293-4000
Fax: (202) 293-4317
E-mail: fcba@fcba.org

PLEASE NOTE THAT SEATING IS RESERVED AND TICKETS WILL BE MAILED TO THE PERSON INDICATED ABOVE AT THE BEGINNING OF DECEMBER.

Cancellation Policy: Cancellations will be accepted and fees refunded if notice is received in writing no later than Tuesday, March 27, 2007. No refunds will be granted after this time.

BUSINESS ATTIRE

Pursuant to the Office of Government Ethics regulation on widely-attended gatherings (5 C.F.R. §2635.204(g)(2)), non-sponsors of an event may issue invitations directly to Federal employees provided that at least 100 persons are expected to attend the event and the non-sponsor's offer does not exceed \$285.00 in value. The Chairman's Dinner meets both of these requirements. Therefore, please note that organizations and individuals may issue invitations to the Chairman's Dinner directly to Federal employees without the involvement of the FCBA.

While this event has been cleared by the Office of General Counsel in previous years, each FCC employee is required to obtain individual ethics clearance based on the matters you are working on within the Commission.

COMMITTEE AND CHAPTER *Event Form*

Name _____ Organization _____

Address _____ Suite/Room/Apt. _____

City/State/Zip _____

Phone _____ Fax _____ E-mail _____

CHECK THE EVENT(S) FOR WHICH YOU ARE REGISTERING:

- Monday, December 4, 12:00 noon – 1:30 p.m. – Northern California Chapter Brown Bag Lunch** – Duane Morris LLP, One Market, Spear Tower, Suite 2000, San Francisco, CA
Cost: \$15 for FCBA member, \$25 for non-members
Registration and cancellations due by 5:00 p.m. November 30, 2006
- Tuesday, December 5, 6:00 – 8:15 p.m. – CLE Program on Equity Investments and Lending to FCC-Regulated Communications Companies** – Sidley Austin LLP, 1501 K Street, NW, 6th Floor
Cost: \$75.00 for Private Sector Members, \$50.00 for Government/Academic/Law Student Members, and \$125.00 for Non-members
Registration and cancellations due by 5:00 p.m. Friday, December 1, 2006
- Tuesday, December 12, 8:00 – 9:00 a.m. – Rocky Mountain Chapter CLE & Continental Breakfast, Satellites** - Technology's Promise for Rural America - EchoStar, 9601 S. Meridian Boulevard, Englewood, CO (Training Room 2)
Cost: \$10 for FCBA members and \$15 for non-members
Registration and cancellations due by 5:00 p.m. Friday, December 8, 2006
- Wednesday, December 13, 8:00 a.m. – FCBA Breakfast Featuring The Honorable John G. Grimes**, Mayflower Hotel, 1127 Connecticut Avenue, NW
Cost: \$40.00 for Private Sector Members; \$30.00 for Government/Academic/Student Members; \$55.00 for Non-Members
Registrations and cancellations due by 5:00 p.m., Thursday, December 7, 2006
- Wednesday, January 10, 2007, 12:00 - 1:30 p.m. – Midwest Chapter Lunch to Celebrate its 15th Year Anniversary** – Emerald Room of the Palmer House, Chicago, IL
Cost: \$60.00
Registrations and cancellations due by 12:00 p.m., Monday, January 8, 2007
- Friday, January 19, 2:00 p.m. – 6:30 p.m. – Pacific Northwest Chapter Event, Telecommunications: “It Just Isn’t Your Father’s Oldsmobile Anymore!” (reception included)** – Davis Wright Tremaine, downtown Seattle, 2600 Century Square, 1501 4th Ave., 26th Floor
Cost: \$40 early registration for members (by Jan 1, 2007); \$50 for members; \$65 early registration for non-members (by Jan 1, 2007); and \$75 for non-members.
Registrations and cancellations due by 12:00 noon, Wednesday, January 17, 2007

\$ _____ Total Enclosed Visa MasterCard American Express Check

Credit card no. _____ Exp. date _____

Signature _____

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

PLEASE FAX THIS FORM TO: Ann Henson, Federal Communications Bar Association, Fax: (202) 293-4317

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.

Federal Communications Bar Association

1020 19th Street, N.W., Suite 325
Washington, D.C. 20036

Phone: (202) 293-4000

Fax: (202) 293-4317

E-mail: ann@fcba.org

24th Annual TELECOMMUNICATIONS POLICY and REGULATION CONFERENCE REGISTRATION

CO-SPONSORED BY THE FCBA AND THE PRACTISING LAW INSTITUTE

Thursday, December 14 and Friday, December 15, 2006

THE WASHINGTON HILTON, 1919 CONNECTICUT AVENUE, N.W., WASHINGTON, D.C.

Name _____

Organization _____

Address _____

Suite/Room/Apt. _____

City/State/Zip _____

Phone _____ Fax _____ E-mail _____

_____ I am a member of the FCBA and/or PLI (Registration Fee is \$1,165.50)

_____ I am not a member of the FCBA or PLI (Registration Fee is \$1,295.00)

_____ I wish to obtain state bar CLE credit for this program from _____ (name of state)

Four ways to register:

MAIL THIS FORM AND A CHECK MADE PAYABLE TO THE "PRACTISING LAW INSTITUTE" TO:

Practising Law Institute
810 7th Avenue
New York, NY 10019

PHONE:

(800) 260-4PLI

FAX:

(800) 321-0093

WEB SITE:

<http://www.pli.edu>

HOTEL:

(202) 483-3000

FCC STAFF: receive a full scholarship to the Telecommunications program. Each attendee must enclose a \$25 application fee, payable to PLI, to receive the scholarship. The requests for scholarships should be sent to Scholarship Committee, PLI, 810 Seventh Avenue, New York, NY 10019 (fax: 212-824-5871)

PLI'S SCHOLARSHIP/FINANCIAL HARDSHIP POLICY: Full and partial scholarships to attend programs are available to judges, judicial law clerks, law professors, attorneys 65 and older, law students, pro bono attorneys, librarians and paralegals who work for non profit organizations, legal services organizations or government agencies, unemployed attorneys and others with financial hardships. To apply, send your request on your employer's letterhead, stating the reason for your interest, along with the completed registration form on this brochure, to the PLI Scholarship Committee. All applications must be accompanied by a \$25 non-refundable application fee (applicants may pay by check or credit card) and must be submitted four weeks before the date of the program. Students must submit a copy of their student ID card.

CLE MEMBERSHIP SURVEY *On CLE Programming*

In order to meet FCBA membership needs and interests more effectively, the CLE Committee asks all members to respond to the following short questionnaire. We appreciate your participation. Please e-mail, fax or mail this form to Kerry Loughney no later than January 15, 2007 to:

Federal Communications Bar Association

1020 19th Street, N.W. Suite 325, Washington, DC 20036-6101

Fax: (202) 293-4317

Email: kerry@fcba.org

Question / Scale	Strongly Agree	Somewhat Agree	Neutral	Somewhat Disagree	Strongly Disagree
PREFERENCES ON SCHEDULING					
I prefer morning CLEs (1.5 to 2.0 hrs)					
I prefer early evening CLEs (1.5 to 2 hrs)					
I prefer half day CLEs (3.0 to 4.0 hrs)					
I prefer full day CLEs (6.0 to 7.5 hrs)					
No Preference					
It depends on the subject matter					
PREFERENCES ON FORMAT					
I prefer a panel discussion (with moderator)					
I prefer presentations, followed by Q&A					
I prefer informal round-table debates, with audience Q&A during discussions					
I would be interested in attending "virtual" seminars on-line					
No Preference					
PREFERENCES ON SUBJECT MATTER					
I would like the FCBA to continue to provide reviews of developments in my areas of expertise					
I find cross-cutting topics by multiple committees interesting to attend					
I find reviews of general developments in communications law or legislation useful					
I would like to see the FCBA develop more non-traditional CLEs					
I would like to see more economic and/or engineering CLE topics					

SUGGESTIONS. The FCBA CLE Committee is committed to increasing the diversity of CLE offerings, providing new speakers and promoting opportunities for CLE events with other organizations. If you have any suggestions for CLE topics, speakers, or organizations with which to cooperate, please provide your suggestions.

CLE MEMBERSHIP SURVEY *On CLE Programming*

VOLUNTEERING. If you are interested in volunteering in the development of the FCBA's CLE programs or organizational outreach, please provide your contact information and any further details you care to include:

ADDITIONAL COMMENTS?

TELL US ABOUT YOU

Your Job:

Law Firm Government Trade Ass'n Company Other _____

What is the focus of your current job?

Wireline Wireless Satellite Broadcasting Cable Content Provider
 IP-based Provider Manufacturing Technology Other _____

Your years of experience:

< 2 2 – 4 4 – 8 8 – 12 18+

Have you attended FCBA CLE seminars in the past? Yes No

If you answered "yes" to the above question, please identify why you chose to attend any particular type of CLE or what you considered particularly useful.

How many CLEs have you attended in the last year? _____ . How many in the last three years? _____

Does your employer reimburse the cost of attending an FCBA CLE program? Yes No

Do you have any mandatory requirements for continuing professional education? Yes No

How many non-FCBA educational conferences, seminars or similar type events have you attended in the last year? _____

Please rank in order of "most significant" to "least significant" the reasons that you may not attend FCBA CLE programs, with "1" being "most significant" and "5" being "least significant."

____ Cost ____ Time CLEs are scheduled ____ Inability to take time off
____ Lack of interest in the topics offered ____ Other (please specify) _____

PLEASE E-MAIL, FAX OR MAIL THIS FORM TO KERRY LOUGHNEY NO LATER THAN JANUARY 15, 2007 TO:

Federal Communications Bar Association

1020 19th Street, N.W. Suite 325, Washington, DC 20036-6101

Fax: (202) 293-4317 Email: kerry@fcba.org

THANK YOU FOR YOUR PARTICIPATION!

COMMITTEES AND CHAPTERS *in the Spotlight*

National Telecommunications Moot Court Competition Committee

The National Telecommunications Moot Court Competition Committee is co-chaired by **Ronald G. London** of Davis Wright Tremaine LLP, **Joy Ragsdale** of Troutman Sanders LLP, **Paul Werner** of Hogan & Hartson LLP and **Amy Sinko Mushahwar** of Holland & Knight LLP. The National Telecommunications Moot Court Competition is an appellate advocacy competition, focused on communications law and co-sponsored by the FCBA and Catholic University Law School. Every year, the competition draws teams from over a dozen leading law schools from across the country. The committee is responsible for drafting the fact pattern and underlying problem, preparing bench briefs for the competition's judges, recruiting judges and administering the competition in conjunction with Catholic University.

This year's competition centers on the fictional issuance of Federal Communications Commission ("FCC") enforcement actions against broadcast and cable news outlets which aired Video News Releases as authentic news broadcasts. Video news releases ("VNRs," often referred to as "fake TV news") are essentially audio-visual manifestations of press releases which can be indistinguishable from traditional news clips. VNRs may advocate a particular point of view, but give the impression of being objective, accountable news reporting. The FCC's findings indicate that VNRs have great potential for abuse and manipulation of news coverage. However, news outlets counter that the First Amendment entitles them to control the content of their broadcasts, which would include the use of VNRs if the outlets so choose. Participating teams will analyze constitutional and administrative law issues attendant to FCC enforcement of video news release broadcasts. The 2007 National Telecommunications Moot Court competition problem arose from the FCC's August inquiry into 77 television broadcasters airing of VNRs. The

FCC's inquiry was prompted by a study from the watchdog group Center for Media and Democracy ("CMD") which found rampant use of VNRs by both large and small media. The oral arguments will take place at Catholic University Law School on February 2-3, 2007.

The committee is very pleased to announce that former FCC Commissioner **Kathleen Abernathy** of Akin, Gump, Strauss, Hauer and Feld LLP and former FCC Enforcement Bureau Chief **David H. Solomon** of Wilkinson, Barker Kauer, LLP have agreed to judge the final round in this competition. Additional judges are needed both to judge the oral competition in February and to review the written briefs submitted in January. In addition, the committee seeks volunteers to help prepare the bench briefs and administer the competition. If you have expertise with subject matter of this year's competition or a general willingness to assist in the preparation or judging of the competition, your contribution is needed. Please contact **Erica Stevens** at nattel2007@gmail.com.

Calendar

December 4	Northern California Chapter Brown Bag Lunch
December 5	CLE Seminar on Equity Investments and Lending to FCC-Regulated Communications Companies Transactional Practice Committee CLE
December 11	FCBA Executive Committee Meeting
December 12	Mass Media Practice Committee Brown Bag Lunch
December 12	Rocky Mountain Chapter CLE & Continental Breakfast, Englewood, CO
December 14-15	24th Annual PLI and FCBA Conference
December 24	Volunteer at McKenna's Wagon
December 31	Volunteer at Martha's Table
January 10	Midwest Chapter Lunch to Celebrate its 15th Year Anniversary, Chicago, IL
January 11	Transactional Practice Committee Brown Bag Lunch
January 11	Rocky Mountain Chapter/The Center for the West Seminar on Putting Network Neutrality In Perspective, Denver, CO
January 19	Pacific Northwest Chapter Event, Seattle, WA
February 11-12	Silicon Flatirons/Rocky Mountain Chapter Seminar on the Digital Broadband Migration, Boulder, CO
March 22	2nd Annual FCBA/ABA Privacy & Data Security CLE
April 10	20th Annual Chairman's Dinner
May 4-6	FCBA Annual Seminar, Nemacon Woodlands Resort, Farmington, PA