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N E W S

November 2011

Newsletter of the Federal Communications Bar Association

22nd Annual FCBA Charity Auction to be held on November 10

On **Thursday, November 10, 2011**, the FCBA Charity Auction Committee and the FCBA Foundation will host the **22nd Annual FCBA Charity Auction**. The Charity Auction is one of Washington, DC's premier "must-attend" events for the communications industry. The auction will take place at the Hamilton Crowne Plaza Hotel, Sphinx Ballroom at the Almas Temple, 1315 K Street, NW, Washington, DC, from **7:00 to 10:00 p.m.** Admission is free and the event is open to the public. Our 2011 auction will feature award-winning auctioneer **B.J. Jennings** of 1st Class Benefits

with **celebrity emcees Yaron Dori and Melissa Newman**.

The Auction Committee is working hard to build on the success of last year's record-setting event (more than \$130,000 raised), continuing some new initiatives launched last year such as the online auction. The second annual **online auction** will run from **Thursday, November 3 through Thursday, November 17**. FCBA members (including

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FCBA Luncheon with FCC Commissioner Robert McDowell on November 21

The FCBA will be holding a luncheon on **Monday, November 21, 2011** featuring FCC Commissioner Robert M. McDowell. The luncheon will be held at the Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW. Registration begins at 11:30 a.m. and the luncheon begins at Noon. Please note that tables of 10 are available, although you cannot register online for this option; you must download the form and fax or email it in with attendee names. To register, [click here](#) or go to the **FCBA Website – Calendar of Events** or use the form on [page 16](#).



Robert McDowell

Please join us in welcoming Commissioner McDowell on November 21!

25th Annual FCC Chairman's Dinner on December 8

The **25th Annual FCC Chairman's Dinner** will be held **Thursday, December 8, 2011** at the Washington Hilton, 1919 Connecticut Avenue, NW. The evening will begin with a reception at 6:00 p.m. The dinner will begin at 7:30 p.m. in the International



Julius Genachowski

Ballroom and will be followed by remarks from FCC Chairman Julius Genachowski. Sponsor's tables include a \$350.00 tax deductible donation to the FCBA Foundation.

Please use the registration form on [page 17](#) to order tables or individual tickets.

INVITING GOVERNMENT GUESTS

Pursuant to the Office of Government Ethics regulation on widely-attended

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This Month's Key Events

Privacy and Data Security Brown Bag Lunch

Date/Time: Monday, November 7, 12:15 – 1:30 p.m.

Location: Kelley Drye & Warren LLP, Washington Harbour, Suite 400, 3050 K Street, NW

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Video Programming and Distribution and YLC Brown Bag Lunch

Date/Time: Monday, November 7, 12:30 – 2:00 p.m.

Location: Motion Picture Association of America, 1600 Eye Street, NW

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22nd Annual Charity Auction

Date/Time: Thursday, November 10, 7:00 – 10:00 p.m.

Location: Hamilton Crowne Plaza Hotel, Sphinx Ballroom at the Almas Temple, 1315 K Street, NW

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Privacy and Data Security and Wireless CLE Seminar

Date/Time: Wednesday, November 16, 6:00 – 8:15 p.m.

Location: Hogan Lovells, 555 13th Street, NW

Topic: Privacy and Mobile Location-Based Services: Where Are We?

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FCBA Luncheon with Commissioner Robert McDowell

Date/Time: Monday, November 21, 12:00 Noon

Location: Mayflower Hotel, 1127 Connecticut Avenue, NW

▶ SEE PAGE 1

Engineering and Technical, Mass Media, and Wireless CLE Seminar

Date/Time: Wednesday, November 30, 6:00 – 8:15 p.m.

Location: Bingham McCutchen, 2020 K Street, NW

Topic: Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management

▶ SEE PAGE 3

PRESIDENT'S Message

DEAR MEMBERS:

November always is an exciting month for the FCBA. This is due in no small part to the FCBA Charity Auction, which this year will be held on Thursday, November 10, from 7-10 p.m. at the Hamilton Crowne Plaza Hotel, Sphinx Ballroom at the Almas Temple.

I can recall vividly the years in which I helped organize and co-chair the FCBA Charity Auction, and I think I still may be recovering from those efforts! Seriously, all indications this year are that the **Young Lawyers Committee** and the **FCBA Foundation** have outdone themselves and that we can expect a wonderful event filled with fabulous prizes and innovative new initiatives, including one-of-a-kind prizes, an expanded online auction feature and "buy it now" program, a further-developed Facebook page, and a unique donation matching program, the details of which will be revealed shortly by the FCBA Charity Auction Committee. And, of course, in keeping with FCBA tradition, all of the funds raised will benefit a Washington, D.C.-based community organization that focuses on the needs of children. This year's beneficiary is the **Sitar Arts Center**, which provides underserved children and youth an opportunity to explore and study the visual and performing arts in an afterschool safe haven.

None of this would be possible without the tremendous dedication of the Young Lawyers Committee co-chairs, **Mark Brennan** and **Brendan Carr**, the support of the FCBA Foundation, and the work of dozens of volunteers who have committed countless hours and late nights to the success of this event, including the members of this year's FCBA Charity Committee: **Rachael Bender, Jeremy Berkowitz, Neil Chilson, Christine Crowe, Justin Faulb, Paige Fronabarger, Stacy Fuller, Jane Mago, Alison Minea, Davina Sashkin, Lindsay Tonsager, Josh Turner, and Ron Whitworth**. I also want to recognize the efforts of the FCBA staff, and, in particular, **Kerry Loughney**, for their work on this event.

The FCBA also will be hosting its first Association-wide luncheon of the Fall season, which will take place on Monday, November 21, and will feature **Commissioner Robert McDowell** as our guest speaker. The FCBA is so fortunate to have the opportunity to hear from and interact with leading industry thinkers, and I want to express my gratitude to Commissioner McDowell for making the time to address the FCBA and this event.

Terrific events also are scheduled for FCBA members outside of the Washington, D.C., area. As just one example, on November 8, the **New England Chapter**, together with the Massachusetts Department of Telecommunications and Cable, will be hosting a broadband conference at Suffolk Law School in Boston that will feature **Commissioner Mignon Clyburn**, state regulators, and other government officials. As always, we are grateful that so many leading industry thinkers will be taking the time to participate in this event, and I want to recognize in particular the efforts of our New England Chapter co-chairs who helped make this event possible: **David Bogan, Greg Kennan, Robert Munnerly, and Joshua Pila**.

Once again, there is no shortage of interesting and exciting programming at the FCBA. I look forward to seeing you at these and other events in November.

As always, if you have any questions or concerns about the FCBA, please do not hesitate to contact me.

Yaron Dori



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BAR ASSOCIATION

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Wednesday, November 16, 6:00 – 8:15 p.m. Privacy and Mobile Location-Based Services: Where Are We?

The FCBA **Privacy and Data Security** and **Wireless Committees** will hold a CLE on **Wednesday, November 16, 2011** from **6:00 – 8:15 p.m.** on Privacy Concerns Raised by the Mobile LBS. It will be held at Hogan Lovells US LLP, 555 13th Street, NW, Courtroom, Washington, DC.

To register, [click here](#) or go to the **FCBA Website – Calendar of Events** or use the form on [page 16](#).

Agenda

6:00 – 6:05 p.m.

WELCOME AND INTRODUCTIONS

6:05 – 7:05 p.m.

TOPIC I: HOW CURRENT LAWS AND REGULATIONS APPLY TO MOBILE LBS

Location-based services are one of the hottest things in mobile. From getting directions to getting deals, consumers can quickly and easily get the information they want in exchange for their location information. While the collection of this sensitive information creates significant opportunities, it also raises privacy risks for carriers, handset and operating system manufacturers, and apps developers, particularly when the application of laws and regulations written before these services existed is unclear. Our panel of experts will explore how LBS-related privacy concerns have been and are being addressed under current statutes, regulations, case law and self-regulatory frameworks.

Moderator:

Trey Hanbury, Director, Government Affairs, Sprint-Nextel Corporation

Panelists:

Jennifer Tatel, Federal Communications Commission (invited)

Alysa Hutnik, Partner, Kelley Drye & Warren LLP

Michael Altschul, Senior Vice President & General Counsel, CTIA-The Wireless Association

Patti Poss, Counsel to the Director, Mobile Team, Bureau of Consumer Protection, Federal Trade Commission

Rebecca Kelly Slaughter, Senior Counsel to Senator Charles E. Schumer, Senate Judiciary Committee

7:05 – 7:15 p.m.

BREAK

7:15 – 8:15 p.m.

TOPIC II: PLAYERS, PROFITS AND PRIVACY POLICIES IN THE MOBILE LBS ECOSYSTEM

The world of LBS involves a host of commercial players—carriers, application developers, device manufacturers, operating systems, advertisers, ad networks, and retailers. Learn who the players are, where the profits come from, and why the privacy problems are growing. LBS offerings can help us find the cheapest gas, the best bar food, the way around a traffic tie-up, a stolen laptop or an errant spouse. But criticism is mounting when the free app that we downloaded, the operating system we are using, or the picture we are taking is collecting and transferring our location and personal information without our consent to third parties we know nothing about. While critics say that new laws are needed to ensure that there are adequate privacy protections of our location information, responsible companies argue that they are addressing privacy concerns and are engaged in self-regulatory efforts to provide industry standards that provide greater privacy protection, transparency and choice to consumers.

Moderator:

Genie Barton, Co-Chair, FCBA Privacy and Data Security Committee and Vice President and Director, Online Interest-Based Accountability Program and Mobile Marketing Initiatives

Panelists:

Morgan Reed, Executive Director, Association for Competitive Technology

Jeff Brueggeman, Vice President-Public Policy and Deputy Chief Privacy Officer, AT&T

Adam Towvim, Senior Director, Business Development, Jumtap

Shellie Blakeney, T-Mobile

Please contact **John Heitmann**, Co-Chair, FCBA Privacy and Data Security Committee, for more information: jheitmann@kelleydrye.com.

Wednesday, November 30, 6:00 – 8:15 p.m. Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management

The FCBA **Engineering & Technical Practice**, **Mass Media**, and **Wireless Committees** will hold a spectrum-focused CLE on **Wednesday, November 30, 2011** from **6:00 – 8:15 p.m.**, entitled “Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management.”

The FCC, the Administration, and leading communications policymakers in Congress have made clear their desire to make additional spectrum available for mobile broadband services in the coming years, focusing in particular on incentive

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NOVEMBER 30 CLE

CONTINUED FROM PAGE 3

auctions and a subsequent repacking of broadcast (and potentially MSS) licensees as well as a more conventional auction of some amount of spectrum currently used by the federal government. This CLE will explore key legal, policy and technical issues associated with these undertakings—including optimal auction design, deficit reduction, evolving principles of spectrum management, and relocation and reimbursement of affected incumbent services. It will be held at Bingham McCutchen LLP, 2020 K Street, NW, Washington, DC.

To register, [click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 16](#).

Agenda

6:00 – 6:05 p.m.

WELCOME AND INTRODUCTIONS

Larry Walke, Associate General Counsel, NAB and Co-Chair, Mass Media Committee

6:05 – 7:05 p.m.

TOPIC I: GETTING FROM A TO B – NUTS AND BOLTS OF SPECTRUM AUCTIONS AND OTHER MARKET MECHANISMS

Panelists will discuss the developing blueprint for making additional flexible-use spectrum available, paying particular attention to incentive auctions and the factors that may influence the degree of participation in them, the identification of bands of federal spectrum for reallocation, and other considerations in spectrum management.

Moderator:

Matt DelNero, Partner, Covington & Burling LLP and Co-Chair, FCBA Wireless Committee

Speakers:

Evan Kwerel, Senior Economic Advisor, FCC [Invited]

Mark Fratrick, Vice President, BIA / Kelsey

Kathleen Ham, Vice President, Federal Regulatory at T-Mobile, USA
Additional Spectrum Expert TBA

7:05 – 7:15 p.m.

BREAK

7:15 – 8:15 p.m.

TOPIC II: MOVING DAY – REPACKING AND RELOCATING INCUMBENT USERS

This panel will focus on the technical, engineering and logistical issues associated with the repacking and relocating of incumbent users into smaller bands of spectrum.

Moderator:

Julie Kearney, Vice President of Regulatory Affairs, CEA

Speakers:

Thomas Dombrowski, Engineering Consultant, Wiley Rein LLP
Kevin Gage, EVP and Chief Technology Officer, NAB
Additional Technical Experts TBA

Tuesday, December 13, 6:00 – 8:15 p.m. Litigating Appeals in the D.C. Circuit

The FCBA **Judicial Practice Committee** will hold a CLE on **Tuesday, December 13, 2011** from **6:00 – 8:15 p.m.** on Litigating Appeals in the D.C. Circuit. It will be held at Dow Lohnes PLLC, 1200 New Hampshire Avenue, NW, Washington, DC.

To register, [click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 16](#).

Agenda

6:00 – 6:05 p.m.

WELCOME AND INTRODUCTIONS

6:05 – 7:05 p.m.

THE VIEW FROM THE BENCH: A CONVERSATION ON REGULATORY APPEALS IN THE D.C. CIRCUIT

The D.C. Circuit often decides appeals involving complex regulatory questions arising from agency decisions and rulemakings, including those of the FCC. The Judicial Practice Committee is pleased to present an opportunity to the communications bar to learn from the experience of two of the D.C. Circuit's judges. Prompted by questions from the moderator and attendees, the judges will share their perspective and insights on litigating appeals in the D.C. Circuit.

Speakers:

Chief Judge David B. Sentelle, U.S. Court of Appeals for the D.C. Circuit
Judge Janice Rogers Brown, U.S. Court of Appeals for the D.C. Circuit

Moderator:

TBD

7:05 – 7:15 p.m.

BREAK

7:15 – 8:15 p.m.

THE VIEW FROM THE BAR: EFFECTIVE ADVOCACY IN THE D.C. CIRCUIT

After hearing the perspective from behind the bench, the second part of the CLE will consist of a panel of leading appellate lawyers who will offer their advice and tips on effective appellate advocacy before the D.C. Circuit. They will share their thoughts on best practices and strategies for challenging or defending complex regulatory decisions in the court of appeals.

Speakers:

Jon Nuechterlein, WilmerHale LLP
Patricia Millett, Akin Gump Strauss Hauer & Feld LLP
Chris Wright, Wiltshire & Grannis LLP
Helgi Walker, Wiley Rein LLP

Moderator:

TBD

COMMITTEE AND CHAPTER *Events*

Broadband Committee

Event: Holiday Program and Networking Reception co-sponsored by the International Telecommunications Committee

Date/Time: Thursday, December 1, 6:00 – 8:30 p.m.

Location: House of Sweden, 2900 K Street, NW, Washington, DC

Cost: \$10.00 for FCBA members; \$25.00 for non-members

***Special thanks to Ericsson for their sponsorship of this event.**

For questions: Contact Jared Carlson, Jared.Carlson@ericsson.com, or Desiree Ruiz at 202-824-0133.

For more information: See [page 8](#).

To register: [Click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 16](#).

Charity Auction Committee

Event: Annual Charity Auction

Date/Time: Thursday, November 10, 7:00 – 10:00 p.m.

Location: Hamilton Crowne Plaza Hotel, Sphinx Ballroom at the Almas Temple, 1315 K Street, NW, Washington, DC

More Info: Proceeds from this year's FCBA Charity Auction will benefit the Sitar Arts Center and the FCBA Foundation. As in previous years, there will be silent auctions, live auctions, and a raffle, with prizes donated from local businesses and members of the communications bar.

Admission is free and the event is open to the public – bring your friends and family!

Contact: Mark Brennan (mark.brennan@hoganlovells.com) or Kerry Loughney (kerry@fcba.org).

[Click here to access the Charity Auction Facebook page.](#)

Engineering and Technical Practice Committee

Event: CLE Seminar co-sponsored by the Mass Media and Wireless Committees

Date/Time: Wednesday, November 30, 6:00 – 8:15 p.m.

Location: Bingham McCutchen LLP, 2020 K Street, NW

Topic: Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management

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 16](#).

Event: Field Trip/Brown Bag Lunch

Date/Time: Tuesday, December 6, 12:15 – 1:45 p.m.

Location: 1593 Spring Hill Rd, Suite 700, Vienna, VA 22182

*For security and planning purposes, please RSVP in advance.

Topic: Visit to R&D lab of Shared Spectrum in Vienna, VA

There are very few wireless R&D labs in the Washington area so an opportunity to visit one and “kick the tires” is rare. Shared Spectrum, Inc. (SSC) was founded in 2000 to develop technology that dramatically increases the efficient use of RF spectrum resources. Over the past 10 years, SSC has become a leading expert and innovator in the development of cognitive radio technologies. SSC pioneered the research and development of dynamic spectrum access (DSA) technology for the U.S. Department of Defense. The company is expanding into the commercial sector with the development of DSA solutions for a wide array of applications. It also has significant experience in field measurements spectrum occupancy - a topic of great legislative interest these days. This will be an opportunity to see equipment involve in DSA and spectrum occupancy measurements and discuss these issues with experts.

For more information: Contact Mike Marcus, mjmarcus@marcus-spectrum.com.

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

FCC Enforcement Committee

Event: Brown Bag Lunch

Date/Time: Wednesday, December 7, 12:15 – 1:30 p.m.

Location: TBD

Topic: Meet the Enforcement Bureau

Speakers: Michele Ellison, Chief, Enforcement Bureau, FCC, and Enforcement Bureau Managers and Division Chiefs

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

Homeland Security and Emergency Communications Committee

Event: Meet the ERIC (Emergency Response Interoperability Center), of the FCC's Public Safety and Homeland Security Bureau

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

Location: Federal Communications Commission, 445 12th Street, SW, Room 2-B516 (Please allow sufficient time to pass through security)

Topic: Meet the team at this key FCC unit working on interoperability for public safety

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

International Telecommunications Committee

Event: Holiday Program and Networking Reception co-sponsored by the Broadband Committee

Date/Time: Thursday, December 1, 6:00 – 8:30 p.m.

Location: House of Sweden, 2900 K Street, NW, Washington, DC

Cost: \$10.00 for FCBA members; \$25.00 for non-members

***Special thanks to Ericsson for their sponsorship of this event.**

For questions: Contact Jared Carlson, Jared.Carlson@ericsson.com, or Desiree Ruiz at 202-824-0133.

For more information: See [page 8](#).

To register: [Click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 16](#).

Judicial Practice Committee

Event: CLE Seminar

Date/Time: Tuesday, December 13, 6:00 – 8:15 p.m.

Location: Dow Lohnes PLLC, 1200 New Hampshire Avenue, NW

Topic: Litigating Appeals in the D.C. Circuit

For more information: See [page 4](#).

To register: [Click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 16](#).

Mass Media Committee

Event: CLE Seminar co-sponsored by the Engineering and Technical and Wireless Committees

Date/Time: Wednesday, November 30, 6:00 – 8:15 p.m.

Location: Bingham McCutchen LLP, 2020 K Street, NW

Topic: Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management

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 16](#).

Event: Brown Bag Lunch

Date/Time: Friday, December 16, 12:15 – 1:30 p.m.

Location: Wiley Rein LLP, 1776 K Street, NW

Topic: Views from the 4th Estate

Speakers: Brooks Boliek, Politico; Cecilia Kang, Washington Post; Amy Schatz, Wall Street Journal; and Todd Shields, Bloomberg

Moderator: Dennis Wharton, National Association of Broadcasters

RSVP to: lwake@nab.org

Privacy and Data Security Committee

Event: Brown Bag Lunch

Date/Time: Monday, November 7, 12:15 – 1:30 p.m.

Location: Kelley Drye & Warren LLP, Washington Harbour, Suite 400, 3050 K Street, NW

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COMMITTEE AND CHAPTER *Events*

PRIVACY AND DATA SECURITY COMMITTEE

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Topic: “All You Wanted to Know About the New Proposed COPPA Rules, But Was Afraid to Ask!” – Join Phyllis H. Marcus, Senior Attorney-Advisor at the FTC and the co-author of the FTC’s proposed amendments to its regulations implementing the Children’s Online Privacy Protection Act (COPPA), for a discussion on the rationale behind the Commission’s recommendations and the scope of the proposed rules on media and telecommunications companies. The proposed rules reflect the evolution of internet-based technologies and growth of social networking platforms used by children under the age of 13. COPPA applies to websites, online services and internet-based mobile applications and devices.

Speakers: Phyllis H. Marcus, Senior Attorney-Advisor, Division of Advertising Practices, Bureau of Consumer Protection, FTC and S. Jenell Trigg, Member, Lerman Senter PLLC and Co-Chair, FCBA Privacy & Data Security Committee

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

Event: CLE Seminar co-hosted by the Wireless Committee

Date/Time: Wednesday, November 16, 6:00 – 8:15 p.m.

Location: Hogan Lovells US LLP, 555 13th Street, NW, Courtroom

Topic: Privacy and Mobile Location-Based Services: Where Are We?

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 16](#).

Video Programming and Distribution Committee

Event: Brown Bag Lunch co-sponsored by the Young Lawyers Committee

Date/Time: Monday, November 7, 12:30 – 2:00 p.m.

Location: Motion Picture Association of America, 1600 Eye Street, NW

Topic: What’s it like to work in a company? Find out how to get a job at a company, what the transition from the FCC or a law firm is like, effective ways to network with and attract work from in-house counsel, and answers to other questions you’ve always wanted to ask.

Speakers: Cristina Pauze (Time Warner Cable), Alison Minea (DISH Network), Barry Ohlson (Cox Cable), Megan Stull (Google), Lynn Charytan (Comcast)

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

Wireless Telecommunications Committee

Event: CLE Seminar co-hosted by the Privacy and Data Security Committee

Date/Time: Wednesday, November 16, 6:00 – 8:15 p.m.

Location: Hogan Lovells US LLP, 555 13th Street, NW, Courtroom

Topic: Privacy and Mobile Location-Based Services: Where Are We?

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 16](#).

Event: CLE Seminar co-sponsored by the Engineering and Technical and Mass Media Committees

Date/Time: Wednesday, November 30, 6:00 – 8:15 p.m.

Location: Bingham McCutchen LLP, 2020 K Street, NW

Topic: Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management

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 16](#).

Young Lawyers Committee

Event: Brown Bag Lunch co-sponsored by the Video Programming and Distribution Committee

Date/Time: Monday, November 7, 12:30 – 2:00 p.m.

Location: Motion Picture Association of America, 1600 Eye Street, NW

Topic: What’s it like to work in a company? Find out how to get a job at a company, what the transition from the FCC or a law firm is like, effective ways to network with and attract work from in-house counsel, and answers to other questions you’ve always wanted to ask.

Speakers: Cristina Pauze (Time Warner Cable), Alison Minea (DISH Network), Barry Ohlson (Cox Cable), Megan Stull (Google), Lynn Charytan (Comcast)

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

Florida Chapter

Event: Lunch Program in cooperation with the Administrative Law Section of the Florida Bar

Date/Time: Friday, December 9, 12:00 Noon

Location: Capital Office Complex, Southwood, Tallahassee, FL

Topic: A range from the very timely topic of intercarrier compensation to a unique perspective on energy policy in Florida. Other topics will include an overview and discussion on the streamlining and repeal of agency rules, as well as a presentation highlighting opportunities

for pro bono service to the community. This event has something for everyone. Make sure to Save the Date and stay tuned for more details!

For questions or registration information: Contact David Konuch at 850-681-1990 or dkonuch@fcta.com.

New England Chapter

Event: Massachusetts Broadband Conference in association with the Massachusetts Department of Telecommunications and Cable

Date/Time: Tuesday, November 8, 9:00 a.m. – 2:00 p.m.

Location: The Rappaport Center of Suffolk Law School, 120 Tremont Street, Boston, MA 02108

For more information: See [page 8](#).

Please RSVP by October 28 to: Broadband.conference2011@state.ma.us.

Northern California Chapter

Event: Reception and Round Table Discussion with FCC Commissioner Robert M. McDowell

Date/Time: Tuesday, November 15, 6:00 – 8:00 p.m.

Location: Law Firm of Davis Wright Tremaine, 505 Montgomery Street Suite 800, San Francisco, CA 94111

Registration: \$15.00 for FCBA Members; \$25.00 for Non-FCBA Members; \$10.00 for Government Employees. Registration fees cover wine and cheese reception prior to presentation and discussion with panelists.

To register: [Click here](#) or go to the [FCBA Website – Calendar of Events](#) or use the form on [page 16](#).

22nd Annual Charity Auction Volunteers Needed!

The 2011 FCBA Charity Auction is right around the corner – **November 10, 2011** – and the Auction Committee still needs many more volunteers to help make this year’s event a big success!

To volunteer, send an e-mail to the Auction Committee at FCBAauction@gmail.com. Please specify whether you would like to help by selling raffle tickets at your organization or by volunteering on the night of the auction (or both!).

CHAIRMAN'S DINNER

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gatherings (5 C.F.R. 2635.204(g)(2)), the Chairman's Dinner appears to qualify as a widely attended gathering. The value of an individual ticket to the dinner is \$205.00. Most employees of the Federal Communications Commission and the Commerce Department may be directly invited to attend the dinner as guests of individuals and organizations purchasing tables or tickets. In most cases, individuals and organizations may issue invitations to the Chairman's

Dinner without the involvement of the FCBA. Some agencies, departments and branches of the Federal Government, however, apply additional stipulations above the regulations issued by the Office of Government Ethics. Individuals who have signed the Administration's Ethics pledge cannot accept invitations from most registered lobbying organizations or registered lobbyists. While this event has qualified as a widely-attended-gathering in previous years, each FCC employee is required to obtain individual ethics clearance based on matters they are working on within the Commission.

Employees of the Commerce Department are required to obtain individual ethics clearance through the Department's Office of General Counsel. Invitations to Members of Congress, Congressional Staff, and employees of the Department of State must be issued by the FCBA. Contact the FCBA for additional information.

The FCBA will finalize its list of government invitees by Friday, November 18, 2011.

CHARITY AUCTION

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those outside the DC metropolitan area) and friends of the FCBA are encouraged to participate. To access the online auction, visit <http://www.biddingforgood.com/auction/AuctionHome.action?vhost=fcbafoundation>.

The 22nd Annual FCBA Charity Auction will feature live and silent auctions, raffles, light hors d'oeuvres, and a cash bar. Some of the prizes confirmed before this newsletter's publishing deadline include:

- **One-of-a-Kind Prizes:** A Dream Car Tour for two drivers: a 150-mile drive in six different vehicles including the Ferrari F430, Lamborghini Gallardo & Murcielago, Bentley Continental GT, and Aston Martin DB9; a wine tasting for 12-15 guests at the Washington, DC home of Bryan Tramont; a delicious meatless meal for six prepared by the Vegetarian Vixens Dining Club (a.k.a., Monica Desai, Parul Desai, Erin Dozier, Mia Hayes, Donna Lampert, and Megan Anne Stull).
- **Vacation Packages:** A one-week stay in Paris, France in the trendy Left Bank in a spacious 600 square foot, one-bedroom, one-bathroom apartment, steps from the Pont Alexandre III Bridge, Esplanade des Invalides, and Rodin Museum; a weekend at a charming 1876 Victorian home located steps from the beach in Cape May Point, New Jersey; a week or long weekend stay in a three-bedroom, two-full bath Rehoboth Beach beach house.

- **Sporting Events and Memorabilia:**

Great tickets (including indoor suite tickets for certain events) to Redskins, Capitals, Wizards, and Georgetown games; Super Bowl XLVI tickets; NCAA Final Four tickets; NHL Winter Classic Tickets; a hockey stick and an authentic jersey autographed by the Washington Capitals; a game-used football from the October 2, 2011 Cincinnati Bengals vs. Buffalo Bills game autographed by Bengals wide receiver A.J. Green.

- **Electronics:** A DBS satellite TV system; a red Nintendo Wii and game package; a Slingbox PRO-HD; Microsoft Xbox 360 4GB consoles with Kinect and Kinect Adventures games; an ASUS Eee PC Notebook; an Apple iPad WiFi 3G 32GB; a T-Mobile T989 Samsung Galaxy S™ II.

- **Theatre/Special Events:** Two Tickets to the "Dancing with the Stars" Results Show in Hollywood, CA; four tickets to Lily Tomlin on February 26, 2012 at the Music Center at Strathmore; two tickets to a taping of Comedy Central's "The Daily Show with Jon Stewart" in New York City; two pairs of tickets to a taping of "The Late Show with David Letterman" in New York City; two tickets to a performance at the Baltimore Symphony Orchestra; two Prime Orchestra tickets to The Choral Arts Society of Washington's "Holiday Treasures from Russia" performance on December 21, 2011; two tickets to any performance of "A Second Chance" at Signature Theatre in Arlington, VA.

- **Restaurants:** Dinners at The Inn at Little Washington, Volt, Komi,

Citronelle, Chef Geoff's and many more.

- **Classes:** Gift certificates for personal training, ski/snowboard lessons, yoga, and more!

The raffle's grand prize is an **LG Cinema 3D Package**, which includes an **LG 55" NANO LED 3D HDTV, a 3D Blu-ray Disc Player, and 4 pairs of 3D Glasses**, courtesy of **LG Electronics USA**.

Proceeds from this year's Charity Auction will benefit the **Sitar Arts Center** and the **FCBA Foundation**. The Sitar Arts Center is a fantastic non-profit that gives children from low-income households an opportunity to explore the visual and performing arts in an afterschool safe haven. Sitar helps under-served youth develop artistic, social, and life skills through a number of important programs, including classes in music, dance, theater, and creative writing. The Center will use proceeds from the Charity Auction to fund its Arts Afterschool program and to ensure that no child is turned away because of an inability to pay. The FCBA Foundation will use proceeds from the Charity Auction to support initiatives such as the annual scholarship and internship programs.

If you have any questions about the auction, please contact **Mark Brennan**, 202-637-6409, mark.brennan@hoganlovells.com, or **Kerry Loughney**, 202-293-4000, kerry@fcba.org.

Click here to access and "Like" the Charity Auction Facebook page.

Broadband and International Telecommunications Committees Holiday Program and Networking Reception on December 1

Join members of the FCBA Broadband and International Committees on **Thursday, December 1, 2011** from **6:00 – 8:30 p.m.** at the Swedish Embassy, located at 2900 K Street, NW, Washington, DC 20007, for a Holiday Program and Networking Reception. Enjoy an evening event with special keynote speaker and a chance to network, while also enjoying an exhibit on Networked Society, a Swedish holiday smorgasbord, and traditional Scandinavian Santa Lucia procession. With its modern design, the House of Sweden adds a distinctively Scandinavian touch to the Georgetown Harbor and the waterfront. For directions and more



House of Sweden

information on the House of Sweden, see <http://www.houseofsweden.com>.

Special thanks to Ericsson for their sponsorship of this annual event!

For questions, contact **Jared Carlson**, Co-Chair, Broadband Committee at [Jared](mailto:Jared@ericsson.com).

Carlson@ericsson.com or **Desiree Ruiz** at 202-824-0133. Please register no later than 12:00 noon on Monday, November 28.

To register, [click here](#) or go to the **FCBA Website – Calendar of Events** or use the form on **page 16**.

New England Chapter Program: Massachusetts Broadband Conference on November 8

The Massachusetts Department of Telecommunications and Cable, in association with the FCBA New England Chapter, will sponsor a broadband conference at the Rappaport Center of Suffolk Law School, 120 Tremont Street, Boston, MA 02108, on **Tuesday, November 8, 2011** from **9:00 a.m. – 2:00 p.m.** The conference will feature FCC Commissioner Mignon Clyburn, who will address the transition of Universal Service from phone to broadband. Also included in the program will be two panels of speakers, the first discussing sustainable broadband adoption and

the second focusing on the economic development benefits of connectivity. Attorneys, academics, students, and other members of the broadband community will want to attend this complimentary program.

Please RSVP by October 28 to Broadband.conference2011@state.ma.us. This program is free of charge.

Program Schedule:

9:00 a.m.
DOORS OPEN

9:30 – 10:00 a.m.
WELCOME

10:00 – 11:00 a.m.
PANEL 1: SUSTAINABLE BROADBAND ADOPTION

Moderator:
Geoff Why, Commissioner, MDTC

Panelists:

Amy Glasmeier, MIT
Bill Oates, City of Boston
Mark Reilly, Comcast

11:00 – 11:15 a.m.
BREAK

11:15 – 12:15 p.m.
PANEL 2: ECONOMIC BENEFITS OF CONNECTIVITY

Moderator:
TBD

Panelists:
Judy Dumont, MBI
Emily Green, Yankee Group
Amy Ignatius, Commissioner, NH PUC

12:15 – 12:30 p.m.
BREAK

12:30 – 1:00 p.m.
LUNCH (PROVIDED)

CONTINUED ON PAGE 9 ►

NEW ENGLAND

CONTINUED FROM PAGE 8

1:00 – 1:30 p.m.

FCC COMMISSIONER MIGNON CLYBURN, "TRANSITIONING UNIVERSAL SERVICE FROM PHONE TO BROADBAND"

1:30 – 2:00 p.m.

UNIVERSAL SERVICE FUND REFORM – Q&A

Panelists:

Mignon Clyburn, FCC

Angela Kronenberg, FCC

Carol Matthey, FCC

Rocky Mountain Chapter

**Friday, December 2,
9:00 a.m. – 4:15 p.m.
"The Economics of Privacy"**

Presented by the Silicon Flatirons in cooperation with the FCBA Rocky Mountain Chapter

Location: Wittemyer Courtroom, Wolf Law Building, University of Colorado

Information privacy has become one of the most important and hotly debated topics in technology policy. For example, personalization is a key engine driving Internet innovation and economic growth, and the emerging business models of many companies are built upon the collection and analysis of personal information from their users. The increased collection and use of this information, however, can sometimes threaten individual privacy.

Inside these companies, debates about information privacy focus most often on questions about markets and economics: Who owns the data? Have the users consented? Can't robust notice-and-choice strike the best balance between business need and privacy? Often is heard the argument that users are perfectly capable of revealing the amount of privacy they prefer through their market

decisions, which is used to oppose calls for laws that promise more privacy than the market delivers as paternalistic.

In the meantime, despite the fact that information privacy represents one of the most exciting, rapidly growing areas of legal scholarship, information privacy law scholars rarely express any faith in market principles, when they talk about markets at all. Government regulators seem a bit more conflicted, with recent pronouncements from the Commerce Department, FTC, and Congress each premised largely on market-based, notice-and-choice principles, but recognizing the limits of markets.

Join the Silicon Flatirons Center for Law, Technology, and Entrepreneurship on Friday, December 2, 2011, as it brings representatives from these three groups together to debate the economics of privacy. Joining them will be an interdisciplinary group of leading thinkers from other disciplines, such as economists studying the behavioral economics of privacy and computer scientists who specialize in human-computer interaction studying the limits of notice-and-choice.

In keynote speeches, an overview panel, and other panels focused on some of the most active areas of debate - behavioral advertising, social networks, facial recognition, and location privacy - we will study the promise and the limits of markets, asking questions such as: Should information privacy laws require opt-in or opt-out rules? How well has the FTC's focus on privacy policies fared? What are best practices for terms of service? What are the pros and cons of a do-not-track system, and should it be backed by law? Do smart phone providers solicit enough meaningful consent to track user location? How do European regulators differ from their American counterparts in their treatment of markets?

Many of the conference attendees will present academic articles, to be published in an upcoming issue of the Journal on Telecommunications and High Technology Law.

Click here to view the agenda or visit <http://www.silicon-flatirons.org/events.php?id=1005>.

Click here to register or visit <http://www.silicon-flatirons.org/registration.php?id=1005>.

5 general CLE credits will be available.

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. We will be experimenting with some new presentation technology in future CLE seminars, which require more technical support than we have needed in the past.

In general terms, we need conference rooms that can seat at least 30 (more if possible) people at tables for brown bag lunches and committee meetings and conference rooms that can seat a minimum of 60 for CLE seminars. Firms and companies hosting brown bag lunches provide beverages and desserts; firms and companies hosting CLE seminars provide beverages and snacks. CLE seminars are generally held from 6:00 – 8:30 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, video projection capabilities for PowerPoint presentations, and access to the internet for presentations by speakers. If your firm or company has the needed conference room facilities and capabilities and would be willing to host future FCBA activities, please email **Stan Zenor**, stan@fcba.org, or **Kerry Loughney**, kerry@fcba.org.

December 8-9: PLI/FCBA Annual Institute on Telecommunications Policy & Regulation

For the 29th consecutive year, the FCBA and the Practising Law Institute will co-sponsor an annual conference on "Telecommunications Policy and Regulation." This year's Institute will be held on December 8-9, at The Westin Washington D.C. City Center, 1400 M Street NW Washington, D.C.

The Institute will open with a keynote address by FCC Commissioner **Robert M. McDowell**. Commissioner **Edith Ramirez** of the Federal Trade Commission, will be the featured luncheon speaker on day one of the Institute. **Lawrence E. Strickling**, Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration (NTIA) will close the first day of the conference.

Other Institute highlights include a Congressional staff panel featuring **John B. Branscome**, Majority Counsel, Senate Commerce Committee, **Shawn Chang**, Minority Counsel, House Energy and Commerce Committee, **David Quinalty**, Minority Counsel, Senate Commerce Committee, and **David Redl**, Majority Counsel, House Energy and Commerce Committee. In addition, there will be three substantive panels featuring industry experts dealing with recent developments in wireline, wireless, and privacy issues.

Julius P. Knapp, Chief of the Office of Engineering and Technology, **Sharon E. Gillett**, Chief of the Wireline Competition Bureau, **Rick Kaplan**, Chief of the Wireless Telecommunications Bureau, and **Paul de Sa**, Chief of the Office of Strategic Planning & Policy Analysis, will provide attendees with tutorials.

Kathleen Q. Abernathy, **Mark D. Schneider** and **Peter D. Shields** of the FCBA's Conference Planning Committee will serve as Institute co-chairs. In addition, a number of FCBA members will moderate or otherwise participate in various program segments.

A registration form for the 1½ day seminar is on [page 18](#). As noted, a registration fee discount is available to FCBA members.

Practising Law Institute in cooperation with the Federal Communications Bar Association presents: The 29th Annual Institute on Telecommunications Policy and Regulation

Thursday, December 8

9:00 a.m.
WELCOME

Yaron Dori, President, Federal Communications Bar Association

9:05 a.m.
KEYNOTE

The Honorable Robert M. McDowell, Commissioner, Federal Communications Commission

9:30 a.m.
**CONGRESSIONAL STAFF
PANEL: HOT TOPICS FROM
CAPITOL HILL PERSPECTIVE**

Panelists

John B. Branscome, Majority Counsel, Senate Commerce Committee
Shawn Chang, Minority Counsel, House Energy and Commerce Committee

David Quinalty, Minority Counsel, Senate Commerce Committee
David Redl, Majority Counsel, House Energy and Commerce Committee

FCBA Co-Moderators

Shawn A. Bone, Wiley Rein LLP
Antoinette Cook Bush, Skadden, Arps, Slate, Meagher & Flom LLP

10:30 a.m.
NETWORKING BREAK

10:45 a.m.
TECHNOLOGY OVERVIEW

Julius P. Knapp, Chief, Office of Engineering and Technology, Federal Communications Commission

11:30 a.m.
**DEVELOPMENTS IN WIRELINE
COMMUNICATIONS: A
SUMMARY OF THE YEAR'S
HIGHLIGHTS**

Sharon E. Gillett, Chief, Wireline Competition Bureau, Federal Communications Commission

12:15 p.m.
**LUNCHEON AND KEYNOTE
SPEAKER**

The Honorable Edith Ramirez, Commissioner, Federal Trade Commission

2:00 p.m.
**WIRELINE PANEL: HOT TOPICS
AND ISSUES IN WIRELINE
TELECOM POLICY**

Panelists

Michel Guité, President, Vermont National Telephone Co, Inc.
Hank Hultquist, Vice President - Federal Regulatory, AT&T Services, Inc.
Christine D. Kurth, Office of Commissioner Robert M. McDowell
Hon. Geoffrey G. Why, Commissioner, Massachusetts Department of Telecommunications and Cable
Matthew F. Wood, Policy Director, Free Press
Kathryn A. Zachem, Vice President of Regulatory and State Legislative Affairs, Comcast Corporation

FCBA Co-Moderators

Kathleen Q. Abernathy, Frontier Communications Corporation
John T. Nakahata, Wiltshire & Grannis LLP

3:00 p.m.
**DEVELOPMENTS IN WIRELESS
COMMUNICATIONS: A
SUMMARY OF THE YEAR'S
HIGHLIGHTS**

Rick Kaplan, Chief, Wireless Telecommunications Bureau, Federal Communications Commission

Special EVENTS

3:30 p.m. NETWORKING BREAK

3:45 p.m. WIRELESS PANEL: HOT TOPICS AND ISSUES IN WIRELESS TELECOM POLICY

Panelists

Richard C. Beaird, Senior Deputy U.S. Coordinator for International Communications and Information Policy, U.S. Department of State
Parul P. Desai, Communications Policy Counsel, Consumers Union
Jason E. Friedrich, Head of US Government & Regulatory Affairs, Government Relations Office, Motorola Mobility, Inc.
Kathleen Grillo, Senior Vice President, Federal Regulatory Affairs, Verizon
Christopher E. Guttman-McCabe, Vice President, Regulatory Affairs, CTIA
Amy Levine, Special Counsel and Legal Advisor, Office of Chairman Julius Genachowski, Federal Communications Commission

FCBA Co-Moderators

Ari Q. Fitzgerald, Hogan Lovells LLP
Mark D. Schneider, Sidley Austin LLP

**4:45 p.m.
KEYNOTE**
The Honorable Lawrence E. Strickling, Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration (NTIA)

5:15 p.m. ADJOURNMENT

Friday, December 9

9:00 a.m. KEYNOTE

**9:30 a.m.
THE FUTURE OF
TELECOMMUNICATIONS**
Paul de Sa, Chief, Office of Strategic Planning & Policy Analysis, Federal Communications Commission

10:00 a.m. PRIVACY PANEL: THE YEAR IN DATA PRIVACY AND SECURITY

Panelists

James Arden Barnett, Jr., Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission
Justin Brookman, Director, Consumer Privacy Project, Center for Democracy & Technology

Maureen Cooney, Senior Counsel and Deputy Chief Privacy Officer, Sprint Nextel
Harry Wingo, Policy Counsel, Google Inc.

FCBA Co-Moderators

Amy S. Mushahwar, Reed Smith LLP
Peter D. Shields, Wiley Rein LLP

11:00 a.m. NETWORKING BREAK

11:15 a.m. DEBATE

Participants

Harold J. Feld, Public Knowledge
Lawrence J. Spiwak, Phoenix Center for Advanced Legal & Economic Public Policy Studies

FCBA Moderator

Laura H. Phillips, President-Elect, Federal Communications Bar Association

12:00 p.m. KEYNOTE

12:30 p.m. ADJOURN

COMMITTEES AND CHAPTERS *in the Spotlight*

Mass Media Committee

The Mass Media Committee kicked off Fall 2011 with two events in September. The first event, co-sponsored with the Homeland Security and Emergency Communications Committee, featured a panel of FCC and FEMA staff who provided important insights into the upcoming national Emergency Alert System (EAS) test and the implementation guidelines for the new Common Alerting Protocol (CAP) for EAS compliance. Our second September event was co-sponsored with the Video Programming and Distribution Committee and featured

Bill Lake, Chief of the FCC's Media Bureau and his key staff members. In October, we held a lunch event concerning FCC implementation of the Video Description and IP Captioning requirements of the 21st Century Communications and Video Accessibility Act (CVAA).

Looking ahead to the rest of the year, we are co-sponsoring a CLE on November 30 with the Wireless and Engineering & Technology committees which will focus on spectrum issues. See the separate article in this month's newsletter for additional details. We will also hold our annual "Views from the 4th Estate" luncheon on December 16. We are planning additional CLEs and brown

bag events for next year, and we welcome your input on suggested topics.

The Committee's events are generally scheduled to take place on the second Tuesday of the month. Keep an eye on the FCBA newsletter for monthly announcements on these events. The Committee encourages all members to sign up for its activities. Please feel free to contact any of the co-chairs, **Frank Jazzo**, jazzo@fhhlaw.com, **Howard Liberman**, howard.liberman@dbr.com, **David O'Connor**, doconnor@wbklaw.com, or **Larry Walke**, lwalke@nab.org, for more information.

A Message from the Foundation Chair

DEAR MEMBERS,

The FCBA Foundation Internship Committee is already laying the necessary groundwork for our internship stipend program. The FCBA Foundation would like to expand the number of law student applicants for the Foundation's internship stipend program, which awards funds each Spring to enable outstanding law students to serve as interns at the FCC, NTIA and other communications-related government agencies. Earlier this year, the Foundation awarded eight summer internship stipends ranging from \$2,000 to \$5,000, and plans are now underway for Spring 2012 stipend awards. *If you teach or otherwise interact with law students and would be willing to help distribute applications or otherwise encourage law students to apply to the program, please contact Kyle Dixon (kyle.dixon@timewarner.com) or Edgar Class (eclass@wileyrein.com), our committee co-chairs.*

Our direct appeal fundraising for this program will begin early next year. At this time of the year, however, you can contribute to the Foundation's mission in any of the following ways:

- In lieu of holiday cards or client gifts, please consider making a donation to Foundation programs. We are happy to work with you to craft an

appropriate acknowledgment to share the importance of such a gift.

- As you consider end-of-year giving, please consider making a personal or corporate donation to Foundation programs.
- In 2012 budget cycle planning, please remember the Foundation, including sponsorship of your tables at the Chairman's Dinner.
- To honor a colleague's promotion or job change, or to honor the memory of a colleague or a colleague's loved one, please consider making a donation to Foundation programs. We will send an acknowledgment to the honoree reflecting that a gift has been made.



Jennifer Warren

Finally, a special appeal to our Federal Government members. The FCBA Foundation is proud to participate in this year's **Combined Federal Campaign** for the National Capital Area. Federal employees in the nation's capital can now make

regular tax-deductible contributions to the FCBA Foundation through the Combined Federal Campaign, providing funds to support and help expand the Foundation's vital charitable work. **To make a pledge to the Foundation**, please use the FCBA Foundation's CFC code number (#31092) on your pledge cards. Pledge cards can be obtained from your agency's CFC campaign staff. Pledge cards can also be completed and printed out online through the CFC website at www.cfcnca.org. On the website, click "Giving" and "About CFC-e" for more information.

Your donations will help support the valuable work performed by the FCBA Foundation. Thank you in advance for considering these various ways to support the charitable arm of YOUR FCBA.

Please contact me (Jennifer.warren@lmco.com) or Kerry Loughney (kerry@fcba.org) with any questions you might have.

Jennifer Warren
2011-2012 FCBA Foundation Chair

Volunteer for Martha's Table on November 27

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 charity? For many years now, the FCBA has been providing volunteers to Martha's Table. This organization relies on the good work of our members each month, so grab a friend, colleague or family member and join your fellow FCBA volunteers!

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 a.m. and work until 1:00 p.m.** 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. If you are able to volunteer on **November 27** or **December 25**, please contact **Howard Weiss** at 703-812-0471 -- weiss@fhhlaw.com.

Contact Information Updates

We'd like to remind everyone that if they have any changes to their contact information that they notify the FCBA, fcba@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 contact information themselves. Also note that we do not include prefixes or titles in any of our member listings. We appreciate your cooperation in this matter. Thank you.

James A. Gammon (1934-2011)

James A. Gammon, founding member of the law firm of Gammon & Grange, and Gammon Media Brokers, died August 3 of pancreatitis at the age of 77. He is survived by his wife of 54 years, Joanne Mott Gammon of Chevy Chase, Maryland, a daughter and four sons, 14 grandchildren, and three great-grandchildren.

Jim was a 1956 graduate of Notre Dame and a 1959 graduate of Georgetown Law School. After practicing energy law for a few years, Jim joined the communications practice of Laura Molnar which was named Molnar & Gammon. After Molnar's death some years later in an automobile accident, the firm was renamed Gammon & Associates which it remained until 1978 when it became Gammon & Grange, the name by which it is known today.

Recognizing an opportunity, Jim and others formed a media brokerage firm in 1981 which evolved into Gammon Media Brokers. Over the years, Jim's media brokerage work consumed more of his time, and by the early '90s, brokerage had become a full-time occupation. Nevertheless, he maintained a presence with the law firm up to his death.

Jim and his firm have long been associated with the religious broadcasting community. Jim was a champion of religious broadcasting, and played a prominent role in that community throughout his career.

Jim was a man of deep religious faith who was not afraid to share that faith with others, including complete strangers. Indeed, he had a unique ability to "pierce the bubble," as his partner Chip Grange has said. He saw Jim do this hundreds of times, but nowhere more memorably than in an elevator at the MGM Grand in Las Vegas during an NAB Convention. Jim's genuinely warm greeting to a stranger who got on their elevator led to the realization that the new passenger was in need of spiritual consolation. Jim offered to pray with the person. When Jim and Chip

reached the passenger's destination on the 30th floor, they got off and Jim prayed with their new friend in the elevator lobby.

Jim was a cheerful but tough advocate when he needed to be. Grif Johnson, who represented an adversary to one of Jim's clients in a comparative broadcast hearing in the 1980s, and who became one of Jim's friends and admirers, recalls that "even when, and especially when, the fight was joined and the punches were flying," Jim maintained his customary good humor and professionalism, and in many subtle ways let it be known that very little escaped his attention.

Jim's boldness was legendary. For example, when he learned that Joanne Mott was

engaged to another man, he confronted her regarding the matter, and persuaded her to break the engagement and marry him instead! After 54 years of marriage, it is safe to say that was the right move for the two of them.

He was also a friend and counselor to civic leaders and groups including, for example, Redskin great, Darrell Green and his Young Life Foundation, and to groups dedicated to the defense of First Amendment rights of religious freedom.

Jim was a serious weight-lifter who reportedly bench-pressed 300 pounds up until his final illness. But as his friends and colleagues have remarked, his personality was even larger than his biceps.

Save the Date of Thursday, November 10, 2011 for the 22nd Annual FCBA Charity Auction

LOCATION:

Hamilton Crowne Plaza Hotel
Sphinx Ballroom at the Almas Temple
1315 K Street, NW
Washington, DC 20005

If you are interested in being an Auction sponsor or have any questions, please contact Kerry Loughney, 202-293-4000, kerry@fcba.org.

To volunteer, contact the Auction Committee at FCBAuction@gmail.com.

Volunteers are needed now!!

Proceeds to benefit the Sitar Arts Center and the FCBA Foundation

[Click here to access the Charity Auction Facebook page](#)

THE AUCTION COMMITTEE WOULD LIKE TO THANK THE FOLLOWING SPONSORS OF THIS YEAR'S EVENT!

AT&T Services, Inc.
Cahill Gordon & Reindel LLP
Covington & Burling LLP
Davis Wright Tremaine LLP
DIRECTV
Drinker Biddle & Reath LLP
Google Inc.
Hogan Lovells US LLP
Lockheed Martin Corporation

National Association of Broadcasters
Sidley Austin LLP
T-Mobile USA, Inc.
Time Warner Cable
Wiley Rein LLP
Wilkinson Barker Knauer, LLP
Willkie Farr & Gallagher LLP
Wiltshire & Grannis LLP

FCBA CHARITY AUCTION BENEFICIARY SERVICE EVENT HELD OCTOBER 18

In what has become an annual tradition, several FCBA members recently spent an evening with one of the Charity Auction beneficiaries for a fun-filled service event.

This year's event was held on October 18 at the Sitar Arts Center. Located in Adams Morgan, the Sitar Arts Center provides underserved children the opportunity to explore visual and performing arts through after-school programs. During the service event, FCBA members **Mark Brennan, Neil Chilson, Kristine Fargotstein, Stacy Fuller, Davina Sashkin, Lindsey Tonsager** and **Mark Van Bergh** joined Sitar students (ages 2-14) in making hand-crafted thank you cards to their supporters in the community. The Sitar students took turns working on their thank you cards between classes that included ballet, piano, and guitar. Each student designed their card to reflect their favorite aspect of the arts, such as music, dance, or drawing. In addition to making thank you cards, our FCBA members joined the Sitar children for an ice cream social organized by FCBA Auction Committee and Foundation Board member **Christine Crowe**.

This year's service event was another huge success, providing a wonderful opportunity for FCBA members to spend quality time with the kids at the Sitar Arts Center before auction night.



FCBA CHARITY AUCTION BENEFICIARY SERVICE EVENT HELD OCTOBER 18



COMMITTEE/CHAPTER EVENT *Registration Form*

Name _____ Organization _____

Address _____ Suite/Room/Apt. _____

City/State/Zip _____

Phone _____ Fax _____ E-mail _____

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

- ☐ **Tuesday, November 15, 6:00 – 8:00 p.m. – Northern California Chapter Reception and Round Table Discussion with FCC Commissioner Robert M. McDowell.** Location: Law Firm of Davis Wright Tremaine, 505 Montgomery Street Suite 800, San Francisco, CA 94111
Cost: \$15.00 for FCBA Members; \$25.00 for Non-FCBA Members; \$10.00 for Government Employees. Registration fees cover wine and cheese reception prior to presentation and discussion with panelists.
Registrations and cancellations due by 12:00 Noon, Monday, November 14, 2011.
- ☐ **Wednesday, November 16, 6:00 – 8:15 p.m. – CLE Seminar on Privacy and Mobile Location-Based Services: Where Are We?** Location: Hogan Lovells US LLP, 555 13th Street, NW
Cost: \$125.00 for Private Sector Members; \$50.00 for Government/Academic/Transitional Members; \$25.00 for Student Members; \$195.00 for Non-Members
Registrations and cancellations due by 5:00 p.m., Monday, November 14, 2011.
- ☐ **Monday, November 21 – FCBA Luncheon with Commissioner Robert McDowell,** Location: The Renaissance Mayflower Hotel, 1127 Connecticut Avenue, NW
Registration opens at 11:30 a.m. Luncheon begins at Noon.
Cost: \$55.00 for Private Sector Members, \$35.00 for Government/Academic/Law Student/Transitional Members, and \$95.00 for Non-members. Tables of ten available for \$550.00.
Registrations and cancellations due by Noon, Thursday, November 17, 2011.
- ☐ **Wednesday, November 30, 6:00 – 8:15 p.m. – CLE Seminar on Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management.** Location: Bingham McCutchen LLP, 2020 K Street, NW
Cost: \$125.00 for Private Sector Members; \$50.00 for Government/Academic/Transitional Members; \$25.00 for Student Members; \$195.00 for Non-Members
Registrations and cancellations due by 5:00 p.m., Monday, November 28, 2011.
- ☐ **Thursday, December 1, 6:00 – 8:30 p.m. – Holiday Program and Networking Reception hosted by the Broadband and International Telecommunications Committees.** Location: The Swedish Embassy, 2900 K Street, NW, Washington, DC
Cost: \$10.00 for FCBA Members, \$25.00 for Non-Members
Registrations and cancellations due by 5:00 p.m., Monday, November 28, 2011.
- ☐ **Tuesday, December 13, 6:00 – 8:15 p.m. – CLE Seminar on Litigating Appeals in the D.C. Circuit.** Location: Dow Lohnes PLLC, 1200 New Hampshire Avenue, NW
Cost: \$125.00 for Private Sector Members; \$50.00 for Government/Academic/Transitional Members; \$25.00 for Student Members; \$195.00 for Non-Members
Registrations and cancellations due by 12:00 Noon, Monday, December 12, 2011.

\$ _____ 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: 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: wendy@fcba.org

25TH ANNUAL CHAIRMAN'S DINNER *Registration*

Thursday, December 8, 2011

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

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

FCBA FOUNDATION SPONSOR:*

PURCHASE OF TABLE:

____ table(s) (ten guests per table) at \$2,600.00 per table or ____ table(s) (ten guests per table) at \$2,250.00 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 \$225.00 each

____ FCBA Government/Academic/Law Student/Transitional Member ticket(s) at \$120.00 each

____ Non-Member ticket(s) at \$325.00 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 THURSDAY, DECEMBER 1 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: wendy@fcba.org

PLEASE NOTE THAT SEATING IS RESERVED AND TICKETS WILL BE PREPARED FOR PICK-UP FROM THE FCBA OFFICE AFTER 11/30/2011.

Cancellation Policy: Cancellations will be accepted and fees refunded if notice is received in writing no later than Thursday, December 1, 2011. 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)), the Chairman's Dinner appears to qualify as a widely attended gathering. The value of an individual ticket to the dinner is \$225.00. Most employees of the Federal Communications Commission and the Commerce Department may be directly invited to attend the dinner as guests of individuals and organizations purchasing tables or tickets. In most cases, individuals and organizations may issue invitations to the Chairman's Dinner without the involvement of the FCBA. Some agencies, departments and branches of the Federal Government, however, apply additional stipulations above the regulations issued by the Office of Government Ethics. Individuals who have signed the Administration's Ethics pledge cannot accept invitations from most registered lobbying organizations or registered lobbyists. While this event has qualified as a widely-attended-gathering in previous years, each FCC employee is required to obtain individual ethics clearance based on matters they are working on within the Commission. Employees of the Commerce Department are required to obtain individual ethics clearance through the Department's Office of General Counsel. Invitations to Members of Congress, Congressional Staff, and employees of the Department of State must be issued by the FCBA. Contact the FCBA for additional information. The FCBA will finalize its list of government invitees by Friday, November 18, 2011.

29th Annual INSTITUTE ON TELECOMMUNICATIONS POLICY & REGULATION REGISTRATION

CO-SPONSORED BY THE FCBA AND THE PRACTISING LAW INSTITUTE

Thursday, December 8 and Friday, December 9, 2011

THE WESTIN WASHINGTON D.C. CITY CENTER, 1400 M STREET, 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 \$1,255.50)

_____ I am a Privileged Member of PLI (Registration Fee is \$0.00)

_____ I am not a member of the FCBA or PLI (Registration Fee is \$1,395.00)

_____ 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>

REGISTRATION DESK AT PROGRAM:

(202) 429-1700

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 application fee (this fee is waived for judicial law clerks) and must be submitted four weeks before the date of the program. Applicants may pay by check or credit card. Students must submit a copy of their student ID card.

2011 FCBA MEMBERSHIP DIRECTORY *Order Form*

Copies of the 2011 FCBA Membership Directory are available for purchase at a cost of \$60.00 for FCBA Members, \$35.00 for Law Student Members, and \$115.00 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 D.C. 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.

Please send me _____ copy(ies) of the 2011 FCBA Membership Directory.

Signature (required) _____

Name _____

Organization _____

Address _____ Suite/Room/Apt. _____

City/State/Zip _____

Phone _____ Fax _____ E-mail _____

\$_____ Total Enclosed ***(Please add 6.0% Sales Tax for orders sent to D.C. addresses)***

☐ Check Enclosed ☐ Visa ☐ MasterCard ☐ American Express

Credit card no. _____ Exp. date _____

Signature _____

Please make check payable to "FCBA"

PLEASE SEND OR FAX THIS FORM TO:

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: wendy@fcba.org

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

November 2	CLE Seminar on Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 presented by the Intellectual Property Committee
November 7	Privacy and Data Security Committee Brown Bag Lunch
November 7	Video and Programming Distribution and Young Lawyers Committees Brown Bag Lunch
November 8	New England Chapter Massachusetts Broadband Conference in association with the Massachusetts Department of Telecommunications and Cable
November 10	22nd Annual FCBA Foundation Charity Auction
November 15	Northern California Chapter Reception and Round Table Discussion with FCC Commissioner Robert M. McDowell
November 16	CLE Seminar on Privacy and Mobile Location-Based Services: Where Are We? presented by the Privacy and Data Security and Wireless Committees
November 21	FCBA Luncheon with FCC Commissioner Robert McDowell
November 30	CLE Seminar on Slicing the Airwaves Pie: Incentive Auctions, Incumbent Relocation and New Principles of Spectrum Management presented by the Engineering and Technical, Mass Media, and Wireless Committees
December 1	Broadband and International Telecommunications Committees Holiday Program and Networking Reception at the Swedish Embassy
December 2	Rocky Mountain Chapter Event on The Economics of Privacy presented in cooperation with the Silicon Flatirons
December 5	Homeland Security and Emergency Communications and Young Lawyers Committee Holiday Happy Hour
December 6	Engineering and Technical Practice Committee Field Trip/Brown Bag Lunch to R&D lab of Shared Spectrum in Vienna, VA
December 7	FCC Enforcement Committee Brown Bag Lunch
December 8	FCBA 25th Annual Chairman's Dinner
December 8-9	29th Annual PLI and FCBA Conference
December 9	Florida Chapter Program and Lunch presented in cooperation with the Administrative Law Section of the Florida Bar
December 13	CLE Seminar on Litigating Appeals in the D.C. Circuit presented by the Judicial Practice Committee
December 14	Homeland Security and Emergency Communications Committee Brown Bag Lunch
December 16	Mass Media Committee Brown Bag Lunch
May 4-6	Annual Seminar, Hyatt Regency Chesapeake Bay, Cambridge, MD

JOB Bank

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

11.11.1

Telecommunications Associate – Dynamic and innovative Telecommunications, Media and Technology practice in Washington, D.C. office of firm with U.S. and international

offices seeks highly motivated associate with 1 – 3 years of relevant experience. Industry or FCC experience or electrical engineering degree a plus. The position in this premier practice involves working closely with partners and other senior attorneys in counseling and advocating for clients in a diverse practice representing wireline, wireless, Internet, and media interests. Our associates work in a collegial environment on cutting-edge regulatory, transactional, litigation and technology issues. Significant opportunity for interaction with clients and regulators.

To apply, qualified candidates should submit cover letter, resume, and a writing sample to: Kerry Loughney, FCBA, 1020 19th Street, NW, Suite 325, Washington, DC 20036-6101, or email to kerry@fcba.org. Please clearly indicate which Blind Box number to which you are responding.