

Morgan Lewis

# NAVIGATING THE NEXT.

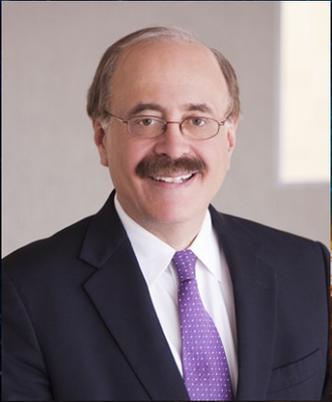
## 2020 ELECTION OUTCOME: TELECOM, MEDIA, & TECH IMPACTS

Andrew D. Lipman  
November 4, 2020

# Welcome

- webinar is “listen-only”
- please use Q&A tool to submit questions at any time
- slide deck will be provided after the webinar
- recorded archive will be available; please contact [david.fendig@morganlewis.com](mailto:david.fendig@morganlewis.com)

# Presenter



**Andrew D. Lipman**

**Morgan Lewis**

# Overview

- Federal Communications Commission
- Department of Justice
- Congress
- The Courts
- Administration Priorities

SECTION 01

# FEDERAL COMMUNICATIONS COMMISSION

Morgan Lewis

# Federal Communications Commission

- Governed by five Commissioners (maximum of three can be from one political party, including Chair)
- Commissioners nominated by President and confirmed by Senate (no filibuster)
- Commissioners have staggered, five-year terms (except when filling an unexpired term)
- FCC Chair appoints staff and controls agenda; first among equals
  - Customarily, Chair resigns from FCC at the end of Presidential term if there is a change in Administrations (and especially political parties); but it is not mandatory
  - Post-inauguration, President will appoint a sitting Commissioner as the Acting Chair
  - Biden likely to name Commissioner Rosenworcel as Acting Chair
  - New Chair/Commissioner may not be nominated until Spring 2021, confirmed until Summer/Fall, based on prior changes of Administrations

# FCC Membership 2020

- Ajit Pai (R), Chairman, term expires 6/30/2021
  - Originally appointed as a Commissioner to FCC by President Obama
  - Designated as Chairman by President Trump immediately after inauguration
- Michael O’Rielly (R), term expired 6/30/2019
  - Not re-nominated, departing when replacement confirmed or in January 2021 (earliest of two)
- Brendan Carr (R), term expires 6/30/2023
  - Former advisor to Pai, briefly served as General Counsel of FCC
  - Confirmed by Senate Commerce committee on January 2019
- Jessica Rosenworcel (D), term expired 6/30/2020
  - Second appointment as Commissioner
  - Staying at FCC until her successor is nominated by Biden
- Geoffrey Starks (D), term expires 06/30/2022
  - Confirmed by Senate in January 2019
  - Former prosecutor with experience in FCC Enforcement Bureau
- Nominee – Nathan Simington (R), awaiting confirmation (term to expire 6/30/2024)
  - Senior advisor at NTIA
  - Senate Commerce Committee hearing set for November 10; will still need full Senate vote after clearing Committee

# Post-Election Changes at FCC

- If Biden wins, Pai departure expected, though not required
  - If Pai remains (unlikely), the three Republican Commissioners could delay Democratic initiatives until Pai's term expires at the end of June 2021 and a Democratic Commissioner takes his place
  - If Democrats hold a majority in the House and at least 50 Senate seats, they are expected to tell Pai to go "pencils down" – similar to what the GOP told Democratic Chair Tom Wheeler after the 2016 election results
    - FCC rules created post-election may be at risk pursuant to the Congressional Review Act
    - The CRA gives Congress 60 legislative days after a new rule is reported to Congress to issue a joint resolution of disapproval (which will vacate the rule)
    - Requires a simple majority in both House and Senate
    - President can veto joint resolution; in which case, the rule goes into effect
  - If Republicans retain a Senate majority, Pai would likely push his agenda until he was no longer Chair (post-inauguration) given that his new rules would likely not be at risk from CRA reversal
    - New rules still at risk by FCC if petitions for reconsideration are pending and the Administration changes

# Post-Election Changes at FCC

- Biden could designate Commissioner Rosenworcel or Commissioner Starks as the permanent FCC Chair (instead of appointing an Acting Chair)
- Former Commissioner Mignon Clyburn is also possible candidate for FCC Chair
  - Clyburn was a Commissioner from 2009 to 2018 and served as Acting Chair prior to the confirmation of Tom Wheeler during the second Obama Administration
  - Prior to leaving the FCC, Clyburn was critical of Pai's decisions on net neutrality and the Lifeline program
- If a sitting Commissioner or Clyburn are not chosen as Chair, Biden would likely bring in an outsider: a Dark Horse with policy or industry experience (possibly someone from Biden transition team)
- Regardless, new Chair will push forward more consumer-focused policy initiatives

# Net Neutrality

- In 2015, the Democratic-led FCC classified broadband as a Title II telecommunications service, giving the FCC more regulatory authority over broadband service providers
  - The FCC also laid out three bright-line net neutrality rules that prohibited broadband service providers from blocking or throttling legal internet traffic or prioritizing certain traffic for payment
- In 2018, under Republican leadership, the FCC repealed the 2015 order, classifying broadband as a Title I information service and eliminating the FCC's authority to impose net neutrality rules
  - Internet service providers were required to publicly disclose if traffic is blocked, throttled or prioritized — though operators are not prohibited from those activities
- A Biden-appointed FCC Chair would be expected to look to reinstate provisions of 2015 order, reclassify broadband service as telecommunications service, and reestablish greater authority over broadband service providers

# Net Neutrality

- Road to new Net Neutrality order likely to take a year or more, and FCC expected to need time to assemble factual record and develop legal analyses to reinstate, in essence, the 2015 order
- A new Net Neutrality order likely to bring back 2015 “bright line” rules and move to classify internet service providers as Title II carriers (subject to common carrier regulations, including enforcement)
  - No blocking – no blocking of lawful content, applications, services, or non-harmful devices
  - No throttling – cannot impair or degrade lawful internet traffic on the basis of content, application, or service, or use of a non-harmful device
  - No paid prioritization – prohibited from managing a broadband network to, directly or indirectly, favor some traffic over other traffic (a) in exchange for consideration (monetary or otherwise) from a third party, or (b) to benefit an affiliated entity
  - “No blocking” and “no throttling” rules subject to reasonable network management exception – practices primarily used for and tailored to achieving a legitimate network management purpose, but not for other business purposes.

# Net Neutrality

- Under Title II, the FCC would technically have the authority to impose rate regulation and force unbundling
- However, the FCC is unlikely to institute new Net Neutrality requirements that extend beyond the scope of the 2015 order (which employed a “light-touch” approach for the use of Title II)
  - No rate regulation,
  - No unbundling of last-mile facilities,
  - No tariffing,
  - No cost accounting rules, and
  - No new federal taxes or fees
- Appeal guaranteed
  - FCC will need to justify reversing its 2018 order and explain to the DC Circuit why the Court’s rationale that upheld the 2018 order’s classification of broadband internet services as an “information service” under Title I allows the FCC to reclassify the broadband services as a “telecommunications service”
  - DC Circuit may suffer from Net Neutrality fatigue – third order on appeal since 2015
  - Court may question giving FCC *Chevron* deference given fluctuating decisions
  - No guarantee that DC Circuit will agree with the FCC second attempt at applying Title II and legislation may be needed to institute net neutrality safeguards

# Spectrum Policy

- Biden and Democratic FCC unlikely to make dramatic changes to 5G spectrum policy
- Focus to remain on making new spectrum available for 5G services
  - Additional attention expected on serving unserved and underserved areas – closing the digital divide
  - FCC likely to continue preemption of local government restrictions that hinder 5G and local fiber infrastructure deployment
- FCC expected to continue push for clearing of additional government spectrum; NTIA may resist on behalf DoD and other government agencies and seek sharing of government spectrum instead
- Auctions will be unaffected (i.e., no delays) including C-Band and RDOF
- Decision related to L-Band unlikely to be modified barring strong factual, real world evidence of harmful interference that cannot be mitigated

# Section 230

- Section 230 of the 1996 Communications Decency Act shields online publishers from liability for content generated by users
- Calls for reform of Section 230 have increased; Biden appears to have supported repeal of Section 230 (wholesale elimination is not, however, expected)
- Pai has expressed his intention to move forward with a rulemaking to clarify the meaning of Section 230
  - Possible, but unlikely, that the FCC will vote on an order by its January 13, 2021 Open Meeting related to Section 230
  - Pai signally that he intends to “clarify” the meaning of Section 230; that is, a new rule will not be created (which could be subject to the CRA)
- While criticism of Section 230 has come from both sides of the political aisle, Democrats and Republicans are not unified in their concerns
  - Democrats say too much hate, election meddling, and misinformation gets posted online
  - Republicans claim their ideas and candidates are censored
- The focus of FCC action will depend on who is the Chair when the decision is made
- However, any decision, either by Pai as the FCC Chair or his successor, will be appealed
  - Uncertain whether the FCC has the authority to interpret Section 230
  - Congress may take up the issue and moot FCC action

# Competition Policy

- FCC likely to scrutinize consolidation in the wireline, wireless, cable, broadband, and broadcast industries more closely during its public interest analysis
  - Likely to construe the markets impacted by a proposed merger more narrowly and find greater level of concentration
  - Also likely to be more skeptical of competitive entry arguments
- FCC expected to strictly enforce merger conditions, especially ones related to network deployment and buildout obligations
- Relaxation of limitations on media ownership not expected
  - FCC may eliminate the UHF Discount (again) but would likely need to address impact on national ownership cap at the same time
  - Attributable interests associated with JSAs, SSAs, and LMAs expected to be reexamined
  - Depending on outcome of *Prometheus IV* at the US Supreme Court, FCC may be forced to address media ownership rules to maintain status quo

# Additional FCC Policy Initiatives

- Closing the Digital Divide
  - Biden FCC expected to make broadband expansion a priority
  - Biden supports increased federal support of municipal broadband and preventing states from blocking municipalities and rural co-ops from building publicly-owned broadband networks
  - Expect increase focus on broadband and connectivity initiatives to serve unserved and underserved communities
  - Democratic FCC likely to push for more granular broadband deployment data
- Universal Service Fund
  - Rural Healthcare Program funding and RDOF expected to increase – limited by available Universal Service Fund
  - FCC likely to explore ways to broaden the contribution base to support more USF initiatives
  - Broadband baseline definition of 25/3 Mbps likely to increase

# Additional Policy Initiatives

- National Security
  - FCC expected to continue with efforts to ensure integrity of telecommunications and internet network infrastructure and to address national security threats
  - Anti-Chinese measures focused on carriers, apps, equipment manufactures, and submarine cables expected to continue into Biden Administration
- Enforcement
  - Enforcement initiatives associated with finding and remedying “waste, fraud, and abuse” of USF funds expected to continue
  - Investigations of E-Rate and Rural Healthcare service providers will also proceed unabated
  - Biden FCC also expected to be aggressive on ensuring accuracy of carrier reports

SECTION 02

# DEPARTMENT OF JUSTICE

Morgan Lewis

# Department of Justice – Antitrust Division

- President nominates and the Senate confirms the Assistant Attorney General for the Antitrust Division
- Nomination and confirmation process expected to take several months
- Importance of DOJ for most telecom mergers; FTC for cable, but not always and not recently
- FTC still relevant in certain media and tech combinations and privacy areas

# Post-Election Changes at Antitrust Division

- Few clues to new head of Antitrust Division
  - Historically, Democrats have appointed a private practitioner rather than an academic or career DOJ lawyer; Biden expected, however, to select a more policy-driven individual to lead the Antitrust Division
  - If Senator Warren (D-MA) influences decision, antitrust enforcement head would likely be more aggressive overall
- Decisions on merger approval, litigation, and enforcement actions are made by Antitrust AAG and other mid-level political appointees based on recommendations of professional staff
  - Individual case decision were historically made largely on a non-political basis
  - Political factors may have come into play in limited instances during the most recent administration in who was targeted by the antitrust laws
  - Republicans tend to favor more flexibility for mergers/acquisitions, while Democrats are suspicious of size
    - Current AAG Delrahim was more aggressive in some areas than expected

# Antitrust Outlook

- Biden expected to support antitrust enforcement to stop industry concentration that unfairly limits competition
- Supports investigations into Big Tech, but has stated it was “premature” to make final judgement
- His hand now forced with initiation of Big Tech lawsuit
  - Litigation against Big Tech expected to continue; resolution is years away barring capitulation
  - Republican State AGs expected to push litigation forward
- Expect somewhat more aggressive review of horizontal mergers, especially where combined market share < 60%
  - 4 to 3 mergers less likely than in previous years
- Trend toward structural remedies (i.e., divestitures) expected to continue, but Biden AAG may be more open to considering behavioral remedies if deemed effective
- State AGs will continue as factors in antitrust enforcement
  - Democratic AGs may turn their attention to more traditional consumer protection issues assuming that the Antitrust Division is inline with their objectives

# Antitrust Outlook

- Resolution of pending transactions currently subject to antitrust review may be delayed by change of Administration if significant competition policy issues are involved
- None of the currently pending horizontal teleco or infrastructure deals are inherently problematic but vertical deals may have conditions tacked on in order to close
- Less likely to see acceptable combinations of large incumbents/providers in cable, telco, satellite, and wireless space
- DOJ expected to continue to view broadcast market narrowly which may limit future industry consolidation
- Congressional action to modify scope of antitrust review possible but currently no clear path forward or consensus view

# Committee on Foreign Investment in the U.S. [CFIUS]

- Inter-agency committee comprised of nine Cabinet-level officials
- Has authority to block or unravel foreign acquisitions of U.S. businesses on national security grounds
  - Exon-Florio Amendment
  - A subgroup, Team Telecom, reviews all applications by foreign-owned entities for FCC licenses
- Has been more aggressive in recent years, has delayed or blocked several proposed acquisitions of telecom and tech firms
  - Can also impose conditions, such as national security agreements
- A Biden administration would not roll back CFIUS, nor likely to alter significantly focus on China, but could redefine 'national security' and mitigation measures

# New “Team Telecom”

- Origins of “Team Telecom” date back to 2003 Global Crossing acquisition
  - Ad-hoc process
  - No review clocks (more than 12 months for submarine cable application)
- April 4, 2020, President Trump issues Executive Order formalizing new Committee
- New Committee Composition:
  - 3 Members: Department of Justice (chair), Department of Defense, Department of Homeland Security
  - Non-Member Advisors from: Department of State, Department of Treasury, Department of Commerce, Office of Management and Budget, US Trade Representative, Director of National Intelligence, General Services Administration
- Process governed by non-public Memorandum of Understanding
- New Committee and CFIUS processes run in parallel

# Team Telecom Timeline

- FCC likely to continue deferring entirely to the Committee due to “national security” considerations
- FCC Order of September 30, reduces number of proceedings referred to the Committee
  - No changes for submarine cables, ALL cables (even 100% American) subject to jurisdiction of Committee
- Executive Order Establishes timelines for review:
  - Initial Review: No longer than 120 days
  - Secondary Assessment: No longer than 90 days
- Committee makes following determination during Initial Review:
  - the application poses no current risk to national security or law enforcement interests,
  - any risks can be addressed through standard mitigation measures, or
  - secondary assessment is warranted
- Secondary Assessment
  - If Committee recommends denial or non-standard mitigation measures, must consult non-member advisors

# Team Telecom Implications

- Articulation of clear timeline helpful as general guideline
  - Committee still has discretion to determine when a filing is deemed "accepted" and can "pause" reviews of a filing
- Most cases likely to continue requiring mitigation:
  - LOA or NSA
  - Mitigation agreements have become more complex over time
  - New emphasis on mitigation compliance
  - Visits to cable landing stations, NOCs (in U.S. and abroad)
- All licenses and transactions may be subject to review post-close
  - Committee can review existing FCC licenses for national security risks on its own initiative without referral from FCC
- National security of telecom networks (especially subsea cables) is one of the few bi-partisan issues in D.C.

SECTION 03

# CONGRESS

Morgan Lewis



# Outlook for 117th Congress

- House: all 435 seats up for election; Democrats expected to retain majority but with a slightly smaller margin
- Senate: 35 of 100 seats up for election
  - Democrats hold 33 seats not up for election, only 12 were up
  - Republicans hold 30 seats not up for election, 23 were up
  - Of the 6 remaining undecided seats, Democrats will need to pick up 3 to create a 50/50 split
    - Assuming a Biden victory, Harris would have the tie breaking vote
    - Only 1 Democrat Senator is an incumbent for the remaining 6 undecided seats; most races remain competitive
    - Outcome likely to come down to January 5 runoff for 1 or 2 Georgia Senators
  - As expected, neither party will have the 60 seats needed to break a filibuster

# 117th Congress – Committee Leadership

- House
  - Democrats will retain majority by a slightly smaller margin, current House Energy and Commerce Committee Chair Frank Pallone (D-NJ) would likely retain position
  - GOP will caucus to select new Commerce Committee ranking member (current ranking minority member, Greg Walden, is retiring)
    - Replacement is unknown. Greg Gianforte (R-MO), current vice ranking member, was elected Governor of Montana
    - Bob Latta (R-OH), current Telecom subcommittee ranking minority member
- Senate
  - Commerce Committee chair Roger Wicker (R-MS) not up for election this year
  - Ranking member Maria Cantwell (D-WA) not up for election this year
  - If Democrats win majority, they will switch places; otherwise, both likely to remain in current positions

# 117th Congress – Policy Outlook

- 116<sup>th</sup> Congress passed several FCC-related bills, including process reforms, but efforts at a major rewrite of the 1996 Telecom Act made no progress
- Bipartisan legislative initiatives remain possible, although likely focused on narrower tech/telecom issues
  - Broadband infrastructure spending
  - Consumer privacy and data protection
    - Increasing interest in both parties, but approaches are likely to diverge
  - Spectrum sharing
  - Cybersecurity/China
  - Antitrust reform

SECTION 04

# THE COURTS

Morgan Lewis



# Telecommunications Policy and the Courts

- All FCC final decisions are subject to review by U.S. Courts of Appeals
  - 75-80% of appeals result in affirmance
  - Stays are highly unlikely, but still occur (e.g., inmate calling)
  - But remands can alter the FCC agenda by forcing the agency to reopen proceedings
  - New FCC leadership can also voluntarily withdraw orders that are on appeal
- Most cases go to D.C. Circuit, which has tended to give more deference to FCC policy decisions in recent decisions
  - Current make up; future make up of Court
    - Current make up (4 Republicans – 7 Democrats)
    - Most notably, affirming Open Internet Order
  - Spectrum issues must be brought to DC Circuit

# Telecommunications Policy and the Courts

- Third Circuit review of broadcast ownership rules has been particularly critical, resulting in multiple remands (*Prometheus* decisions)
  - FCC's 2017 orders vacated on appeal in 2019, and agency has issued new ownership rules
  - Supreme Court granted cert in October 2020 to *Prometheus IV*; briefing and argument schedule not set but decision expected by end of June 2021
- Other circuits are usually more deferential than DC Circuit to FCC (e.g., 10th Circuit on USF/ICC; 8th Circuit on Business Data Service deregulation)
- Most (not all) circuit courts have majority of Democratic appointees, but this trend reversing over past few years
  - Nominees to courts (even Supreme Court) not subject to filibuster in Senate

# US Supreme Court

- Perhaps most significant longstanding impact of President Trump
- Senate Republicans lowered threshold of affirmative votes for confirmation of Supreme Court nominees in 2017 to 51 – no filibuster rule in effect
- Potential for “court packing” legislation (e.g., increasing number of Supreme Court justices or imposing terms terms) but Biden looking for other judicial reforms as alternatives
- Few telecom cases make it to the Supreme Court and, historically, few of those have been 5–4 decisions
  - Since 1996, Supreme Court has tended to uphold FCC on implementation of the Telecom Act
  - *Chevron* deference challenges likely to have most impact on FCC
- Four justices required to grant cert to hear cases

SECTION 05

# ADMINISTRATION PRIORITIES & POLICIES

Morgan Lewis

# Introduction

- Party platforms are drafted by activists at the party convention, and do not always reflect the candidate's preferences or active engagement
- Candidates' policy statements do not always result in tangible results post-election; many require Congressional action to enact
- Biden administration is likely to move toward
  - greater regulation of the technology sector
  - more competition, less confrontation with China – do not expect a major change in substance but a change in tone
  - closing the digital divide, especially for vulnerable populations (e.g., urban and rural) where obstacles in network deployment, affordability, and adoption still exist
- Unclear how these general preferences translate into specific FCC/DOJ policy outcomes in many areas

# Positions (Overview)

- Telecom Act rewrite is a possibility but is slim this session, given the avalanche of other Biden priorities, the complexity and controversial nature of the issues, the lack of a bipartisan consensus, and the lack of Democratic Progressive interest outside of Net Neutrality
- Cable regulation regarding Net Neutrality is possible but unlikely to include price regulation
  - More intrusive regulations likely unwarranted because of 5G wireless rollout and price incentive created by current wireline broadband market structure
- Expect stronger efforts, with differing levels of success, toward competition policy, antitrust enforcement, privacy policy, cybersecurity, and Section 230 reforms
- Will include telecom and broadband spending in Biden infrastructure package

# Competition Policy and Antitrust

- Biden likely to appoint aggressive regulators to key antitrust posts to pursue, or at least attempt, strong competition policy through regulation and enforcement actions
- Biden DOJ also expected to continue with Big Tech lawsuits; additional counts may be added later to address issues left out of AG Barr's complaint
- Antitrust enforcement is always tempered by the courts (e.g., US v. AT&T/TWX); therefore, for parties willing to push back, a judge may approve the deal (e.g., State AGs v. T-Mobile/Sprint).
- Congressional changes of antitrust law possible but clearly no consensus on what to do

# Internet and Net Neutrality

- Biden support for open internet not only from a net neutrality perspective but also as a matter of social justice; push likely to come from Congress and FCC
- Section 230 reforms and the effort to regulate social media will continue but resolution uncertain
- Tech companies likely more willing to negotiate with Democrats on privacy issues but less willing on competition concerns
- Congressional action will be needed as Executive Branch has limited authority to modify (despite FCC Chairman Pai's statements to the contrary)

# Spectrum Policy

- No stated positions on these issues
- Biden and Democratic FCC unlikely to make dramatic changes to spectrum policy for 5G
- Focus to remain on making new spectrum available for 5G deployments
- Could see further push for sharing of government spectrum

# Broadband Deployment/Adoption

- Pledges infrastructure spending to boost domestic economy, including telecom facilities, and address digital divide
- Biden likely to push for an increase infrastructure spending; a goal shared by congressional Democrats and some Republicans.
  - Biden and Congressional Democrats have each proposed their own infrastructure plans — Biden's is contained in his four-year, \$2 trillion energy and economic proposal in his "Build Back Better" plan; House Democrats passed a bill this year that would spend \$1.5 trillion over 10 years
  - However, those amounts are high-water marks both in magnitude and timing; federal infrastructure spending is limited by the realities of congressional politics and the need for an incoming Biden administration to first address other crises facing the country
- Expected to support "social safety nets," Lifeline and other Universal Service programs, as well as Rural Healthcare Programs and RDOF

# Consumer Privacy/Data Security

- Democratic platform aggressive in expanding scope of privacy protection
- Consumer privacy issues expected to be a concerned voiced by Congressional leaders and will likely push Biden administration more toward increasing privacy protection
- Biden still likely to want to balance privacy protections against law enforcement and national security concerns

# Media Ownership/Spectrum Ownership

- No explicit position on FCC ownership limits
- Democrats customarily support keeping broadcast ownership limits at current levels (or possibly tightening) based on competition and diversity of voices grounds
- Broadcasters unlikely to have 39% national TV coverage limit (with UHF Discount) lifted or a relaxation of other ownership limits

# China/National Security

- Biden is not likely to “go it alone” against China and is expected to work closely with European allies and build an international coalition against practices deemed unfair and unjust
- Chinese technology issues are expected still to be considered national security concerns, given the previous privacy and data security vulnerabilities
- Biden has also stressed the importance of bringing critical supply chains back to the U.S. as a matter of national security

# Questions?

Please submit any questions for Andy using your Q&A tool. Thank you.

# Coronavirus COVID-19 Resources

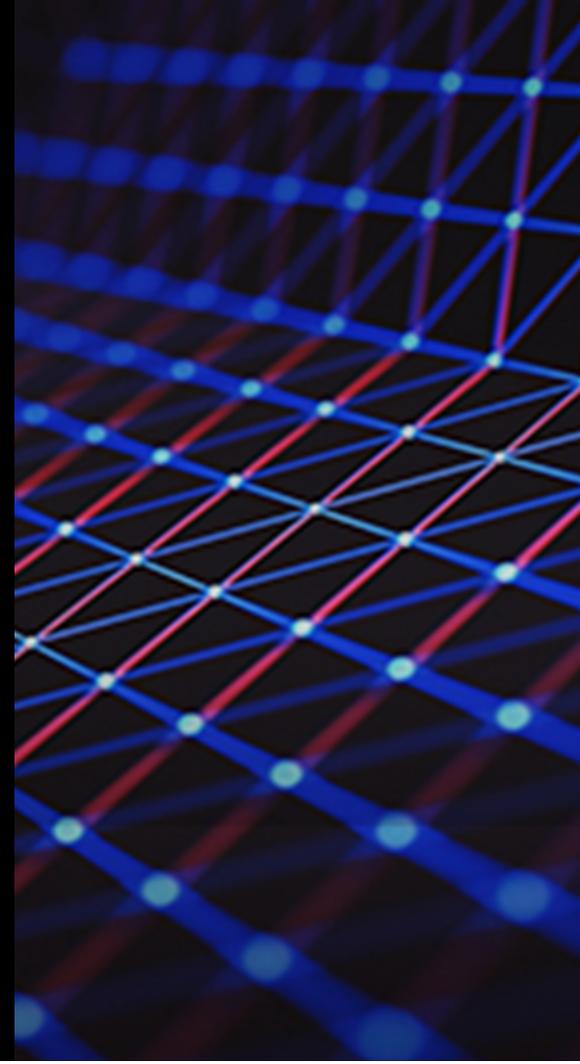
We have formed a multidisciplinary **Coronavirus/COVID-19 Task Force** to help guide clients through the broad scope of legal issues brought on by this public health challenge.

**Morgan Lewis**

To help keep you on top of developments as they unfold, we also have launched a resource page on our website at

[www.morganlewis.com/  
topics/coronavirus-  
covid-19](http://www.morganlewis.com/topics/coronavirus-covid-19)

If you would like to receive a daily digest of all new updates to the page, please visit the resource page to [subscribe](#) using the purple “Stay Up to Date” button.



# Biography



## **Andrew D. Lipman**

Washington, D.C.

T +1.202.373.6033

F +1.202.739.3001

[andrew.lipman@morganlewis.com](mailto:andrew.lipman@morganlewis.com)

Andrew Lipman has spent more than 30 years developing Morgan, Lewis & Bockius' Telecommunications, Media and Technology Group into one of the largest practices of its kind in the nation. He practices in virtually every aspect of communications law and related fields, including regulatory, transactional, litigation, legislative and land use. The TMT Group is international in scope, representing clients in the U.S., Central and South America, Europe, Asia and other parts of the world.

Andy has been involved in nearly every new legal and regulatory policy at the Federal Communications Commission (FCC), at state public service commissions, in Congress and before courts to open the U.S. local telephone market to competition. He also helped shape crucial provisions of the Telecommunications Act of 1996 and has used similar approaches to promote the opening of foreign markets. He also obtained one of the first competitive local service and interconnection agreements in continental Europe and the first competitive fiber network application in Japan. Andy's expansive practice includes the strategic analysis of companies' telecom user agreements, including renegotiating existing agreements, and when necessary, negotiating new, more favorable telecom user agreements.

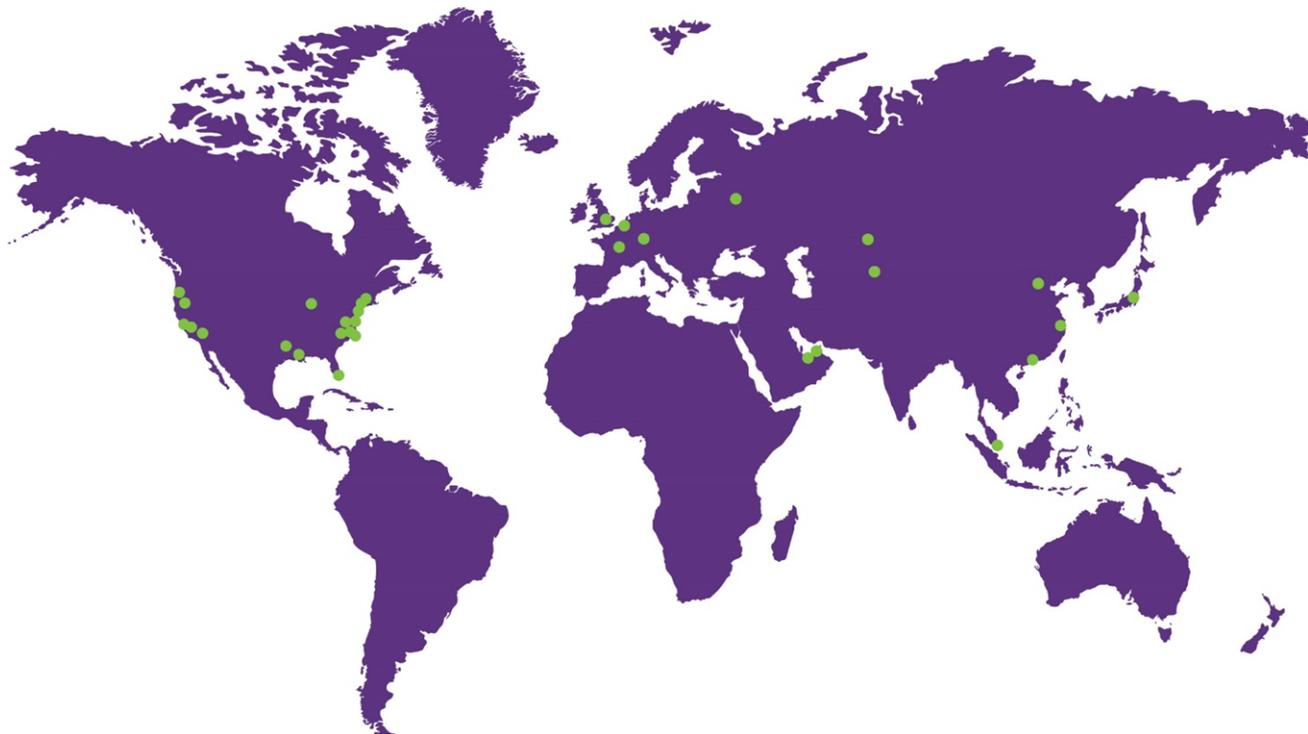
A frequent author and speaker on telecommunications related topics, Andy has published more than 170 articles and is the author of five books, including two Dow Jones books on telecommunications. He has appeared as a commentator on National Public Radio, C-SPAN, Bloomberg News Network and ABC News.

## Our Global Reach

Africa  
Asia Pacific  
Europe  
Latin America  
Middle East  
North America

## Our Locations

Abu Dhabi  
Almaty  
Beijing\*  
Boston  
Brussels  
Century City  
Chicago  
Dallas  
Dubai  
Frankfurt  
Hartford  
Hong Kong\*  
Houston  
London  
Los Angeles  
Miami  
Moscow  
New York  
Nur-Sultan  
Orange County  
Paris  
Philadelphia  
Pittsburgh  
Princeton  
San Francisco  
Shanghai\*  
Silicon Valley  
Singapore\*  
Tokyo  
Washington, DC  
Wilmington



# Morgan Lewis

\*Our Beijing and Shanghai offices operate as representative offices of Morgan, Lewis & Bockius LLP. In Hong Kong, Morgan Lewis operates through Morgan, Lewis & Bockius, which is a separate Hong Kong general partnership registered with The Law Society of Hong Kong as a registered foreign law firm operating in Association with Luk & Partners. Morgan Lewis Stamford LLC is a Singapore law corporation affiliated with Morgan, Lewis & Bockius LLP.

# THANK YOU

© 2020 Morgan, Lewis & Bockius LLP  
© 2020 Morgan Lewis Stamford LLC  
© 2020 Morgan, Lewis & Bockius UK LLP

Morgan, Lewis & Bockius UK LLP is a limited liability partnership registered in England and Wales under number OC378797 and is a law firm authorised and regulated by the Solicitors Regulation Authority. The SRA authorisation number is 615176.

Our Beijing and Shanghai offices operate as representative offices of Morgan, Lewis & Bockius LLP. In Hong Kong, Morgan Lewis operates through Morgan, Lewis & Bockius, which is a separate Hong Kong general partnership registered with The Law Society of Hong Kong as a registered foreign law firm operating in Association with Luk & Partners. Morgan Lewis Stamford LLC is a Singapore law corporation affiliated with Morgan, Lewis & Bockius LLP.

This material is provided for your convenience and does not constitute legal advice or create an attorney-client relationship. Prior results do not guarantee similar outcomes. Attorney Advertising.