



## Telecommunications

The Telecommunications Law Group at Norris McLaughlin & Marcus is one of the most experienced in the State of New Jersey. The Group frequently represents long-distance companies, competitive local carriers, wireless communication companies, and equipment vendors. Services provided to our telecommunications clients include regulatory work, litigation, commercial transactional work, municipal approval matters and legislative representation.

### Regulatory Matters

We have represented competitive telecommunications carriers before the New Jersey Board of Public Utilities (BPU) since 1983. With our assistance, a major national telecommunications company became the first interexchange carrier (IXC) authorized to provide competitive long-distance service in New Jersey and the first competitive local exchange carrier (CLEC) to have an approved tariff for competitive local exchange service in New Jersey. On behalf of this client, we have participated in every major telecommunications proceeding that the BPU has conducted since 1983. We have also provided local counsel assistance to approximately thirty other CLECs, including companies specializing in DSL and other data services. These services have included obtaining authorization to provide service, approval of tariffs, negotiation or arbitration and approval of interconnection agreements, and intervention in various BPU proceedings concerning aspects of local competition.

We also advise clients regarding regulatory requirements of the Federal Communications Commissions (FCC) and regularly work with FCC counsel in Washington, D.C., in connection with FCC licensing and regulatory proceedings.

### Litigation

We regularly represent our telecommunications clients in state and federal court proceedings including handling appeals from decisions made by the BPU. In one such appeal, the U.S. District Court reversed the BPU's December 1997 decision setting generic prices for unbundled network elements (UNEs). Another, involving reciprocal compensation payments for local traffic directed to Internet service providers (ISPs) was settled in 2003. We also provide litigation services for our telecommunications clients for matters involving employment, tax, intellectual property and other issues.

### Business Issues and Commercial Transactions

Our attorneys routinely advise our telecommunications clients on a broad range of business issues including antitrust & trade regulation, labor & employment, real estate & land use, construction, environmental, finance, tax and intellectual property matters. Our attorneys also have substantial experience representing clients in complex domestic and international transactions, financings, licensing agreements, joint ventures, and mergers & acquisitions.

### Municipal Approval Matters

Our Telecommunications Law Group has substantial experience in handling municipal zoning and permitting matters, including municipal authorizations for the installation of fiber optic cable, zoning approvals for equipment buildings, and wireless installations. The firm filed one of the first Federal Court challenges under 47 U.S.C. § 253 to a local right-of-way ordinance. The case settled when the municipality agreed to reduce its annual \$15,000 fee to a one-time fee of \$1,000. We have appeared before municipal bodies in the following New Jersey counties: Bergen, Burlington, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset and Union. We have also handled



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telecommunications matters before the Hackensack Meadowlands Development Commission, a regional “super-zoning” agency that regulates portions of municipalities in Bergen and Hudson counties.

### **Wireless Network Real Estate**

With regard to wireless network real estate issues and the siting of network facilities, our Telecommunications Law Group is experienced with the preparation and negotiation of agreements for network installations; the preparation and negotiation of agreements with major tower companies and carriers for facilities; due diligence, negotiation and preparation in connection with transactional matters for the transfer and acquisition of network facilities; and formulation of legal standards and policies with respect to network facilities.

### **Legislative Representation**

We assist our clients in legislative efforts before the New Jersey State Legislature and other state governmental agencies to ensure that their telecommunications interests are protected. Additionally, on behalf of industry trade associations and their members, we have become a leading advocate for competition in markets once thought to be natural monopolies.



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