

Administrative & Court Litigation

Wilkinson Barker Knauer has an extensive litigation practice that includes actions before the FCC, state public utility commissions, and federal and state courts. The practice combines the strength of experienced litigators with substantive communications expertise gained over many years of representing clients in this area.

FCC Litigation. The firm regularly represents clients in formal complaint proceedings and hearings before the FCC. For example, we have represented Qwest (now CenturyLink) in successfully litigating two precedent-setting Section 208 formal common carrier complaints against so-called “traffic pumpers.” We also have represented Comcast in program carriage hearings before an administrative law judge, and, in this regard, successfully defended Comcast in the first program carriage hearing decision by an ALJ and in connection with the Commission’s adoption of the ALJ’s decision. The firm also regularly represents clients in FCC investigations, audits, and monetary forfeiture proceedings. With our help, our clients have succeeded in convincing the FCC not to pursue enforcement action, persuading the FCC to cancel or reduce enforcement penalties, and negotiating numerous consent decrees. In addition, the firm has represented clients in Enforcement Bureau investigations and forfeiture proceedings involving issues such as network outage reporting, universal service, payphone compensation, number portability, Customer Network Proprietary Information, truth-in-billing, cramming, unauthorized faxes, wireless E911, tower siting, wireless hearing aid compatibility, unauthorized operation and unauthorized transfer of control, auction collusion, digital television disclosures, indecency, sponsorship identification, closed captioning, and communications equipment marketing.

PUC Litigation. Wilkinson Barker also has extensive experience litigating before state public utility commissions (PUCs). For example, our attorneys have successfully litigated contested PUC cases and obtained regulatory approvals required for the sale of telephone exchanges, the transfer of a directory publishing entity owned by an RBOC, and the disposition or encumbrance of various other utility assets subject to PUC jurisdiction. We also succeeded in reaching a positive result in a cost-of-service PUC investigation involving an ILEC client’s rates. Firm attorneys also have handled interconnection arbitration proceedings before various PUCs.

Court Litigation. Before federal district courts and in arbitration proceedings, firm attorneys have handled Section 253 right-of-way litigation, franchise litigation, and intercarrier compensation disputes (including VoIP-in-the-middle access charge litigation and SS7 signaling disputes), and also have litigated cost-of-service disputes in the energy arena. The firm also regularly represents clients before various United States Circuit Courts of Appeals in matters arising from FCC rulemaking and adjudicative proceedings, running the gamut of communications and administrative law issues. For example, the firm recently represented Qwest before the D.C. Circuit in successfully supporting a challenge to an FCC decision declining to forbear from regulation, and is currently representing Qwest before the D.C. Circuit supporting the FCC’s grant of one of Qwest’s formal traffic pumping complaints. In addition, the firm was among the counsel for Comcast in its landmark and successful challenge in the D.C. Circuit against the FCC’s attempt to use its ancillary authority to impose “net neutrality” restrictions on broadband Internet providers.

HIGHLIGHTS

Ranked as a “top tier” firm by US News/Best Lawyers, Chambers and Legal 500

Litigators experienced in state and federal agencies, and in the federal courts

Recent successes include program carriage and traffic pumping cases