



# Telecommunications Legal Strategies and Best Practices

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# Telecommunications Legal Strategies and Best Practices

- I. The Gigabit Play
- II. Fiber to the Unit
- III. WiFi
- IV. Contract Enforcement
- V. Impact – The Big Picture

# The Gigabit Play

- The latest “must have” service
- Assessing the value versus the cost
- Compensation impact
- Regulatory impact on deployment

# The Gigabit Play

- Contract Considerations:
  - Perpetual rights
  - Marketing and wiring usage
  - Free service and anti-bulk provisions
  - Reluctance to accept traditional contract protections

# Fiber to the Unit

- LECs (AT&T and Verizon)
- New Players (Google Fiber)
- MSOs (Comcast, Cox, and others)

LEC = local exchange carrier (the phone company)

MSO = multiple system operator (the cable company)

# Fiber to the Unit

- Construction Considerations:
  - Who provides/installs the material
  - Wiring panels, electrical requirements
  - Retrofit concerns

# Fiber to the Unit

- Ownership and control of fiber
- FCC rules – application to fiber owned by a provider

# WiFi

- Common areas or building wide
- Limited to the property, or service to the surrounding community
- Coverage issues



# WiFi

- Home-made WiFi = unmanaged = lack of authentication
- Copyright and CALEA concerns

CALEA = Communications Assistance for Law Enforcement Act  
(18 U.S.C. and 47 U.S.C.)

# Contract Enforcement

- Contracts assigned by one provider to another
- Usually as part of a merger or acquisition
- PCOs can still enforce exclusivity

PCO = private cable operator (often distributors of satellite video programming from DIRECTV or DISH)

# Contract Enforcement

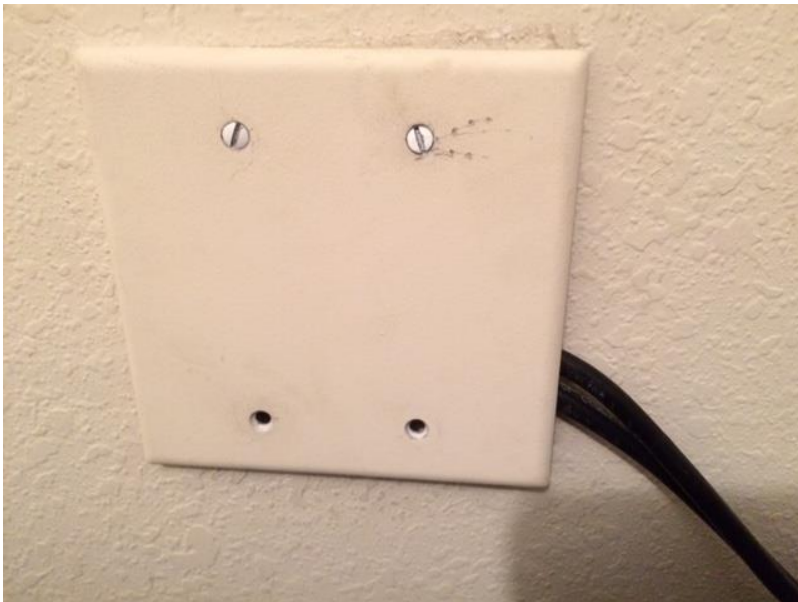
- Service Level Agreements (SLA)
- Stay-competitive clause
- Technology obsolescence

# Contract Enforcement

- Revenue share clauses
- Billing and collection from residents

# Contract Enforcement

- Construction standards
- Compliance with laws and regulations



# Contract Enforcement

- Default notices
- Cure periods
- Termination/Litigation

# Impact – The Big Picture

- “I am starting to look into new apartment complexes to rent due to the difficulty of staying online”
  - Resident quote in complaint to property manager (11/10/14)

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