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Bruce Beckner has over 30 years' experience trying cases and arguing appeals on behalf of cable television companies, broadcasters, competitive local exchange carriers and cellular telephone companies. He has tried cases before arbitration panels, state utility commissions, the Federal Communications Commission and state and federal courts involving regulatory, competitive and business issues for these clients. He has argued appeals before most of the US circuit courts of appeal and several state appellate courts.

While primarily a courtroom advocate, Mr. Beckner has considerable substantive expertise and experience in federal telecom law, federal cable television regulation, antitrust and copyright. During his career he has not only represented clients in litigated disputes in these areas, but has represented them in transactional matters, pre-litigated disputes and investigations related to these subject areas.

Subject Area Experience:

- **Telecom** – Interconnection agreement arbitrations and appeals; actions for breach of interconnection agreements relating to billing, OSS, service standards
- **Cable Television** – overbuild disputes regarding marketing, pricing, NEC compliance with regard to construction; access to premises for MDUs and planned communities; rate regulation; franchise renewal; service standards; retransmission consent agreements; affiliation agreements with program services; compulsory copyright license issues
- **Wireless** – partnership disputes, management contract disputes, false advertising claims under the Lanham Act, drop-in applications, inter-carrier competitive issues
- **Antitrust** – Sherman Act Section 1 claims; Sherman Act Section 2 claims; pricing issues; distributorship arrangements; joint bidding arrangements; Department of Justice Civil Investigative Demands (CID); mergers and acquisitions
- **Hart-Scott-Rodino** – compliance; transaction structure counseling; responses to “second requests” from Department of Justice and Federal Trade Commission; consent decrees
- **Copyright** – licensing disputes regarding programming developed for cable television access channel, website; drafting licenses for website materials, videos
- **Commercial Disputes** – performance of computer services contract, post closing liabilities in asset acquisition, partnership disputes, land use and development restrictions

Experience

Aircapital Cablevision, Inc. v. Starlink Communications Group, Inc., 634 F.Supp. 316, 1986-1 Trade Cases ¶67,145 (D.Kan. 1986)

Successful defense of antitrust counterclaim in suit against C-band satellite dish seller for violating Section 605 of the Communications Act

Bartholdi Cable Co., Inc. v. F.C.C., 114 F.3d 274, (D.C.Cir. 1997)

Defense of successful challenge to confidentiality of information submitted by cable TV competitor to FCC re: unlicensed operations

Cable Television Ass'n of New York, Inc. v. Finneran, 954 F.2d 91, (2nd Cir. 1992)

Preemption based challenge to state regulation of terms and conditions of cable TV service under 1984 Cable Act

Fiberglass Insulators, Inc. v. Dupuy, 856 F.2d 652, 26 Fed. R. Evid. Serv. 1225, (4th Cir. 1988)

Successful extension of "settlement discussion privilege" in antitrust case to include discussions involving a prior litigation between the same parties

JAJ Cellular v. F.C.C., 54 F.3d 834, (D.C.Cir. 1995)

Defense of FCC grant of drop in applications by cellular telephone company

Liberty Cable Co., Inc., 15 FCC Rcd 25050 (2000), recon. denied, 2001 WL 987694, 16 F.C.C.R. 16,105, 16 FCC Rcd. 16,105 (2001)

Successful prosecution of "private cable" company for unlicensed microwave operation; largest fine in FCC history assessed

Mediacom Communications Corp. v. Sinclair Broadcast Group, Inc., 460 F.Supp.2d 1012, (S.D.Iowa 2006)

Antitrust-based attack on retransmission consent bundling of multiple stations

Nashoba Communications v. Town of Danvers, 893 F.3d 435 (1st Cir. 1990)

Preemption-based challenge to local cable TV rate freeze

Time Warner Entertainment Co., L.P. v. F.C.C., 144 F.3d 75, (D.C.Cir. 1998)

Successful challenge to FCC implementation of cable TV rate regulation

Trailsend Land Co. v. Virginia Holding Corp., 228 Va. 319, 321 S.E.2d 667 (1984)

Contract/deed compliance dispute regarding development of industrial site for refinery

Warner Cable Communications Inc. v. Borough of Schuylkill Haven, 784 F.Supp. 203, 70 Rad. Reg. 2d (P & F) 512, (E.D.Pa. 1992)

Successful challenge to municipal authority to operate municipal cable system

WAVY Television, Inc., Portsmouth, Virginia, 1985 WL 259995, 59 Rad. Reg. 2d (P & F) 424, 102 F.C.C.2d 1538 (1985)

Successful challenge to TV station relocation of main studio

WorldNet Telecommunications, Inc. v. Puerto Rico Telephone Co., 497 F.3d 13, (1st Cir. 2007)

Defense of appeal from interconnection agreement arbitration on behalf of CLEC

Services

- ▶ Intellectual Property Litigation
- ▶ Mergers and Acquisitions
- ▶ Alternative Dispute Resolution
- ▶ Antitrust Litigation
- ▶ Commercial Litigation
- ▶ Antitrust

Industries

- ▶ Communications, Media and Information Technology
- ▶ Emerging Companies
- ▶ Manufacturing and Distribution
- ▶ Technology and E-Commerce

Education

- ▶ University of Virginia Law School, J.D., 1978
- ▶ Johns Hopkins University, M.A., 1972
- ▶ Princeton University, A.B., 1971

Admissions

- ▶ District of Columbia Bar
- ▶ United States Supreme Court
- ▶ U.S. Court of Appeals, 1st Circuit
- ▶ U.S. Court of Appeals, 2nd Circuit
- ▶ U.S. Court of Appeals, 3rd Circuit
- ▶ U.S. Court of Appeals, 4th Circuit
- ▶ U.S. Court of Appeals, 5th Circuit
- ▶ U.S. Court of Appeals, 6th Circuit
- ▶ U.S. Court of Appeals, 9th Circuit
- ▶ U.S. Court of Appeals, 11th Circuit
- ▶ United States Court of Appeals for the District of Columbia Circuit
- ▶ United States District Court for the District of Columbia

Professional Recognition

- ▶ Martindale-Hubbell AV/Peer Review Rated

Languages

- ▶ Spanish
- ▶ Written French

Professional Activities

- ▶ Member, American Bar Association, Section of Litigation, 1987-present
- ▶ Associate Editor, Litigation Magazine, 1987-1995; author of "Advance Sheet" column, 1991-1995

Community Activities

- ▶ Elected, District of Columbia Advisory Neighborhood Commissioner, 2004-2008

Publications

- ▶ "FCC's Wireline Competition Bureau Clarifies Carriers' Obligations Under Section 222 of The Communications Act," Garvey Schubert Barer Legal Update, November 11, 2010.
- ▶ "FCC Says States May Prospectively Impose Universal Service Contribution Requirements on Nomadic Interconnected VoIP Service Providers," Garvey Schubert Barer Legal Update, November 11, 2010.
- ▶ "Tentative Agenda for November 30th Open Meeting Announced," Garvey Schubert Barer Legal Update, November 11, 2010.
- ▶ "Federal-State Joint Board Recommends Reforms to Improve Lifeline and Link Up Programs," Garvey Schubert Barer Legal Update, November 11, 2010.
- ▶ "FCC's Enforcement Bureau Adopts Consent Decree Addressing Verizon Wireless's "Mystery Fees"," Garvey Schubert Barer Legal Update, November 11, 2010.
- ▶ "Federal Court in New York Reiterates Viability of DMCA "Safe Harbor" Provision," Garvey Schubert Barer Legal Update, June 25, 2010.
- ▶ "FCC Opens New Proceeding to Identify Best Legal Approach to Broadband ," Garvey Schubert Barer Legal Update, June 25, 2010.
- ▶ "FCC Seeks Comment on Petition for Waiver of Number Porting Interval Implementation Deadline ," Garvey Schubert Barer Legal Update, June 25, 2010.
- ▶ "FCC Denies Qwest Corp.'s Petition for Forbearance in Arizona," Garvey Schubert Barer Legal Update, June 25, 2010.
- ▶ "FCC Approves Assignment and Transfer of Control of Certain Verizon Wireless Licenses to AT&T; Approval Subject to Conditions, Including Service to Indian Reservation," Garvey Schubert Barer Legal Update, June 25, 2010.
- ▶ "Verizon and Frontier Win FCC Approval of Transfer of 4.8 Million Lines; Approval Subject to Certain Conditions," Garvey Schubert Barer Legal Update, May 28, 2010.
- ▶ "FCC Initiates Proceeding to Upgrade E-Rate Program," Garvey Schubert Barer Legal Update, May 28, 2010.

- ▶ "Pricing Policy Division Rejects All American Telephone Company's New Interstate Access Tariff," Garvey Schubert Barer Legal Update, May 28, 2010.
- ▶ "FCC Launches Major Initiative to Make Pole Attachments Easier and Potentially Cheaper for All Communications Providers," Garvey Schubert Barer Legal Update, May 28, 2010.
- ▶ "FCC Makes Available Additional 25 Megahertz of Spectrum for Mobile Broadband Service," Garvey Schubert Barer Legal Update, May 28, 2010.
- ▶ "FCC Streamlines and Expedites Number Portability Processes ," Garvey Schubert Barer Legal Update, May 28, 2010.
- ▶ "FCC'S CGB Seeks Comment to Address "Bill Shock"," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "FCC Proposes to Penalize Telecom Carrier for "Slamming" Violations," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "FCC Proposes Forfeiture Against Telecom Carrier for Failure to Pay USF Contributions ," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "FCC Seeks Federal-State Joint Board's Guidance on Administering Lifeline and Link Up," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "WCB Grants LECs' Petitions for Conversion to Price Cap Regulation," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "FCC Grants Petitions to Build Interoperable Broadband Networks for First Responders," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "FCC Chairman Lays Groundwork for About-Face on Classification of Broadband Internet Access," Garvey Schubert Barer Legal Update, May 17, 2010.
- ▶ "FCC Initiates Inquiry on Proposed Cyber Security Certification Program for Communications Providers," Garvey Schubert Barer Legal Update, April 23, 2010.
- ▶ "FCC Delivers National Broadband Plan to Congress," Garvey Schubert Barer, March 31, 2010
- ▶ "Ninth Circuit Affirms California District Court's Decision on Entrance Facilities and DS-1 Transport ," Garvey Schubert Barer, March 31, 2010
- ▶ "PRTC Seeks Waiver of FCC's Structural Separation Requirements," Garvey Schubert Barer, March 31, 2010
- ▶ "FCC Reiterates its Opposition to Rural ILEC's Access Charge Billing for Calls Placed to a Conference Bridge ," Garvey Schubert Barer, March 31, 2010