



Telecom Law 101: Basics Every Practitioner Should Know



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Presenter:

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About

Jonathan L. Kramer, Esq., BTS, BDS, BPS, CBT

Education:

- Radio Frequency Engineer

Experience (1976...2009):

- RF engineering for Motorola
 - Cable TV engineering (Warner, Storer, ...)
 - Telecom Consultant to 600 governments
 - Expert witness in wireless, cable TV litigation
 - Co-author/Co-Editor of FCC's RF safety guide
 - Admitted to California Bar 2006
- Member, Public Law Executive Committee

Licenses & Certifications:

- FCC: 5 licenses/endorsements
 - CSLB: Low Voltage (telecom) contractor
 - Industry certifications
- (I collect them like *Hot Wheels*)



Telecom Issues intersect with:

Contracts
Real Property
Criminal
P.I. & Wrongful Death
Wills & Trusts



Contracts



Telephone Systems (Hardware)

Specifications (Specify all hardware)

Installation (Muni Code/NEC compliance, Drawings, TIA standards)

Acceptance Testing (As-built Drawings)

Maintenance/Upgrade Agreements (Usually Optional)

Telephone Systems (Line Access/Toll)

Specifications (T1, Centrex, Dial-up)

Installation (Muni Code/NEC compliance)

Acceptance Testing/Line Database Verification (Caller ID)

Maintenance Agreements (Usually provided)



Contracts



Internet Services (Hardware/Throughput)

Specifications (Specify all hardware, static/dynamic IPs, DNS, web hosting)

Installation (Municipal Code/NEC compliance)

Acceptance Testing (Speed tests)

Maintenance/Upgrade Agreements (Usually Included *ish*)



3rd Party Maintenance Agreements

Specifications (Response Time)

Backup Gear Requirements

Expertise Requirements (Certifications)

Provisions for default

Real Property



Telephone Systems (Hardware) (Crossover)

Space lease outside of suite

(Common telephone equipment room, power)

(Riser closets, power)

(Suite-to-suite fiber, Cat 5/6 cables)



Cable TV Exclusive Marketing Agreements (Apartments)

Exclusive Service Agreements Void per FCC

Industry Reply Tactic: Exclusive Marketing Agreement (Okay, so far)

“Free Service” provisions

Percentage of Gross Revenue (Cable TV, Internet, Telephone)

Real Property



Wireless (Cell Site) Agreements

Lease Option/Lease (several years)

Typical: 5 years, plus 4 more 5 year extensions (unilateral)

Provisions to suspend lease payments without vacating property

Provisions for (nearly) unlimited changes, upgrades to the site (problematic)

Beware of lease fee prepayments

Radio Frequency safety concerns (FCC)

Radio interference (Landlords v. Gov)

Technobabble negotiations



Criminal

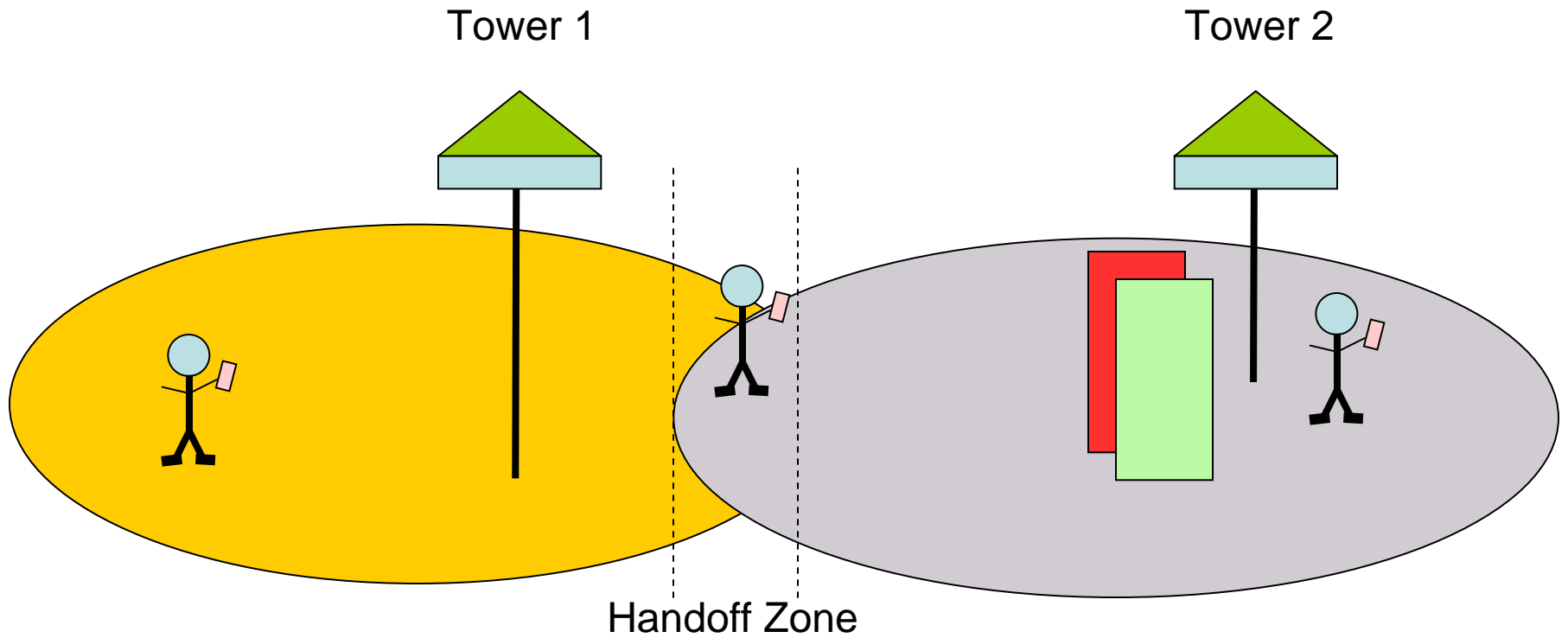


Use of Cell Phone Switch Records

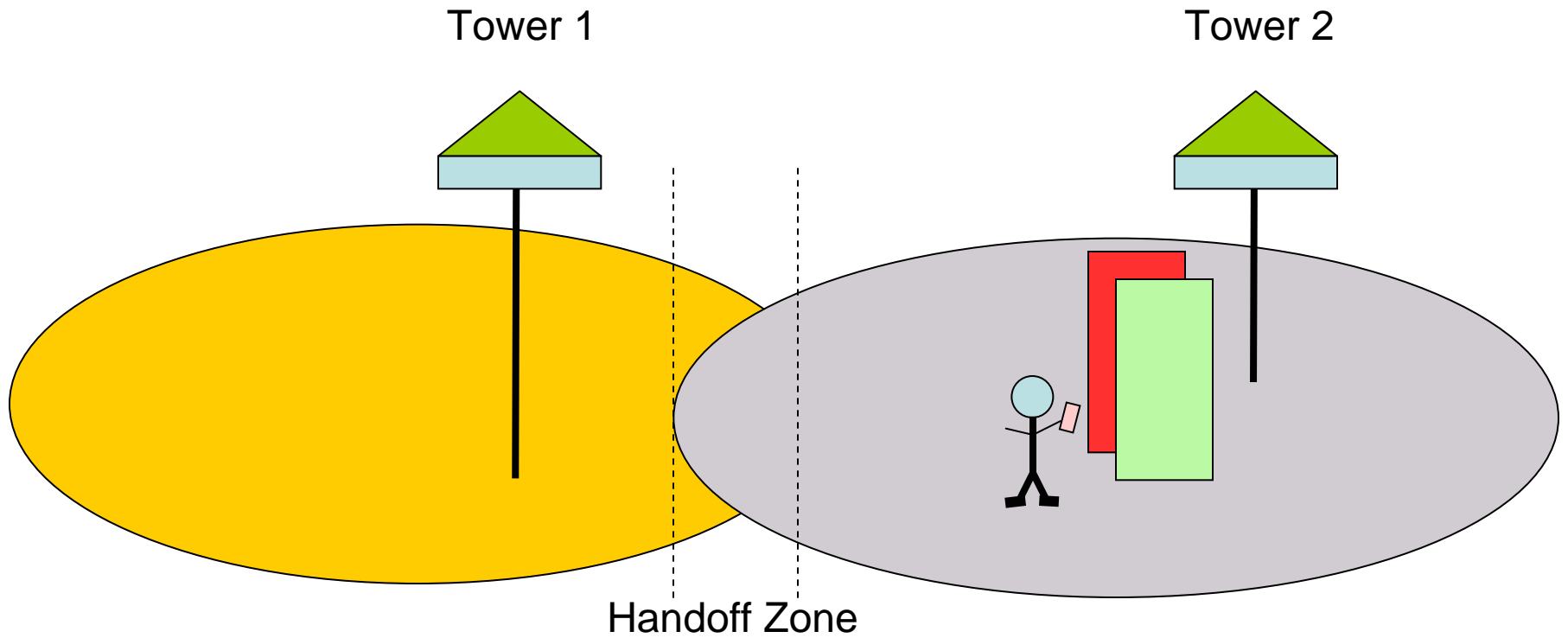
Introduced to attempt to prove that someone was somewhere at sometime. Records are now accepted evidence, but what they show is not necessarily what is intended by the introducing party.



Criminal



Criminal



P.I. & Wrongful Death



Holes, Foot-hookers, Sharps, Grounds

Telecom construction pole to pole
CPUC General Order 95

Underground (at surface) construction
CPUC General Order 128

Cables to/on structures
National Electrical Code

Negligence & Negligence Per Se

P.I. & Wrongful Death



P.I. & Wrongful Death



P.I. & Wrongful Death



P.I. & Wrongful Death



P.I. & Wrongful Death



Wills & Trusts



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