

Joseph P. Benkert, P.C.

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PRACTICE DESCRIPTION

Joseph P. Benkert, P.C. represents clients in corporate, transactional and litigation matters, and also represents telecommunications clients in regulatory matters.

Telecommunications Practice

Joseph P. Benkert, P.C. offers a premier telecommunications industry practice. The firm represents clients in the broadcasting, cable, entertainment, common carrier and telecommunications site industries; and also represents operators of private communications networks, and telecommunications users, and public safety agencies.

Joseph P. Benkert, P.C.'s representation of its telecommunications clients extends to all segments of the telecommunications industry—we appear before the Federal Communications Commission, state public utility commissions, and federal and state courts. We also represent telecommunications service providers in a wide variety of business transactions.

The Firm also represents clients involved in the growing variety of advanced information service and electronic program delivery technologies, including microwave, cellular, PCS, satellite, and cable and fiber optic systems.

Broadcast/Cable/Entertainment Practice

Joseph P. Benkert, P.C.'s telecommunications practice includes representation of the broadcasting and cable industries—radio and television stations, FM and television translator stations, low power television stations, program producers, cable television systems, and satellite distribution systems. Our services to this sector of the telecommunications industry include:

- Filing and prosecution of applications before the FCC to construct and operate new AM and FM radio and full power television broadcast stations and to obtain renewals of broadcast licenses; to transfer control, assign, and modify existing broadcast stations; to register cable television systems; and to obtain FCC authorizations for related services.
- Advice on general corporate and financing matters.
- Negotiation and preparation of agreements and contracts for sales of broadcast stations and cable systems.

- Counselling broadcasters and cable systems on compliance with federal regulations and policies, including rules governing Equal Employment Opportunity and other employment practices; the broadcast of political material, contests and lotteries; First Amendment, defamation and invasion of privacy claims; programming and signal carriage requirements; and environmental and air navigation hazard regulations pertinent to the construction and operation of communications towers and broadcast stations.
- Representation of clients in contested and uncontested FCC proceedings, renewal of license hearings, and appeals; and complaint, investigative show cause and rulemaking proceedings.
- Filing of reports with FCC, including Equal Employment Opportunity and Ownership Reports.
- Representation of clients in Court proceedings, including appeals of FCC orders to U.S. Courts of Appeal.
- Negotiation and preparation of agreements, including copyright agreements, related to production and distribution of syndicated talk, religious, sports and entertainment programs for broadcast radio and television and cable television systems.

Communications Common Carrier Practice

Joseph P. Benkert, P.C.'s telecommunications practice also includes the legal representation of entities that comprise the communications common carrier industry. Clients in this area include: local exchange telephone companies ("LECs"), competitive access providers ("CAPs"), competitive local exchange providers ("CLECs"), facilities-based and resale long-distance telephone companies ("IXCs"), personal communications service ("PCS") applicants, cellular telephone systems, fiber optic carriers, mobile paging and two-way communications systems, satellite system operators and common carrier equipment manufacturers. We provide the following services to this industry segment:

Representation before FCC:

- Obtaining radio licenses (microwave, mobile, paging, cellular, PCS, satellite earth and space stations), equipment authorizations, and other FCC authorizations including certificates of public convenience and necessity for commencement and discontinuance of service.
- Preparation and filing of tariffs for interstate communications services and advising clients on compliance with FCC rate and tariff regulations.
- Representation of carriers in rate and tariff hearings and complaint proceedings.

Representation before state public utility commissions:

- Obtaining certificates of public convenience and necessity and other authorization from state public utility commissions to offer intrastate telecommunications services.

- Counselling on compliance with state utility laws, regulations and policies.
- Representation of clients in state public utility commission rate, tariff and other hearings, show cause proceedings, rulemaking and complaint proceedings.
- Counsel of clients with respect to the Telecommunications Act of 1996.

Representation before courts:

- Representation of clients in judicial proceedings, including appeals of FCC decisions to U.S. District Courts and U.S. Court of Appeals, and appeals of state commission and administrative decisions to state and federal courts.

Routine advice and counsel:

- Advice on general corporate and financing matters.
- Negotiation and preparation of agreements and contracts for fiber optic lines, conduit occupancy and license agreements, right of way and municipal franchise agreements, interconnection agreements, inter-carrier agreements and disposition of new properties, billing and collection services, access services, special construction, and transfer of exchanges between local exchange carriers.

Private Systems and Users Practice

Joseph P. Benkert, P.C.'s telecommunications industry practice involves the representation of entities engaged in the operation of private communications systems offering private carrier services by radio facilities or fiber optic lines, or operating private paging or private and shared microwave facilities. The Firm's attorneys have represented companies seeking FCC licenses of private radio facilities and have advised clients on relevant FCC regulations and state public utility law concerning private carriage. The Firm's attorneys have also litigated issues relating to protection of private radio facilities from destructive electrical interference, and transmitter site management disputes, and served as Special Counsel to state and local governments and public safety departments that operate private communications systems for the benefit of the public health and safety.

Public Safety Practice

Joseph P. Benkert, P.C.'s telecommunications industry practice includes the representation of public safety agencies with respect to public safety radio facilities. It also includes representation of Authorities responsible for 9-1-1 Service with respect to organizational and compliance matters, and preparation of requests for proposal, selection of vendors and negotiation of agreements with vendors of equipment, systems and services including, for example, Computer Aided Dispatch Systems, Public Safety Answering Point (9-1-1) telephone systems and hosted telephone services, digital voice loggers, Public Safety Answering Point consoles, Emergency Notification Services, Text-to-911 Service, IT support services, GIS services, and miscellaneous services in support of CAD Systems and Emergency Notification Services. The firm also represents 9-1-1 Authorities in rulemaking, complaint and tariff (rate) proceedings before public utilities commissions and the FCC, including proceedings related to the deployment of Next Generation 9-1-1 Service, accuracy of wireless Automatic Location Information, and governance of 9-1-1 services.

Litigation

Joseph P. Benkert, P.C.'s telecommunications industry practice extends to the representation of telecommunications clients in contested proceedings before the Federal Communications Commission and state public utility commissions, in federal and state courts or in arbitration, over tariff and contractual disputes, antitrust claims, and in business and commercial disputes. The firm's litigation practice includes consultation with clients' litigation counsel regarding telecommunications industry and regulatory issues when clients have independent litigation counsel, or the firm's attorney(s) may be called as witnesses in the matter, for example; and direct representation of clients in litigation matters when requested and appropriate. Joseph P. Benkert, P. C. is sometimes assisted by other firms in litigation matters.

Telecommunications Land Use

Joseph P. Benkert, P.C.'s telecommunications industry practice includes the representation of broadcasters and other radio service providers, broadcast and wireless site owners, CLECs and other wire- and fiber-based carriers in land use applications and proceedings related to construction of telecommunications facilities. The firm also represents such clients in land use enforcement proceedings, and in negotiating easement and right of way agreements, customer licenses and leases, and related matters.

Corporate and Transactional Practice

Joseph P. Benkert, P.C. offers a complete corporate and transactional practice. The corporate services the firm offers include:

- Business formation, including formation of C and S corporations, limited liability companies and limited liability partnerships, general and limited partnerships, and nonprofit corporations and associations.
- Negotiation, preparation and closing of acquisition and merger agreements.
- Negotiation and preparation of miscellaneous business agreements, including employment agreements, non-compete agreements, service agreements, sales agreements, standard customer contracts, lease agreements, asset sales agreements and other routine and non-routine agreements.

Litigation Practice

Joseph P. Benkert, P.C. represents clients in civil litigation matters, including:

- Commercial litigation before state and federal courts.
- Arbitration of commercial disputes.
- Regulatory and judicial appellate proceedings.

Joseph P. Benkert, P. C. is sometimes assisted by other firms in litigation matters.