

Enforcement

FCC Enforcement. Wilkinson Barker Knauer has an extensive practice concerning enforcement of the Communications Act and FCC rules and orders. Our enforcement practice is headed by David H. Solomon, who organized the FCC's Enforcement Bureau and served as its first Chief, and it covers all substantive areas of FCC regulation. The firm 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, persuaded the FCC to cancel enforcement action or reduce forfeitures, and negotiated numerous consent decrees. 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, data security, open Internet, rural call completion, telecommunications relay service, merger conditions, truth-in-billing, cramming, Telephone Consumer Protection Act, wireless E911, tower siting, wireless hearing aid compatibility, unauthorized operation and unauthorized transfer of control, auction collusion, digital television disclosures, indecency, Emergency Alert System, sponsorship identification, children's television commercial limits, CALM Act, closed captioning, and communications equipment marketing.

Our firm also 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," and in defeating challenges to those decisions in the U.S. Court of Appeals for the D.C. Circuit. 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 before an FCC Administrative Law Judge and in obtaining both adoption by the full FCC of the ALJ's decision and affirmance of the FCC's decision by the U.S. Court of Appeals for the Ninth Circuit.

We also work closely with communications and technology industry clients in providing effective and timely guidance to ensure compliance with statutory and regulatory requirements. This includes review of clients' business operations and practices, preparation of training materials, development of compliance plans and internal client procedures, and the provision of updates to clients regarding FCC enforcement activities and priorities.

FERC Enforcement. Wilkinson Barker Knauer attorneys are experienced counselors and advocates for clients in FERC enforcement matters. We have represented numerous natural gas local distribution companies in FERC investigations regarding pipeline capacity release requirements, including with respect to the Shipper-Must-Have-Title requirement, the prohibition on "Buy/Sell" transactions, and violations of the prohibition against "Tying." In addition, our attorneys have been retained by natural gas and electric utility companies to conduct internal training and investigations, and to develop compliance programs. These compliance training sessions and compliance programs have focused on the scope of FERC jurisdiction over natural gas pipeline shippers; an explanation of FERC's enforcement process; FERC's capacity release program, including the shipper-must-have-title requirement, buy/sell arrangements, and the prohibition against tying; asset management arrangements; record retention; transfers of interstate pipeline capacity; and FERC's Standards of Conduct.

HIGHLIGHTS

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

Enforcement team is led by the former Chief of the FCC's Enforcement Bureau

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