

Calfee's Public Utility & Telecommunications group is structured and operated in a manner that recognizes that utility issues significantly impact the communities served by our clients and therefore have fundamental governmental implications. Our attorneys operate in concert with the firm's Government Relations and Legislation group and our government lobbying subsidiary Thomas Green & Associates. This team approach allows us to achieve timely results that meet our clients' immediate, strategic and long-run needs. We represent service providers such as local telephone and cellular telecommunications carriers, electric utilities and CATV operators, as well as municipal, business and educational consumer organizations.

We recognize that our clients' issues are best served when regulators, elected officials and their staffs are fully informed. Our attorneys frequently engage in litigation before regulatory agencies and courts defending utility clients against competitors and consumer groups. Accordingly, we make our clients' views and concerns known to and understood by regulatory and elected decision makers at all levels through both formal advocacy and lobbying efforts. We use our broad governmental, financial, corporate, litigation, and public law experience to provide innovative, business-oriented solutions to the complex issues that our clients must confront in a time of unprecedented competition and deregulation.

Public utilities operate in both a regulated and unregulated environment. Our team approach, which combines aggressive litigation with government relations lobbying, assures our clients' messages are received and understood by key governmental decision makers. The diversity of our attorneys' skills allows us to provide sound advice that takes into account the interplay of often competing governmental and economic forces.

### **With the advent of deregulation are utilities subject to potential penalties from regulatory agencies?**

Yes. Even though various aspects of utility regulation have been subject to reduced regulation, utilities remain subject to possible penalties and treble damages if their rates or services are found unreasonable or inadequate.

### **Do municipalities pay for their use and occupancy of the public right of way?**

Utilities generally have been seen as providing essential services to the public. Therefore, these fees or rentals traditionally have not been imposed. As municipalities seek to maintain existing and provide additional services to residents without imposing tax increases, efforts to control and impose fees for use of right-of-ways will become more common. Utilities must proactively confront such efforts or be ready to pass on such fees to their customers in the municipality.

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## Representative Projects

- > Representation and counseling of acquired and acquiring companies in merger approval proceedings before the Public Utilities Commission of Ohio. After extensive hearings and negotiations, the mergers were approved pursuant to Commission approved stipulation and recommendations. The stipulations represented consensus built among consumer, competitor and governmental groups.
- > Representation of utility clients before city councils and planning agencies and providing advice and counsel in respect to use of city rights of way. Taking a collaborative approach where possible, we have been able to obtain ordinances which permit our clients to provide their necessary services without unreasonable regulation or interference.
- > Drafting of municipal ordinances for use of the right of way matters. Our approach is to draft ordinances that are consistent with existing law, meet the city needs to regulate the impact of utility use of the right of way, and yet allow vital utility services to be provided to city residents.
- > Representation of electric utility company in restructuring proceeding at the Ohio Public Utilities Commission. The case was required to obtain Commission approval of the utility's transition plan. The plan was fully approved by the Commission.
- > Representation of CATV system operator in electric utility company restructuring proceeding at the Ohio Public Utilities Commission. As part of a larger dispute, we intervened in the case to bring the utility to the bargaining table to arrive at reasonable pole and facilities attachment terms for our client.
- > Representation of clients in CATV franchise negotiations. We have experience on both the operator and municipal sides of the franchise transaction which provides us with the ability to fully appreciate each party's needs.
- > Representation of utility clients in Public Utility Commission rule making proceedings. Such proceedings included the Minimum Telephone Service Standard, Telephone Utility Local Service Guide Line and Electric Transition Plan rule making proceedings.
- > Representation of incumbent local exchange carrier in alternative regulation proceedings. The resulting stipulated plans have provided a general framework for all other local exchange carriers in the state of Ohio.
- > Representation of telephone utility client in adequacy of service complaint cases by Internet service providers, CATV operators, competing long distance companies and others at Public Utilities Commission of Ohio.
- > Representation of incumbent local exchange telephone utility client in long distance checklist compliance proceeding pursuant to the requirements of the 1996 Telecommunications Act.
- > Representation of national environmental organization before Ohio Power Siting board.
- > Representation of cellular carriers before municipal governments on tower siting and zoning matters.