



→ Dave Thomas

Partner

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Dave Thomas is a partner in the Business Trial Practice Group and a member of the Firm's Communication Industry team in the Washington, D.C. office.

Areas of Practice

Dave's national practice handles matters in the telecommunications and broadband communications industries, as well as in the healthcare sectors. His practice focuses on litigation, dispute resolution and the deployment and operations of competitive wire-based and wireless networks and services, with a particular emphasis on the mesh of federal, state and local regulations surrounding broadband networks in matters involving network operations and security, local franchising, rights-of-way and infrastructure.

During his more than 30 years as counsel to the nation's top cable and broadband companies, cable and telecommunications trade associations and other business organizations, as well as to fiber-optic broadband providers and private equity investors, Dave is a nationally recognized authority on utility and telecommunications infrastructure, pole attachments, rights-of-way, federal, state and local broadband and telecommunications regulatory and communications plant deployment issues and public utility law, handling matters in more than 40 states.

Dave handles a wide range of regulatory, litigation and transactional matters involving broadband and telecommunications providers, cable operators, broadcasters, satellite communications, federal, state and local licensing and permitting, data security and privacy and spectrum use. He litigates before the U.S. Federal Communications Commission (FCC), numerous state public service commissions and federal and state courts. In addition to those bodies, he regularly appears before state legislatures and county and municipal governments.

A frequent speaker at communications and utility industry conferences, Dave has published works on a variety of domestic and international industry issues, including cyber and data security, new technology, infrastructure and use, network deployment and spectrum use and allocation.

Honors

Recognized in Media, Technology and Telecoms - Telecoms and Broadcast: Regulatory, *Legal 500 US*, 2023

Best Lawyer in America, Communications, *Best Lawyers*, 2019-2024

Telecoms and Broadcast: Regulatory, *Legal 500*, 2013-2015, 2017-2022

Experience

Representative Matters

- Represents a broad coalition of cable providers in pole attachment rulemaking proceedings before the Maine Public Utilities Commissions
- Represented national cable operator in obtaining unanimous victory before the Texas Supreme Court regarding uniform pole attachment rate and anti-discrimination requirements in the Texas Public Utility Regulatory Act. *Time Warner Cable Texas LLC v. CPS Energy*, No. 17-0840, --- S.W.3d ---, 2019 WL 2147257 (Tex. May 17, 2019)
- Successfully represented the Louisiana Cable & Telecommunications Association in negotiating settlement of claims brought by electric utility company before the Louisiana Public Service Commission regarding pole attachment rental rates. See *In re: Complaint and Petition for Declaratory Ruling on Proper Formula for the Pole Attachment Rental Rate Under Louisiana Public Service Commission Order Dated September 4, 2014*, Docket No. U-34688 (La. Pub. Serv. Comm'n filed 2017)

Articles

- Here We Are Now: The Year Ahead in Telecom Law & Policy
The Legal Industry Reviews, 03.31.2023
- How a Consumer Group's Cybersecurity Initiative Could Shape the Market
Morning Consult, 06.12.2017
- New Broadband-Friendly Laws In Ohio, Louisiana
Law360, 08.18.2014

Eye On Privacy Blog Posts

- "Let's Go Crazy: The FTC and FCC Launch "Parallel" Investigations Into Security Updates of Mobile Communications Industry," May 13, 2016
- "NTIA Issues Request for Comments on Policies Related to Cyber Threats Surrounding Internet of Things," May 4, 2016
- "To Share or Not to Share (with the Government)? That is the Question: DHS Announces Interim Guidelines for Sharing Cyber Threat Indicators," March 1, 2016

FCC Law Blog Posts

- "With Net Neutrality Order, FCC Grants Broadband-Only ISPs New Pole Attachment Protections," May 6, 2024
- "FCC Adopts New Pole Attachment Rules to Promote Broadband Expansion," December 18, 2023
- "FCC To Vote on New Pole Attachments Rules to Promote Broadband Expansion," December 4, 2023
- "White House Announces \$42.5 Billion in Broadband Funding Allocations," June 27, 2023
- "Florida Enacts Pole Attachment Regulations for Electric Cooperatives," June 5, 2023
- "FCC Assures State Lawmakers of Commitment to Pole Attachment Rules Promoting Broadband Deployment and Competition," May 25, 2023

- "Tax Exemption for Federal Broadband Subsidies is the Next Big Step in Broadband Access for All," January 18, 2023
- "Sunshine State Becomes 24th to Certify Regulation of Pole Attachments," June 14, 2022
- "The FCC's Latest Pole Attachment Ruling: "Just Another Brick In The Wall" for Electric Utilities, or "Satisfaction" for ILECS?," September 30, 2021
- "Sixth Circuit Affirms FCC Rule That Most In Kind Contributions Are Franchise Fees," June 2, 2021
- "FCC Launches Consumer Broadband Device and Service Program," May 14, 2021
- "Ninth Circuit Rejects Challenges to FCC's One-Touch Make-Ready, Small Cell Deployment, and Local Moratoria Orders," August 18, 2020
- "Virgil Quick Come See: FCC Drives Down Local Government Regulation of Cable Operators," August 2, 2019
- "FCC Seeks 'Large Step' Toward Advancing Broadband Infrastructure Goals With Draft One-Touch Make-Ready Order," July 16, 2017
- "FCC Vows It's Never Gonna Give Up On Bridging Digital Divide: Opens Rulemakings To Promote Access To Broadband Infrastructure," April 21, 2017
- "Sixth Circuit Rejects FCC's Effort To Preempt State Regulation Of Municipal Broadband Providers," August 11, 2016
- "They Can Be Heroes: The FCC Proposes Expansive and Detailed Privacy & Cybersecurity Regulations for Broadband ISP," April 8, 2016
- "What's That? What's That? Fourth Circuit Upholds FCC Collocation Regulations Against 10th Amendment Challenge," January 8, 2016
- "Government Forces Awaken: The Rise of Cyber Regulators in 2016," December 30, 2015
- "FCC Slams Door on Higher Pole Attachment Rates," November 25, 2015
- "Cyberspace Oddity: The FCC Regulates Internet Services as Common Carrier Telecommunications Services, 'Protecting and Promoting the Open Internet,'" February 27, 2015
- "Headin' Down the Copperhead Road – the FCC Proposes New Rules for Legacy Infrastructure," January 5, 2015
- "Turnin' Havana to Atlanta: The White House Opens Doors for U.S. Telecommunications Investment in Cuba and Latin America," December 19, 2014
- "If They Could Be All You Wanted: The FCC Gets Serious About Small Cells," October 28, 2014
- "Of Buckeyes and *Batons Rouges*: Ohio and Louisiana Adopt Comprehensive Pole Access and Attachment Rules," August 11, 2014
- "Is Wheeler Gaga for Gigabit? The FCC Liberates 100 MHz of Spectrum for Unlicensed Wi-Fi," April 7, 2014
- "Sleeper "Small" Cells: The Battle Over The FCC's Wireless Infrastructure Proceeding," February 27, 2014

Government Contracts, Investigations & International Trade Blog Posts

- "To Share or Not to Share (with the Government)? That is the Question: DHS Announces Interim Guidelines for Sharing Cyber Threat Indicators," March 29, 2016

Media Mentions

7th Circ. Lets Charter Run Fiber Over Litigant's Land
Law360, 03.03.2020

CLECs Urge Maine to Mandate Pole-Attachment Rates Using FCC Cable Formula
Communications Daily, 06.20.2019

Texas Justices Side With Time Warner In Utility Fees Row
Law360, 05.17.2019

New Broadband Privacy Rules Face Perilous Future
San Francisco Chronicle, 01.22.2017

Telecoms Freed From FTC Grasp In 9th Circ. AT&T Ruling
Law360, 08.30.2016

Obama's Set-Top Box Move Is Latest Attempt At FCC Meddling
Law360, 04.19.2016

FCC Broadband Privacy Rules Set ISPs Apart On Liability
Law360, 03.11.2016

Speaking Engagements

Panelist, "State Activity in the Telecommunications Arena," PLI-FCBA 37th Annual Institute on Telecommunications Policy & Regulation, Washington, D.C., December 10, 2019

Panelist, "The Perfect Storm Critical Infrastructure & the Crucial Role of the Communications Network," National Association of Regulatory Utility Commissioners (NARUC) 124th Annual Meeting, Baltimore, MD, November 11-14, 2012

Events

Building Better Broadband: A Practical Guide to Converting Federal and State Grants and Subsidies to Expand Broadband
Webinar, 09.20.2023

Banding Together 2019
06.20.2019

Practical Approach: Business & Investing in the Telecommunications Sector in Mexico Under New Regulatory Framework
Sheppard Mullin New York, 09.09.2014

Memberships

Member, Federal Communications Bar Association

Member, International Association of Privacy Professionals

Member, Advisory Board, *Webster's New World Telecom Dictionary*, Wiley Publishing, 2008

Podcasts & Webinars

Building Better Broadband: A Practical Guide to Converting Federal and State Grants and Subsidies to Expand Broadband
09.20.2023

Practices

Litigation

International Reach

Public Policy and Government Affairs

Telephone Consumer Protection Act (TCPA)

Industries

Aerospace & Defense

Artificial Intelligence

Construction

Energy, Infrastructure and Project Finance

Healthcare

Space & Satellite

Telecom

Education

J.D., Boston University School of Law, 1990

M.S., Boston University, 1987

A.B., Cornell University, 1984

Admissions

District of Columbia

Languages

Spanish