

Communications Enforcement & Compliance

Wiley provides services to companies that are the subject of investigation by the Federal Communications Commission (FCC), law enforcement agencies, and Congress. Whether an enforcement action is an ongoing reality, a looming threat, or just a distant possibility, Wiley can help.

Wiley has in-house expertise on every major regulatory initiative by the FCC, as well as a team of attorneys who can match the aggressiveness of the FCC's Enforcement Bureau. Our team provides clients with a unique combination of talent—an unrivaled substantive understanding of the FCC's rules and policies and an exceptional investigative and litigation capability—to respond efficiently and effectively to any enforcement action.

Representative experience includes:

- Secured dismissal of a forfeiture order by the FCC Enforcement Bureau issued against a wireless carrier for its alleged failure to provide the FCC with certain information in connection with a spectrum auction.
- Defended several Wireless Local Area Network (WLAN) operators in cases of first impression alleging that their use of FCC-authorized network management equipment violated Section 333 of the Communications Act.
- Represented a client in a Lifeline investigation conducted by the FCC Inspector General (IG), including negotiation of limits on overbroad information requests from the IG.
- Representing a wireless carrier in a Section 208 complaint proceeding challenging the justness and reasonableness of rates charged by a submarine cable operator.
- Successfully defended a television broadcaster facing potential multimillion-dollar liability for the broadcast of allegedly indecent programming, negotiating a settlement that avoided a Notice of Apparent Liability (NAL) and a settlement amount that was approximately one-tenth of the amount initially proposed.
- Negotiated a favorable consent decree in a matter involving unauthorized transmissions from a satellite.
- Obtained dismissal of an investigation against a radio broadcaster involving alleged violations of the FCC's sponsorship identification requirements stemming from talk radio program episodes that spanned more than a year.

- Represented several clients in favorable resolutions of FCC investigations alleging misuse of Emergency Alert System (EAS) tones.
- Represented a television broadcaster in connection with an investigation concerning the FCC's prohibition on joint retransmission consent negotiations, achieving a favorable settlement.
- Represented a wireless provider on issues of handset unlockability and unlimited data plans, negotiating a resolution that avoided an NAL and did not require a fine or admission of liability.
- Successfully represented online payment service that had revised its user agreement to include terms the Enforcement Bureau viewed as violations of the Telephone Consumer Protection Act (TCPA). Shortly after receipt of a letter from the FCC expressing "serious concerns," the firm helped the client conduct an internal review of its marketing operations, suggested modifications to the user agreement to address the FCC's concerns, and persuaded the Enforcement Bureau not to issue a Letter of Inquiry.

Beyond the FCC, Wiley can handle investigations and enforcement actions by any of the following:

- **Federal Trade Commission (FTC):** Our FTC Regulation Practice has represented a number of companies in investigations of alleged unfair and deceptive trade practices and TCPA violations. In one recent matter, we negotiated a favorable settlement for a wireless provider alleged to have misled consumers regarding "unlimited data," avoiding litigation and resolving parallel class action allegations. Please visit our FTC Regulation Practice page to learn more.
- **Department of Justice (DOJ):** With a team of former prosecutors, our White Collar Defense and Government Investigations Practice handles the full range of civil and criminal investigations, including matters involving the False Claims Act (FCA) and Foreign Corrupt Practices Act (FCPA). In FCA investigations, we have convinced the DOJ to decline to intervene and persuaded *qui tam* relators to drop cases without a settlement. When one high-stakes FCA case proceeded to court, we won a motion to transfer to the client's home jurisdiction and multiple sanctions awards for discovery violations by the DOJ, ultimately forcing the government to settle its case for about 2% of its original claim. Please visit our White Collar Defense and Government Investigations Practice page to learn more.
- **National security agencies:** We have regularly assisted clients in responding to inquiries and investigations related to national security issues arising under, for example, Network Security Agreements and Team Telecom reviews. We also have helped companies handle reviews and investigations related to facility security clearances. Please visit our National Security Practice page to learn more.
- **Congress:** Our lawyers have worked for some of the principal investigatory committees of the House and Senate and handled a number of high-profile congressional investigations. We regularly help clients interact with Congress as they manage parallel investigations by regulatory agencies. In one recent matter, we represented the lead software developer in an investigation of the failures of healthcare.gov. We worked with Committee staff to minimize the number of testimony obligations, reduced the scope of document requests, and ultimately turned the attention of the Committee away from the client and onto the government agency managing the contract. Please visit our Congressional Investigations and Oversight Practice page to learn more.

- **Environmental Protection Agency (EPA):** We have helped companies address EPA and Federal Aviation Administration (FAA) oversight of handling and transportation of regulated and hazardous materials, including batteries. Please visit our Environment & Product Regulation and Unmanned Aircraft Systems (UAS) and Advanced Air Mobility (AAM) Practice pages to learn more.

Contact Us

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