





## Joshua S. Turner

Partner



 202.719.4807  
 jturner@wiley.law



Josh represents clients in proceedings before the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other federal agencies, as well as in federal and state court actions. In addition to regularly advocating in front of federal agencies, Josh argues in federal appellate court as well as in federal district court and state court. Josh recently completed a term as President of the Federal Communications Bar Association (FCBA).

### Representative Matters



- Represents clients in matters involving FCC and state regulation of wireless and wireline telecommunications services, including commercial mobile radio service (both voice and data), TCPA, broadband services such as cable and fiber, competitive provision of video services, and satellite services.
- Provides counseling on compliance with evolving regulation of unmanned aircraft systems (UAS, or more commonly, drones); tracks and analyzes (a) Federal Aviation Administration (FAA) rulemakings and enforcement actions, and (b) state and local regulation of UAS, with a particular focus on potential conflicts between different regulatory authorities.
- Specializes in federal appellate review of FCC decisions and both prosecution and defense of federal district court actions involving communications law.
- Represents companies with communications law disputes in state and federal courts across the country.
- Particular experience in actions involving federal preemption of state regulation of wireless carriers, defense of radiofrequency emissions claims, wireless facility siting issues, and rights-of-

### Practice Areas



Communications Enforcement & Compliance  
Connected & Autonomous Vehicles  
Issues and Appeals  
Litigation  
Pole Attachment and Infrastructure  
Deployment Litigation and Counseling  
Telecom, Media & Technology  
Unmanned Aircraft Systems (UAS)

### Credentials



#### Education

J.D., *cum laude*, University of Michigan Law School  
B.A., University of Michigan

#### Law Journals

Executive Technology Editor and Editorial Board, *Michigan Telecommunications and Technology Review*

#### Bar and Court Memberships

District of Columbia Bar  
Supreme Court of the United States  
U.S. Courts of Appeals for the First, Fourth, Sixth, Eighth, Ninth, and District of Columbia Circuits  
U.S. District Court for the District of Columbia

way regulation.

- Provides large telecommunications carriers with national strategic legal advice on a variety of issues.
- Assists clients with federal and state regulation of investment and transfers of control in the telecommunications industry, including structuring the transactions and gaining the necessary regulatory approvals.
- Negotiates institutional and enterprise contracts for telecommunications services.
- Successfully defended binding nature of arbitration clause contained in online customer contract, resulting in the stay of a large class-action lawsuit.
- Representative matters include:
  - *United Keetoowah Band of Cherokee Indians v. FCC, et al.*, No. 18-1129 (D.C. Cir.): Argued for intervenor CTIA in support of FCC order streamlining environmental and historic review process for wireless small cell deployments.
  - *T-Mobile West LLC v. City and County of San Francisco*, No. S238001 (Cal.): Argued before the Supreme Court of California on behalf of Appellants seeking to overturn a San Francisco ordinance restricting use of public rights of way by wireless carriers. If successful, the case will limit the ability of local jurisdictions to prevent wireless carriers in California from deploying new facilities.
  - *Montgomery County, MD v. US*, No. 15-1240 (4th Cir.): Represents Intervenor CTIA in defending the FCC's Infrastructure Order, which interprets and implements limitations on local authority to deny wireless facility siting requests.
  - *State of Tennessee v. FCC*, No. 15-3291 (6th Cir.): Represents the State of Tennessee in a challenge to the FCC's rules prohibiting states from regulating broadband provision by their municipalities.
  - *Sprint Spectrum et al. v. Zoning Board of Adjustment of Paramus*, No. 14-2954 (3d Cir.): Represented T-Mobile in an appeal of a denial of a wireless siting application; the Third Circuit affirmed the finding below that a Distributed Antenna System would not be a viable alternative to the proposed site.
  - *Lenfest v. Verizon Enterprises*, No. 13-cv-11596 (D. MA): Successfully defended binding nature of arbitration clause contained in online customer contract, resulting in the stay of a large class-action lawsuit.
  - *CTIA v. City and County of San Francisco*, No. 11-17707 (9th Cir.): Represented the wireless industry in a major First Amendment and preemption challenge to the City of San Francisco's requirement that retailers display health warnings at the point of sale for wireless phones. The team succeeded in securing an injunction against enforcement of San Francisco's law from the Ninth Circuit.
  - *New York SMSA L.P. d/b/a Verizon Wireless et al. v. Town of Clarkstown*: In a major victory for wireless carriers, the Second Circuit affirmed a lower court decision finding that a local ordinance that legislated a preference for alternate technologies, including Distributed Antenna Systems, and regulated radio frequency (RF) interference was preempted by federal law under a field preemption theory.

- *Farina v. Nokia et al.*: The Third Circuit affirmed a lower court decision dismissing class action claims tied to the alleged health effects of RF emissions from wireless devices; representing Verizon Wireless, Josh was part of a national team of counsel representing a cross-section of the wireless industry.
- *Murray v. Motorola*: On behalf of a group of wireless carriers and manufacturers, including Verizon Wireless and Nokia, the D.C. Court of Appeals upheld the dismissal of a number of injury claims involving allegations of injury caused by RF emissions from wireless devices and systems.
- *BellAtlantic Mobile of Rochester, d/b/a Verizon Wireless v. Town of Irondequoit*, one of the first decisions applying the FCC's Shot Clock following the affirmance of that order by the Fifth Circuit, the court found that the town had unreasonably delayed in failing to grant the carrier's application and that the application of environmental review was a mere pretext.
- *Globalstar, Inc. v. FCC*: The D.C. Circuit affirmed an FCC decision to reassign certain spectrum used for mobile satellite services from Globalstar, Inc. to Iridium Satellite LLC. Argued on behalf of Iridium.
- *National Cable & Telecommunications Association, et. al. v. FCC*: The D.C. Circuit affirmed an FCC decision to ban exclusive access provisions in agreements between cable companies and the owners of apartment buildings and other multiple dwelling units.
- *Hartleib et al. v. FCC*: Represented Sirius XM Radio Inc. as intervenor in appeals challenging the FCC's approval of the merger of Sirius XM Radio Inc. In dismissing the appeals, the D.C. Circuit held that it lacked jurisdiction to review the FCC's decision because the petitioners lacked standing.
- *PRT v. Municipality of Guayanilla*: The First Circuit handed down a decision affirming a grant of summary judgment in favor of Puerto Rico Telephone Company. The case involved a federal court challenge to a municipality's 5% gross revenue fee under Section 253 of the Communications Act. The case constituted the first Circuit-level precedent defining the limits on municipal authority to condition access to public rights-of-way on the payment of "gross revenue fees" under a part of the Communications Act enacted by the Telecommunications Act of 1996.
- *Balthazar, et al. v. Verizon Hawaii Inc.*: In a large putative class action alleging that Verizon Hawaii violated the Hawaii consumer protection laws in marketing its Touch Calling service, the Supreme Court of the State of Hawaii affirmed a decision granting summary judgment for Verizon Hawaii, Inc.
- *Jaeger v. Cellco Partnership*: The Second Circuit affirmed a lower court decision rejecting an attempt by an abutting property owner to block construction of wireless facilities based on alleged health effects of RF emissions on humans and avian wildlife.

## Affiliations

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- Federal Communications Bar Association (FCBA)

- President (2019-2020)
- President-Elect (2018-2019)
- Secretary (2017-2018)
- Assistant Secretary (2016-2017)
- ULC Tort Law Relating to Drones Committee
  - Observer (2019)

## Recognitions

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- Listed by *Chambers USA* as one of “America’s Leading Lawyers for Business” in Telecom, Broadcast & Satellite (2021)
- Included in *The Best Lawyers in America* directory for Communications Law (2020-2021)
- Named a “Legal Lion” by *Law360’s* Weekly Verdict Column (2016)
- Named by *Law360* as a Telecommunications MVP (2021)
- Named one of DC’s “Super Lawyers” for Communications by *Super Lawyers* magazine (2013-2020)
- Named by *The Legal 500 US* as a “recommended lawyer” in Telecom and Broadcast Regulatory Law (2011-2013, 2020)
- Named to *Legal Times’* list of the DC-area’s “40 under 40” (2009)