



Office of the General Counsel Report to the Commission

Support for the FCC Strategic Plan





OGC's Role

- ❑ Identify legal risks
- ❑ Defend Commission decisions in court
- ❑ Coordinate with other federal agencies
- ❑ In-house counsel functions



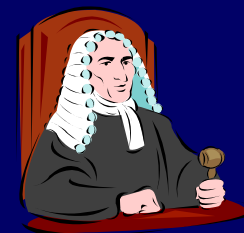
Advice Function

- ❑ Review each Commission item – 298 items in 2004
- ❑ Provide legal advice to Commissioners, Bureaus and Offices
- ❑ Support strategic goals relating to Broadband, Competition, Spectrum, Media and Homeland Security



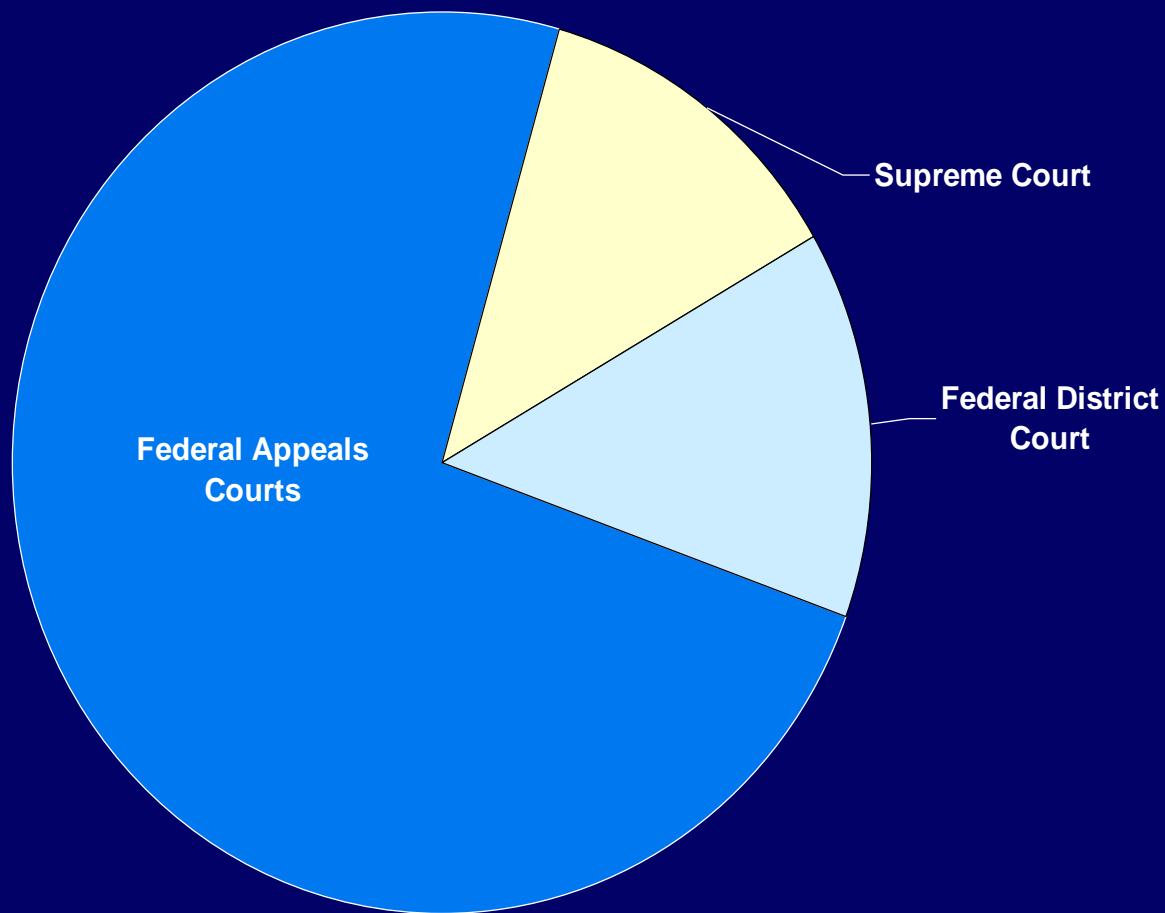
Supports Strategic Goals: Competition, Spectrum, Homeland Security

- 800 MHz Proceeding
 - Legal advice during drafting phase
 - Coordinate with GAO: GAO concluded that Commission action did not violate appropriations laws
 - Ongoing responsibility for defending appeals





Litigation Function





Supports Strategic Goals: Broadband, Competition



Federal broadband policy: avoid unnecessary regulation

9th Circuit *Brand X* decision represents a roadblock

FCC worked closely with DOJ on cert petition

Supreme Court has agreed to review



Transaction Review & Bankruptcy

- Transaction Review
 - Significant merger transactions – AT&T-Cingular Merger
 - Rules and policies on transfers and assignments
- Bankruptcy Law
 - Ensure productive spectrum use
 - Protect government's secured creditor status
 - Protect the public interest



Supports Strategic Goals: Spectrum, Broadband, Competition

- Bankruptcy Proceedings: Benefit to Government of Over \$4.25 Billion
 - Recovered over \$1.2 billion in cash
 - Secured the return of valuable spectrum that will be reauctioned for advanced services
 - Facilitated the productive commercial use of spectrum tied up in protracted litigation



Modernize the FCC

- ❑ Presented tutorials and designed training materials on law and ethics for FCC staff
- ❑ Provided career development training for 82% of OGC staff
- ❑ Homeland security: provided legal support for agency's emergency readiness plans



Ongoing Support for Strategic Plan in 2005

- ❑ Expand training and development for FCC attorneys
- ❑ Support FCC's Strategic Goals through advocacy and litigation functions
- ❑ Avoid prospect of judicial reversal by enhancing the legal rationale supporting agency decisions
- ❑ Vigorously defend FCC actions in court
- ❑ Anticipate judicial trends