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*A Comprehensive Two-Day Conference on*

# Telecommunications in Real Estate

Getting the most from the collision of new technologies and real property

February 7 & 8, 2005

Seattle, Washington

Renaissance Seattle Hotel

Credits: WA 11.25 CLE; WA RE Credits Pending; CA 11.75 MCLE; Call about others

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### Telecommunications in Real Estate Conference

February 7 & 8, 2005 • Seattle, Washington  
Renaissance Seattle Hotel

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8:00 Registration and Continental Breakfast

8:30 **Introduction and Overview**  
**Amy L. Kosterlitz, Esq., Program Co-Chair**  
*Buck & Gordon LLP • Seattle, WA*

8:45 **The Evolution of Competitive Telecommunications and the Implications for the Real Estate Industry**  
 Update on the FCC's policy agenda following the Triennial Review Order; expectations for the future development of facilities-based competition  
**Robert Tanner, Esq., Senior Legal Counsel to Bureau Chief of the Wireline Competition Bureau Federal Communications Commission**  
 Washington, DC

Municipal Ownership of Last Mile Facilities: Community networks and other trends in municipal provision of last mile broadband facilities and services  
**Joel R. Paisner, Esq.**  
*Ater Wynne LLP • Seattle, WA*

The emerging role of developers in developing telecom infrastructure to support delivery of broadband, video & telephony  
**C. Douglas Jarrett, Esq.**  
*Keller & Heckman LLP • Washington, DC*

10:30 Break

10:45 **Significant Changes in Siting Regulation for Towers and Network Facilities**  
 Trends in local zoning and permitting standards for tower siting  
**Molly Lawrence, Esq.**  
*Buck & Gordon LLP • Seattle, WA*

Developing Federal Issues: The new Nationwide Programmatic Agreement ("NPA") on historic preservation, new Best Practices Agreement ("BPA") on tribal consultation, developments regarding migratory birds, and enforcement under the FCC's Environmental Action Plan.  
**John F. Clark, Esq.**  
*Perkins Coie LLP • Washington, DC*

12:00 Lunch (on your own)

1:30 **Regulations Affecting Activities and Facilities Outside the Building**  
 The municipal franchising process and its impact on the provision of additional services  
**Timothy X. Sullivan, Esq., Senior Corporate Counsel**  
*T-Mobile USA • Bellevue, WA*

Update on regulations governing access to public rights-of-way: Recent decisions for gaining access to public rights-of-way and placing facilities on public lands  
**Jeremy H. Stern, Esq.**  
*Cole Raywid & Braverman LLP • El Segundo, CA*

Update on regulations governing carrier access to private property: Section 253 of the 1996 Telecommunications Act and carrier rights to locate facilities in existing utility easements; obligations of existing facility owners to provide space on poles or other facilities  
**Judith A. Endejan, Esq.**  
*Graham & Dunn PC • Seattle, WA*

3:15 Break

3:30 **Building Infrastructure Issues**  
 FCC rules relating to inside wiring, cable inside wiring, minimum points of entry (MPOE), demarcation points, and over-the-air reception devices (OTARDS)  
**Gregory J. Kopta, Esq.**  
*Davis Wright Tremaine LLP • Seattle, WA*

4:15 **Valuation of Telecommunications Facilities**  
 Market overview: local and national; telecommunications facilities from an investors perspective; detail of income sources, operating expenses and investment criteria and its influence on value; investment demand and opportunities  
**Peter K. Shorett, MAI, CRE, CCIM**  
*Executive Vice President, Valuation Advisory Group GVA Kidder Mathews • Seattle, WA*

5:00 End of Day



About the Conference

LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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"The telecommunications convergence has permeated all U.S. industries: public and private real property owners and developers are no exception. With the recovery underway, new opportunities – or resurrected old ones such as shared tenant services – may lie at the intersection of telecommunications and real property developments. Property owners now have cable, broadband, fiber-to-the-curb and other forms of high-speed access that, together with VoIP, wireless (Wi-Fi) and other information technologies, represent potential cost savings for the owner and (if provided to tenants or residents) revenue generation opportunities.

This seminar addresses the overlap of emerging – and unsettled – legal and regulatory issues presented by the new technologies with long-standing, well-established principles of real property law. Perspectives are brought by representatives of property owners, developers, state and municipal governments and carrier/suppliers. The seminar topics will assist legal and other professionals, participants in commercial and multi-dwelling unit developments and related industries, tower owners, as well as telecommunications companies, cable operators and others involved in these ventures. You won't want to miss it."

~ Program Co-Chairs: John L. Hendrickson, Esq. and Amy L. Kosterlitz, Esq.



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

John L. Hendrickson, Esq., Program Co-Chair  
Davis Wright Tremaine LLP • Seattle, WA

8:45 New Technologies Creating Opportunities for Property Owners

The explosive growth of Wi-Fi hotspots: Transactional trends; interconnection with carriers; the potential for wi-fi roaming; handling network security issues and potential liability for security breaches

Walt Saprnov, Esq.  
Gerry & Saprnov LLP • Atlanta, GA

Voice services over Internet Protocol (VoIP): What is the regulatory status? What are local jurisdictions doing about it?

Brooks E. Harlow, Esq.  
Miller Nash LLP • Seattle, WA

10:15 Break

10:30 Managing New Telecommunications Technologies

How can Landlords prepare and take advantage of this shift: The Internet is growing up; there are new web based applications and business tools companies are looking to deploy. This deployment is causing a shift in telecommunications provisioning and physical access. Landlords need to be aware of this shift and understand the impact is has on our buildings from both physical and asset value perspectives

Glen Carolo, Founder and Principal  
Montgomery Technologies • San Francisco, CA

11:15 Telecom Carrier Hotels: Beyond Basic Tenant Services and Carrier Interconnection

Making your building ready to meet full business needs for tenant and carrier for Homeland and data security; business recovery services; different utilization of infrastructure; and even business development

Kirk G. Anderson, President  
Media Services Division  
Fisher Communications, Inc. • Seattle, WA

12:00 Lunch (on your own)

1:15 Contract Negotiating Workshop: What to Include and Avoid in Agreements for Access to Private Property for Cable and Telecommunications Providers

Due diligence checklist; key issues and contractual terms in negotiations between service providers and public and private property owners; problematic transactions and how to avoid them

David E. Bronston, Esq.  
Wolf, Block, Schorr and Solis-Cohen, LLP  
New York, NY

Special terms relating to exclusivity; condemnation; fixtures; landlord/tenant Issues; abandonment; disposition and treatment of faulty wiring

Kraig Baker, Esq.  
Davis Wright Tremaine LLP • Seattle, WA

Bankruptcy Issues (Executory contracts, "Tenants in Possession")

William S. Weinstein, Esq.  
Weinstein & Riley PS • Seattle, WA

3:15 Adjourn

Upcoming Related Workshops & Conferences

Buying and Selling Electric Power in the West	Seattle, WA	Jan. 20-21
SEPA/NEPA	Seattle, WA	Jan. 26
Natural Resource Damages Litigation	Seattle, WA	Feb. 16
Managing the Modern Utility Rate Case	Las Vegas, NV	Feb. 17-18
The Future of Energy Trading	Houston, TX	Mar. 3-4

see more at [www.lawseminars.com](http://www.lawseminars.com)



Registration & Other Conference Information

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Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for this program is \$895 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$815. For students and people in their job for less than a year, our rate is \$447.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Cancellation: We will refund tuition, less a \$50 cancellation charge, if we receive your cancellation by 5:00 p.m. on Tuesday, February 1, 2005.

Continuing Education Credits: We are an approved provider for Washington, California, and Alaska and our programs qualify for CLE credits in all states with CLE requirements. Law Seminars International certifies that this activity has been approved for 11.75 MCLE credits by the State Bar of California, and for 11.25 CLE by the State Bar of Washington. Washington Real Estate credits are pending. We will apply in other states upon request. For more information, please call us at (800) 854-8009 or (206) 567-4490. Substitution: You may substitute another person at any time.

Conference Location: The conference will be held at the Renaissance Seattle Hotel at 515 Madison Street in Seattle. Call the hotel directly for reservations at (206) 583-0300 and ask for the business rate for Law Seminars International (promo code L64), a special negotiated rate of \$149. Rooms are on a first-come, first served basis. If You Cannot Attend: Our complete Homestudy Course, consisting of a VHS or DVD recording and the written course materials, is available for \$905. Course materials alone are \$100. Register Early: Space is limited.



## Faculty: Telecommunications in Real Estate Conference

**John L. Hendrickson**, *Program Co-Chair*, is a partner at *Davis Wright Tremaine LLP*, where he practices in the areas of real estate and land use, and telecommunications. His experience includes zoning, land development and subdivision including communications facility projects. He also has 20 years experience in the wireless communications industry assisting clients in real estate transactions involved in site acquisition and land use permitting for mobile, fixed and other communication facilities.

**Amy L. Kosterlitz**, *Program Co-Chair*, is a partner at *Buck & Gordon LLP* and has extensive experience representing developers, citizens, and municipalities in all phases of land use and environmental permitting, administrative hearings, and litigation. In her years of practice she has successfully permitted numerous large, complex and controversial projects and she was recently named on of "The Top 50 Women" Super Lawyers by *Washington Law & Politics* magazine.

**Kirk G. Anderson** is President of the Media Services Division of *Fisher Communications, Inc.*, which is accountable for all new media business development, real estate and facilities activities, and all information services and technology. The Media Services Division includes Fisher Plaza, a state of the art media and communications facility in Seattle and several incubating joint ventures as part of Fisher's ongoing business development activities.

**Kraig Baker** is a partner at *Davis Wright Tremaine LLP* where he focuses his practice on all aspects of media, entertainment, high-tech and Internet representation, including advising on privacy and security compliance issues.

**David E. Bronston** is a partner in the Communications and Corporate/ Securities Practice Groups of *Wolf, Block, Schorr and Solis-Cohen, LLP* in the New York office. He was formerly General Counsel to the New York Department of Information Technology and Telecommunications where he was responsible for the city's broadband telecommunications and cable television franchises.

**Glen Carolo**, the Founder and Principal of *Montgomery Technologies*, is a real estate technology advisor and advocate for some of the largest property owners in the US, including Boston Properties, Shorenstein, and TIAA-CREF. He is an expert on telecommunications issues and their effect on asset value and

property management. His writings include training manuals for riser management, telecom property integration, service provider negotiations and strategic planning.

**John F. Clark** is a partner in the Washington, D.C. office of *Perkins Coie LLP*. His practice focuses on the federal environmental regulation of communications towers and infrastructure, and he represents some of the leading national companies affected by these federal regulations. Mr. Clark is Executive Editor of *Communications Environmental and Land Use Law Report* ("CELULR"), and the *Tower Law Sourcebook*, both published by Pike and Fisher. Prior to Perkins Coie, Mr. Clark was senior counsel in the environmental compliance group at the Federal Communications Commission.

**Judith A. Endejan** is a shareholder at *Graham & Dunn PC*. She has over 15 years of experience in telecommunications law, including acting as in-house counsel for GTE Corporation. She has handled a broad spectrum of legal matters for her telecommunications clients involving Telecom infrastructure, municipal development of telecom, broadband and litigation.

**Brooks E. Harlow** is a partner at *Miller Nash LLP* where he focuses on telecommunications, electric energy, and other utility matters. This includes general business advice for start-up companies in the telecommunications and electric energy industries.

**C. Douglas Jarrett**, a partner at *Keller and Heckman LLP*, is an expert on the domestic regulation of broadband offerings and the related legal and business issues in deploying infrastructure to provide broadband services.

**Gregory J. Kopta** is a partner at *Davis Wright Tremaine LLP* representing competitive telecommunications clients before regulatory agencies and before state and federal courts.

**Molly Lawrence**, of *Buck & Gordon LLP*, represents a range of private and municipal clients on a variety of projects, including negotiating public-private development agreements, developing and implementing permitting strategy for medium and large-scale projects, and litigating before administrative hearings boards and in state and federal court regarding land use and permitting issues. Before joining Buck & Gordon, Ms. Lawrence practiced at Preston Gates & Ellis LLP, where she developed a specialty in telecommunications, assisting a large wireless telecommunications company to launch and maintain its wireless

network in the Pacific Northwest.

**Joel R. Paisner**, Of Counsel at *Ater Wynne LLP*, works with companies, municipalities and cooperatives in developing, siting, building and operating communication networks including broadband, wireless and cable networks. He has served as in-house counsel to InterNAP Network Services, and as Vice President of WinFirst, one of the first Fiber-to-the-Home cable overbuilders.

**Walt Saponov** is a partner with *Gerry & Saponov LLP* representing a broad range of clients in telecommunications transactions and regulation. He has over 20 years experience in negotiating telecommunications deals, including those of the sort discussed in the conference. He is named in the "International Who's Who of Telecom Lawyers."

**Peter K. Shorett**, Executive Vice President at *GVA Kidder Mathews*, is the founder of the Valuation Advisory Group. He has a widely diversified background in appraisal, market analysis and counseling for the development, acquisition, sale, leasing and financing of major urban real estate throughout the continental Western United States.

**Jeremy H. Stern**, a partner at *Cole Raywid & Braverman LLP*, is a veteran of the cable and telecommunications industry. He specializes in providing strategic broadband public policy, political and regulatory affairs advice to cable television operators, Internet Service Providers, Competitive Local Exchange Carriers, cable programmers and multimedia companies.

**Timothy X. Sullivan** is Senior Corporate Counsel for *T-Mobile USA* where he supervises land use litigation and federal telecommunications act claims in support of the deployment of T-Mobile's national wireless network. Previously he was a Senior Trial Attorney for King County, Washington, and has a dozen years of experience as a city attorney.

**Robert Tanner** is Senior Legal Counsel to the Bureau Chief of the Wireline Competition Bureau of the *Federal Communications Commission*. As such, he advises the Bureau Chief on competition, broadband deployment and advanced services matters.

**William S. Weinstein** is the founding director of *Weinstein & Riley, PS*, one of the largest national law firms focusing on the representation of creditors in bankruptcy. He has lectured extensively on creditors rights and bankruptcy.

February 7 & 8, 2005

Seattle, Washington

Renaissance Seattle Hotel

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### Who Should Attend?

*Attorneys, both private and in-house; telecommunications, cable and electric utility industry executives; real estate owners and developers; government representatives and telecommunications users*

### What Past Attendees have said...

*"Very informative, useful information which can be applied now"*

*"...overall it was well worth the time and expense of attending."*

### This Conference Addresses:

- *The Evolution of Competitive Telecommunications and the Implications for the Real Estate Industry*
- *Trends in Local Zoning and Permitting Standards for Tower Siting*
- *Update on Regulations Affecting Activities and Facilities Outside the Building*
- *Building Infrastructure Issues*
- *Valuation of Telecommunications Facilities*
- *New Technologies Creating Opportunities for Property Owners*
- *Managing New Telecommunications Technologies*
- *Telecom Carrier Hotels: Beyond Basic Tenant Services and Carrier Interconnection*
- *Contract Negotiating Workshop*

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