



## → Dave Thomas

### Partner

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Dave Thomas is a partner in the Business Trial Practice Group and Office Managing Partner of the firm's Washington, D.C. office. He is also the partner in charge of lateral recruiting for Sheppard Mullin's 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 cyber and data security sectors. His practice focuses on 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 25 years as counsel to the nation's top cable and broadband companies, cable and telecommunications trade associations and other business organizations, Dave became 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. He has worked on cases in approximately 40 states.

Dave handles a wide range of regulatory, litigation and transactional matters involving telecommunications providers, 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

Best Lawyer in America, Communications, *Best Lawyers*, 2019-2021

Media, Technology and Telecoms, *Legal 500*, 2013-2015, 2017-2019

## 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

- 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

- "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

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

## Practices

Litigation

International Reach

Japan

Government Contracts, Investigations & International Trade

Public Policy and Government Affairs

Telephone Consumer Protection Act (TCPA)

## Industries

Communications

Construction

Energy, Infrastructure and Project Finance

## 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