

Brett P. Ferenchak

Special Counsel

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Communications Regulatory
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Communications
National Security
CFIUS

Brett represents clients before the US Federal Communications Commission (FCC) and other federal agencies, state regulatory agencies, and local and municipal governments. He advises communications companies, private equity funds, infrastructure funds, venture capital funds, financial institutions and other investors on regulatory issues associated with the communications business and transactions.

Brett assists clients in a wide variety of corporate and debt transactions including:

- Mergers and equity purchases
- Public offerings, both initial and secondary
- Going private transactions
- Asset sales and purchases
- Internal reorganizations and consolidations
- Bankruptcy restructuring and sales
- Asset-based securitizations
- Secured and unsecured financing arrangements, including term loans, revolvers, bridge loans and warehouse facilities

For these transactions, Brett creates strategies to identify, account for and address regulatory issues, including conducting or responding to due diligence, drafting and revising regulatory provisions and schedules for agreements, developing appropriate regulatory risk factors for offering memoranda and US Securities and Exchange Commission (SEC) filings, and obtaining federal, state, and local regulatory approvals. He has successfully navigated the Committee for the Assessment of Foreign Participation in the US Telecommunications Services Sector (formerly Team Telecom) and the Committee on Foreign Investment in the US (CFIUS) processes for multiple transactions involving foreign owners or investors, as well as the process for obtaining government approvals for transactions that impact federal broadband grants or loans from various federal agencies, such as the National Telecommunications and Information Administration (NTIA) and the Rural Utilities Service (RUS). Brett also advises private equity funds, infrastructure funds and venture capital funds on regulatory matters, including foreign ownership issues in the creation of new funds and recapitalization of existing funds.

Additionally, Brett counsels communications companies, including wireline and wireless telecommunications providers, broadband and internet service providers, and video services providers, on a broad range of regulatory issues. He assists clients with market entry and exit, federal, state, and local regulatory licensing and compliance, and franchise and right-of-way issues. Brett also advises companies on regulatory matters, such as the Communications Assistance for Law Enforcement Act (CALEA), emergency service obligations, universal service obligations, customer proprietary network information, pole attachments, public rights-of-

way, and submarine cable licensing. He has experience reviewing commercial agreements, such as dark fiber leases and Indefeasible Rights of Use (IRU) agreements.

Before joining Cooley, Brett was of counsel in the telecommunications, media and technology practice at an international law firm.

Education

University of Richmond School of Law
JD, 1997

Duke University
AB, 1994

Admissions & Credentials

District of Columbia

Virginia

Memberships & Affiliations

Federal Communications Bar Association