

# Industry Coalitions



## Herding Cats for Success

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# My Perspective: Outside Counsel

Represented various coalitions in regulatory and legislative efforts involving

- 1980s – Shared Tenant Service Providers
- 1990s - Competitive Access Providers (CAPS)
- 1990s – CLECs, e.g. 271 proceedings, ICA arbitrations
- 2000s - Coalitions of intermodal competitors, e.g. CLECs, Wireless & Cable

# Coalition Pros & Cons

- **Benefits**

- Strength in numbers
- Cost savings
- Information sharing

- **Challenges**

- Resolving conflicts on issues AND strategies
- Ability to act quickly when necessary

# Things to Consider

- Who organizes the formation of the coalition?
- Coalition's name
- Who can join?
- Spokesperson for coalition
- Coalition's goals & core principles
- Areas of disagreement
- Who speaks for each member?
- Who is your audience?
- Who are the major stakeholders?
- Funding shared equally or by some other method
- Parameters of leader's authority to speak for the group
- How will conflicts on issues & strategies be resolved?
- When does coalition end?

# Different Strategies for Legislative & Regulatory Coalitions

## **Legislative:**

- Process and strategies vary for Congress & state legislatures
- Need advocates who are credible and can open doors
- Need members (company representatives) who can communicate effectively & make decisions quickly
- Unpredictable process and timelines
- Compromises inevitable

## **Regulatory – FCC & state utility commissions**

- Rulemakings or contested case?
- Coalitions often organized by trade associations or outside counsel
- Rulemakings (most FCC cases) are very political - claims not necessarily based on hard facts, ex parte communications permitted
- Contested cases are fact-based, require legal representation and sometimes outside experts

# Conclusions

- Establishing the rules on how the coalition will function upfront is critical
- Coalitions are often the only way a smaller company can have its views expressed to policymakers
- Coalitions can be enormously effective if it is run well, its rules are clear and all efforts remain focused on its goals