



Brian T. Grogan

Attorney

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PRACTICE AREAS: Communications, Technology, Energy and Public Utilities, Business Law

Brian provides counsel on regulatory compliance and transactional opportunities to municipal entities across the nation, established companies, new businesses, and trade associations in their complex contract negotiations and regulatory proceedings. He has a wide range of experience in highly regulated sectors with particular emphasis on government and technology agreements and a variety of other commercial transactions.

Brian has worked with governmental authorities at all levels and across an array of subject matter and technical areas. His decades of experience representing clients in regulatory and administrative matters allows him to find innovative and creative solutions for his clients.

Government Contracting

Government policies and regulatory issues present both challenges and opportunities. Brian combines industry knowledge and government insight with regulatory expertise and legal experience so that he can advise clients regarding the issues arising at the convergence of government, business, and the law. Brian offers practical advice to further his clients' objectives and reach a win-win resolution. He strives to maintain expectations and build a relationship between parties that will often work together following contract negotiations.

Cable and Telecommunications

Representing local units of government throughout the country on communications issues is a practice focus for Brian. His counsel to more than 250 municipalities in 26 states includes successfully negotiating hundreds of cable franchise renewals around the country. Brian has served as communications law counsel to large and small jurisdictions, including the City of Chicago and the City of Seattle, and has represented state municipal leagues, including the Georgia Municipal Association.

Brian has experience drafting and negotiating pole attachment agreements, right-of-way ordinances, IRU agreements, vendor contracts, and related agreements with a broad spectrum of entities. He also advises clients on state and federal requirements and policies, including Title II and

Title VI of the Federal Communications Act, FCC regulations, the National Electrical Code, the National Electrical Safety Code, and a variety of construction standards and regulatory requirements.

Wireless Infrastructure, Wireless Facilities Siting

Brian represents private property landlords and local governments on cell siting issues, including cell towers, water tower leases, ground leases, rooftop leases, wireless infrastructure, and wireless facilities siting. He drafts and negotiates wireless ordinances and advises clients on federal and state rules for permit application processing in connection with deploying wireless telecommunications infrastructure. Brian regularly presents at state and national conferences on right of way management, cell tower leasing, and pole attachment contracting.

Technology Transactions

Brian structures and negotiates custom transactions in the areas of information technology, including managed services and enterprise software licensing. He has assisted clients with technology contracting needs, including pension system implementation and contract compliance. He has drafted and negotiated numerous license agreements, software maintenance agreements, and services agreements, including terms of services, master service agreements, service level agreements, and privacy policies.

Experience

- **Precedent-setting denial of cable franchise renewal.** Moss & Barnett represented the city of Sturgis, Kentucky, which became the first municipality in the country – and one of only three under the Federal Cable Act – to successfully deny a cable operator’s request for franchise renewal. We effectively argued that the cable operator’s proposal was not reasonable to meet the future cable-related needs and interests identified by the city. Brian represented Sturgis throughout the renewal process and personally prepared its needs assessment report, which the federal district court cited extensively in upholding the city’s denial. *Union CATV, Inc. v. City of Sturgis, et al.*, No. 4:95-CV-72-M (U.S. Dist. Ct., W. Dist. of Ky. at Owensboro, Dec. 29, 1995); *Union CATV, Inc. v. City of Sturgis, Kentucky*, 107 F.3d 434 (6th Cir. 1997).
- **Web hosting services agreements.** Brian advises Moss & Barnett’s accounting firm clients, many of which have large regional or national client bases, on web hosting services agreements. In one transaction, Brian advised on the creation of a master service agreement (MSA) that called for construction of a dedicated third-party data center to host and support our client’s applications. Brian structured the MSA to allow the accounting firm’s clients to have exclusive use of the data center infrastructure, with appropriate service-level obligations and payment terms structured to meet the client’s objectives.
- **Contracts creating a client interactive site.** Moss & Barnett assisted in the development of contract documents required to create a client interactive site, which allows the client’s personnel to collaborate and communicate with its clients. The site was designed to integrate, manage, and maintain customer information systems, including marketing, sales, contracts, inventory, order management, purchasing, projects, billing, the call center, and field service. The client’s existing

information systems were not integrated and therefore created data discrepancies. We assisted in creating the underlying documents to provide an integrated information system. Brian's work included review and preparation of documents to create the required functionality, business rules, and liability protections.

Education

William Mitchell College of Law, J.D.; editor, *William Mitchell Law Review*

Creighton University, B.A., Mathematics

Admissions

Minnesota

Honors & Recognitions

Minnesota Super Lawyers (2023)

Martindale-Hubbell AV Preeminent® (2000-present)

News

Brian T. Grogan Re-elected and Brian J. Schoenborn Elected to Moss & Barnett Board of Directors
01.24.2024

Moss & Barnett Congratulates Our 2023 Minnesota *Super Lawyers* and *Rising Stars*
07.17.2023

Brian T. Grogan and James J. Vedder Re-elected to Moss & Barnett Board of Directors
02.04.2021

Brian T. Grogan Selected to The Minnesota 500, The Most Powerful Business Leaders in Minnesota | 2020
Minnesota 500, 11.10.2020

Brian T. Grogan Selected to The Minnesota 500, The Most Powerful Business Leaders in Minnesota | 2019
Minnesota 500, 11.06.2019

Brian Grogan and Jim Vedder Elected to Board of Directors
03.27.2018

Speaking Engagements

Franchising and Right-of-Way Management

National Association of Telecommunications Officers and Advisors, Hyatt Regency Long Beach Hotel, Long Beach, CA, 10.04.2023

State and Federal Law Governing Communications Providers

State and Federal Law Governing Communications Providers | Minnesota Association of Community Telecommunications Administrators, Bunker Hills Event Center, Coon Rapids, MN, 06.20.2023

OTT Local Revenue Implications

National Association of Telecommunications Officers and Advisors 42nd Annual Conference, Sheraton Downtown Denver Hotel, Denver, CO, 08.31.2022

Recent Cable Franchises: Trends and Impacts

eNATOA Webinar, 02.14.2022

Cable Franchising – Now and Later

Washington Association of Telecommunications Officers & Advisors (WATOA) 2021 Annual Conference, Chelan, Washington, 10.28.2021

Contract Compliance and Enforcement

Minnesota Association of Community Telecommunications Administrators 38th Annual Conference & Trade Show, Bunker Hills Event Center, 12800 Bunker Prairie Road, Coon Rapids, MN 55448 (In-Person and Virtual), 10.19.2021

Cable Law and Policy: Over the Top (OTT) Programming Impacts on Franchising and Right-of-Way Fees

International Municipal Lawyers Association 2021 Annual Conference (In Person and Virtual), Hilton Minneapolis, 1001 South Marquette Avenue, Minneapolis, MN 55403, 10.01.2021

The Cord-Cutting Crusade: The Evolving Rise of OTT

2021 National Association of Telecommunications Officers and Advisors Annual (NATOA) Conference (Virtual), 09.21.2021

Municipalities "Rights" in the Right-of-Way

National Association of Telecommunications Officers and Advisors (NATOA) Webinar, 05.24.2021

Cable Franchises & Renewals Q&A

National Association of Telecommunications Officers and Advisors 2020 Annual Conference, 09.02.2020

Cable Franchise Management for a New Decade

Washington Association of Telecommunications Officers & Advisors Webinar, 06.25.2020

Publications

Attention Businesses: FinCEN Wants Your Information
Moss & Barnett Advocate (Fall 2023/Winter 2024 edition), 02.26.2024

Professional Associations

American Bar Association, Communications Law

Minnesota State Bar Association, Communications Law Section – Former Chair

Hennepin County Bar Association

National Association of Telecommunications Officers and Advisors

International Municipal Lawyers Association

Minnesota Association of Community Telecommunications Administrators

Board Memberships

Brian has served on Moss & Barnett’s board of directors since 2009 and as its President and Chief Executive Officer since 2017

The Fund for the Legal Aid Society – Board Member (2020-present)

Twin Cities Diversity in Practice – Advisory Board (2019-present)