




Joshua S. Turner

Partner



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Josh represents clients in proceedings before the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other federal agencies, as well as in federal and state court actions. In addition to regularly advocating in front of federal agencies, Josh argues in federal appellate court as well as in federal district court and state court. Josh recently completed a term as President of the Federal Communications Bar Association (FCBA).

Representative Matters

- Represents clients in matters involving FCC and state regulation of wireless and wireline telecommunications services, including commercial mobile radio service (both voice and data), TCPA, broadband services such as cable and fiber, competitive provision of video services, and satellite services.
- Provides counseling on compliance with evolving regulation of uncrewed aircraft systems (UAS, or more commonly, drones); tracks and analyzes (a) Federal Aviation Administration (FAA) rulemakings and enforcement actions, and (b) state and local regulation of UAS, with a particular focus on potential conflicts between different regulatory authorities.
- Specializes in federal appellate review of FCC decisions and both prosecution and defense of federal district court actions involving communications law.
- Represents companies with communications law disputes in state and federal courts across the country.
- Particular experience in actions involving federal preemption of state regulation of wireless carriers, defense of radiofrequency emissions claims, wireless facility siting issues, and rights-of-

Practice Areas

Communications Enforcement & Compliance
Connected & Autonomous Vehicles
Issues and Appeals
Litigation
Pole Attachment and Infrastructure
Deployment Litigation and Counseling
Telecom, Media & Technology
Uncrewed Aircraft Systems (UAS)

Credentials

Education

J.D., *cum laude*, University of Michigan Law School

B.A., University of Michigan

Law Journals

Executive Technology Editor and Editorial Board, *Michigan Telecommunications and Technology Review*

Bar and Court Memberships

District of Columbia Bar
Supreme Court of the United States
U.S. Courts of Appeals for the First, Fourth, Sixth, Eighth, Ninth, and District of Columbia Circuits
U.S. District Court for the District of Columbia

way regulation.

- Provides large telecommunications carriers with national strategic legal advice on a variety of issues.
- Assists clients with federal and state regulation of investment and transfers of control in the telecommunications industry, including structuring the transactions and gaining the necessary regulatory approvals.
- Negotiates institutional and enterprise contracts for telecommunications services.
- Successfully defended binding nature of arbitration clause contained in online customer contract, resulting in the stay of a large class-action lawsuit.
- Representative matters include:
 - *League of California Cities v. FCC*, No. 20-71765 (9th Cir.): Represents CTIA – The Wireless Association as an intervenor on behalf of the FCC in appeal challenging FCC declaratory ruling that clarified regulations governing modifications to existing wireless towers or base stations.
 - *Brennan v. Dickson*, No. 21-1087 (D.C. Circuit): Submitted *amicus* brief on behalf of AUVSI in successful defense of the FAA's regulations requiring drone manufacturers and operators to implement and use capabilities that enable the remote identification of aircraft and control stations during flight.
 - *ITS America v. FCC*, 21-1130 (D.C. Circuit): Argued on behalf of automotive industry and state highway and transportation officials in challenge to FCC order reallocating a portion of the 5.9 GHz spectrum band (the Safety Band).
 - *City of Portland v. United States*, No. 18-72689 (9th Cir.): Argued on behalf of the wireless industry as intervenors in successful defense of the FCC's 2018 Small Cell and Moratorium Orders that clarified preemptive provisions in the Communications Act related to the deployment of telecommunications infrastructure.
 - *United Keetoowah Band of Cherokee Indians v. FCC, et al.*, No. 18-1129 (D.C. Cir.): Argued for intervenor CTIA in support of FCC order streamlining environmental and historic review process for wireless small cell deployments.
 - *T-Mobile West LLC v. City and County of San Francisco*, No. S238001 (Cal.): Argued before the Supreme Court of California on behalf of Appellants seeking to overturn a San Francisco ordinance restricting use of public rights of way by wireless carriers. If successful, the case will limit the ability of local jurisdictions to prevent wireless carriers in California from deploying new facilities.
 - *Singer v. City of Newton*, No. 17-10071 (D. Mass.): Submitted *amicus* brief on behalf of AUVSI in successful challenge to the City of Newton's UAS regulations, which were held preempted by federal law.
 - *Montgomery County, MD v. US*, No. 15-1240 (4th Cir.): Represented Intervenor CTIA in successful defense of FCC rules implementing Section 6409 of the Spectrum Act, which imposed limitations on local authority to deny wireless facility siting requests.

- *State of Tennessee v. FCC*, No. 15-3291 (6th Cir.): Argued on behalf of the State of Tennessee in a successful challenge to the FCC's rules prohibiting states from regulating broadband provision by their municipalities.
- *CTIA v. City and County of San Francisco*, No. 11-17707 (9th Cir.): Represented the wireless industry in a major First Amendment and preemption challenge to the City of San Francisco's requirement that retailers display health warnings at the point of sale for wireless phones. The team succeeded in securing an injunction against enforcement of San Francisco's law from the Ninth Circuit.
- *New York SMSA L.P. d/b/a Verizon Wireless et al. v. Town of Clarkstown*: In a major victory for wireless carriers, the Second Circuit affirmed a lower court decision finding that a local ordinance that legislated a preference for alternate technologies, including Distributed Antenna Systems, and regulated radio frequency (RF) interference was preempted by federal law under a field preemption theory.
- *Farina v. Nokia et al.*: The Third Circuit affirmed a lower court decision dismissing class action claims tied to the alleged health effects of RF emissions from wireless devices; representing Verizon Wireless, Josh was part of a national team of counsel representing a cross-section of the wireless industry.
- *PRT v. Municipality of Guayanilla*: The First Circuit handed down a decision affirming a grant of summary judgment in favor of Puerto Rico Telephone Company. The case involved a federal court challenge to a municipality's 5% gross revenue fee under Section 253 of the Communications Act. The case constituted the first Circuit-level precedent defining the limits on municipal authority to condition access to public rights-of-way on the payment of "gross revenue fees" under a part of the Communications Act enacted by the Telecommunications Act of 1996.

Affiliations

- Federal Communications Bar Association (FCBA)
 - President (2019-2020)
 - President-Elect (2018-2019)
 - Secretary (2017-2018)
 - Assistant Secretary (2016-2017)
- ULC Tort Law Relating to Drones Committee
 - Observer (2019)

Recognitions

- Named to *Law360's* Telecommunications Editorial Advisory Board (2022-2024)
- Listed by *Chambers USA* as one of "America's Leading Lawyers for Business" in Telecom, Broadcast & Satellite (2021-2023)
- Included in *The Best Lawyers in America* directory for Communications Law (2020-2024)
- Named a "Legal Lion" by *Law360's* Weekly Verdict Column (2016)
- Named by *Law360* as a Telecommunications MVP (2021)
- Named one of DC's "Super Lawyers" for Communications by *Super Lawyers* magazine (2013-2020, 2022-2023)
- Recognized in *The Legal 500 US* in Telecom and Broadcast: Regulatory (2011-2013, 2020, 2022-2023)
- Named to *Legal Times'* list of the DC-area's "40 under 40" (2009)