

Telecommunications, Media & Entertainment

The Brattle Group has extensive experience advising clients on matters related to litigation, spectrum matters, regulatory policy, intellectual property, and consumer protection issues in the telecommunications, media, and entertainment sectors.

Our team of experts is complemented by the firm's broader span of knowledge in intellectual property (IP), competition, restructuring and bankruptcy, finance, and regulatory consulting, allowing us to skillfully and efficiently serve a full range of client needs. We provide financial, regulatory, strategic, and economic analyses to telecommunications companies, law firms, and federal, state, and local government agencies. Our clients span the industry, from investors, manufacturers, and technology leaders to wireless and wireline service providers and policymakers.

In telecom, our work ranges from the valuation of spectrum, the assessment of damages in litigation, and the pricing of network access and interconnection to the analysis of market conditions, competition, pricing, and costs. We also have significant expertise in providing economic analyses across a wide variety of issues involving the media industry. Our clients include media companies, content owners and other rights holders, and trade associations.

Brattle economists and our network of affiliated experts also bring significant expertise to understanding the economic aspects of the entertainment industry. We have provided advice and expert testimony on high-profile matters throughout the industry to clients involved in television, radio, music, film, and sports entertainment.

TELECOMMUNICATIONS

EXPERTISE AND REPRESENTATIVE ENGAGEMENTS

Auctions

Spectrum Valuation

Brattle's experts have extensive expertise in radio spectrum valuation and bring a deep understanding of the complex and dynamic landscape of wireless communication and the technological aspects of spectrum when valuing spectrum. We possess comprehensive knowledge of the regulatory frameworks governing spectrum allocation as well as the technical intricacies of radio frequency (RF) propagation and interference. We have decades of experience assessing the economic value of different frequency bands, taking into account factors such as demand, supply and propagation characteristics, and clearing and relocation costs. We routinely value various spectrum assets for private and government clients, including in litigation and regulatory proceedings.

Auction Bidding

The Brattle Group assists clients by serving as auction valuation and bidding advisors, auction managers, and experts in auction theory for telecommunications companies. We have advised bidders in the 3.45 Auction, the C-Band auction, the CBRS auction, the Canadian 700 MHz and AWS spectrum license auctions, and the FCC 700 MHz and AWS spectrum license auctions. We also evaluated the performance of TV stations when repacked in an incentive auction, analyzed likely auction outcomes for TV broadcasters participating in the incentive auction, and estimated the economic value of reallocating TV spectrum for wireless broadband. We also advise participants in reverse auctions such as the CAF II and RDOF auctions.

Intellectual Property

Patent Infringement Litigation

A Brattle Principal testified on behalf of Finesse Wireless in a patent infringement lawsuit against AT&T. The matter involved a complex valuation of the benefits of radio interference cancellation technology embedded in the patents at issue. It required translating the technology's

interference-canceling capabilities into an amount of radio spectrum salvaged and then applying a well-established spectrum valuation method. Consistent with Brattle's analysis and testimony, the jury verdict required AT&T to pay \$166,303,391 to Finesse Wireless – the exact damages amount proposed by Brattle's expert.

FRAND Analyses

Brattle economists have authored two white papers on fair, reasonable, and non-discriminatory (FRAND) rates for LTE in connected cars and the reasonable and non-discriminatory (RAND) rates that should be applicable to Wi-Fi 6 patents. Using technological and consumer valuation approaches, we obtained independent, non-additive values for an aggregate global FRAND royalty for the 4G SEP portfolio in automobiles. For the Wi-Fi 6 RAND royalty rates for SEPs, we used various court-established benchmarks for previous technology generations, incremental technological improvements, declining production costs, the technology demands of current and evolving use cases, and various licensing information to estimate the rate. Additionally, in an early matter involving the limits of FRAND licensing requirements, Brattle analyzed the implications of FRAND on licensing requirements for intellectual property in the digital television (DTV) standard.

Antitrust and Competition

Analysis of T-Mobile's Acquisition of Sprint

On behalf of DISH, Brattle economists testified on the competitive effects of the T-Mobile-Sprint merger through numerous submissions and meetings with US Federal Communications Commission (FCC) and Department of Justice (DOJ) staff. The reports provided detailed assessments of how the merger would affect consumers across various segments and assessed merger efficiencies. They also provided critical analyses of mobile wireless network models and potential efficiencies using network modeling and other econometric modeling tools and merger simulation models.



FCC Review of Sprint's Competitiveness in an FCC Proceeding

A Brattle team assisted Sprint Corporation during the FCC's review of the competitiveness of business data services (BDS), the dedicated bandwidth wireline connections for commercial customers. The team supported an academic who testified about the relationship between BDS prices and costs and the competitiveness of BDS pricing. Brattle economists also submitted direct testimony on empirical evidence regarding the degree of competition faced by incumbent carriers and the competitiveness of BDS price offerings.

Regulatory

Nortel Bankruptcy Proceedings

The Brattle Group was retained by counsel for the UK Pension claimants to opine on allocation approaches and claims issues in Nortel's bankruptcy proceedings. We developed an economically-rational allocation methodology that, in the absence of an ex ante agreement among Nortel's legal entities prior to its bankruptcy, reflected the financial and management realities of Nortel's business operations. A Brattle expert testified

on this methodology before both the Delaware Court of Bankruptcy in the US and the Superior Court of Toronto in Canada. Our expert's recommended pro rata allocation method, with some modifications, was accepted by the Canadian court as "doing what is just in the unique circumstances" of Nortel's case and by the US court as "a fair and equitable mechanism."

Cost Modeling for Broadband Networks

In connection with the FCC's Connect America Fund and Universal Service Fund, Brattle developed a model for wireless and cable company GCI to determine the costs and feasibility of deploying wireless broadband networks in rural areas throughout the US, including remote parts of Alaska. Brattle's model applied GIS-based analysis to segment geographies and determined options and costs for last mile as well as middle mile (fiber, microwave, and satellite) broadband solutions. The FCC cited the results of Brattle's model in its 2016 Report and Order on Universal Service. This work built upon prior Brattle engagements to develop cost models for wireline and wireless voice and broadband networks used in a range of state and federal regulatory proceedings.

MEDIA

EXPERTISE AND REPRESENTATIVE ENGAGEMENTS

Music Licensing

Brattle economists have performed analyses in numerous matters involving music licensing. We have worked on behalf of major music performing rights organizations – including BMI, SESAC, and SoundExchange – to estimate the appropriate value of licenses for music used on broadcast television, terrestrial and satellite radio, and streaming music services. Our analyses have included evaluating past and forecasted industry growth, benchmarking against comparable licenses, and conducting surveys to assess consumer behavior.

Copyright Royalty Board Decision in Music Services Industry

In concluding a multi-year proceeding involving certain digital music services, the US Copyright Royalty Board (CRB) decided to increase the royalty rates that non-interactive webcasting services such as Pandora must pay recording artists and copyright owners of sound

recordings from 2021 to 2025. A Brattle team supported expert testimony on behalf of copyright holders and assisted counsel for digital performance rights organization SoundExchange in evaluating economic arguments made by music webcasters that sought to lower the rates from their current levels. The CRB decision rejected the webcasters' arguments, opting to increase the existing rates by 8–17%.

Viacom Breach of Contract Dispute

Brattle was retained by Showtime Network, part of Viacom, in a breach of contract suit against a distributor of in-room programming to the lodging industry. Viacom alleged that the distributor breached its contract with Showtime in its distribution of the network to certain hotels and motels. In a report, a Brattle Principal calculated the damages Showtime sustained as a result of the alleged breach. The case was settled prior to trial on terms favorable to Showtime.

ENTERTAINMENT

EXPERTISE AND REPRESENTATIVE ENGAGEMENTS

Analysis of Boston's Proposed Olympic Plans

For the Commonwealth of Massachusetts Office of the Governor of Massachusetts, President of the Senate, and Speaker of the House, Brattle economists prepared a report assessing Boston's bid to host the 2024 Summer Olympic Games. The report detailed the components of the bid, tested its assumptions to examine potential risks, evaluated who would have borne the responsibility if any adverse risks had been realized, and estimated the potential economic impacts of the Olympics on the Commonwealth.

Support for the Major League Baseball Players Association (MLBPA)

Brattle has provided economic analytic support for the MLBPA, including in negotiating the Collective Bargaining Agreement, pension oversight, and industry trends.

Copyright Infringement Litigations

We have been retained in numerous copyright infringement lawsuits in which rightsholders claim that their works are being used without the user securing the proper permissions. Our clients in these matters have included record companies, music publishers, and individual performing artists.

UMG Recordings, et al. v. Global Eagle Entertainment Inc., et al.

Brattle was retained by a large record company and a major music publisher in a copyright infringement case involving claims that a firm that provides in-flight entertainment programming to airlines included unlicensed audio content. We evaluated the extent of the claims of infringed content and estimated the revenue and profits associated with the infringed content. Following summary judgment rulings, the parties agreed to settle the case for a sum close to our expert's damages estimate.

CONTACT US

For more information about our Telecommunications, Media & Entertainment capabilities, please visit our [brattle.com practice page](https://brattle.com/practice), or contact one of our practice leaders.



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ABOUT BRATTLE

The Brattle Group answers complex economic, regulatory, and financial questions for corporations, law firms, and governments around the world. We aim for the highest level of client service and quality in our industry.

We are distinguished by our credibility and the clarity of our insights, which arise from the stature of our experts; affiliations with leading international academics and industry specialists; and thoughtful, timely, and transparent work. Our clients value our commitment to providing clear, independent results that withstand critical review.

Brattle has 500 talented professionals across North America, Europe, and Asia-Pacific. For additional information about our experts and services, please visit brattle.com.

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