



PARTNER

**Tillman L. Lay**

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📍 Washington, D.C.



Tillman (Tim) L. Lay is a member of Best Best & Krieger's Telecommunications practice group, based in the firm's Washington, D.C. office. With more than 35 years of experience and a repertoire of prominent industry successes handling intricate, shifting and sometimes litigious telecommunications matters, Tim provides clients with invaluable perspective and relentless advocacy. He has represented clients—largely local governments and municipalities across the nation—in broadband, cable, wireless, broadcast, right-of-way franchising and other communications law-related issues before the FCC, federal courts, Congress and the U.S. Department of Justice. In addition to communications law issues, Tim has noted experience representing clients in tax, land use, utility and constitutional law matters before federal courts and administrative agencies.

In his day-to-day practice, Tim addresses everything from contract negotiations, regulatory advice matters and small cell right-of-way placement disputes to cell site zoning and broadcast channel carriage rights. Additionally, he spends significant time advising and strategizing with local governments on a prominent local government revenue-raising dilemma: the eroding cable television and telecommunications fee and tax revenue base. He is a widely sought advisor whose ultimate goal is to maximize the benefits and minimize the adverse impacts that new rulings, decisions and legislation will have on his clients and their constituents.

As a leader in the field, Tim also regularly presents and has published numerous thought leadership pieces on hot-button topics, including regulatory issues related to telecommunications carriers and information service providers; the Telecommunications Act of 1996; the effect of telecommunications convergence on federalism; and local government's role in telecommunications policy and investments.

Tim is admitted to practice before the U.S. Supreme Court; U.S. Courts of Appeals for the District of Columbia, First, Second, Fourth, Fifth, Sixth, Ninth, Tenth and Eleventh circuits; and the U.S. District Court for the District of Columbia. Before entering private practice, Tim was a judicial clerk for the Honorable John C. Godbold, Chief Judge, United States Court of Appeals for the Fifth Circuit.

Outside of the office, Tim enjoys paleontology, sports, politics and art.

## CORE PRACTICES

- Government Affairs
- Fees, Taxes & Assessments
- Municipal Law
- Telecommunications

## EDUCATION & ADMISSIONS

### Education

University of Michigan Law School, J.D., magna cum laude, Order of the Coif

University of Tennessee, B.S., highest honors

### Bar Admissions

District of Columbia

## Notable Experience

- Represented a coalition of local government clients in *Sprint Corp. v. FCC*, the consolidated Ninth Circuit appeals of the FCC's recent order relating to small cell facilities.
- Represented a coalition of local governments in *City of Eugene v. FCC*, the consolidated Sixth Circuit appeals of the FCC's most recent order relating to cable franchise fees.
- Represented the National Hispanic Media Coalition in *Mozilla Corp. v. FCC*, the consolidated appeals of the FCC's 2018 order reversing its earlier Open Internet Order.
- Testified before a House Subcommittee on behalf of National Association of Counties, the U.S. Conference of Mayors, the National League of Cities and the Government Finance Officers Association in opposition to legislation that would have imposed a moratorium on state and local cell phone taxes.
- Represented those same associations in negotiations with the wireless industry and the states that led to the Mobile Telecommunications Sourcing Act of 2000, 4 U.S.C. §§ 116 et seq.
- Lobbied on behalf of several municipal clients during the 1992 Cable Act and Telecommunications Act of 1996.
- Represented a coalition of government clients in *City of Dallas v. FCC*, a Fifth Circuit decision overturning an FCC order that had improperly narrowed the cable television franchise fee revenue base.

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## Accolades

- Impact Award for Outstanding Advocates, National Hispanic Media Coalition, 2018
- Member of the Year, NATOA, 2006
- Martindale-Hubbell AV Preeminent Rated

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## Professional & Community Involvement

- American Bar Association
- District of Columbia Bar Association
- Federal Communications Bar Association
- National Association of Telecommunications Officers and Advisors (NATOA)
- Articles Editor, *Michigan Law Review*

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## Thought Leadership

### Presentations

- "Telecom Toolkit—Critical Issues for Local Governments," International Municipal Lawyers Association Annual Conference, Sept. 26, 2024
- "Consumer Protection, Issues & Oversight of Community Services," National Association of Telecommunications Officers and Advisors Annual Conference, Aug. 28, 2024
- "Update on Wireless Siting Issues and Decisions," Virginia Association of Telecommunications Officers and Advisors Annual Meeting, June 21, 2024

- “Winning at Three Dimensional Chess: Telecommunications Law Today,” International Municipal Lawyers Association's Mid-Year Seminar, April 20, 2024
- “To BEAD or not to BEAD: Affordability, ACP and USF,” National Association of Telecommunications Officers and Advisors Annual Conference, Oct. 5, 2023
- “Dialing for Answers: Telecommunications Law Speed Dating,” International Municipal Lawyers Association Annual Conference, Sept. 29, 2023
- “Local Government Telecommunications Practice: The State of Small Cell Litigation and Threats and Opportunities in the 118th Congress and Biden Administration,” International Municipal Lawyers Association's Mid-Year Seminar, April 21, 2023
- “The Courts, The Hill & The FCC: A Year in Review,” National Association of Telecommunications Officers and Advisors eNATOA Webinar, Dec. 12, 2022
- “Federal Communications Policy Update,” Texas Association of Telecommunications Officers & Advisors Conference, Nov. 4, 2022
- “Municipal Right-of-Way Challenges Impacting City Finances,” Texas Association of Telecommunications Officers & Advisors Conference, Nov. 4, 2022
- “When It Rains, It Portlands: Navigating Federal Telecom Policy and Broadband Funding Opportunities,” International Municipal Lawyers Association's Annual Conference, Oct. 22, 2022
- “Federal Communications Policy Update,” Texas Association of Telecommunications Officers and Advisors Annual Conference, November 2021
- “Telecom Update 2018,” National Association of Telecommunications Officers and Advisors Annual Conference, August 2018

## Publications

- Quoted in “Don't Let Cities Eat Into Broadband Revenue, Think Tank Says,” *Law360*, Oct.22, 2024
- Quoted in “Growing Number of States Exempt Streamers From Paying Franchise Fees,” *Communications Daily*, May 15, 2023