



Richard O. Levine
Washington, D.C. Office
Office: 202.204.3511
Fax: 202.204.3501
rlevine@constantinecannon.com

Richard Levine has been of counsel to Constantine Cannon since December 2005. Mr. Levine specializes in the development of administrative and legislative solutions to competitive problems in "network" industries and the formulation of relief requests in antitrust litigation.

Mr. Levine has over 30 years' experience in the government and the private sector addressing complex legal, policy, and business issues at the intersection of antitrust law and regulation in environments of rapid technological change.

Since joining Constantine Cannon, Mr. Levine has assisted clients in multiple regulatory and legislative arenas. Engagements include:

- For a national trucking association and a member intermodal motor carrier, successfully filed and settled a complaint at the Federal Maritime Commission against an international ocean carrier alleging violations of the Shipping Act. The FMC's approval of the settlement was the first instance in which the FMC provided motor carriers with a forum for contesting ocean carrier conduct.
- For trade associations representing various merchant groups, provided multiple legal and policy analyses of interchange fees imposed on merchants by the payment card industry and of potential remedies for identified unlawful conduct.
- For a broadcasters' trade association, undertook an assessment of the potential for intervention in support of emerging applications of digital technologies to increase the value of over-the-air broadcasting in an era of digital transmission.
- For a major telecommunications carrier, developed an assessment of the Constitutionality of local franchise legislation regarding the provision of video services by incumbent broadband network operators.
- For an international intergovernmental organization, participated as an advisor to its Assembly of Parties as well as assisted in the preparation of multiple pleadings at the

Federal Communications Commission regarding mergers pending before the Commission and related proceedings.

During 1974-1985 Mr. Levine served first as an attorney, and then Deputy Director and Director of the Office of Policy Planning in the Justice Department's Antitrust Division. During 1980-85, his main focus was on development of relief scenarios in *US v. AT&T*, and assisting in the drafting and implementation of the AT&T divestiture decree, including supporting Assistant Attorney General William Baxter's opposition to Administration efforts to compel a non-divestiture solution to the AT&T litigation.

After leaving the Antitrust Division, he provided consulting advice to North American telecommunications providers, electric utilities, and broadcasters regarding regulatory, market, and technology issues as they affected strategic business decisions, including entry into new markets. He also has assisted carriers and government organizations in Korea, Australia, New Zealand, Japan, Latin America, and Eastern Europe concerning issues arising from the development of telecommunications competition.

Most recently, Mr. Levine was a Director of LECG, LLC, a strategy/litigation support consulting firm, from 2000 to 2005 where he focused on antitrust, regulatory, and business issues arising from technological change in communications markets, including those related to the introduction of digital television and the reform of regulation of traditional telecommunications services. In addition, he provided ongoing support to clients of LECG Korea regarding matters pending before the Korea Fair Trade Commission. Representative engagements include:

- For a Korean mobile wireless operator seeking to reverse a decision of the Korean Fair Trade Commission approving a wireless industry merger, prepared analyses for submission to the KFTC regarding how the contested merger would have been treated under US and EU/UK competition laws, and regarding the strengths and weaknesses of remedies that could be adopted by the KFTC to undo the effects of the merger.
- For incumbent local exchange carriers, provided expert support regarding antitrust litigation arising from network unbundling obligations and from their provision of long distance services in competition with carriers to whom they provided network access services.
- For the Australian Competition and Consumer Commission, analyzed multichannel competition in television broadcasting in the US, Canada, the UK, and Germany, including regulations regarding entry, control of content, and the digital transition, and differences in industry structure and trends, with the objective of providing "lessons learned" for the digital television transition in Australia.
- In conjunction with a contract dispute between a systems integration provider and a major telecommunications carrier concerning a minimum purchase obligation, prepared

an analysis of whether a "fundamental change" had occurred in the telecommunications industry between 1999 and 2002.

- For an international satellite consortium, supported the efforts of a working group developing its post-privatization distribution strategy; developed an analysis of the customer proprietary information requirements necessary to support establishment of a retail distribution organization; and analyzed the regulatory implications of most-favored-customer wholesale contract provisions and the organizational procedures necessary to implement those provisions.

Mr. Levine is a member of the District of Columbia Bar and has a J. D. degree from the Harvard Law School and a B. A. (economics) from Columbia University.

He is a co-author of *Digital Television in a Digital Society: Opportunities for Broadcasters (1998) and Updated Edition (2002)*; *Trends in the Competitiveness of Telecommunications Markets: Implications for Deregulation of Retail Local Services (2003)*; *The Myths and Realities of Universal Service: Revisiting the Justification for the Current Subsidy Structure (2005)*; and *Interconnection Without Regulation: Lessons for Telecommunications Reform from Four Network Industries (2005)*.