



John E. Selent

Of Counsel
john.selent@dinsmore.com

Louisville, KY
Tel: (502) 540-2315

Nothing is more exciting to John than working closely with a client who's growing or starting a business. He relishes counseling business owners and watching as the ideas in which they've invested themselves flourish into profitable entities with growing workforces that provide for their communities.

A past member of Dinsmore's Board of Directors, John focuses his practice on public utility and banking regulatory, with a special emphasis on telecommunications. He frequently represents clients in regulatory and commercial disputes before state and federal courts, state public utility commissions, and other administrative agencies. He also provides counsel with respect to regulatory and general corporate matters arising in the conduct of commercial operations in the telecommunications, energy, and banking industries.

John is presently chairman of the firm's Opinion and Audit Letter Review Committee, vice-chairman of the Diversity Committee, facilitator of the Firm's LGBTQ Affinity Group known as In Law & Equity, and was formerly the managing partner of the Louisville office.

Services

- Litigation
- Antitrust & Trade Regulation
- Public Utilities Industry
- Banking & Financial Services
- Corporate & Transactional

Education

- University of Notre Dame Law School (J.D., 1980)
- Bellarmine College (B.A., 1977)

Bar Admissions

- Kentucky

Court Admissions

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

Affiliations/Memberships

- Current
 - American Bar Association
 - Kentucky Bar Association
 - Louisville Bar Association, Board member, co-chair, Diversity & Inclusion Committee
 - Louisville Bar Foundation, president
 - Electric Cooperative Bar Association
 - Federal Communications Bar Association
 - Frazier History Museum, Board member
 - Louisville Metropolitan Sewer District, Board member
 - Holy Cross High School, Board of Directors
 - Louisville Youth Group, Board of Directors
- Former
 - University of Louisville, Antitrust Law, adjunct professor
 - Bellarmine University, Board of Overseers
 - Urban Renewal Committee of the City of Louisville, past member and chairman
 - Kentucky Public Service Commission, Tariff Regulation Advisory Group
 - Actors Theatre of Louisville, Board of Directors
 - Legal Aid Society, chairman, 2016 Justice for All Campaign

Distinctions

- Peer Review Rated AV in *Martindale-Hubbell*
- *Best Lawyers*®
 - "Lawyer of the Year" in Louisville for Communications Law (2016, 2018, 2020, 2024)
 - "Lawyer of the Year" in Louisville for Administrative/Regulatory Law (2021)
 - Administrative/Regulatory Law (2022-2024)
 - Communications Law (2022-2024)
 - Utilities Law (2024)
- Kentucky *Super Lawyers*®
 - For Utilities (2021)
- "Top Lawyers" by *Louisville Magazine* (2013, 2016)

- Louisville Bar Association, Pro Bono Service Award (2000)
- Louisville Bar Foundation Fellow
- Louisville Bar Association, Committee of the Year, Diversity and Inclusion Committee (202

Experience

Pre-Bid Due Diligence

Represented a bidder in connection with the pre-bid due diligence related to a major energy utility acquisition involving Kentucky, Tennessee, and Indiana legal issues. The ultimate value of the deal for the successful bidder was reported to be approximately \$9.5 billion. The work involved all aspects of public utility regulation and environmental law, as well as strategizing likely communications with major political stakeholders throughout all levels of state and local government. Notable areas of representation in this matter included issues involving:

- Regulatory approvals for change in ownership or control of utilities;
- Regulatory approvals for financing applications;
- Regulatory approvals for obtaining certificate of public convenience and necessity;
- Renewable energy contract review;
- PSC and OSHA complaints;
- Utility supply and vendor contracts;
- Utility tariffs;
- Litigation;
- Regulatory review of rate-affecting issues;
- Fuel Adjustment Clauses;
- Pollution Control Bond change in control;
- Cost recovery of capital expenditures for pollution control equipment and renewable energy projects;
- Environmental surcharges;
- Projecting future impact of greenhouse gas regulations;
- Title V air permits;
- Environmental contamination and compliance issues associated with ongoing operations;
- Disposal of coal combustion by-products;
- General environmental regulatory compliance;
- State and local taxation;
- Real estate and operating leases;
- Franchises, rights-of-way, permitting, planning and zoning, and eminent domain;
- Retail operations review;
- Wholesale electric supply agreements;
- Gas pipeline regulatory issues; and
- Legislative, policy, and strategic planning advice.

Sale of Telecommunication Company Assets

Dinsmore acted as lead counsel representing a closely-held, Kentucky-based telecommunications company in multiple multi-million dollar asset sales to various publicly-traded, international telecommunication companies.

Terminated a Trust and Removed all Restrictions Tied to a Historic Building

We represented the Kentucky Mansion Preservation Foundation, which was seeking to terminate the trust and end the restrictions tied to Helm Place. A designated landmark, Helm Place was once the home of Emilie Todd Helm, half-sister to first lady Mary Todd Lincoln, and the home had been left to the foundation in a trust. Originally the foundation had hoped to turn the structure into a museum, but that was no longer economically realistic. Our attorneys successfully obtained a termination of the trust, clearing the way for the potential sale of the property.

Access Reform (Telecommunications)

We represent 13 of Kentucky's 15 local rural exchange carriers (RLECs) in connection with the Kentucky Public Service Commission's ongoing administrative case regarding potential reforms to intrastate access charges, high cost support, and universal service. This representation is ongoing.

Certificate of Public Convenience and Necessity in Contested Case Involving Construction of Additional Water Supply Facilities

We represented our client, a large water company, in a heavily-contested case before the Kentucky Public Service Commission regarding a different large water utility's efforts to build a new water treatment plant. By presenting a reliable, cost-efficient alternative to the other water utility's proposal, our representation was successful in paving the way for fruitful discussions between our client and other new large potential customers.

Certified Territory Dispute (Electric)

We represented a large aluminum smelter before the Public Utilities Commission of Ohio in a territorial dispute with a large, multi-state electric utility and a small electric cooperative, both located in Ohio. Our client had previously been removed from the certified service area of a large, multi-state electric utility and into that of a smaller electric cooperative that would permit the client to purchase its electricity on the open market. When market conditions made the open-market purchase of electricity infeasible, we represented the client in a successful effort – spanning political and union lines – to rejoin the service territory of the large utility. As a result of these efforts, the client was able to resume its operations.

Dispute Over Jurisdictionality of Mobile to Landline Calls

When the Brandenburg Telephone Company needed Sprint to pay its access charges, it turned to Dinsmore. Sprint had been withholding millions of dollars in access charges billed to it pursuant to Brandenburg Telephone Company's filed and approved tariffs. Sprint claimed that although the tariff language jurisdictionalized access traffic as inter/intrastate on the basis of a juxtaposition of the called and calling party numbers, the advent of wireless telecommunications required jurisdictionalization based on the location of the wireless switch handling the traffic. Before the Franklin Circuit Court, Dinsmore successfully argued that the plain language and historical application of Brandenburg Telephone Company's tariff prevailed. As the Franklin Circuit Court agreed in reversing the Commission, any other outcome would have resulted in an impermissible violation of Brandenburg Telephone Company's constitutional due process rights. As a result of the reversal, the client will be able to recover a substantial amount of unpaid charges, and it establishes an important precedent for other wireline carriers across the Commonwealth.

Foreclosure Proceedings Involving Rental Properties

We represented the lender in a multi-million dollar commercial foreclosure proceeding involving several multi-family rental properties spread throughout several counties in Southwest Ohio. We were able to have a Receiver appointed over all of the properties, and the Receiver was able to sell all of the properties within nine months of the commencement of the foreclosure proceedings, resulting in a favorable outcome for our client.

In-House Counsel

We serve as the in-house legal department for Bluegrass Cellular, a commercial mobile radio service (CMRS or cellular) provider throughout Central Kentucky. We assist the client with a wide variety of needs, including negotiating and drafting customer service agreements, vendor agreements, roaming agreements and intercarrier agreements, as well as offering counsel on regulatory compliance, cell tower siting and construction, and other general litigation needs.

Kentuckiana Cellular, Inc. v. Bluegrass Cellular, Inc.

Dinsmore & Shohl represented the Defendant/Counterclaim Plaintiff, Bluegrass Cellular, in a matter involving claims of breach of contract and fraud. By working closely with the client we came to understand the subtleties of the relevant business relationships. This understanding allowed us to successfully defend a claim against our client and to then win a substantial verdict on our counterclaim. Kentuckiana's claim was dismissed on directed verdict and a jury awarded our client \$1 million.

Multiple Clients

Examples of Mr. Selent's experience include the following:

- Representing a large aluminum smelter in its efforts to re-enter the service territory of a large electric utility.
- Representing twelve ILECs in the negotiation and arbitration of ICAs with CMRS carriers.
- Representing an ILEC, under traditional rate of return regulation, in its efforts to obtain a rate increase.
- Representing an ILEC in its efforts to obtain access to the utility poles of an electric utility under rates, terms, and conditions identical to those available to cable television companies.
- Representing a wireless carrier in its efforts to obtain numerous CPCNs from local planning units and utility regulatory commissions.
- Representing a start-up company in its efforts to establish a wind farm for purposes of providing electricity for transport and sale.
- Representing a start-up company in its efforts to use landfill gas to produce electricity for transport and sale.
- Representing a water utility in its efforts to promote efficient solutions to a regional water crisis and discourage another water utility's plans to construct a new water treatment plant.
- Representing a CLEC in an interconnection arbitration to open effective competition in the 911/E911 services market in Kentucky.
- Reviewing, negotiating, and effectuating wireless license transfers.
- Representing 7 ILECs in a regulatory proceeding to determine whether a transit tariff is lawful.

- Representing a condominium association in an effort to compel appropriate service by a sewage utility.
- Representing manufacturing operations in securing electricity, gas, steam, and telecommunications services.
- Representing a CLEC before the United States Court of Appeals for the Sixth Circuit regarding the opt-in provision of the Telecommunications Act of 1996.
- Representing wireline and wireless carriers in their efforts to obtain eligible telecommunications carrier status.
- Counseling wireline and wireless carriers regarding regulatory compliance issues such as customer proprietary network information.
- Counseling a wireless carrier as it launches new products and services.
- Drafting legislation establishing alternative regulatory regime for small telephone utilities.