



THE CATHOLIC UNIVERSITY OF AMERICA
COLUMBUS SCHOOL OF LAW

The Telecommunications Act of 1996: a Case of Regulatory Obsolescence

2005 Spring Symposium

Thursday, March 17, 2005

Sponsored by:

***CommLaw Conspectus: Journal of Communications Law and Policy*, Institute for Communications Law Studies, Federal Communications Commission, and in cooperation with the Federal Communications Bar Association**

It has been said that the Telecommunications Act of 1996 (1996 Act) has already outlived its usefulness. Others maintain that the Act was sabotaged by the Incumbent Local Exchange Carriers, mostly the Regional Bell Companies.

The circuit-switched, service-specific world of communications regulation envisioned in the 1996 Act is fading in ways not contemplated by the Act. Internet Protocol (IP) communications are blurring any remaining boundaries between conduits and services. Fiber, copper, radio spectrum, and coaxial delivery methods are merely various-sized pipes providing a means to simultaneously transport voice, multi-channel video and high-speed data into the home, business or the personal communications device.

Amid this technological revolution, the diversity, localism and competition themes of the 1996 Act remain. Has the Federal Communications Commission fostered a competitive telecommunications market as the Act envisioned? Will the media concentration dilemma be addressed in a new Act? What will be done with the ever-slowng DTV transition?

Responding to IP communication technical advancements and regulatory concerns, some have recognized that the 1996 Act is a "major impediment" to market developments. Chairman Michael Powell has even called for the major rewrite of the 1996 Act. Yet, is a rewrite necessary in the near future to promote the growth of new communications products and services? If so, what regulatory schemes are best suited for the converged market place? Can the newly recovering communications industry withstand the potentially destabilizing effects from a new Act?

To attend the luncheon, please send a RSVP to amy@mushahwar.com by March 11, 2005.

WELCOME ADDRESS

8:45 -- 9:00 William F. Fox, Dean & Professor of Law, Columbus School of Law

SESSION I: A CALL TO REWRITE THE TELECOMMUNICATIONS ACT OF 1996

9:00 -- 9:30 am Professor David Irwin, Director, Institute of Communications Law Studies & Partner, Irwin, Campbell & Tannenwald, P.C.

SESSION II: THE WIRELESS SUCCESS STORY – WHAT, IF ANYTHING NEED CONGRESS DO?

9:40 -- 10:50 am Panel

Moderator: Bryan Tramont, Federal Communications Commission, Chief of Staff to Chairman Powell

Panelists:

- Barry Ohlson, Federal Communications Commission, Senior Legal Advisor to Commissioner Adelstein
- Jeff Campbell, Cisco Systems, Director of Technology and Communications Policy
- George Foote, Bracewell & Patterson, Partner
- Kathleen Ham, T-Mobile, Managing Director Federal Regulatory Affairs

10:50 -- 11:00 am Break

SESSION III: BROADBAND—THE POLITICS OF FAT PIPE

11:00 am – 12:10 pm Panel

Moderator: Scott Cleland, Precursor Group, Founder & Chief Executive Officer

Panelists:

- Lee Carosi, U.S. Senate, Legislative Counsel to Senator John McCain (R-AZ)
- Grant Seiffert, Telecommunications Industry Association, Vice President, External Affairs & Global Policy
- Randy Tyree, Organization for the Promotion and Advancement of Small Telecommunications Companies, Legislative Director
- Bob Blau, Bell South, Vice President for Executive and Federal Regulatory Affairs
- Chris Gutman-McCabe, Cellular Telecommunications and Internet Association, Assistant Vice President for Regulatory Policy

SESSION IV: LUNCHEON SPEAKER

12:10 -- 1:40 pm Luncheon Address

Speaker: Commissioner Kathleen Abernathy, Federal Communications Commission

SESSION V: BROADCAST, MULTI-CHANNEL VIDEO PROGRAMMING AND INTERNET PROTOCOL TV REGULATION—IS REGULATORY PARITY ON THE HORIZON?

1:50 -- 3:00 pm Panel

Potential Moderator: Jon Cody, Federal Communications Commission, Legal Advisor to Chairman Powell

Potential Panelists:

- Marsha MacBride, National Association of Broadcasters, Executive President, Law and Regulatory Policy
- Andrew Schwartzman, Media Access Project, President
- James M. Assey, Jr., Senate Committee on Commerce, Science and Transportation, Democratic Senior Counsel
- Bruce Byrd, SBC Services Inc., Vice President and General Counsel

3:00 -- 3:10 pm Break

SESSION VI: DEVELOPING A NEW PARADIGM FOR COMMUNICATIONS REGULATION

3:10 -- 4:20 pm Panel

Moderator: Professor David Irwin

Panelists:

- Dr. Robert Pepper, Federal Communications Commission, Office of Strategic Planning and Policy Analysis
- David Cohen, United States Telecom Association, Vice President of Policy
- Neal Goldberg, National Cable & Telecommunications Association, General Counsel
- Michael Skubisz, Pannaway Technologies, Chief Technology Officer

SESSION VII: SUMMATION

4:20 – 5:00 pm Delivered by Jeff Pulver, Pulver.com, President and CEO

SESSION VIII: NETWORKING EVENT

5:15 – 6:15 pm Reception and Cocktail Hour