

DRAFT SYLLABUS AND READING ASSIGNMENTS
(SUBJECT TO CHANGE)

All readings are either from: i) the textbook, Telecommunications Law and Policy, 2nd Ed., Benjamin, Lichtman, Shelanski, & Weiser, published by Carolina Academic Press; ii) the 2008 Supplement to the Textbook; or iii) additional assigned readings, as indicated below. Please note that there is a Statutory Appendix, Index and Glossary at the back of the textbook for your reference.

Class Date Subject and Reading Assignment

August:

20 (Th) *Introductory readings: Preface* (pp. xxi-xxiv); *The FCC* (pp. 51-62); *Intro to Spectrum* (pp. 3-15). Please also read the Obama Administration's Innovation and Technology Plan, http://www.barackobama.com/issues/technology/index_campaign.php

25 (Tu) *Early History of Broadcasting:* (pp. 15-30); *Early History of Telephony* (pp. 693-707). Please also look at the www.broadband.gov site, particularly the "About Broadband," "Workshops," and "Initiatives" sections.

27 (Th) *Rationales for Broadcast Regulation:* (pp. 30-49); *Rationales for Telephony Regulation:* (pp. 707-711). Please also review NTIA's Broadband Technology Opportunities Program website, <http://www.ntia.doc.gov/broadbandgrants>

September:

1 (Tu) *Spectrum Management:* (pp. 62-77); *Telephone Regulation -- Pre-Divestiture* (pp. 713-722). Please also read FCC Chairman Genachowski's July 2009 interview with "Broadcasting and Cable" magazine, http://www.broadcastingcable.com/article/326051-Genachowski_FCC_Still_Justified_in_Regulating_Broadcast_Content.php

3 (Th) *Structuring and Assigning Broadcast Licenses – Origins:* (pp. 113-121; 126-136; 164-165); *Auctioning Spectrum Licenses:* (169- 177)

8 (Tu) *Broadcast Public Trustee Obligations—Fairness Doctrine:* (pp. 197-224)

- 10 (Th) *Political Broadcasting Rules:* (pp. 224-237); *Telephone Regulation: Divestiture of AT&T* (pp. 723-746).
- 15 (Tu) *Telephony -- Rate Regulation and Universal Service* (pp. 747-769).
- 17 (Th) *Telephone Regulation -- 1996 Act:* (pp. 771-786; 848-850; 861-862)
- 22 (Tu) *Telephony – Interconnection & Reciprocal Compensation:* (pp. 851-861); *Universal Service under the 1996 Act:* (pp. 863-881).
- 24 (Th) *Universal Service Reform Proposals:* Please read: ii) “In re Federal-State Joint Board on Universal Service,” CC Docket No. 96-45 (adopted July 9, 2002) (pp. 1-9), http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-02J-1A1.pdf ; and ii) “In re Federal-State Joint Board on Universal Service,” CC Docket No. 96-45 (adopted Nov. 19, 2007) (pp. 1-7), http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07J-4A1.pdf
- 29 (Tu) *Broadcast Indecency -- Origins:* (pp. 254-285).
- October
- 1(Th) *Broadcast Indecency – Recent Developments:* Please read Justice Scalia’s majority opinion and Justice Thomas’ concurrence, as well as Justice Stevens’ dissent, in *FCC v. Fox Television Stations, Inc. Et Al*, No. 07-582 (Supreme Court case on “fleeting profanities” decided April 29, 2009), which can be found at www.fcc.gov under the General Counsel’s Office site, listed on the right under “Recent Cases,” or at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-290402A1.pdf
- [Optional: For those of you interested in this area, you may also want to read the underlying 2nd Circuit “fleeting profanities” decision, *Fox v. FCC* (2nd Cir. June 4, 2007), 489 F.3d 444, as well as the July 21, 2008 3rd Circuit’s “fleeting images” decision (*CBS v. FCC* No. 06-3575) reversing the FCC’s ruling against CBS for Janet Jackson’s “clothing malfunction” during the 2004 Superbowl halftime game. Both of these cases can be found at the FCC’s General Counsel’s Office site.]
- 6 (Tu) *Broadcast Industry – TV Violence:* (pp. 300-306). Please also read the FCC’s April 6th Report entitled *In the Matter of Violent Television Programming and Its Impact on Children* (MB Docket NO. 04-261, Released April 25, 2007, pp. 1-21, which can be found at www.fcc.gov under the April 2007 Headlines).
- 8 (Th) *Digital Television and the DTV Transition:* (pp. 347-356; 367-388). Please also read “The Advisory Committee on Public Interest Obligations

of Digital Television Broadcasters, Section I, The Origins and Future Prospects of Digital Television” (pp. 3-13),
<http://govinfo.library.unt.edu/piac/piacreport.pdf>

- 13 (Tu) **NO CLASS TODAY-OBSERVING A MONDAY SCHEDULE BECAUSE OF GMU LAW FALL BREAK**
- 15 (Th) *Broadcasting -- Children’s Educational Television:* (pp. 316-330). Please also read the FCC’s Nov. 23, 2004 Report and Order on Children’s Television Obligations of Digital Television Broadcasters, pp. 2-24, which can be found at www.fcc.gov under 2004 Headlines or at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-221A1.pdf.
- 20 (Tu) Update on 1996 Act – Readings **TBD. [TAKE HOME MIDTERM EXAM POSTED – DUE IN CLASS ON 11/3]**
- 22 (Th) *Cable Television: Background and Regulation:* (pp. 450-462; 472-475; 485-489; 511-513). Please also read pp. 1-10 of *Alliance for Community Media v. FCC* (re FCC’s 2007 cable franchising timetable order), 529 F.3d 763 (6th Cir. June 2008), *cert. denied*, 129 S.Ct. 2821 (Mem. June 2009), http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-283310A1.pdf
- 27 (Tu) *Cable Television – Must Carry Rules:* (pp. 514-547)
- 29 (Th) *PEG and Leased Access* (pp. 476-483); *Cable DTV Issues re Must Carry and Digital Flag* (pp. 561-567; 639-653). Please also read *NCTA v. FCC* (DC Cir. May 2009) (upholding FCC’s restriction on exclusive cable contracts with MDUs), http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-290966A1.pdf
- November
- 3 (Tu) *Cable Indecency* (pp. 655-658; 678-692); *Telephone Indecency* (pp. 917-923); *Internet Indecency* (pp. 927-947) **TAKE HOME MIDTERM EXAM DUE IN CLASS TODAY.**
- 5 (Th) Additional Federal Internet indecency and filtering cases – readings **TBD.**
- 10 (Tu) *Direct Broadcast Satellite Television:* (pp. (pp. 497-511; 247-254; 548-560)
- 12 (Th) *Advanced Services-Broadband via Telephone or Cable:* Readings **TBD.**
- 17 (Tu) *Media Ownership Restrictions:* Please review the Media Ownership

Rules Powerpoint posted on TWEN under “Course Materials.”

- 19 (Th) *Network Neutrality:* (pp. 1012-1028); please also read the Dept. of Justice’s Sept. 6, 2007, FCC Ex Parte Filing on the issue, <http://www.usdoj.gov/atr/public/comments/225767.htm>, and the Introduction and Executive Summary of the Federal Trade Commission’s June 2007 Staff Report on the issue (pp. 1-12), <http://www.ftc.gov/reports/broadband/v070000report.pdf>. Please also read the FCC’s August 20, 2008 News Release Ordering Comcast to End Certain Discriminatory Network Practices (3 pages), http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-284286A1.doc.
- 24 (Tu) *Internet Telephony:* **[Readings TBD]**
- 26 (Th) NO CLASS – THANKSGIVING BREAK
- December:
- 1 (Tu) Last Class – Review Session
- 8 (Tu) Final 3 Hour Open Book Exam Starting at 12 noon (Room TBD)