Telecoms and Internet: Strategy & Policy
Law 617  * George Mason University School of Law * FALL 2013

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Class time: TUES 4:00PM - 5:50PM
14 meetings: Aug. 20-Nov. 26
Room: Hazel 412
TWEN pass: WaPoBezos

Required Text: None.

Recommended But Not Required:

This course focuses on Public Policy and Business Strategy issues at play in the rapidly evolving communications sector, including those related to law, economics, finance, technology, and public choice.

Each class will be lecture style, but questions and class participation are encouraged. Students are urged to absorb Required Readings prior to each class -- and be prepared to discuss them when called upon. Students should feel free to discuss issues, raise questions, or challenge assertions made in the lecture. Your professor will feel free to call on students to share their knowledge, to contribute analysis, or to voice their opinions during lecture.

Outside of class – participation also encouraged. Email is typically quite efficient for Q&A, but other conduits (including face to face meetings, an avant garde ‘social media’ format) are also effective.

Assignments:

Students are responsible for writing a paper with a suggested length of 15-25 double spaced (standard) pages. This accounts for 70% of the final grade. In ADDITION, a 10-
minute LIVE PPT presentation will be made by each student during slots (to be assigned) during the last two class meetings. The presentation is made on the topic of the student’s paper – it’s the ‘oral media’ version. This accounts for 20% of the class grade. The last 10% of the grade is accounted for by class participation, which includes the excellent and constructive comments made to other students’ PPT presentations.

Paper topics should be developed quickly by students with feedback from the professor – a decision and a 1-page outline is due at the beginning of the 4th week of class. An important note: This paper should not read like a legal brief, a government report, or corporate advocacy. It should be analytical, explaining a question (of strategy and/or public policy in the Information Sector), presenting background facts, explaining the current question (whether it’s a normative debate or a factual disagreement over the optimal path for a firm or agency to take), and then laying out opposing positions. A thesis should then be supported with theory and evidence. In the end, a good paper will (a) inform the reader (tell her something she did not know); (b) interest the reader (explaining why the points are important); and (c) lead a reasonable person to view the problem in a new light.

Topic ideas abound in such journals as TELECOMMUNICATIONS POLICY, INFO, or COMMUNICATIONS & STRATEGIES or specialty law journals such as the HARVARD JOURNAL OF LAW & TECHNOLOGY; STANFORD TECHNOLOGY LAW REVIEW; the JOURNAL OF TELECOMMUNICATIONS & HIGH TECHNOLOGY LAW, YALE JOURNAL ON REGULATION, and in the tekkie press (almost all of it online).

There are also many informative publications or web sites with coverage of ongoing developments, markets, or controversies, offering excellent ideas for research. Among these are magazines such as The Economist, Forbes, or Wired. The trade press offers an extremely wide range of sector coverage in such publications as Information Week, Cable & Broadcasting, Multichannel News, Electronic Media, Communications Daily, Telecommunications Reports, Telephony, Variety, and countless others. A brief list:


My dream? You write a publishable paper – or close (a couple of drafts away). Check the many law reviews and/or scholarly journals that now deal (or specialize in) papers written on “telecommunications and the Internet.”

The paper is due 5pm ET Wednesday, Dec. 18. Email the paper to me, using this entry on the Subject Line: “Paper for Law 617.” (In fact, please indicate “Law 617” in the Subject Line for all emails you send to me.) Confident, industrious students are STRONGLY ENCOURAGED to consider submitting their papers (or edited versions thereof) to the Telecommunications Policy Research Conference ([http://www.tprcweb.com/node/32](http://www.tprcweb.com/node/32)), the Pacific Telecommunications Conference ([www.ptc.org](http://www.ptc.org)), or other “student paper” competitions in the field. TPRC is held in late Sept. at GMULS; PTC is mid-Jan. in Honolulu.

An outline of planned festivities follows; please note that events and sequencing are subject to revision. The last two meetings are reserved for student presentations, based on the papers being written, and these will be scheduled later. Most readings have links in the Syllabus; others should be made available on TWEN.
LECTURE 1:  
**Does Regulation Improve Broadband Service?**  
Aug. 20


Thomas W. Hazlett, *We’re Number Two?* **COMMENTARY** (Dec. 2009).


Optional:


Tim B. Lee, *Four signs America's broadband policy is failing*, **ARS TECHNICA** (May 29, 2012)

Zittrain interviews Larry Lessig on Net Neutrality -- **Internet Radio Show** (Oct. 14, 2010) Starting about 1:02:00 Lessig offers the empirical case for network neutrality.

LECTURE 2:  
**The Windows “Applications Monopoly”**  
Aug. 27

Thomas W. Hazlett, *Microsoft’s Internet Exploration: Predatory or Competitive?*  
9 **CORNELL JOURNAL OF LAW AND PUBLIC POLICY** (Fall 1999), 29-59

Lawrence Lessig, *I Blew It on Microsoft*, **WIRED** (Jan. 2007)

Klint Finley, *How Apple Killed the Linux Desktop*, **CNN.COM** (April 27, 2012)


LECTURE 3:  
**Profiting from Innovation**  
Sept. 3


Clayton Christensen, *The Innovator’s Dilemma* (Excerpt), **BUSINESS WEEK** (1997)
LECTURE 4: The Google Search Disruption
Sept. 10
1-PAGE OUTLINES (for class papers) DUE TODAY via email BEFORE CLASS.

Steven Levy, The Secret of Googlenomics, WIRED (June 2009)

Thomas W. Hazlett, Economies of Scale, BARRON’S (Nov. 17, 2008)


Optional:


Thomas W. Hazlett, Google and the Myth of An Open Internet, FT (OCT. 10, 2006)


LECTURE 5: The Apple iPhone Disruption
Sept. 17

Tim Wu, iPhony: Why Apple’s New Cell Phone Really Isn’t Revolutionary, SLATE (June 29, 2007)

Tim Wu, iSurrender, SLATE (June 10, 2008)

Timothy B. Lee, Why Google is Winning the Smartphone Wars, FORBES (Aug. 1, 2011)

Thomas W. Hazlett, The iPhone Turns Five, WALL STREET JOURNAL (June 12, 2012)

Thomas Hazlett, Is Google More Open than Apple? FINANCIAL TIMES (July 15, 2010)

Optional:


Frank Rose, Pocket Monster: How DoCoMo’s Wireless Internet Service Went from Fad to Phenom – and Turned Japan into the First post-PC Nation, WIRED (9.01)
LECTURE 6: The Wireless Telephone Market
Sept. 24


Tom Farley, The Cell-Phone Revolution, INVENTION & TECHNOLOGY MAG (W 2007)

Saul Hansell, Is There a Method in Cell Phone Madness, NY TIMES (Nov. 14, 2009)

Optional: CTIA, Comment Filed at FCC, WT Docket No. 09-66 (Sept. 30, 2009)


Sara Corbett, Can the Cellphone End Global Poverty? NY TIMES (April 13, 2008)

Kevin Sullivan, For India’s Traditional Fishermen, Cellphones Deliver a Sea Change, WASHINGTON POST (Oct. 15, 2006)

LECTURE 7: Spectrum Allocation
Oct. 1


Optional:


Thomas Hazlett, David Porter & Vernon Smith, The Disruptive Clarity of Ronald Coase, JOURNAL OF LAW & ECONOMICS (Nov. 2011).


Thomas W. Hazlett, Physical Scarcity, Rent-Seeking and the First Amendment, 97 COLUMBIA LAW REVIEW (May, 1997), 905-44
LECTURE 8: *The Mobile Data Tsunami – and the Spectrum to Ride It*
Oct. 7


Thomas W. Hazlett, *Efficient Spectrum Reallocation with Transaction Costs*, ISNIE - Florence, Italy (June 2013)

Optional:


**OCTOBER 15:** Vacation in Tahiti (see GMU-Fairfax about obtaining travel funding)

LECTURE 9: *Spectrum Property Rights*
Oct. 22


Optional:


LECTURE 10: TBA
Oct. 29
LECTURE 11: *Life During and After Television*
Nov. 5

Thomas W. Hazlett, *If a TV Station Broadcasts in the Forest...* (May 2011)

Swanni, *Why is the Media Hyping Cord Cutting?* TV.PREDICTIONS.COM (May 24, 2013)

Casey Johnston, *Aereo: The TV Innovation That May be Too Good To Last*, ARS TECHNICA (May 29, 2013)

Joe Mulin, *News Corp COO: If We Lose Aereo Lawsuit, Fox May Stop Broadcasting*, ARS TECHNICA (April 8, 2013)

Optional:


LECTURE 12: *Network Neutrality*
Nov. 12


Thomas W. Hazlett and Timothy Wu: *Debate* at Harvard Law School (Jan. 2011)

Optional:

Craig McTaggart, *Was the Internet Ever Neutral?* TPRC (Sept. 2007)


Timothy B. Lee, *WSJ Mangles History to Argue that Government Didn’t Launch the Internet*, ARS TECHNICA (July 23, 2012)

L. Gordon Crovitz, *WeHelpedBuildThat.com*, WALL STREET JOURNAL (July 29, 2012)

WEEK 13: *Student Presentations*
Nov. 19

WEEK 14: *Student Presentations*
Nov. 22