

Law 181-001 | Communications Law | Spring 2025 | 3 credits

Professor(s): Michael Carlson & Nicholas Degani

Mon. & Wed. 9:00 – 10:25 am EST | **Final Exam:** Monday, May 5, 12:00 pm EST

Reading(s): [REQUIRED] *Communications Law and Policy Edition 8.0* by Jerry Kang, Alan Butler, and Blake E. Reid (ISBN 978 -0-9978502-6-0), published by Direct Injection Press in 2024. Hardcopies should be available for purchase online; electronic versions should be available for free online.

We will provide copies of each case and supplemental writing for review; however, you will be responsible for finding both statutory provisions and (almost all) FCC orders yourself, with a brief primer on how to do so during the first class.

Additionally, please familiarize yourself with our TWEN page for materials that may be useful to review.

Communication(s): Email is our preferred method of communication. If you have any questions or concerns, please reach out to both of us:

Prof. Degani: nick@reticulated.tech

Prof. Carlson: michaeljohncarlson@gmail.com

Schedule Announcements: Please note that there will be no class on Monday, January 20 (MLK Jr. Day), on Monday, March 10 (Spring Break), or on Wednesday, March 12 (Spring Break), and there will be class on Thursday, April 24 (the school is treating it as a Monday).

COURSE DESCRIPTION

This course surveys the principles underlying our nation's communications law, policy, and regulation. The course includes a close study of the Communications Act of 1934, as amended, and the Telecommunications Act of 1996, the two foundational statutes for communications law, and in-depth review of several prominent orders of the Federal Communications Commission and cases before the courts. In particular, we will examine the regulatory treatment of a number of related technologies including telephony, broadband Internet, wireless communications, satellites, broadcasting, and cable—as well as the legal strictures that sustain or restrain action by the Commission.

COURSE OBJECTIVES

By the end of this course, students will have a basic grasp of administrative law and its application in the world of communications law, will have the ability to read legislation and see it translated into real-world outcomes, will be able to identify relevant and enduring concepts in communications law, will be able to find and analyze decisions of the Commission in an interdisciplinary manner, and will learn to think outside the box and analyze communications law issues from a variety of perspectives.

GRADING & PARTICIPATION

Your grade will be almost entirely based on the final exam, although it may be modified based on your in-class participation and attendance. The final exam is on Monday, May 5 at 12:00 pm. The 3-hour final exam will be open book. However, like most exams, it will be time pressured so that you will have limited time to review your notes and other materials.

In-class participation may impact your final grade. Students are expected to be active and thoughtful participants in classroom discussions. Exceptional performance may result in an upward adjustment of your final grade by one step (e.g., from B+ to A-); a significant lack of in-class participation may result in a downward adjustment of your final grade by one

Law 181-001 | Communications Law | Spring 2025 | 3 credits

Professor(s): Michael Carlson & Nicholas Degani

Mon. & Wed. 9:00 – 10:25 am EST | **Final Exam:** Monday, May 5, 12:00 pm EST

step (e.g., from B+ to B). You do not need an administrative-law, technology, or economic background to succeed in this course. You do, however, need to be prepared on a daily basis and need to exercise critical thinking skills and common sense during in-class discussions. If you do not regularly read before class, this course is not for you.

Your attendance may also impact your eligibility for course credit. Per GMU policy, absence from six or more sessions in this course *for any reason* will result in a loss of credit. A student who is not present for at least 75% of a session is considered absent. A student cannot participate in a class, if he or she is absent.

COURSE SCHEDULE & ASSIGNMENTS

Class # (Date)	Topic	Reading
1 (1/22)	Communications Basics Admin Law Basics	CLP 1-19, 32-37 5 U.S.C. § 706
2 (1/27)	FCC Overview	CLP 20-32
3 (1/29)	Rate Regulation: The Basics	CLP 81-95, 125-43
4 (2/3)	FCC Authority: The Basics	Communications Act § 201 <i>AT&T v. Iowa Utilities Board</i> (Sup. Ct. 1999, pp. 370-86) <i>City of Arlington v. FCC</i> (Sup. Ct. 2013, pp. 1-14)
5 (2/5)	Rate Regulation: An Evolving Example	<i>First Inmate Calling Order</i> (FCC 13-113, paras. 39-41, 47-81) <i>Second Inmate Calling Order</i> (FCC 15-136, paras. 48-75) <i>Third Inmate Calling Order</i> (FCC 21-60, paras. 39-41, 81-99)
6 (2/10)	Universal Service	Communications Act § 254 CLP 143-51 Urban Rate Survey Results (DA 23-1172)
7 (2/12)	FCC Authority: Vis-à-vis the States	Communications Act § 2 <i>Louisiana PSC v. FCC</i> (Sup. Ct. 1986, pp. 358-63, 368-79) <i>Global Tel*Link v. FCC</i> (D.C. Cir. 2017, pp. 8-15, 20-28)
8 (2/17)	Introducing Competition: First Steps	CLP 245-57, 95-99
9 (2/19)	Introducing Competition: Allowing Entry	Communications Act § 253 <i>Sandwich Isles 253 Order</i> (FCC 17-85, paras. 1-29) <i>Minnesota Public Utilities Commission v. FCC</i> (8 th Cir. 2007, pp. 6-10, 13-22)
10 (2/24)	Introducing Competition: Allowing Access	Communications Act § 224 <i>NCTA v. Gulf Power Co.</i> (Sup. Ct. 2002, pp. 330-39)

Law 181-001 | Communications Law | Spring 2025 | 3 credits**Professor(s):** Michael Carlson & Nicholas DeganiMon. & Wed. 9:00 – 10:25 am EST | **Final Exam:** Monday, May 5, 12:00 pm EST

Class # (Date)	Topic	Reading
11 (2/26)	Introducing Competition: Allowing Resale	Communications Act § 251 <i>Verizon v. FCC</i> (Sup. Ct. 2001, pp. 475-78, 488-517, 539-61)
12 (3/3)	Introducing Competition: Forbearance	<i>MCI v. AT&T</i> (Sup. Ct. 1994, pp. 220-45) Communications Act § 10
13 (3/5)	Policing Competition	Remarks on the 100 th Anniversary of the Kingsbury Commitment Communications Act §§ 214, 310 <i>Ameritech/SBC Merger Order</i> (FCC 99-279, paras. 1-5, 25-29, 55-62) <i>Ameritech/SBC Merger Order</i> (Statement of Commissioner Furchtgott-Roth, pp. 1-8, 9-11, 16-17)
14 (3/17)	Spectrum: The Basics	<i>CLP</i> 43-57, 69-75
15 (3/19)	Spectrum: Models of Control	Spectrum Policy Task Force Report (2002, pp. 7-11, 15-24, 35-41) Some Economics of Wireless Communications (2002, pp. 27-36)
16 (3/24)	Spectrum: Auctions	<i>CLP</i> 75-81 <i>Incentive Auction Order</i> (FCC 14-50, paras. 1-37, 325-46) <i>C-Band Auction Order</i> (FCC 20-22, paras. 1-12, 20-53, 178-92, 211-41)
17 (3/26)	Spectrum: Satellites	Berry et al., Spectrum Rights in Outer Space (pp. 1-10) <i>Int'l Dark-Sky Ass'n, Inc. v. FCC</i> (D.C. Cir. 2024, pp. 2-21)
18 (3/31)	Broadcasting: Politics	<i>CLP</i> 57-69, 236-45
19 (4/2)	Broadcasting: Indecency	<i>CLP</i> 162-85
20 (4/7)	Broadcasting: Ownership	<i>Schurz Communications v. FCC</i> (7th Cir. 1992, pp. 2-11) <i>2014 Quadrennial Review Order</i> (FCC 17-156, paras. 1-10, 49-65, 87-95)
21 (4/9)	Broadcasting: And Cable	<i>CLP</i> 272-95
22 (4/14)	Net Neutrality: The Basics	<i>CLP</i> 303-10, 342-45 <i>Comcast BitTorrent Order</i> (FCC 08-183, paras. 1-11, 41-56)
23 (4/16)	Net Neutrality: Rules?	<i>Comcast BitTorrent Order</i> (FCC 08-183, paras. 28-40) <i>Open Internet Order</i> (FCC 10-201, paras. 11-42, App. A) <i>Restoring Internet Freedom Order</i> (FCC 17-166, paras. 239-66)
24 (4/21)	FCC Authority Redux: Ancillary Authority	Communications Act § 1, 2, 4(i)

Law 181-001 | Communications Law | Spring 2025 | 3 credits

Professor(s): Michael Carlson & Nicholas Degani

Mon. & Wed. 9:00 – 10:25 am EST | **Final Exam:** Monday, May 5, 12:00 pm EST

Class # (Date)	Topic	Reading
		<i>CLP</i> 259-72 Telecommunications Act § 706 <i>Comcast BitTorrent Order</i> (FCC 08-183, paras. 12-27) <i>CLP</i> 345-59
25 (4/23)	FCC Authority Redux: Classification	Communications Act § 3(24), (50), (51), (53) <i>CLP</i> 317-41, 359-87 <i>Restoring Internet Freedom Order</i> (FCC 17-166, paras. 21-64)
26 (4/24)	Wither the FCC?	<i>Title II Stay Order</i> , Case No. 24-7000 (6th Cir. 2024, pp. 2-14) A New FCC for the 21 st Century (1999, pp. 17-28) Twilight of the FCC? (1997, pp. 327-29)