

The Graduate School of Political Management

THE GEORGE WASHINGTON UNIVERSITY

M.P.S. in Legislative Affairs

Semester – Fall 2014

Class start/end date – Aug. 25-Dec. 1

Course Name

LGAF 6260.LH1 Congress and Telecom Policy

Credits

Class Day/Time – Monday – 6-8 pm

Class Location – 1300 I Street, NW Suite 400W
Washington, DC 20005

BASIC INFORMATION AND RESOURCES

Instructor

Peter B. Davidson

Contact Information

Phone Number: (202) 515-2512 / 202-515-2582

Email Address: peter.b.davidson@verizon.com

Communication

For communicating with me, please email – peter.b.davidson@verizon.com and copy my assistant: Francine.m.folgner@verizon.com

Blackboard Site

A Blackboard course site has been set up for this course. Each student is expected to check the site throughout the semester, as Blackboard will be the primary venue for outside classroom communications between the instructors and the students. Students can access the course site at <https://blackboard.gwu.edu>. Support for Blackboard is available at 202-994-4948 or helpdesk.gwu.edu.

Academic Integrity

All members of the university community are expected to exhibit honesty and competence in their academic work. Students have a special responsibility to acquaint themselves with, and make use of, all proper procedures for doing research, writing papers, and taking exams. Members of the community will be presumed to be familiar with the proper academic procedures and will be held responsible for applying them. Deliberate failure to act in accordance with such procedures will be considered academic dishonesty. Academic dishonesty is defined as “cheating of any kind, including misrepresenting one’s own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information.” Acts of academic dishonesty are a legal,

moral, and intellectual offense against the community and will be prosecuted through the proper university channels. The University Code of Academic Integrity can be found at <http://www.gwu.edu/~ntegrity/code.html>.

Support for Students with Disabilities

GW's Disability Support Services (DSS) provides and coordinates accommodations and other services for students with a wide variety of disabilities, as well as those temporarily disabled by injury or illness. Accommodations are available through DSS to facilitate academic access for students with disabilities. Please notify your instructor if you require accommodations. Additional information is available at www.gwu.edu/~dss.

In the Event of an Emergency or Crisis during Class

If we experience some an emergency during class time, we will try to stay at this location until we hear that we can move about safely. If we have to leave here, we will meet across the street at Franklin Square in order to account for everyone and to make certain that everyone is safe. Please refer to Campus Advisories for the latest information on the University's operating status: <http://www.campusadvisories.gwu.edu/>.

Attendance Policy

Attendance is required at all sessions unless waived by the professor.

Course Evaluation

At the end of the semester, students will be given the opportunity to evaluate the course through GW's online course evaluation system. It is very important that you take the time to complete an evaluation. Students are also encouraged to provide feedback throughout the course of the semester by contacting any/all of the following:

Dr. Steven Billet
Director, Legislative Affairs Program
sbillet@gwu.edu | 202-994-1149

Dr. Jack Prostko
Associate Dean for Learning and Faculty Development
College of Professional Studies
jackp@gwu.edu | 202-994-3592

Suzanne Farrand
Director of Academic Administration, GSPM
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THE COURSE

Legislative Affairs Program Objectives

Upon completion of the Master's degree in Legislative Affairs, students will:

1. Gain both theoretical and practical knowledge related to the U.S. Congress, general issues in the legislative arena, and how to effectively advance legislation;
2. Hone their oral and written communication skills in both theoretical and technical aspects of legislative affairs;
3. Be able to conduct cutting-edge research and engage in effective problem solving by learning critical thinking skills;
4. Learn how to work effectively with others, the value of collaborative work, and will understand ethical issues involved in the legislative arena.

Course Description and Overview

This course will focus on recent developments in telecommunications law, policy and regulation. It will include a basic study of the history of telecommunications law and regulation, but only to the extent that these concepts are required to understand proposals for reform to adjust to new technologies. *This is not a history of telecom regulation course.* It is a course designed to provide the basic skills to be able to intelligently discuss technological trends and options for policymakers to address these trends. At its core, it is a course about Internet policy. Because the Internet has not developed in a linear fashion, an examination of Internet policy necessarily involves an examination of a wide array of issues contained in the Internet "ecosystem." Also, because multiple factors beyond simple economic regulation affect investment and consumer behavior, this course will examine a wide range of policies including privacy, video, taxation, consumer protection...all areas that could affect the development of the Internet in ways just as significant as historical FCC regulation.

Course Learning Objectives

- Understand core elements of the 1934 and 1996 Telecommunications Acts and be able to understand and articulate the relevance of these provisions to the Internet and new telecom technologies
- Understand basic concepts in how the Internet works, from architecture, security, and economic perspectives and be able to identify key players in the Internet space and the roles they play
- Articulate the current model of Internet governance and be able to discuss and opine on proposals for different governance models. A key element in this category is understanding how key provisions in Titles II, III and VI of the Telecommunications Act could be applied to the Internet
- Understand the history of the wireless industry, including spectrum distributions and auctions, and be able to discuss and opine on proposals for new regulation

of the wireless industry. A key element in this category is understanding the developing privacy challenges in location-based services

- Understand the history of video legislation and regulation, starting with the Cable Act, and be able to discuss and opine on how new technologies (including over-the-top video services, wireless video, satellite video) have strained the existing regulatory framework, and be able to articulate several options for reform.
- Understand the impact on non-economic regulation on the development and adoption of new communications technologies, including tax, privacy, consumer protection policies, among others.

Course Requirements

There are three required texts for this class, *The Dynamic Internet*, by Christopher Yoo (AEI Press 2012), *Digital Crossroads (2nd edition)*, by Jonathan Neuchterline and Philip Weiser (MIT Press July 2013), and *Communications Law and Policy in the Digital Age*, by Randolph May (Carolina Academic Press 2012). Prior to each class, students are required to submit two questions from the reading or from current issues related to the reading. These should be submitted to me via e-mail no later than noon on the day of class. You may be called upon to read your question, explain it and to lead a discussion on the topic. At the end of this syllabus is a piece on critical thinking and writing that should guide you in constructing these questions. This, along with your class participation, will constitute 25% of your final grade. The other 75% of your grade will be based: 1) a research project and presentation to be discussed in the first week of class, and 2) a final paper where the student can choose a topic in collaboration with the professor. Students completing this course will receive a thorough survey of the most current telecom policy issues

Following is the grade scale for all Legislative Affairs classes:

Grade*	Grading Standard
A 94-100	Your work is outstanding and ready for submission in a professional environment. Your material, effort, research, and writing demonstrate superior work.
A- 90-93	Represents solid work with minor errors. Overall, excellent work.
B+ 85-89	Very good. Represents well-written material, research, and presentation, but needs some minor work.
B 80-84	Satisfactory work, but needs reworking and more effort. Note that although not a failing grade, at the graduate level, anything below a "B" is viewed as unacceptable.
C+ 75-79	Needs improvement in content and in effort. Shows some motivation and concern.
C 70-74	Needs reworking, improved effort, and additional research. Shows minimal motivation and concern.

Students that do superior work well above and beyond the basic assignment tend to get A or A- in my classes. A B or a B+ indicates that the basic assignment was completed. Grades less than B indicate a need for improvement and that the work falls short of grad school expectations. I use a rubric when I grade papers and other work, a copy of which is attached at the end of this syllabus.

Required Text and Learning Materials

There are three required texts for this class, *The Dynamic Internet*, by Christopher Yoo (AEI Press 2012) (DI), *Digital Crossroads (2nd edition)*, by Jonathan Neuchterline and Philip Weiser (MIT Press July 2013) (DC), and *Communications Law and Policy in the Digital Age*, by Randolph May (Carolina Academic Press 2012) (CLPDA)

Optional Supplemental Text and Learning Materials

Will be distributed throughout the course.

Tentative Course Calendar*

*The instructor reserves the right to alter course content and/or adjust the pace to accommodate class progress. Students are responsible for keeping up with all adjustments to the course calendar.

Class Date – August 25 & September 8 – NOTE: NO CLASS ON SEPTEMBER 1
Week 1 & 2

Topic and Content Covered: History of basic telecom legislation including the '96 Act and its relevance today

Learning Objective(s) Addressed:

- Overview of key concepts from the '34 Act
- Changes to the '34 Act up to '96 Act
- Key concepts in the '96 Act relevant to today's issues, including titles I, II, III, IV and VI
- Distinguishing traditional information services from advanced communication services and regulatory differences
- Explore (but not master) stove-pipe regulatory treatment of competing services
- Common carrier exception to FTC Act
- Overview of universal service, intercarrier compensation, Lifeline and special access

Reading due: Chapters 1, 2 of Digital Crossroads (DC); and in Communications Law and Policy in the Digital Age (CLPDA), Reforming Universal Service, by Daniel Lyons; and Communications Policy Reform, Interest Groups and Legislative Capture, by Bruce Owen

Class Date – September 15 & September 22

Week 3 & 4

Topic and Content Covered: Introduction to the Internet, how it works, who are the players in the core and on the edge, the economics of the Internet.

Learning Objective(s) Addressed:

- Tiered hierarchy of the Internet, Internet backbone (and key providers), how it “works”
- Telecom architecture
- The “new” Internet and CDNs
- The economics of the Internet, peering, transit and exchange
- Main players and Internet space and what they do, dynamic competition in Internet ecosystem
- Internet security, cyber security

Guest lecturer: Sanjay Udani (Verizon engineer and Professor at University of Pennsylvania School of Engineering)

Reading due: Chapter 5 of DC, Chapters 1-3 of DI

Class Date – September 29 & October 6

Week 5 & 6

Topic and Content Covered: Spectrum and wireless, including budget aspects of spectrum

Learning Objective(s) Addressed:

- History of wireless industry, including key players and regulatory treatment under title III (brief overview of tower citing, state and local regulation, health concerns to be familiar with the concepts)
- History of spectrum distribution and auctions
- Modern wireless networks and the development of wireless broadband and data services
- Current regulatory controversies: interoperability, roaming, spectrum caps and screens, FM chips, small and medium-sized carrier concerns

Reading due: Chapters 5, 6 of CLPDA, Chapters 3, 4 of DC

Class Date – October 13 & October 20

Week 7 & 8

Topic and Content Covered: Internet governance, net neutrality (including a review of the current Verizon v FCC case), international efforts to regulate the Internet, proposals in Congress for reform

Learning Objective(s) Addressed:

- Internet governance until net neutrality, Open Internet Order, review of titles I and II, *Comcast v. Bittorrent*
- History of OIO and options presented to FCC
- FCC's legal justification for OIO and counterarguments, review of court proceedings
- History of Section 706 and use to support OIO
- Proposals for reform, considering outcomes of FCC win, loss or draw in OIO litigation
- International Internet governance, WCIT and 2013-14 ITU agenda

Reading due: Chapters 4-8 of DI, Chapters 6-7 of DC

Class Date – October 27 & November 3

Week 9 & 10

Topic and Content Covered: Class presentations

Reading due: Chapters 9-11 of DI

Class Date – November 10 & November 17

Week 11 & 12

Topic and Content Covered: Video and the '92 cable act, over the top video, satellite and proposals for reform

Learning Objective(s) Addressed:

- History of '76, '88 and '92 cable Acts, and SHVA and the successor STELA
- Examination of the '92 Act retransmission consent, must-carry, non-syndication/non-duplication, compulsory license, etc, rules

- Developments on the video business model and key players
- Copyright issues and piracy (overview)
- Recent technology developments and impact on marketplace
- STELA reauthorization, satellite vs. cable vs. broadcasters and proposals for reform

Reading due: Chapter 8 of CLPDA, Chapter 9 of DC

Class Date – November 24 & December 1
Week 13 & 14

Topic and Content Covered: Non-economic regulation issues and wrap-up, including state and local telecom taxes and federal legislation to pre-empt (Internet Tax Moratorium, Digital Goods, Amazon/access to remote sellers), privacy and consumer protection

Learning Objective(s) Addressed:

- State and local taxation of telecommunications in the Internet Age: Internet Tax Moratorium, Digital Goods, Wireless Tax Moratorium, Streamlined Sales Tax (Main Street Fairness Act)
- Privacy issues in the Internet Age, location-based services, social media
- Brief survey of law enforcement concerns in the Internet Age, CALEA, ECPA
- Brief survey of consumer protection in the Internet Age, who should do it and how should it be done, examples of Bill Shock, Cramming, spam, phishing, etc.
- Wrap-up on future of telecom competition policy

Reading due: Chapter 10 of DC, Chapters 3, 4 of CLPDA

CRITICAL THINKING/CRITICAL WRITING

Questions to Keep You Focused

This class requires that students participate as writers, as presenters and as questioners. The skills you use to make your participation most effective involve more than just reading the material and listening to lecture information. They involve the use and application of your critical thinking skills. Below is a set of questions that are intended to guide your work in this class and might be applied to a variety of life-situations. They are intended to guide the study of topics you read and write about in this class and should be used as you prepare for your in-class presentations. These are basically generic and do not apply for every article you read or for every circumstance you encounter. However, with some adjustment and training, they will help you 1) search beneath the surface of most issues we address in the class, 2) examine in closer detail the intent and impact of things you read and 3) appreciate and understand alternative viewpoints.

1. What is the purpose, goal or main point of the article? Is there a main thesis or theme?
2. Is there a particular problem being addressed? Is the article descriptive, analytical, predictive, or prescriptive? Is it just an opinion piece?
3. Does the author describe a primary causal relationship? How about other relationships?
4. Can you identify dependent and independent variables?
5. Is there a problem being presented and discussed in the article?
6. Does the writer suggest a particular resolution? Do they prove their argument? Do they discuss a research design?
7. Are there biases inherent in the design or in assumptions that underlie the design or the way data is presented?
8. What are the new terms introduced by the author? Do the terms make sense? Can you identify any bias in the selection of terms?
9. Is there a political or ideological point of view being expressed?
10. How might the same question be asked in other ways and produce the same results? Different results?

The idea behind these and a multitude of other questions about your reading and other class work is that you think about what you are presented and train yourself to ask questions digging deep into the material.

Copyright Statement

Unless explicitly allowed by the instructor, course materials, class discussions, and examinations are created for and expected to be used by class participants only. The recording and rebroadcasting of such material, by any means, is forbidden.