
PREFACE

Commissioner Deborah Taylor Tate[†]

It is a distinct pleasure for me to introduce *CommLaw Conspectus*' second and final issue of Volume XIV. *CommLaw Conspectus* and other similar publications are important tools for understanding the rapid changes that are occurring in every area of communications law. Innovative technologies are revolutionizing the way consumers access and disseminate information. The issues currently facing the Commission will shape the communications landscape and the future of these industries for many years to come. The questions facing us often require a balancing of interests: promoting consumer choice, fostering innovative new technologies, and encouraging healthy competition. These interests must be considered with regard to not only the traditional providers but also totally new entrants across all platforms. Having the opportunity to discuss these types of questions is one of the most exciting parts of this job for me.

It is important to ensure that we are confident that our decisions are taking into account the vast amount of information available to us—new facts, new opinions, new ideas. To that end, everyone in the industry seeks to stay well-informed on the issues and educate themselves on what experts in the field are saying. This is often accomplished via Internet updates and daily and weekly

[†] Deborah Taylor Tate was nominated by President George W. Bush on November 9, 2005 to the position of FCC Commissioner. She was unanimously confirmed by the U.S. Senate on December 21, 2005, and sworn in on January 3, 2006.

At the time of her FCC appointment, Tate, an attorney and Rule 31 Mediator, was serving a six-year term as a director of the Tennessee Regulatory Authority. As director, she had been appointed by the Chairman of the FCC to the Federal-State Joint Board on Advanced Telecommunications Services. As a member of the National Utilities Association, she served as Chairman of the Washington Action Committee, and on both the Consumer Affairs and Gas Committees. Other national roles included the Editorial Advisory Board for KMB Video Journal, the American Public Gas Association Security and Integrity Foundation Board of Directors Advisory Board. She has been a frequent panelist on utilities issues.

Tate formerly served as an attorney and senior policy advisor to former Governor Lamar Alexander and former Governor Don Sundquist. She specifically served as a senior mental health and juvenile justice policy advisor and was instrumental in the creation and implementation of a statewide plan establishing a Mental Health Revision Commission, culminating in the passage of an entire new mental health law for Tennessee.

trade publications that provide “sound bites” of the latest industry news. However, while telecommunications information regularly flows through these types of publications, it is equally important to delve deeper into the issues. Rather than reacting only to day-to-day developments in communications law, we must also thoughtfully consider how these developments may affect the industry and the public both now and in the future. Publications such as *CommLaw Conspectus* help us accomplish this goal by providing a vehicle which gives practitioners an opportunity to read, study, and grapple with issues in a more thoughtful way.

The authors of *CommLaw Conspectus* have developed critical, scholarly research that provides practitioners, officials, and courts with a more thorough discussion of an issue. The Editorial Staff of *CommLaw Conspectus* strives to bring its readers articles that examine topics relevant to their daily practice.

However, *CommLaw Conspectus* also contributes beyond its production of this Journal twice a year by hosting the Washington, D.C. area’s premier telecommunications regulatory symposium each spring. Over the last few years, *CommLaw Conspectus* has brought in some of the most influential attorneys, policy makers, and industry officials for panel discussions, keynote addresses, and spirited debates. The number of participants and attendees has skyrocketed throughout the symposium’s three-year history, with standing room-only crowds becoming a regular occurrence.

In short, in the fourteen years that *CommLaw Conspectus* has been published by students at the Catholic University of America’s Columbus School of Law, it has not only guided professors and students, but also practitioners to obtain a better grasp of issues. I am pleased to introduce an edition of the Journal that typifies the spirit of that mission. This issue includes articles commenting on issues that have been and will continue to be important to the entire country in this new digital age.

In *Camp Runamuck: The FCC’s Troubled E-Rate Program*, Ramsey L. Woodworth and Jared B. Weaver examine the E-Rate program. They analyze the Commission’s actions with regard to its oversight of the Universal Service Administrative Company, which administers the program, and they offer suggestions as to ways in which to improve the long-term integrity and viability of the E-Rate program. Their “Monday morning quarterback” review of past practice contributes to the ongoing discussion that surrounds the comprehensive review of universal service now before the Commission by focusing on what has worked and what has not worked in administering the E-Rate program.

In *What is Left of Listener Standing? The D.C. Circuit’s Continuing Flirtation With a Dying Doctrine*, Barry H. Gottfried and Jarrett S. Taubman offer a new perspective on the long-standing precedent that governs who may appeal

Commission decisions concerning a particular station's license—the “listener standing doctrine.” This doctrine has stood for forty years, beginning with the D.C. Circuit's landmark decision, *United Church of Christ v. FCC*. The Authors argue that following the 1992 decision in *Lujan v. Defenders of Wildlife*, retention of the listener standing doctrine can no longer be justified and should be reevaluated in light of the new precedent.

In *Voices Past: The Present and Future of VoIP Regulation*, Mark C. Del Bianco writes about Voice over Internet Protocol (“VoIP”) from a global perspective, examining the economic and technological driving forces behind the deployment of VoIP. The Article analyzes the effect that VoIP has had and will have on traditional voice services both in the United States and internationally. Mr. Del Bianco gives his explanation of why, over the last three years, there has been a dramatic increase in regulation of VoIP around the world, and predicts what the industry should expect over the next four to five years.

I hope you enjoy this edition of *CommLaw Conspectus*, and that the scholarship it contains will encourage you to think more about these and other profound issues challenging this industry. Readers of this publication should be commended for taking the time to learn more about these issues, and for supporting the students at the Catholic University who work diligently to put this Journal together.

