



THE CATHOLIC UNIVERSITY OF AMERICA  
COLUMBUS SCHOOL OF LAW

**The Telecommunications Act of 1996: a Case of Regulatory Obsolescence**

2005 Spring Symposium

Thursday, March 17, 2005

**Sponsored by:**

***CommLaw Conspectus: Journal of Communications Law and Policy*, Institute for Communications Law Studies, Federal Communications Commission, and in cooperation with the Federal Communications Bar Association**

It has been said that the Telecommunications Act of 1996 (1996 Act) has already outlived its usefulness. Others maintain that the Act was sabotaged by the Incumbent Local Exchange Carriers, mostly the Regional Bell Companies.

The circuit-switched, service-specific world of communications regulation envisioned in the 1996 Act is fading in ways not contemplated by the Act. Internet Protocol (IP) communications are blurring any remaining boundaries between conduits and services. Fiber, copper, radio spectrum, and coaxial delivery methods are merely various-sized pipes providing a means to simultaneously transport voice, multi-channel video and high-speed data into the home, business or the personal communications device.

Amid this technological revolution, the diversity, localism and competition themes of the 1996 Act remain. Has the Federal Communications Commission fostered a competitive telecommunications market as the Act envisioned? Will the media concentration dilemma be addressed in a new Act? What will be done with the ever-slowng DTV transition?

Responding to IP communication technical advancements and regulatory concerns, some have recognized that the 1996 Act is a "major impediment" to market developments. Chairman Michael Powell has even called for the major rewrite of the 1996 Act. Yet, is a rewrite necessary in the near future to promote the growth of new communications products and services? If so, what regulatory schemes are best suited for the converged market place? Can the newly recovering communications industry withstand the potentially destabilizing effects from a new Act?

To attend the luncheon, please send a RSVP to [amy@mushahwar.com](mailto:amy@mushahwar.com) by March 11, 2005.

**WELCOME ADDRESS**

**8:45 -- 9:00** William F. Fox, Dean & Professor of Law, Columbus School of Law

**SESSION I: A CALL TO REWRITE THE TELECOMMUNICATIONS ACT OF 1996**

**9:00 -- 9:30 am** Professor David Irwin, Director, Institute of Communications Law Studies & Partner, Irwin, Campbell & Tannenwald, P.C.

**SESSION II: THE WIRELESS SUCCESS STORY – WHAT, IF ANYTHING NEED CONGRESS DO?**

**9:40 -- 10:50 am** Panel

**Moderator:** Bryan Tramont, Federal Communications Commission, Chief of Staff to Chairman Powell

**Panelists:**

- Barry Ohlson, Federal Communications Commission, Senior Legal Advisor to Commissioner Adelstein
- Jeff Campbell, Cisco Systems, Director of Technology and Communications Policy
- George Foote, Bracewell & Patterson, Partner
- Kathleen Ham, T-Mobile, Managing Director Federal Regulatory Affairs

**10:50 -- 11:00 am** Break

**SESSION III: BROADBAND—THE POLITICS OF FAT PIPE**

**11:00 am – 12:10 pm** Panel

**Moderator: Scott Cleland, Precursor Group, Founder & Chief Executive Officer**

**Panelists:**

- Lee Carosi, U.S. Senate, Legislative Counsel to Senator John McCain (R-AZ)
- Grant Seiffert, Telecommunications Industry Association, Vice President, External Affairs & Global Policy
- Randy Tyree, Organization for the Promotion and Advancement of Small Telecommunications Companies, Legislative Director
- Bob Blau, Bell South, Vice President for Executive and Federal Regulatory Affairs
- Chris Gutman-McCabe, Cellular Telecommunications and Internet Association, Assistant Vice President for Regulatory Policy

**SESSION IV: LUNCHEON SPEAKER**

**12:10 -- 1:40 pm Luncheon Address**

Speaker: Commissioner Kathleen Abernathy, Federal Communications Commission

**SESSION V: BROADCAST, MULTI-CHANNEL VIDEO PROGRAMMING AND INTERNET PROTOCOL TV REGULATION—IS REGULATORY PARITY ON THE HORIZON?**

**1:50 -- 3:00 pm Panel**

**Potential Moderator: Jon Cody, Federal Communications Commission, Legal Advisor to Chairman Powell**

**Potential Panelists:**

- Marsha MacBride, National Association of Broadcasters, Executive President, Law and Regulatory Policy
- Andrew Schwartzman, Media Access Project, President
- James M. Assey, Jr., Senate Committee on Commerce, Science and Transportation, Democratic Senior Counsel
- Bruce Byrd, SBC Services Inc., Vice President and General Counsel

**3:00 -- 3:10 pm Break**

**SESSION VI: DEVELOPING A NEW PARADIGM FOR COMMUNICATIONS REGULATION**

**3:10 -- 4:20 pm Panel**

**Moderator: Professor David Irwin**

**Panelists:**

- Dr. Robert Pepper, Federal Communications Commission, Office of Strategic Planning and Policy Analysis
- David Cohen, United States Telecom Association, Vice President of Policy
- Neal Goldberg, National Cable & Telecommunications Association, General Counsel
- Michael Skubisz, Pannaway Technologies, Chief Technology Officer

**SESSION VII: SUMMATION**

**4:20 – 5:00 pm Delivered by Jeff Pulver, Pulver.com, President and CEO**

**SESSION VIII: NETWORKING EVENT**

**5:15 – 6:15 pm Reception and Cocktail Hour**