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Editor's Note

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Welcome to the second Issue of the sixty-fourth Volume of the *Federal Communications Law Journal*, the nation's premier communications law journal and the official journal of the Federal Communications Bar Association. The *Journal* staff is eager to present the Articles and Notes in this Issue.

The Issue leads with an Article from Clay Calvert, professor of law at the University of Florida, focusing on the continuing relevance of the U.S. Supreme Court's decision in *Butler v. Michigan*. In demonstrating that *Butler* was and is a significant freedom of speech victory, Calvert traces the decision's influence through various media and contexts, arguing that it will continue to serve an important role as bulwark against censorial impulses.

Next, policy analyst Lynne Holt and senior fellow Mary Galligan, both of the Public Utility Research Center at the University of Florida Warrington College of Business Administration, examine the FCC's Schools and Libraries program (commonly known as "E-rate"). The authors examine many of the criticisms leveled at E-rate and provide recommendations for its restructuring, specifically by explaining why the program's priorities should be revisited in light of regulatory, technological, and educational change.

Professor Gerald Faulhaber of the University of Pennsylvania Wharton School of Business, Director of Economics at the Oxford University Smith School of Enterprise and the Environment Robert Hahn, and Navigant Economics, LLC's Managing Director and Principal Hal Singer then tackle the FCC's 14th and 15th Annual Wireless Competition reports. The authors identify several weaknesses of the reports, including their focus on market shares and corresponding failure to emphasize direct market evidence, thus inviting erroneous conclusions about the state of competition in wireless markets. The authors also point out that wireless prices have declined as industry concentration has increased and conclude that the FCC's reliance on a structure-conduct hypothesis undermines the reports' findings.

The Issue then turns to its Notes, authored by third-year members of the *Journal*. Christa Hibbard examines the potential expansion of the Communications Assistance to Law Enforcement Act ("CALEA"), concluding that substantially more information is required to justify a change in the law. Then, Drew Simshaw outlines the public interest requirement in broadcasting, arguing for the necessity of implementing further regulation to ensure the preservation of this standard. Cameron Robinson explores the "bill shock" phenomenon with regard to cellular phone bills and endorses the FCC's rulemaking role in this arena to encourage consumer empowerment. Finally, Veronica Corsaro grapples with inconsistent legal approaches to new media that potentially infringe on copyright, urging the continuing relevance of the U.S. Supreme Court's decision in *Sony Corporation of America v. Universal City Studios, Inc.*

The Editorial Board thanks all of its authors for their dedicated scholarship throughout the drafting and editing process. We also extend our gratitude to the Federal Communications Bar Association for its continued

guidance and support. Finally, we thank the *Journal* editors and staff; without their tireless effort, this Issue would not have been possible.

The *Journal* is committed to providing its readership with expansive coverage of topical communications law issues, and we appreciate the continued support of contributors and readers alike. As always, we welcome your feedback and submissions—any questions or comments about this Issue or future issues may be directed to fclj@indiana.edu, and any submissions for publication consideration may be directed to fcljsae@indiana.edu. This Issue and our archive are available at <http://law.indiana.edu/fclj>.

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Editor-in-Chief