

NEW YORK CITY COLLEGE OF TECHNOLOGY
The City University of New York

DEPARTMENT: Electrical and Telecommunications
Engineering Technology

**SUBJECT CODE
AND TITLE:** TCET 4120/TC 750 - Legal and Regulatory Issues in
Telecommunications

COURSE DESCRIPTION: Legal terminology and legal analysis skills necessary to understand state and federal regulations as they impact on the rapidly expanding telecommunications industry are discussed. Legal issues raised by the deregulation of the telecommunications industry are studied. The role of the courts, legislature and administrative agencies are discussed. Relevant policies that affect current and future telecommunication systems are explored.

PREREQUISITES: TCET 3142/TC 570, TCET 3202/TC 620

TEXTBOOK: Telecommunications Law and Policy
By Benjamin, Lichtman, Shelanski,
Weiser, 2004

**COURSE OBJECTIVES/
COURSE OUTCOMES:** Upon successful completion of this course, students will have improved their critical thinking and analytical skills, as well as gained an expansion of their legal knowledge in the areas:

1. Federal regulation of the electronic transfer of audio, video, data systems. Key industry sectors of focus will include radio and television broadcasting, cable television, telephony, new video technology, and the Internet (ABET Criterion 2a, 2b, 2g, 2h, 2i, 2j).
2. Federal Court's ability and FCC's Role to handle certain questions of Telecommunications Law (ABET Criterion 2a, 2b, 2g, 2h, 2i, 2k).
3. Constitutional Law and Antitrust Law (ABET Criterion 2a, 2b, 2g, 2h, 2i, 2j, 2k).

TOPICS: Topics include lectures aided by intensive students participation. Students will be responsible for the material to be covered in class. Students will assist instructor in conveying topics to the rest of the class (Socratic Method).

CLASS HOURS: 2

CREDITS: 2

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GRADING POLICY: TCET 4120/TC 750

Homework and class participation 10%
Midterm and Final exams 60%
Research Paper and Presentation 30%

<u>Letter Grade</u>	<u>Numerical Grade Ranges</u>	<u>Quality</u>
A	93-100	4.0
A-	90-92.9	3.7
B+	87-89.9	3.3
B	83-86.9	3.0
B-	80-82.9	2.7
C+	77-79.9	2.3
C	70-76.9	2.0
D	60-69.9	1.0
F	59.9 and below	0.0

Assessment

The following assessment techniques are correlated to the course objectives as follows: In addition, each assessment technique incorporates one or more of the following ABET Criterion 2 outcomes (2a, 2b, 2d, 2g, 2h, 2i, 2j, 2k).

Course Objectives

1. Federal regulation of electronic transfer of radio, video, and data systems. Key industry sectors of focus will include radio, and television broadcasting, cable television, telephony, new video technology, and the Internet.

2. Federal Court's ability and FCC'S Role to dandle certain questions of Telecommunications Law.

3. Constitutional Law and Antitrust Law

Assessment

After completion of the course, the student will be able to:

- 1.1 Learn early history of telecommunications.
- 1.2 Understand government policies for regulation.
- 1.3 Learn history and development of the Telecommunications Act of 1934-today.
- 1.4 Focus why federal government regulates the spectrum?
- 1.5 Understand how the federal government regulates broadcasting?
- 1.6 Understand Broadcast Spectrum Allocation for TV and Radio.
- 1.7 Learn case studies in Low Power FM Radio and Digital TV.
- 2.1 Examine the Licensee as Public Trustee Cases.
- 2.2 Understand Fostering Competition in broadcasting.
- 2.3 Understand Rate Regulation and Local Franchise Authority.
- 2.4 Understand Telephone Regulation.
- 2.5 Understand Regulation of Internet.
- 2.6 Learn advanced services and Internet Architecture and Internet Service Providers.
- 3.1 Understand the Bell Monopoly.
- 3.2 Learn issues of Precursors to Divestiture.
- 3.3 Learn Post-Divestiture issues.
- 3.4 Understand Telecommunications Act of 1996.

WEEK	TOPIC	READING ASSIGNMENT	HOMEWORK
1	<p>Regulatory Overview of Broadcast and Spectrum:</p> <ul style="list-style-type: none"> • Early history of broadcast: TITANIC • Spectrum as a resource-Government policies for regulation • Allocation of spectrum use-How does the government fit in here? • History and development of the Telecommunications Act of 1934-today 	Chapter 1 Pages 1-12	Handout
2	<p>Why the Federal Government Regulates the Spectrum:</p> <ul style="list-style-type: none"> • Classic Arguments: Scarcity and Interference-Key government policies in regulation • A look at legal and economic authorities on the topic of government regulation vs. market forces in spectrum allocation and regulation (Coase, Benkler and Lessig, Hazlett) 	Chapter 1 Pages 1-43	Handout
3	<p>How the Federal Government Regulates the Broadcasting:</p> <ul style="list-style-type: none"> • FCC as an Administrative Agency-four major roles of regulator, Quasi-legislative and Quasi-adjudicative functions • The “Band Plan” FCC policy statement: In re Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunications Technologies 	Chapter 2 Pages 1-53	Handout
4	<p>Broadcast Spectrum Allocation TV and Radio:</p> <ul style="list-style-type: none"> • Initial Assignment Hearings (1934-1998): Contested and Uncontested Hearings, In re H.E. Studebaker Case Study, In re Charles Henry Gunthorpe, Jr. Case Study • Comparative Hearings: Basic Comparative Licensing Criteria, A look at the FCC Policy Statement on Comparative Broadcast Hearing, Special Considerations for Racial Minorities and Women, Case Law: Metro Broadcasting v. FCC • License Renewal for Incumbents: FCC Criteria for Granting /Denying Renewal, Case Law: Central Florida Enterprises v. FCC 	Chapter 3 Pages 1-60	Handout

	<ul style="list-style-type: none"> • License Transfers: FCC Criteria for Granting /Denying Transfer, Changes in the Entertainment Formats of Broadcasts Stations • See Licensing Case Study: In re Application of Simon Geller 		
5	<p>The Transition from hearings to Auctions in the Spectrum Allocation Process-Modern Approach:</p> <ul style="list-style-type: none"> • In re Implementation of Section 309(J) of the Communications Act • Lotteries, Auctions, and Comparative Hearings 	Chapter 4 Pages 1-60	Handout
6	<p>The Licensee as Public Trustee:</p> <ul style="list-style-type: none"> • The Fairness Doctrine and Balanced News Coverage, Case Law: Miami Herald Publishing Co. v. Tornillo, Red Lion Broadcasting Co. v. FCC, Fairness Doctrine Report: In re Complaint of Syracuse Peace Council • Indecent Broadcasts, Case Law: FCC v. Pacifica Foundation: Carline Case, In re Pacifica Foundation (Jerker), Action for Children's Television v. FCC • Televised Violence, Media Filters, V-Chip • Children's Television, Policies and Rules Concerning Children's Television Programming (1991-1996) 	Chapter 6 Pages 1-37	Handout
7	<p>Fostering Competition in Broadcasting:</p> <ul style="list-style-type: none"> • The Television Networks, Network Dominance, Network/Affiliate Relationship, Network/Program Supplier Relationship, Case Law: Schurz Communications v. FCC • Ownership Restrictions, Section 202 of the Telecommunications Act of 1996 <p>Case Studies in Low Power FM Radio and Digital Television:</p> <ul style="list-style-type: none"> • Low Power FM Radio, License Allocation Process • Digital Television: In re Advanced Television Systems (1996), Services Required and Permissible on Spectrum Given to Broadcasters foe DTV, Public Interest Obligations 	Review for Midterm Exam	

WEEK	TOPIC	READING ASSIGNMENT	HOMEWORK
8	Midterm Exam		
9	<p>Cable Basics and Early History:</p> <ul style="list-style-type: none"> • The Problem of the Natural Monopoly • The Early Regulatory Responses to Cable • Case Law: HBO v. FCC • Dual Nature of Jurisdiction: Federal v. State, Case Law: Group W Cable v. City of Santa Cruz <p>Rate Regulation and Local Franchise Authority:</p> <ul style="list-style-type: none"> • Rate Regulation of Cable Services, Local Franchise Agreements, Law Case: Time Warner Entertainment v. FCC <p>The Cable/Broadcast Relationship:</p> <ul style="list-style-type: none"> • Copyright and Compulsory Licenses • Syndicated Exclusivity and Network Duplication, Law Case: United Video v. FCC • Must Carry and Retransmission Consent, Case Law: Turner Broadcasting System v. FCC 	Chapter 5 Pages 1-42	Handout
10	<p>Telephone Regulation:</p> <ul style="list-style-type: none"> • Early History • Federal v. State Regulation • Telephony as a monopoly Service-Basic Legal Elements of a Monopolistic Entity <p>Precursors to Divestiture:</p> <ul style="list-style-type: none"> • Competition in Customer Premises Equipment • Competition in the Long Distance Market • Communications/ Computer Convergence • Rate of Return Regulation <p>Breakup of the Bell Monopoly:</p> <ul style="list-style-type: none"> • The Modification of Final Judgment (MFJ), Case Law: United States v. AT&T <p>Issues Post Divestiture:</p> <ul style="list-style-type: none"> • Rate Regulation • BOC Line of Business Restrictions • Judicial Review of the Restrictions, Case Law: United States v. Western Electric Co. v. 1993 	Chapter 6 & 7 Pages 1-105	Handout

	<ul style="list-style-type: none"> • FCC rules Independent of the Decree, Case Law California v. FCC • Universal Service after Divestiture <p>Telecommunications Act of 1996:</p> <ul style="list-style-type: none"> • The Local Competition Provisions • Jurisdiction • Pricing of Network Elements • Interconnection • FCC Notes on Implementation • BOC Line of Business Restrictions under Act, Case Law: AT&T Corporation v. FCC • Universal Service and Access Charge Reform 		
11	<p>The History and Architecture of the Internet:</p> <ul style="list-style-type: none"> • Regulation of the Internet-The Principles of Internet (UN) Regulation, Clinton Administration, A Framework for Global Electronic Commerce • Content Regulation-Indecent Communication via Telephone, Case Law: Sable Communications of California v. FCC, Indecent Communication over the Internet, Case Law: Reno v. ACLU 		Handout
12	<p>Advanced Services and Internet Architecture:</p> <ul style="list-style-type: none"> • FCC Implementation of Section 706 • Unbundled Access to Telephone System Infrastructure • Open Access to Cable System Infrastructure • Non-Regulation of the Internet Backbone: Peering and Transit Arrangements 	Chapter 8 Pages 1-45	Handout
13	<p>Internet Service Providers:</p> <ul style="list-style-type: none"> • Access Charges and Reciprocal Compensation • Internet Protocol Telephony, In re Matter of the Federal-State Joint Board on Universal Service 	Chapter 9 Pages 1-86	Handout
14	Student Presentations		
15	Final Exam		