

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

DEPARTMENT:	Electrical and Telecommunications Engineering Technology
SUBJECT CODE AND TITLE:	TCET 4120 - 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.
REQUIRED COURSE	
PREREQUISITES:	TCET 3142, TCET 3202
TEXTBOOK:	Telecommunications Law and Policy By Benjamin, Lichtman, Shelanski, Weiser, 2006
COURSE OBJECTIVES/ COURSE OUTCOMES: (ETAC/ABET Criteria 3)	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: <ol style="list-style-type: none">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 (ETAC/ABET Criteria 3g, 3h, 3i, 3j).2. Federal Court's ability and FCC's Role to handle certain questions of Telecommunications Law (ETAC/ABET Criteria 3g, 3h, 3i, 3k).3. Constitutional Law and Antitrust Law (ETAC/ABET Criteria 3g, 3h, 3i, 3j, 3k).

- TOPICS:**
- _ Regulatory Overview of Broadcast and Spectrum
 - _ Why the Federal Government Regulates the Spectrum
 - _ How the Federal Government Regulates the Broadcasting
 - _ Broadcast Spectrum Allocation TV and Radio
 - _ The Transition from hearings to Auctions in the Spectrum Allocation Process-Modern Approach
 - _ Fostering Competition in Broadcasting
 - _ Cable Basics and Early History
 - _ Telephone Regulation
 - _ Telecommunications Act of 1996
 - _ The History and Architecture of the Internet
 - _ Advanced Services and Internet Architecture

CLASS HOURS: 2

CREDITS: 2

Prepared by: Professor H. Marandi, and
Professor A.R. Selvadurai
Course Professor M. Razani,
Coordinator: E-mail: Mrazani@citytech.cuny.edu

Contribution of course to meeting the requirements of ETAC/ABET Criterion 5:

TCET 4120 meets criterion 5 by providing students with an understanding of the legal concepts of regulation and anti-trust in the telecommunication industry. Academic benchmarks, course outcomes, and assessment requirements have been established to ascertain student comprehension of concepts. By also fostering critical thinking, communications, and team work, students develop the skills needed to solve problems in a classroom environment which will later serve them in the work place.

GRADING POLICY: TCET 4120

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

WEEK	TOPIC	READING ASSIGNMENT	HOMEWORK
1	Regulatory Overview of Broadcast and Spectrum: <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	Why the Federal Government Regulates the Spectrum: <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	How the Federal Government Regulates the Broadcasting: <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	Broadcast Spectrum Allocation TV and Radio: <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 for 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 	Chapter 6 & 7 Pages 1-105	Handout

	<p>Electric Co. v. 1993</p> <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		