Phoenix Center 10th Annual U.S. Telecoms Symposium

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PHOENIX CENTER
Quick Summary of Phoenix Center Activities

- Issued Ten (10) papers in 2010 (Policy Papers; Policy Bulletins; Policy Perspectives) on a variety of issues
- Had twelve (12) papers published or accepted for publication in academic journals
- Three (3) op-eds
- Numerous press hits and radio airplay
- Numerous speeches, testimony, etc.
Relevance to the Debate

- George remains in top 1% of authors downloaded on SSRN
- Larry remains in top 2% of authors downloaded on SSRN
- At least ten (10) citations in the academic literature for 2010 (as measured by Westlaw)
- Average daily hits to Phoenix Center webpage is approximately 1,200/day.
- *Broadband Adoption Index* cited by GAO
- Extensive positive citations by the FCC
  - National Broadband Plan
  - 14th CMRS Report
- That said...
We did have some unfortunate un-pleasantries with the FCC over our new jobs multiplier...
A quick note about the Chairman’s announcement yesterday to introduce “Open Internet” rules under Title I ancillary authority.

By all legitimate accounts, both original Open Internet rules and “Third Way” proposal were legal and economic disasters.

Two Phoenix Center papers in particular spelled-out many of the problems:

- *The Broadband Credibility Gap*, PHOENIX CENTER POLICY PAPER No. 40 (June 2010).

Specifically:

- FCC’s original attempt to define non-discrimination violated established case law and economic theory (and even the FCC’s prior attempt to implement Section 251 in 1996)
- FCC’s proposal was naked price regulation – charge the SAME price for standard and enhanced services
- Title II regulation would deter investment, as evidenced by event study showing “Third Way” announcement caused a 10% drop in cable stock prices
- If the Commission focused on anticompetitive or consumer harm, then it was plausible to craft a legitimate ancillary authority argument using the interconnection provisions of Section 251 (and be consistent with past FCC precedent).
  - Title I ancillary authority for transparency was already established
While we have no idea what the FCC’s rules will look like, given that both papers were downloaded nearly 1,200 times, somebody at the FCC seems to have gotten the hint:

- Going the Title I route and avoiding Title II reclassification
- Allows for paid prioritization/usage-based pricing
- Focuses on “undue” and “unreasonable” discrimination
- Case-by-case adjudication
- Transparency

Obviously, the Devil will be in the details...