2013 Communications Law Outlook

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KELLEY DRYE

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Presenters

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Welcome and Agenda

- **Post-Election Political Impacts and Priorities**
  - FCC
  - Congress
  - Executive
  - FTC
- **FCC: What to Plan for in 2013**
  - Broadband, Networks and Network Access
  - USF/ICC
  - Spectrum
  - Cable
  - Enforcement

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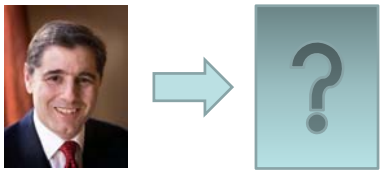
Political Impacts and Priorities: FCC

- Will Chairman Genachowski stay in office? If not, who are possible replacements?
  - Commissioner Mignon Clyburn
  - Commissioner Jessica Rosenworcel
  - NTIA Director Larry Strickling
  - Others



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Political Impacts and Priorities: Congress

- Status Quo Election
  - Republicans retain control of the House
  - Democrats retain control over the Senate
  - Committee Leadership largely unchanged
- It will remain difficult to pass legislation without consensus
- Partisanship may affect confirmation of any nominees

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Committees that Matter

SENATE COMMITTEES

Commerce, Science, and Transportation
- Communications, Technology & the Internet

Homeland Security and Governmental Affairs

Judiciary
- Antitrust, Competition Policy & Consumer Rights
- Privacy, Technology & the Law

HOUSE COMMITTEES

Energy and Commerce
- Commerce, Manufacturing & Trade
- Communications & Technology

Homeland Security
- Cybersecurity, Infrastructure Protection & Security Technologies

Judiciary
- Intellectual Property, Competition & the Internet

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Issues Likely to Gain Attention

- Privacy
- Cybersecurity
- Spectrum , including access to government spectrum
- Video Programming (Cable Act Reform)
- Telecommunications – IP Deregulation
- FCC Reform

Political Impacts and Priorities: Others

- **Privacy**
- **Cybersecurity**
- **Spectrum**
- **FirstNet (Public Safety)**
- **Merger Review**

FCC: What to Plan for in 2013

- Broadband, Networks and Network Access
- USF/ICC
- Spectrum
- Cable
- Enforcement

FCC: Broadband, Networks and Network Access

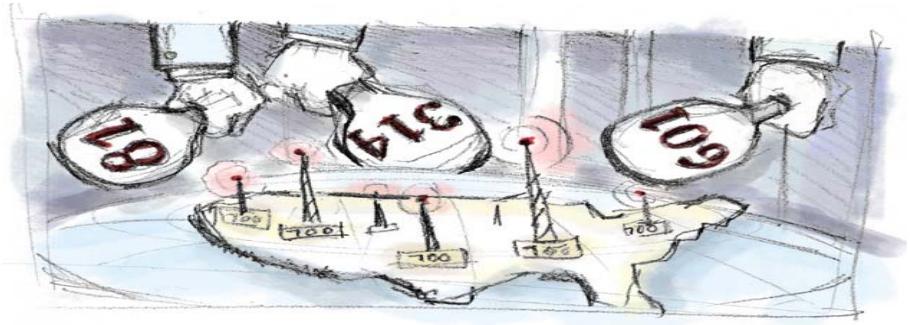
- **Key Court Cases**
  - Supreme Court – *Chevron* Deference
  - 10th Circuit – Connect America Fund Order
  - DC Circuit
    - Open Internet Rules (Network Neutrality)
    - Verizon Data Roaming Appeal
    - Pole Attachment Rules
- **Emergency Preparedness & Network Restoration**
- **The IP Network Debate**
  - Evolution of the PSTN – Conflicting Visions
- **Competitive Access**
  - Special Access
  - UNE Access (Copper & Fiber)

FCC: USF/ICC

- Connect America Fund
- Lifeline reform, audits and enforcement
- Contribution reform
- Intercarrier compensation

FCC: Spectrum

- Incentive auctions
- Other spectrum issues



FCC: Cable

- Program access
- Other issues

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FCC: Enforcement

- Prepaid calling cards
- Cell blocking and GPS jamming
- Cramming
- USF and Lifeline

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Questions?

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