
FEDERAL COMMUNICATIONS LAW JOURNAL

Formerly FEDERAL COMMUNICATIONS BAR JOURNAL

VOLUME 46 MARCH 1994 NUMBER 2

Articles

[Telecommunications Property Taxation](#)

James A. Amdurt

Because of recent changes in the regulatory environment, both states and telecommunications carriers are giving increased attention to property taxation. In analyzing the principles and practices involved in property taxation of telecommunications carriers, the Article emphasizes the relationship between the manner of regulation and the valuation of property. The Article reviews three major cases that deal with significant current valuation issues, and concludes that a uniform system of valuation and taxation would be the optimal solution to resolve many of the issues.

[Abortion on the Air: Broadcasters and Indecent Political Advertising](#)

Milagros Rivera-Sanchez and Paul H. Gates, Jr.

Section 315(a) of the Communications Act--the anti-censorship provision--allows for the presentation of candidates' unvarnished positions on issues important to the voting public. In the 1990s, ads centered around abortion caused a collision between the interests of political candidates and broadcasters. The Article reviews broadcasters' attempts to use the indecency provisions of the Communications Act to channel controversial political advertisements. The Authors conclude that airing potentially indecent political ads is unlikely to result in sanctions for broadcasters.

Book Review

[Winning on Appeal: Better Briefs and Oral Argument](#)

reviewed by Michael J. Hirrel

Notes and Comment

[The Children's Hour Revisited: The Children's Television Act of 1990](#)

Diane Aden Hayes The Children's Television Act of 1990 was created to reduce advertising during children's programming and increase the number of educational programs for children. But by 1993 media watchers found that violations were frequent, and that what was purported to be educational television was often little more than cartoons. This Note argues that the apparent failure of the Act stems primarily from its vague standards. To correct these problems, more explicit regulations are necessary. Because new regulations can only go so far before they invade broadcasters' First Amendment rights, broadcasters and the FCC will have to compromise to create a workable Act that will truly benefit children.

[Analysis of the Technical and Economic Issues Raised in the Consideration of International Telecommunications Satellite Systems Separate from INTELSAT](#)

Chris Rourke

INTELSAT has provided the space segment for a global satellite telecommunications network since its inception in 1962. In part due to its economic success, several companies applied to the FCC for licenses to operate international telecommunications satellites separate from INTELSAT. This Comment asserts that INTELSAT did not suffer economic harm from the separate systems because no technological cause or economic reason exists for INTELSAT's high volume routes to subsidize its low volume routes. INTELSAT's pricing structure, its flexibility, and the increasing market for international satellite telecommunications have ensured INTELSAT's continued economic viability in the face of competitors.

[Ain't Nothin' Like the Real Thing, Baby: The Right of Publicity and the Singing Voice](#)

Russell A. Stamets

The right of publicity has allowed celebrities and their licensees to commercially exploit "personality" through ever greater and subtler methods. Two celebrated cases involving entertainers Bette Midler and Tom Waits have expanded the right of publicity to the amorphous realm of vocal performance. The indeterminacy of this new right and the significant damages awarded in the leading cases have left commercial interests confused and hesitant. This Note argues that this new right unjustly rewards a small group of celebrity performers while reducing the economic incentives that encourage the development of new performers. This Note further argues that the right in vocal performance is unsupported by other rationales underlying the right of publicity and will result in unnecessary litigation and unpredictability for commercial interests.

[Stolen from Stardust and Air: Idea Theft in the Entertainment Industry and a Proposal for a Concept Initiator Credit](#)

Robert M. Winteringham

In the entertainment industry idea theft is rampant. Because copyright protects only fixed expressions, a legal remedy does not always exist to stop the unattributed and unrewarded use of plot ideas. By incorporating elements from existing copyright and contract law, this Note proposes the creation of a "concept initiator" credit to protect fully developed ideas even where copyright cannot attach. The Author argues that the credit and the three-part test to determine when the credit applies will protect ideas from theft without drastically increasing the number of frivolous lawsuits.