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Articles

Commissioner Abernathy discusses the five key principles that inform her regulatory philosophy:
1) Congress sets the FCC's responsibilities in the Communications Act, and the Commission should faithfully implement those tasks rather than pursuing an independent agenda;
2) Fully functioning markets deliver better products and services to consumers as compared to markets regulated by the government. Unless structural factors prevent markets from being competitive, or Congress has established objectives (such as universal service) that are not market-based, government should be reluctant to intervene in the marketplace;
3) Where the FCC promulgates rules, it should ensure that those rules are clear and vigorously enforced;
4) A regulatory agency cannot possibly duplicate the resources and expertise of those it regulates. Therefore, the FCC must be humble about its own abilities and must reach out to consumer groups, industry, trade associations, and state regulators to maximize the information available in the decision-making process;
5) As a government agency supported by taxpayers, the FCC should strive to provide the same degree of responsiveness and effectiveness that would be expected of an organization in the private sector.

This Article argues that some generalized interconnection rules are broadly appropriate. Specifically, some lessons learned from the ancient regime of common carrier regulation provide the appropriate regulatory foundation for the modern Internet. Since at least the middle ages, most significant carriers of communications and commerce have been regulated as common carriers. Common carrier rules have resolved the disputed issues of duty to serve, nondiscrimination, and interconnection. These were the problems of seventeenth-century ferry owners and innkeepers, eighteenth-century steamships, nineteenth-century railroads, and twentieth-century telephone

Comment

As the topic of data privacy is vast and the subject of much scrutiny, this Comment focuses narrowly on commercial cyber-activities relating to the nonconsensual Internet acquisition of personally identifiable user data. Beginning with a brief examination of the technology that has exacerbated privacy law's inadequacies, it briefly discusses failed attempts to safeguard privacy rights through the market and federal agency management. It then addresses current U.S. privacy legislation and the 1995 European Privacy Directive. Finally, this Comment proposes the creation of a new legislative system to effectively combat the surreptitious collection, storage, use, and sale of personal data.

Book Review

This handbook is exactly what the well-heeled lobbyist—or would-be lobbyist—needs. Three experienced Washington communications attorneys, with input from a number of other individuals, have pooled their backgrounds and insights to create a desk-top guide to working the FCC system, or as they might prefer to say, making the system work.