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Articles

The notion of regulatory parity has greatly impacted the evolution of American communications regulation, but the difficulties associated with applying this standard are frequently under-appreciated by industry participants. Throughout this Article, the Author acknowledges the difficulties in applying equal treatment standards to operators of various communications, video, and data services. Mr. Ismail asserts that several problems arise with attempts to ameliorate apparent disparities in how entities are regarded under current regulations, including difficulties in assessing revenue resources, channel control, and service delivery methods. The Article concludes that parity is difficult to define and apply in an effort to eliminate inefficiencies associated with disparate treatment of similarly-situated players. Therefore, a more workable approach to achieving equal treatment of industry participants would include concentrating on rights by resolving the issues according to identifiable policies instead of general notions of equality.

In this timely follow-up piece to a 1998 piece entitled *A Federal Regulatory Framework that is "Hog Tight, Horse High, and Bull Strong,"* the Authors of this Article revisit the progress of American commercial mobile radio services ("CMRS") proliferation and regulation. The piece expresses the concern that balkanization has continued to plague wireless regulation in the United States, as misguided legal analyses and state regulation further hinder wireless development across the nation. While the European Union has witnessed unprecedented growth in this sector, conflicting court and FCC decisions and continued federal, state, and local burdens on CMRS have placed hurdles throughout the process of efficient US wireless technology adoption in many fundamental areas. Challenges such as consumer protection, convergence, and the optimization of competition have further complicated the CMRS regulatory scene. The Authors conclude that in order to promote a healthy wireless communications industry in the United States in the future, obstacles to sustainable competition, regulatory predictability, limited taxation, and facilitated investment must soon be overcome.