

## EDITOR'S NOTE

Welcome to the third issue of Volume 68 of the *Federal Communications Law Journal*, the nation's premier communications law journal and the official journal of the Federal Communications Bar Association.

This Issue includes a collection of pieces on important topics in today's communications field, such as process reform at the Federal Communications Commission, competition in broadband, spectrum use, and Wi-Fi security. This Issue also includes the Journal's Annual Review, a compilation of discussions about the year's most important communications cases.

In this Issue's Essay, Representative Greg Walden, Chairman of the Subcommittee on Communications and Technology of the U.S. House Committee on Energy and Commerce, discusses structural process reform at the FCC, particularly the FCC's public interest standard and the FCC Chairman's authority. Rep. Walden proposes a cost-benefit analysis of a proposed regulation, restructuring the FCC's merger review process, policies that result in stricter deadlines and greater transparency, and installing an independent Inspector General.

This Issue's Article was penned by Blair Levin, an industry expert and former chief of staff to FCC Chairman Reed Hundt. Levin's piece addresses competition in the broadband industry and recommends framing the discussion around the fundamental questions of what incentivizes competition and what "levers" the government has in its arsenal to intensify competition.

In addition to these pieces, the Journal is proud to present its Annual Review, which summarizes major communications law cases of the past year. This piece would not be possible without the help of the Federal Communications Bar Association's Judicial Practice Committee and the Journal's student community. The Annual Review covers: *U.S. Telecom Ass'n v. FCC*, 825 F.3d 674 (D.C. Cir. 2016), *Tennessee v. FCC*, 832 F.3d 597 (6th Cir. 2016), *National Ass'n of Broadcasters v. FCC*, 789 F.3d 165 (D.C. Cir. 2015), *Tennis Channel, Inc. v. FCC*, 827 F.3d 137 (D.C. Cir. 2016), *Prometheus Radio Project v. FCC*, 824 F.3d 33 (3d Cir. 2016), *ADX Communications of Pensacola v. FCC*, 794 F.3d 74 (D.C. Cir. 2015), *Great Lakes Comnet, Inc. v. FCC*, 823 F.3d 998 (D.C. Cir. 2016), *Montgomery County v. FCC*, 811 F.3d 121 (4th Cir. 2015), and *Mako Communications, LLC v. FCC*, No. 15-1264 (D.C. Cir. Aug. 30, 2016), among others.

In addition to these pieces, the Issue contains three student Notes. In the first Note, Nellie Foosaner discusses the possible effects of the reclassification of broadband internet. The Note analyzes the uses and allocation of spectrum and makes a case for spectrum sharing. In the second Note, Andrew Morris continues this conversation on spectrum policy and offers solutions to avoid near-term spectrum scarcity. Morris argues that the FCC has embraced innovation through its management of the Incentive Auction and other recent proposals. Finally, the third Note features Amy Roller addressing the FCC's approach to "Wi-Fi Sniffing," which involves intercepting content from unencrypted Wi-Fi networks. Roller reevaluates Section 705(a) of the Communications Act and concludes that a proper interpretation of this decades-old provision solves the problems of today.

The Journal is committed to providing its readership with substantive coverage of relevant topics in communications law. We appreciate the continued support of our readers and contributors. We welcome your feedback and submissions – any questions or comments about this issue or future issues may be directed to [fclj@law.gwu.edu](mailto:fclj@law.gwu.edu), and any submissions for publication consideration may be directed to [fcljarticles@law.gwu.edu](mailto:fcljarticles@law.gwu.edu). This issue and our archive are available at <http://www.fclj.org>.

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