

The Free State Foundation

A Free Market Think Tank.....Because Ideas Matter

A NEW DIRECTION FOR COMMUNICATIONS POLICY

Less Regulation  **More Investment
and Innovation**

Ninth Annual Telecom Policy Conference

May 31, 2017
National Press Club
Washington, DC

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Welcome

I am pleased to welcome you to the Free State Foundation's Ninth Annual Telecom Policy Conference. This year's annual conference follows on the heels of our Tenth Anniversary Gala last December. So with next year's annual conference, we'll be in "double digits" for this event too – which just confirms once again the old adage that "time flies when you're having fun." And, I should add, when you're always busy!

Each year I say that our annual telecom policy conference just keeps getting bigger, better, and more impactful. Well, as long as it remains true, I'm going to keep saying it. Even though we had to reschedule because our first date – March 14 – happened to be the only "snow day" in Washington this winter, this year's conference is no exception. Just a quick glance at the program shows why the conference is a "must-attend" event for anyone interested in communications, Internet, and high-tech law and policy. I know you will agree we have an outstanding group of speakers and program sessions.

The theme for this year's conference is "A New Direction for Communications Policy: Less Regulation, More Investment and Innovation." With a new FCC and new Congress in place, the opportunity is ripe for charting a free market-oriented direction for communications law and policy. Of course, for advocates of such a deregulatory course, there will be many challenges. There always are. But for those who believe that less regulation does, in fact, mean more investment and innovation, the battle of ideas is worth fighting.

Above all, it's crucial to remember that it's the consumers who are the ultimate beneficiaries of more investment and innovation, not just those doing the investing and innovating.

I am excited that FCC Chairman Ajit Pai will participate with me in a traditional favorite – the lunchtime "Conversation." Howard Shelanski, Professor of Law at Georgetown University, and former Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, will discuss "Lesson's Learned: Improving Regulation and Government Administration." Tad Lipsky, Acting Director of the Bureau of Competition at the Federal Trade Commission, and Tom Pahl, the FTC's Acting Director of the Bureau of Consumer Protection, will appear together in a session, "The View from the FTC: Overseeing Internet Practices in the Digital Age." Michelle Connolly, Professor of the Practice of Economics at Duke University, and a Member of FSF's Board of Academic Advisors, will deliver "Final Thoughts." And we have a truly all-star lineup for a lively panel discussion.

With all that's happening at the FCC – including, of course, the FCC's new *Restoring Internet Freedom* proceeding – and in Congress, there's plenty to discuss. I'm confident the conference will be informative and interesting!

As always, I remain grateful for your interest and participation in the Free State Foundation's programs and activities – and for your friendship!

Randy

Ninth Annual Telecom Policy Conference



A New Direction for Communications Policy: Less Regulation, More Investment and Innovation

Agenda

Welcome and Introduction

9:30 a.m. - 9:40 a.m.

Randolph May

President, The Free State Foundation

“Lesson’s Learned: Improving Regulation and Government Administration”

9:40 a.m. - 10:30 a.m.

Howard Shelanski

*Professor of Law, Georgetown University, and former Administrator, Office of Information
and Regulatory Affairs (OIRA) within the Office of Management and Budget*

Comments: C. Boyden Gray

*Founding Partner, Boyden Gray & Associates, and former U.S. Ambassador
to the European Union and former White House Counsel*

“All-Star Panel: The Challenges and Opportunities Ahead”

10:30 a.m. - 12:00 p.m.

Moderator: Randolph May

President, The Free State Foundation

Panelists:

Meredith Baker

President and CEO, CTIA

David Cohen

Senior Executive Vice President, Comcast Corporation

Kim Keenan

President and CEO, MMTC

Blair Levin

Nonresident Senior Fellow, Brookings Institution

Robert Quinn

Senior Executive Vice President, External and Legislative Affairs, AT&T

Luncheon and Program

12:00 p.m. - 1:30 p.m.

“Conversation with FCC Chairman Ajit Pai”

and

Free State Foundation President Randolph May

***“The View from the FTC:
Overseeing Internet Practices in the Digital Age”***

1:30 p.m. - 2:20 p.m.

Moderator: Seth Cooper

Senior Fellow, The Free State Foundation

Tad Lipsky

Acting Director, Bureau of Competition, Federal Trade Commission

Tom Pahl

Acting Director, Bureau of Consumer Protection, Federal Trade Commission

Comments: Daniel Lyons

Associate Professor, Boston College Law School, and a Member of FSF's Board of Academic Advisors

“Final Thoughts”

2:20 p.m. - 2:30 p.m.

Michelle Connolly

*Professor of the Practice of Economics, Duke University,
and a Member of FSF's Board of Academic Advisors*

Speaker Biographies



Ajit Pai

Chairman, Federal Communications Commission

Ajit Pai is the Chairman of the Federal Communications Commission. He was designated Chairman by President Donald J. Trump in January 2017. He had previously served as Commissioner at the FCC, appointed by then-President Barack Obama and confirmed unanimously by the Senate in May 2012. Chairman Pai's regulatory philosophy is informed by a few simple principles. Rules that reflect these principles will result in more innovation, more investment, better products and services, lower prices, more job creation, and faster economic growth.

Between 2007 and 2011, Chairman Pai held several positions in the FCC's Office of General Counsel, serving most prominently as Deputy General Counsel. Prior to the FCC, Chairman Pai was a partner in the Washington, DC, office of Jenner & Block LLP. Chairman Pai has served in all three branches of the federal government. His first post was with the DOJ's Antitrust Division as an Honors Program trial attorney on the Telecommunications Task Force. He later returned to the Justice Department to serve as Senior Counsel in the Office of Legal Policy. Chairman Pai has worked on Capitol Hill as well, first as Deputy Chief Counsel to the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, and later as Chief Counsel to the Senate Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Property Rights. He clerked for the Honorable Martin L.C. Feldman of the United States District Court for the Eastern District of Louisiana. Chairman Pai received his B.A. from Harvard University and his J.D. from the University of Chicago Law School.



Abbott "Tad" Lipsky, Jr.

Acting Director, Bureau of Competition, Federal Trade Commission

Tad Lipsky is the Acting Director of the Bureau of Competition at the Federal Trade Commission. He is an internationally recognized expert on antitrust and competition law and policy and a veteran of numerous antitrust proceedings in scores of jurisdictions throughout the world. He served as Deputy Assistant Attorney General under William F. Baxter, playing central roles in preparation of the 1982 Justice Department Merger Guidelines, the review and ultimate dismissal of *United States v. IBM Corp.*, the amicus program that resulted in

profound changes in Supreme Court interpretation of antitrust law, and the decisive realignment of the interface between antitrust enforcement policy and intellectual property law that occurred in the first Reagan Administration. After nine years of private practice in

Washington, DC, he was appointed chief global antitrust lawyer for The Coca-Cola Company in 1992. After joining Latham & Watkins in 2002, he served as the inaugural International Officer of the ABA Section of Antitrust Law and since then has been closely associated with efforts to streamline antitrust enforcement around the world, advocating the reduction of compliance burdens and the harmonization of fundamental objectives of antitrust law. He served on the Editorial Board of *Competition Laws Outside the United States* (2001), the most ambitious annotated compilation of non-U.S. competition laws yet produced. He is a frequent author and speaker on issues of antitrust law, economics, and policy.



Thomas B. Pahl

Acting Director, Bureau of Consumer Protection, Federal Trade Commission

Tom Pahl was appointed Acting Director of the FTC’s Bureau of Consumer Protection by Acting Chairman Maureen K. Ohlhausen on February 21, 2017. He oversees the Commission’s attorneys, investigators, and administrative personnel working to protect consumers from unfair and deceptive practices in the marketplace. Mr. Pahl first joined the agency in 1990 and spent more than two decades serving in various positions, including as Assistant Director in the Divisions of Financial Practices and Advertising Practices, and as an attorney advisor for former FTC Commissioners Orson Swindle and Mary Azcuenaga. Before commencing his current position at the agency, Mr. Pahl was a partner at the law firm of Arnall Golden Gregory LLP in Washington, DC, where his practice focused on consumer financial services and other consumer protection matters. He also was a Managing Counsel at the Consumer Financial Protection Bureau’s Office of Regulations, where he was responsible for rulemaking, guidance, and policy development activities relating to debt collection, credit reporting, and financial privacy. He clerked for the Honorable D.D. Wozniak, the Chief Judge of the Minnesota Court of Appeals, and worked as a litigator for a large Minneapolis law firm before starting his career at the FTC. Mr. Pahl received his J.D. from Northwestern University School of Law and his B.A. from the College of St. Thomas.



Howard Shelanski

Professor of Law, Georgetown University, and former Administrator, Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget

Mr. Shelanski is a Professor of Law at Georgetown University and served as Administrator of the White House Office of Information and Regulatory Affairs from 2013 to 2017. Previously, he was Director of the FTC’s Bureau of Economics, where he supervised economic analysis and advised the Commission on economic policy matters. From 2009 to 2011, he served as the Bureau’s Deputy Director. Before joining the FTC and the Georgetown

faculty, Mr. Shelanski was a Professor of Law at the University of California, Berkeley, where he co-directed the Berkeley Center for Law and Technology from 2000 to 2008. He was Chief Economist of the Federal Communications Commission from 1999 to 2000, and a Senior Economist for the President's Council of Economic Advisers at the White House from 1998 to 1999. Mr. Shelanski served as a law clerk to Justice Antonin Scalia of the U.S. Supreme Court, Judge Louis H. Pollak of the U.S. District Court for the Eastern District of Pennsylvania, and Judge Stephen F. Williams of the U.S. Court of Appeals for the District of Columbia Circuit. Professor Shelanski received his B.A. from Haverford College and his J.D. and Ph.D. from the University of California at Berkeley.

Meredith Attwell Baker

President and CEO, CTIA

Meredith Baker joined CTIA as its President and CEO in June 2014. Prior to joining CTIA, Mrs. Baker served as the Senior Vice President of Government Affairs at Comcast NBCUniversal, where she was responsible for developing policy positions on legislative and regulatory issues and representing those positions before Congress, the Administration, and government agencies. Appointed by President Barack Obama in 2009, Mrs. Baker served as an FCC Commissioner until June 2011. During her tenure, she championed a forward-looking approach to spectrum management issues as well as a flexible regulatory environment to encourage continued innovation and competition in the technology and telecommunications industries. Prior to joining the FCC, Mrs. Baker served in the Bush Administration as the Acting Assistant Secretary of Commerce for Communications and Information as well as the Acting Administrator of NTIA. While at NTIA, she facilitated the nation's historic transition to digital television, which freed commercial spectrum for wireless companies, and promoted market-based policies that encouraged innovation.

David L. Cohen

Senior Executive Vice President, Comcast Corporation

David Cohen is Senior Executive Vice President of Comcast Corporation and is the Company's Chief Diversity Officer. Mr. Cohen has a broad portfolio of responsibilities, including corporate communications, government and regulatory affairs, public affairs, legal affairs, corporate administration, and community investment. He also serves as senior counselor to the CEO. Before joining Comcast, Mr. Cohen was Chairman of Ballard Spahr Andrews & Ingersoll, LLP, one of the 100 largest law firms in the country. From January 1992 to April 1997, he served as Chief of Staff to the Honorable Edward G. Rendell, the Mayor of the City of Philadelphia. Mr. Cohen serves on many boards and has received numerous awards for his civic and charitable activities. He graduated from Swarthmore College with a B.A. and earned his J.D. from the University of Pennsylvania Law School. He also was awarded an Honorary Doctor of Laws degree from Drexel University and an Honorary Doctor of Laws degree from Rider University.

Seth L. Cooper

Senior Fellow, The Free State Foundation

Seth Cooper is a Senior Fellow at The Free State Foundation. His work on federal communications and technology policy at the Free State Foundation began in 2009. He previously served as Director of the Telecommunications and Information Technology Task Force at the American Legislative Exchange Council (ALEC). Mr. Cooper served as judicial clerk to the Honorable James Johnson at the Washington State Supreme Court. He has worked in law and policy staff positions at the Washington State Senate and at the Discovery Institute. He is a 2009 Lincoln Fellow at the Claremont Institute. Mr. Cooper is the co-author, with FSF President Randolph May, of *The Constitutional Foundations of Intellectual Property*. Mr. Cooper previously contributed to chapters in *Communications Law and Policy in the Digital Age* (2012). His work has also appeared in such publications as *CommLaw Conspectus*, the *Gonzaga Law Review*, the *San Jose Mercury News*, *Forbes.com*, the *Des Moines Register*, the *Baltimore Sun*, the *Washington Examiner*, the *Washington Times*, and *The Hill*. Mr. Cooper earned his B.A. from Pacific Lutheran University and received his J.D. from Seattle University School of Law.

Michelle P. Connolly

Professor of the Practice of Economics, Duke University, and Member of FSF's Academic Advisory Board

Michelle Connolly is Professor of the Practice in the Economics Department at Duke University. She was the Economics Director of Duke in New York: Financial Markets and Institutions Program for 2007-2009 and the Director of EcoTeach for several years. She currently serves as the Director of the Honors Program in Economics and as a member of the Duke Alumni Association Board. Professor Connolly previously served as Chief Economist of the Federal Communications Commission in 2006-2007 and 2008-2009, and as an Economist for the International Research Function for the Federal Reserve Bank of New York from 1996 to 1997. In 2011, Professor Connolly testified before Congress and participated in a White House panel on Spectrum Issues. Professor Connolly's research and teaching focus specifically on international trade, telecommunications policy, media policy, education, growth, and development. In 2013 Professor Connolly was awarded a National Science Foundation Secure and Trustworthy Cyberspace Grant, "Dollars for Hertz: Making Trustworthy Spectrum Sharing Technically and Economically Viable." She graduated from Yale University and went on to earn her M.A., M.Phil, and Ph.D., also from Yale University.

C. Boyden Gray

Founding Partner, Boyden Gray & Associates, and former U.S. Ambassador to the European Union and former White House Counsel

Boyden Gray is the founding partner of Boyden Gray & Associates, a law and strategy firm in Washington, DC, focused on constitutional and regulatory issues. Mr. Gray worked in the White House for twelve years, first as Counsel to the Vice President during the Reagan Administration and then as White House Counsel to President George H.W. Bush. In the

Reagan Administration, he was Counsel to the Presidential Task Force on Regulatory Relief, for which he wrote the original Executive Order 12291 requiring cost-benefit analysis and White House review of regulations (later renumbered as current EO 12866). In the George H.W. Bush Administration, Mr. Gray was in charge of judicial selection and was also instrumental in the enactment of the Clean Air Act Amendments of 1990, the Energy Policy Act of 1992, and a cap-and-trade system for acid rain emissions. In 1993, he received the Presidential Citizens Medal. Under President George W. Bush, Mr. Gray was U.S. Ambassador to the European Union and U.S. Special Envoy to Europe for Eurasian Energy. Mr. Gray practiced law for 25 years at the law firm of Wilmer, Cutler & Pickering. He is an adjunct professor at Antonin Scalia Law School. He clerked for Earl Warren, Chief Justice of the United States Supreme Court. Mr. Gray earned his A.B. from Harvard and his J.D. from the University of North Carolina at Chapel Hill.

Kim Keenan

President and CEO, Multicultural Media, Telecom and Internet Council (MMTC)

Kim Keenan began her tenure as President and CEO of MMTC in November 2014. Her tenure at MMTC has focused on policies and programs ensuring that every American can participate in the digital economy and increasing diversity from entry-level to ownership in media, tech, and telecommunications. Prior to MMTC, Ms. Keenan served as General Counsel and Secretary of the NAACP. She also served as principal of her own law firm and in the litigation practices of two nationally recognized law firms for over two decades. After law school, she served as a law clerk to the Honorable John Garrett Penn in the United States District Court for the District of Columbia. She is a Past President of the District of Columbia Bar and the National Bar Association. She currently serves on the Senior Adjunct Faculty of the George Washington University Law School. Ms. Keenan is a nationally recognized speaker and lecturer on various topics and has been a commentator on CNN, Fox News, and TV One's *News One Now*. Ms. Keenan is a graduate of Georgetown University's School of Foreign Service and the University of Virginia School of Law.

Blair Levin

Nonresident Senior Fellow, Brookings Institution

Blair Levin is a Nonresident Senior Fellow with the Metropolitan Policy Program at The Brookings Institution. He serves as the Executive Director of Gig.U: The Next Generation Network Innovation Project, an initiative of three dozen leading research university communities seeking to support educational and economic development by accelerating the deployment of next generation networks. Previously, he worked with the Aspen Institute Communications and Society Program, following his departure in 2010 from the FCC, where he oversaw the development of a National Broadband Plan. Mr. Levin rejoined the Commission in 2009, after eight years as an analyst at Legg Mason and Stifel Nicolaus. He served as Chief of Staff to FCC Chairman Reed Hundt from December 1993 through October 1997. Prior to his position with the FCC, Mr. Levin was a partner in the North Carolina law firm of Parker, Poe, Adams and Bernstein. He is a graduate of Yale College and Yale Law School.

Daniel Lyons

Associate Professor, Boston College Law School, and Member of FSF's Board of Academic Advisors

Daniel Lyons is an Associate Professor at Boston College Law School. He specializes in the areas of property, telecommunications, and administrative law. Before joining the faculty, Professor Lyons practiced energy, telecommunications, and administrative law at the firm of Munger, Tolles and Olson in Los Angeles. He also clerked for Judge Cynthia Holcomb Hall of the Ninth Circuit Court of Appeals. Professor Lyons has participated in rulemaking proceedings before both the FCC and the California Public Utilities Commission and has represented clients in federal and state litigation involving numerous regulatory issues. He has also spoken at workshops nationwide on the effects of technology convergence on telecommunications regulation. Professor Lyons received his A.B. from Harvard College and J.D. from Harvard Law School.

Randolph J. May

President, The Free State Foundation

Randolph May is founder and President of The Free State Foundation. Before entering the think tank world, Mr. May practiced communications, administrative, and regulatory law as a partner at major national law firms. He previously served as Associate General Counsel at the FCC. Mr. May has held numerous leadership positions in bar associations, including serving as Chair of the American Bar Association's Section of Administrative Law and Regulatory Practice and a member of the ABA's House of Delegates. He is a Senior Fellow of the Administrative Conference of the United States and a Fellow at the National Academy of Public Administration. He has published more than one hundred and eighty articles and essays on communications, administrative, and constitutional law topics. Most recently, Mr. May is the co-author, with FSF Senior Fellow Seth Cooper, of *The Constitutional Foundations of Intellectual Property*. He is the author of *A Call for a Radical New Communications Policy: Proposals for Free Market Reform*, published in 2011, and is editor of two books, *Communications Law and Policy in the Digital Age: The Next Five Years*, published in 2012, and *New Directions in Communications Policy*, published in 2009. In addition, he is the co-editor of two other books, *Net Neutrality or Net Neutering: Should Broadband Internet Services Be Regulated?* and *Communications Deregulation and FCC Reform*. Mr. May received his B.A. from Duke University and his law degree from Duke Law School.

Robert W. Quinn, Jr.

Senior Executive Vice President - External and Legislative Affairs, AT&T

Bob Quinn is AT&T's Senior Executive Vice President - External and Legislative Affairs, responsible for AT&T's public policy organization, and is Chairman of the AT&T Foundation. He has served in this capacity since October 2016. Previously, Mr. Quinn served as Senior Vice President - Federal Regulatory, leading the AT&T Federal Regulatory group responsible for all regulatory matters affecting AT&T and its affiliates before the FCC. Prior to this, he also served as Senior Vice President - Federal Regulatory and Chief Privacy Officer,

responsible for customer privacy policies at the international, federal, and state level across all lines of businesses. Mr. Quinn started his career with AT&T as Vice President - Federal Regulatory Affairs for AT&T in Washington, DC, where he represented AT&T before the FCC and the Department of Justice. Prior to joining AT&T, he spent five years as a trial attorney with the Chicago firm of Mayer, Brown & Platt (now Mayer Brown). Mr. Quinn graduated from the University of Illinois at Chicago and received his J.D. from DePaul University.



About The Free State Foundation

The Free State Foundation is a nonpartisan research and educational institution located in Rockville, Maryland. Its purpose is to promote understanding of free market, limited government, and rule of law principles.

Thank you for joining us today, and we look forward to seeing you at future FSF events.

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