



THE FREE STATE FOUNDATION

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

Perspectives from FSF Scholars
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Remarks of Daniel Lyons at FSF's Tenth Anniversary Gala Luncheon

by

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Thanks for having me today. Randy invited me to speak on behalf of the Free State Foundation's Board of Academic Advisors, a group of economists, law professors, and other scholars who work with the Foundation to promote the ideals of economic liberty, limited government, and free markets. To be honest, I'm a bit surprised he asked me, because I often feel humbled by the other names on the list, including Richard Epstein, one of the most influential libertarian scholars of the past several decades, and Christopher Yoo, who led the academic fight against net neutrality. The list also includes the late Fred Kahn, the dean of regulated utilities law whose work revolutionized the way we think about the administrative state.

I mention them because the Board of Academic Advisors highlights a different aspect of the Foundation's work. Most people here know Randy and Free State primarily because of its work on telecommunications policy, including regular telecom conferences, events, and comments in FCC proceedings. And in that, it's been influential – my own unofficial survey of Westlaw's FCC database shows that the Free State Foundation was cited in over 30 agency proceedings over the past decade, which frankly makes me a little jealous, Randy. But equally important as this day-to-day work in telecom policy are the contributions that FSF has made to public policy discourse more generally, beyond the confines of FCC headquarters and Capitol Hill. By my count, the Free State Foundation has been cited in

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over 25 law review articles, and that's not including the many, many citations Randy has amassed for works he has written in his individual capacity. Over the last decade, Randy and the other scholars associated with the Foundation have helped drive the national conversation on topics such as the unintended consequences of regulation, the value of an antitrust-based regulatory orientation, and the potential dangers of our growing administrative state. Randy has published some really groundbreaking work on the First Amendment rights of network providers and the application of the *Chevron* doctrine to independent agencies, to the point that any serious scholar on these topics must confront and wrestle with the ideas the Foundation continues to highlight. It has also published two books with Carolina Academic Press.

I also cannot neglect the role that FSF has played in spotlighting and encouraging up-and-coming scholars with an orientation toward the principles of classical liberty. I mentioned Christopher Yoo, who is perhaps the most prominent scholar writing in opposition to government-mandated Open Internet rules. He noted that Randy was among the first outsiders to recognize and promote his work in DC policy circles when he was a junior professor. I, too, was plucked from obscurity in my second year when Randy asked me to summarize a recent article as part of the Foundation's *Perspectives* series – and he has relentlessly pursued me since to take my ideas out of the ivory tower and present them in ways that can have a real impact in DC policy circles. I received tenure on the strength of the connections my work draws between academia and practice, and I would not have had that impact without Randy's help and encouragement, giving me countless opportunities to be heard here in DC.

I've really enjoyed being part of the Free State Foundation family over the past several years, (and I use the word family intentionally) and to have played a small role in the tremendous impact it has had on public policy discourse over the past decade. I also look forward to seeing where policy will go over the next decade. Where should it go, you may ask? Well, as Randy noted, it just so happens that FSF wrote a book on that, which is on sale outside, and as Seth mentioned, it has also written several white papers in response to Congress's effort to update the Communications Act.

Overall, I think it is important to revisit some of the regulatory excesses of the past few years and restructure the FCC to play a more modest but nonetheless vital role in the information economy. The agency is well situated to act as a sector-specific antitrust regulator, amassing specialized knowledge about the Internet ecosystem but maintaining a pro-innovation bent and intervening primarily where market power is causing consumer harm. At the same time, the agency can play a role in helping close the digital divide – not by replicating the questionable policies of the telephone era, but with market-based reforms that increase the purchasing power of low-income consumers, subject to congressional oversight. Procedurally, I echo the preceding speakers in my hope to see an agency that is more transparent and focused upon returning to the bipartisan, consensus-based decision making that has historically marked the agency and from which we've unfortunately departed in recent years.

The tech world is growing, and growing increasingly diverse as more and more of our daily lives migrate online. It is vital that we promote the ideals of economic liberty and free markets online just as we have offline.

I commend Free State Foundation for driving home that message over the past ten years, and I wish it luck as it continues to do so over the next ten and beyond.

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