

The Free State Foundation

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



Twelfth Annual Telecom Policy Conference

March 10, 2020
National Press Club
Washington, DC

#FSFConf12

Welcome

Well, it's hard for me to believe this is the Free State Foundation's Twelfth Annual Telecom Policy Conference. I can easily recall sitting down to write the Welcome for the second, third, and fourth conferences and wondering whether each of those would be as good as the last one. The reality is that the annual policy conference has gotten bigger, better, and more impactful each year.

Many of you are regular attendees, year-in and year-out, and I am grateful for that. I'm confident that you'll find this year's conference – like the previous ones – interesting, informative, and stimulating. How could it be otherwise with such an outstanding group of speakers and sessions!

We always have an overarching theme for each year's annual conference, even though, as most of you know, some of the issues we address recur, in one form or another, over many years. Think "Net Neutrality"! This year's theme is "Broadband Beyond 2020: Competition, Freedom, and Privacy." Obviously, many of today's most important, even most contentious policy debates – from net neutrality to spectrum policy to privacy regulation to adapting to a fast-changing media landscape – fit comfortably within this year's theme. No need to name all the topics here. What I'd rather do instead is highlight the "Beyond 2020" part of the theme. My hope is that much of our discussion, policy-wise, will be forward-looking in the spirit of "how-do-we-get-from-here-to-there" to promote overall consumer welfare and further our national interest.

We are pleased that Deputy Attorney General of the United States Jeffrey Rosen will deliver the opening keynote address, and he'll be followed by FTC Commissioner Christine Wilson's keynote. Special Assistant to the President for Technology, Telecom, and Cybersecurity Policy Robin Colwell will speak after our "Hot Topics in Communications Policy" panel discussion.

During the lunch session, we will hear from FCC Chairman Ajit Pai. And this year we'll close our conference with the traditional Conversation that I will be pleased to moderate among current FCC Commissioners Michael O'Rielly and Brendan Carr and former FCC Commissioner Mignon Clyburn.

At the Free State Foundation, we proudly proclaim our commitment to free market-oriented principles along with respect for property rights and the rule of law. But we know that not everyone shares our philosophical disposition, and even among those who do, there often are good-faith differences regarding practical application of these principles in particular cases. Our goal at the conference is to educate, stimulate discussion, and, through civil discourse, perhaps even move a few steps closer to reaching consensus.

Each year I say that I am grateful for your interest and participation in the Free State Foundation's programs and activities – and for your friendship. Please don't ever doubt it!

With best regards,
Randy

Twelfth Annual Telecom Policy Conference



Broadband Beyond 2020: Competition, Freedom, and Privacy

Agenda

Welcome and Introduction

9:00 a.m. - 9:10 a.m.

Randolph May

President, The Free State Foundation

Opening Keynote Address

9:10 a.m. - 9:35 a.m.

Jeffrey Rosen

Deputy Attorney General, Department of Justice

Reactions

9:35 a.m. - 9:50 a.m.

Alden Abbott

General Counsel, Federal Trade Commission

Thomas Johnson

General Counsel, Federal Communications Commission

Keynote Address

9:50 a.m. - 10:15 a.m.

Christine Wilson

Commissioner, Federal Trade Commission

Reactions

10:15 a.m. – 10:30 a.m.

Theodore Bolema

Executive Director, Institute for the Study of Economic Growth, Department of Economics, Wichita State University, and Member of FSF's Board of Academic Advisors

Tim Brennan

Professor, Public Policy and Economics, University of Maryland, Baltimore County, and Member of FSF's Board of Academic Advisors

Panel: "Hot Topics in Communications Policy"

10:30 a.m. - 11:45 p.m.

Moderators:

Seth Cooper

Director of Policy Studies and Senior Fellow, The Free State Foundation

Andrew Long

Senior Fellow, The Free State Foundation

Panelists:

James Assey

Executive Vice President, NCTA - The Internet & Television Association

Mary Brown

Senior Director for Technology and Spectrum Policy, Cisco

James Cicconi

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

Maurita Coley

President and CEO, Multicultural Media, Telecom and Internet Council

Valerie Green

Executive Vice President & Chief Legal Officer, Ligado Networks

Keynote Address

11:45 a.m. - 12:00 p.m.

Robin Colwell

Special Assistant to the President for Technology, Telecom, and Cybersecurity Policy

Reactions

12:00 p.m. – 12:05 p.m.

Michelle Connolly

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

Luncheon and Keynote Address by Ajit Pai

Chairman, Federal Communications Commission

12:05 p.m. - 1:20 p.m.

"Conversation with FCC Commissioners Michael O'Rielly and Brendan Carr, and Former FCC Commissioner Mignon Clyburn"

With Randolph May, President, The Free State Foundation

1:20 p.m. - 2:15 p.m.

Speaker Biographies



Jeffrey A. Rosen

Deputy Attorney General, Department of Justice

Jeffrey Rosen is the 38th Deputy Attorney General of the United States. President Trump announced his intent to nominate Mr. Rosen to this position in February 2019, and the U.S. Senate confirmed the nomination in May 2019. Though most of his career was in the private sector as a partner with the law firm of Kirkland & Ellis LLP, Mr. Rosen has been appointed to several senior public service positions and was twice previously confirmed by the U.S. Senate. Most recently he was the Deputy Secretary of Transportation. Mr. Rosen also served as General Counsel and Senior Policy Advisor for the White House Office of Management and Budget and as General Counsel at the U.S. Department of Transportation. He was also an appointed Public Member of the Administrative Conference of the United States. Mr. Rosen served as the Chair of the American Bar Association's Section of Administrative Law and Regulatory Practice. In addition, he previously served as an adjunct professor at Georgetown University Law Center, where he taught Professional Responsibility and Legal Ethics. Mr. Rosen received a B.A. from Northwestern University and a J.D. from Harvard Law School.



Ajit Pai

Chairman, Federal Communications Commission

Ajit Pai was designated Chairman of the Federal Communications Commission by President Donald J. Trump in January 2017. He previously served as Commissioner at the FCC, appointed by then-President Barack Obama and confirmed unanimously by the Senate in May 2012. Chairman Pai has focused on proposing a comprehensive plan to promote broadband deployment to all Americans; preserving Internet freedom here and abroad; defending First Amendment freedoms; ensuring public safety; and eliminating waste, fraud, and abuse in federal programs. 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 Department of Justice'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. Immediately following law school, 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.



Michael O'Rielly

Commissioner, Federal Communications Commission

Michael O'Rielly was nominated for a seat on the Federal Communications Commission by then-President Barack Obama in August 2013, confirmed unanimously by the Senate, and sworn into office in November 2013. In January 2015 he was sworn into office for a new term following his re-nomination by the President and confirmation by the Senate. Prior to joining the agency, Commissioner O'Rielly served as a Policy Advisor in the Office of the Senate Republican Whip, led by Senator John Cornyn. He worked in the Republican Whip's Office as an Advisor and Deputy Chief of Staff and Policy Director for Senator Jon Kyl. He previously worked for the Republican Policy Committee in the Senate as a Policy Analyst for Banking, Technology, Transportation, Trade, and Commerce issues. Prior to that, Commissioner O'Rielly worked in the Office of Senator John Sununu as Legislative Director and Senior Legislative Assistant. Before his tenure as a Senate staffer, he served as a Professional Staff Member on the Committee on Energy and Commerce in the House of Representatives and as a Telecommunications Policy Analyst. He began his career as a Legislative Assistant to Congressman Tom Bliley. Commissioner O'Rielly received his B.A. from the University of Rochester.



Brendan Carr

Commissioner, Federal Communications Commission

Brendan Carr was nominated to serve as a Commissioner of the FCC by President Donald J. Trump and confirmed unanimously by the United States Senate in 2017, and in 2019 he was nominated and confirmed to serve a new, five-year term. He is leading the FCC's work to modernize the infrastructure rules governing the buildout of 5G and other next-gen networks. Prior to this appointment, Mr. Carr served as the FCC's General Counsel. Previously, he served as the lead advisor to then-FCC Commissioner Ajit Pai on wireless, public safety, and international issues. Before that, he worked as an attorney in the FCC's Office of General Counsel. Prior to joining the Commission in 2012, Mr. Carr was an attorney at Wiley Rein LLP. Earlier in his career, he served as a law clerk for Judge Dennis W. Shedd of the U.S. Court of Appeals for the Fourth Circuit. Mr. Carr received his undergraduate degree from Georgetown University and graduated from the Catholic University of America, Columbus School of Law and obtained a certificate from its Institute for Communications Law Studies.



Mignon L. Clyburn

Former Commissioner, Federal Communications Commission, and Principal of MLC Strategies, LLC

Mignon Clyburn served as a Commissioner on the Federal Communications Commission from 2009 to 2018 and Acting Chair from May to November of 2013. During her nearly nine years at the FCC, Commissioner Clyburn pushed for the modernization of the agency's Lifeline Program, championed diversity in media ownership,

initiated Inmate Calling Services reforms, emphasized diversity and inclusion in STEM opportunities, and fought to preserve a free and open Internet. Previously, Ms. Clyburn served 11 years on the South Carolina Public Service Commission. Prior to that, she was the publisher and general manager of the Coastal Times, a family-founded, Charleston-based weekly newspaper. Ms. Clyburn most recently held a fellowship at the Open Society Foundations, where she championed efforts to eliminate predatory rates for prison telephone services, and she is currently the principal of MLC Strategies, LLC. She received a B.S. from the University of South Carolina.



Christine S. Wilson

Commissioner, Federal Trade Commission

Christine Wilson was sworn in September 2018 as a Commissioner of the Federal Trade Commission. President Donald J. Trump named Ms. Wilson to a term that expires in September 2025. Commissioner Wilson previously served at the FTC as Chairman Tim Muris' Chief of Staff during the George W. Bush Administration and as a law clerk in the Bureau of Competition while attending Georgetown University Law Center. In between her periods of service at the FTC, Ms. Wilson

practiced competition and consumer protection law both at law firms and as in-house counsel. When nominated, Ms. Wilson was serving as Senior Vice President – Legal, Regulatory & International for Delta Air Lines. Prior to joining Delta, she was a member of the Washington, DC, antitrust practice groups of Kirkland & Ellis LLP and O'Melveny & Myers LLP. Early in her career, she worked with former Assistant Attorney General James F. Rill at Collier Shannon Rill & Scott on a variety of competition law and policy initiatives. Ms. Wilson graduated from Georgetown University Law Center and the University of Florida.



Robin C. Colwell

Special Assistant to the President for Technology, Telecom, and Cybersecurity Policy

Robin Colwell currently serves as Special Assistant to the President for Technology, Telecom, and Cybersecurity Policy at the National Economic Council. She was previously Chief Counsel for Communications and Technology at the House Energy & Commerce Committee, as well as Chief of Staff to FCC Commissioner Michael O'Rielly. Ms. Colwell's previous experience also includes work for

Senate Commerce Committee members Senator Tim Scott, Senator Jim DeMint, and Senator Peter G. Fitzgerald. She came to D.C. as a law clerk to Chief Judge H. Robert Mayer of the U.S. Court of Appeals for the Federal Circuit, and then spent time in private practice at Wiley Rein. She is a graduate of Florida State University and the William & Mary School of Law.

Alden F. Abbott

General Counsel, Federal Trade Commission

Alden Abbott is the General Counsel of the Federal Trade Commission. Prior to rejoining the Commission in April 2018, Mr. Abbott served in legal management positions at the Heritage Foundation (2014-2018) and BlackBerry (2012-2014). He also held a variety of senior positions in the federal government prior to his retirement in 2012, including at the FTC (Deputy Director of the Office of International Affairs and Associate Director of the Bureau of Competition); the Department of Commerce (Acting General Counsel, Assistant General Counsel, and Chief Counsel

of the National Telecommunications and Information Administration); and the Department of Justice (Senior Counsel in the Office of Legal Counsel and Special Assistant to the Assistant Attorney General for Antitrust). From 1991 to 2018, Mr. Abbott was an Adjunct Professor at the George Mason University (Antonin Scalia) Law School, where he taught antitrust, trade regulation, intellectual property, and international trade law courses. Mr. Abbott earned a B.A. from the University of Virginia, a J.D. from Harvard Law School, and an M.A. from Georgetown University.

James M. Assey

Executive Vice President, NCTA – The Internet & Television Association

James Assey is the Executive Vice President for NCTA - The Internet & Television Association. He is involved in all aspects of NCTA's work on behalf of the cable industry. Before coming to NCTA, Mr. Assey was a longtime staff member on the U.S. Senate Committee on Commerce, Science and Transportation. Most recently, he was Senior Democratic Counsel to the Committee, and earlier was Senior Democratic Counsel on Communications and Media Issues for the Committee chaired by Senator Daniel K. Inouye and Telecommunications Counsel for former Senator Ernest F. Hollings. Prior to that time, he held positions as Communications Associate in the Washington, DC, office of Willkie Farr & Gallagher, Law Clerk for the Honorable Cameron M. Currie in the U.S. District Court for the District of South Carolina, and Legislative Assistant to Senator Hollings. Mr. Assey is a graduate of Stanford University and Georgetown University Law School.

Theodore R. Bolema

Director, Institute for the Study of Economic Growth, Wichita State University, and Member of FSF's Board of Academic Advisors

Theodore Bolema is the Executive Director of the Institute for the Study of Economic Growth in the Department of Economics at Wichita State University. He most recently was a Senior Fellow with the Free State Foundation. He previously served as Director for Policy Research Editing at the Mercatus Center at George Mason University. Previously, Dr. Bolema was a trial attorney with the Antitrust Division of the U.S. Department of Justice. He taught at Central Michigan University and George Mason University School of Law. He has been cited on regulatory law and economics topics in numerous publications including *The Washington Post*, *The Washington Times*, *Chicago Tribune*, *The Detroit News*, *Politico*, *The Hill*, and the *Los Angeles Business Journal*. Dr. Bolema received his Ph.D. from Michigan State University and his J.D. from the University of Michigan Law School.

Tim J. Brennan

Professor of Public Policy and Economics, School of Public Policy, University of Maryland, Baltimore County, and Member of FSF's Board of Academic Advisors

Tim Brennan is a Professor of Public Policy and Economics at the School of Public Policy, University of Maryland, Baltimore County, and a Senior Fellow at Resources for the Future. In 2014 he served as Chief Economist at the Federal Communications Commission. Professor Brennan also served as the T.D. MacDonald Chair in Industrial Economics at the Canadian Competition Bureau, staff consultant in the FTC's Bureau of Economics, Senior Economist for Industrial Organization and Regulation for the White House Council of Economic Advisers, and as a Staff Economist at the Department of Justice's Antitrust Division. He has authored numerous publications on antitrust, regulatory economics, energy policy, and telecommunications.

Professor Brennan holds a B.A. from the University of Maryland and two M.A. degrees and a Ph.D. from the University of Wisconsin.

Mary L. Brown

Senior Director for Technology and Spectrum Policy, Cisco

Mary Brown is Senior Director for Technology and Spectrum Policy in Cisco's Washington, DC, Government Affairs office, where she covers a wide range of public policy issues. She leads Cisco's global public policy agenda for wireless technologies and spectrum policy. During her career, Ms. Brown has worked as a consultant, as in-house regulatory counsel for a major carrier, and for approximately 10 years as a staff lawyer and manager at the Federal Communications Commission. She has been with Cisco for 16 years. In addition to telecommunications issues, she has substantial experience in Internet law and policy. Ms. Brown is a graduate of the University of Massachusetts at Amherst, and she holds a J.D. from the Syracuse College of Law, and an M.S. from the S.I. Newhouse School of Public Communications at Syracuse.

James W. Cicconi

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

Jim Cicconi returned to AT&T in September 2019 on an interim basis to again serve as Senior Executive Vice President-External and Legislative Affairs reporting to AT&T Chairman and CEO Randall Stephenson. This is the position he held for many years before he retired in September 2016. Previously, he served as General Counsel and Executive Vice President-Law and Government Affairs at AT&T Corp. Before joining AT&T in September 1998, he was a partner at Akin, Gump, Strauss, Hauer & Feld, L.L.P. Mr. Cicconi also served in the White House under two presidents, including two years as deputy chief of staff to President George H.W. Bush and four years as a special assistant to President Ronald Reagan and to White House Chief of Staff James A. Baker, III. He currently serves as a director of El Paso Electric Company and is a member of the George Bush Presidential Library Foundation Advisory Council. Mr. Cicconi earned a B.A. from the University of Texas at Austin and a J.D. from the University of Texas School of Law.

Maurita Coley

President and CEO, Multicultural Media, Telecom and Internet Council

Maurita Coley, MMTC's President and CEO, is a lawyer, social impact leader, and former media executive with extensive experience in media, telecom, and Internet law and policy, and business operations. Immediately prior to MMTC, she served as the CEO of Capital Area Asset Builders, a leading nonprofit in community economic development and asset building in the Washington, DC metropolitan area. Previously, Ms. Coley served on the executive management team of BET Holdings, Inc. (now Viacom, Inc.), owner and operator of the BET Cable Networks, with authority over legal affairs and later over television production operations. Ms. Coley is a former partner with the Davis Wright Tremaine and the Cole, Raywid & Braverman law firms. She holds a B.A. from Michigan State University and a law degree from Georgetown Law.

Michelle Connolly

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

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. Professor Connolly previously served as Chief Economist of the FCC 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. Professor Connolly has 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. She graduated from Yale University and went on to earn her M.A., M.Phil, and Ph.D., also from Yale University.

Seth L. Cooper

Senior Fellow and Director of Policy Studies, The Free State Foundation

Seth Cooper is a Senior Fellow and Director of Policy Studies 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. Mr. Cooper served as judicial clerk 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. Mr. Cooper is the co-author, with FSF President Randolph May, of *Modernizing Copyright Law for the Digital Age: Constitutional Foundations for Reform, A Reader on Net Neutrality and Restoring Internet Freedom*, *#CommActUpdate: A Communications Law Fit for the Digital Age*, and *The Constitutional Foundations of Intellectual Property*, and he contributed to chapters in *Communications Law and Policy in the Digital Age* (2012). Mr. Cooper earned his B.A. from Pacific Lutheran University and his J.D. from Seattle University School of Law.

Valerie Green

Executive Vice President & Chief Legal Officer, Ligado Networks

Valerie Green is Executive Vice President and Chief Legal Officer of Ligado Networks and is responsible for the company's legal, public affairs, and regulatory activities. Prior to joining Ligado, Ms. Green served in the Obama Administration as Assistant to the President and Director of Presidential Personnel. Prior to joining Presidential Personnel, she was the general counsel at the Corporation for National and Community Service. Before CNCS, she had several roles in the White House, including Deputy Special Counsel to the President and Special Assistant to the President. Prior to joining the Obama Administration, Ms. Green was an attorney on Hillary Clinton's 2008 campaign for President. She started her career as a litigator at Cravath, Swaine & Moore and later practiced at Venable and Wiley, Rein. Ms. Green received a B.A. from Barnard College and a J.D. from New York University School of Law.

Thomas M. Johnson, Jr.

General Counsel, Federal Communications Commission

Thomas Johnson has served as General Counsel of the Federal Communications Commission since October 2017. As the Commission's chief legal advisor, Mr. Johnson argued the *Restoring Internet Freedom* case before the United States Court of Appeals for the D.C. Circuit, in which he defended the FCC's adoption of a light-touch, transparency-based approach to broadband regulation and repeal of net neutrality rules. He also has taken a leading role in drafting and defending in court the Commission's policies to promote deployment of wireless infrastructure and free up spectrum that will be critical to the development of next-generation 5G services. Mr. Johnson joined the Commission from his position as Deputy Solicitor General for West Virginia. Before that, he worked as an attorney at the law firm Gibson, Dunn & Crutcher LLP and as a law

clerk for Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit. Mr. Johnson earned his J.D. from Harvard Law School and a bachelor's degree from Georgetown University.

Andrew Long

Senior Fellow, The Free State Foundation

Andrew Long is a Senior Fellow at The Free State Foundation. Previously he served as Vice President & Assistant Chief Counsel, Regulatory, at Time Warner Cable, handling policy and compliance matters affecting the company's consumer-premise equipment, video, and broadband offerings. He is a former Associate Chief of the Federal Communications Commission's Media Bureau, where he oversaw agency efforts to advance the DTV Transition and ensure the availability of competitive video navigation devices (e.g., set-top boxes) at retail. Most recently, he was a telecommunications law and technology consultant for Davis Wright Tremaine LLP. Mr. Long received a B.A. from the University of Delaware and a J.D. from the University of Pennsylvania Law School, where he served as Associate Editor of the Law Review.

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 230 articles and essays on communications, administrative, and constitutional law topics. Mr. May is author of *A Call for a Radical New Communications Policy: Proposals for Free Market Reform*. He is co-author, with FSF Senior Fellow and Director of Policy Studies Seth Cooper, of *Modernizing Copyright Law for the Digital Age: Constitutional Foundations for Reform*, *A Reader on Net Neutrality and Restoring Internet Freedom*, *#CommActUpdate: A Communications Law Fit for the Digital Age*, and *The Constitutional Foundations of Intellectual Property*. Mr. May is editor of two books, *Communications Law and Policy in the Digital Age: The Next Five Years* and *New Directions in Communications Policy*. 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 J.D. from Duke Law School.



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.

**The Free State Foundation
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For more information, please visit us online —
www.freestatefoundation.org

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