PUBLISHED WORKS OF RANDOLPH J. MAY

- Every Election Is the Most Consequential In Our Lifetime, <u>Real Clear Markets</u>, May 2, 2024
- Restoring America by Recovering Madisonian Virtue, <u>Real Clear Markets</u>, April 1, 2024
- Reform the Affordable Connectivity Program Before Extending It, <u>Washington</u> <u>Examiner</u>, March 5, 2024.
- Claudine Gay's 'My Truths' v. the Declaration's 'Self-Evident Truths,' **The Federalist Society Blog**, February 21, 2024
- Chevron's Possible Demise, Independent Agencies and Justice Kagan, <u>Yale</u>
 <u>Journal on Regulation</u>, January 10, 2024
- Stop the Biden FCC's Plan to Control Internet Networks, <u>Washington Examiner</u>, December 20, 2023
- The FCC's Digital Discrimination Order: An Overreach in Pursuit of a Worthy Goal,
 The Federalist Society Blog, November 27, 2023
- Let Us Not Raise a Ruckus Over Net Neutrality, <u>The Regulatory Review</u>, October 30, 2023
- Net Neutrality Redux: A Fight Over First Principles, <u>Real Clear Markets</u>, October 16, 2023
- There's Little Question Net Neutrality Is a Major Question, <u>Yale Journal on</u> <u>Regulation</u>, September 27, 2023
- Reimposing Burdensome Net Neutrality Mandates Will Harm Consumers,
 <u>Washington Examiner</u>, September 21, 2023
- Spotlighting the FCC's Key Digital Discrimination Rulemaking, <u>The Federalist</u>
 <u>Society Blog</u>, September 15, 2023
- For Wes Moore, the Time for Economic Discipline Is Now, <u>Real Clear Markets</u>, August 30, 2023
- FCC "Digital Discrimination" Rules Should Steer Clear of Burdensome Regulation,
 Washington Examiner, August 16, 2023

- Thinking Clearly About Speaking Freely Part 21: A First Amendment Bulwark Against a Ministry of Truth, <u>The Federalist Society Blog</u>, August 1, 2023
- Don't Regulate Internet Providers as Public Utilities Again!, <u>Real Clear Markets</u>, July 6, 2023
- Independence Day, The Federalist Society Blog, July 4, 2023
- Thinking Clearly About Speaking Freely Part 20: A Federal Digital Platform Commission Is a "Cure" Worse Than the Disease, <u>Real Clear Markets</u>, June 5, 2023
- Chevron's Demise Would Check the Administrative State's Expansion, <u>Real Clear</u>
 <u>Markets</u>, May 19, 2023
- Thinking Clearly About Speaking Freely Part 19: Law School Rankings Should Include a Free Speech Criterion, <u>Real Clear Markets</u>, April 20, 2023
- The Affordable Connectivity Program: Extend It, But Mend It, <u>Real Clear Markets</u>, April 5, 2023
- Thinking Clearly About Speaking Freely Part 18: Applying Robert's Rules of Order To Cancel Culture, Real Clear Markets, March 9, 2023
- Thinking Clearly About Speaking Freely Part 17: Free Markets Are a Crucial Antidote to Cancel Culture, Real Clear Markets, February 15, 2023
- NFIB V. OSHA: A Unified Separation of Powers Doctrine and Chevron's No Show,
 South Carolina Law Review, February 8, 2023
- Wes Moore Should Follow Glenn Youngkin's Regulatory Reform Model, <u>Real Clear</u> <u>Markets</u>, January 30, 2023
- A Critique of the 'Congressional Dysfunction' Critique of the Major Questions Doctrine, **The Federalist Society Blog**, January 23, 2023
- Thinking Clearly About Speaking Freely Part 16: Combatting Cancel Culture With a Reinvigorated Constitutional Culture, <u>Real Clear Markets</u>, December 27, 2022
- A Trio of "Sleeper" Nondelegation Doctrine Challenges, <u>The Federalist Society</u> <u>Blog</u>, December 14, 2022
- Thinking Clearly About Speaking Freely Part 15: Amidst the Turmoil, Don't Handcuff Twitter With Government Control, <u>Real Clear Markets</u>, November 25, 2022

Publications List—Randolph J. May

- Thinking Clearly About Speaking Freely Part 14: What the Chief Twit Should Do Now to Avoid the "Hellscape," Real Clear Markets, November 2, 2022
- Thinking Clearly and Speaking Freely Part 13: A Reasonableness Standard for Fixing Section 230, <u>Real Clear Markets</u>, October 19, 2022
- Thinking Clearly and Speaking Freely Part 12: Shining a Spotlight on Big Tech's Section 230 Immunity, Real Clear Markets, September 28, 2022
- On Constitution Day, Celebrate the Separation of Powers, <u>Washington Examiner</u>, September 17, 2022
- This Labor Day, Remember Abraham Lincoln and the Importance of Work,
 <u>Washington Examiner</u>, September 4, 2022
- Thinking Clearly and Speaking Freely Part 11: Unnecessarily Flagging the "R" Word, <u>Real Clear Markets</u>, August 12, 2022
- It's Net Neutrality Groundhog Day Again!, Washington Examiner, August 1, 2022
- Thinking Clearly About Speaking Freely Part 10: Empowering Consumers to Be Content Moderators, <u>Real Clear Markets</u>, July 25, 2022
- A Major Ruling on Major Questions, <u>The Regulatory Review</u>, July 15, 2022
- Thinking Clearly About Speaking Freely Part 9: When Private Web Censorship Becomes Government Action, <u>Real Clear Markets</u>, June 21, 2022
- Thinking Clearly About Speaking Freely Part 8: Adopting A Presumption Favoring Free Speech, <u>Real Clear Markets</u>, June 2, 2022
- Maryland Needs More Than A Gas Tax Holiday, <u>MarylandReport.com</u>, March 27, 2022
- NFIB v. OSHA: Nondelegation, Major Questions, and Chevron's No Show, <u>Yale</u> <u>Journal on Regulation</u>, January 25, 2022.
- Maryland General Assembly Should Adopt Hogan's Tax Plan, <u>Washington Post</u>, January 25, 2022.
- Biden's Executive Agencies Doing 'Net Neutrality' End Run, <u>Real Clear Markets</u>, December 21, 2021
- Preventing Mass Comment Wars, The Regulatory Review, December 14, 2021

- A Nondelegation Doctrine Challenge to the FCC's Universal Service Regime, <u>Yale</u> <u>Journal on Regulation</u>, November 3, 2021.
- The FCC Should Revive Notices of Inquiry, <u>Yale Journal on Regulation</u>, October 4, 2021.
- Inequality In America: Joe Biden, Meet Alexis de Tocqueville, <u>Real Clear Markets</u>, September 13, 2021.
- Considering Copyright on Constitution Day, <u>The Federalist Society Blog</u>, September 17, 2021.
- Not All Government Spending on Infrastructure Is Investment, <u>The Washington</u> <u>Times</u>, July 21, 2021.
- Real Infrastructure Opportunity for Congress: Speed Deployment of 5G Network, <u>The Daily Signal</u>, July 20, 2021.
- Why Biden's Broadband Plan Is Constitutionally Suspect, <u>The Federalist</u>, May 19, 2021.
- Congress Should Modernize Digital Copyright Law to Protect Americans' Content, <u>The Tennessean</u>, May 17, 2021.
- California's Net Neutrality Law Threatens Veterans' Telehealth, <u>Multichannel</u> News, March 31, 2021.
- California's Net Neutrality Law Threatens Veterans' Telehealth, <u>Real Clear</u> <u>Markets</u>, March 30, 2021.
- A Reasonable Alternative to Internet Public Utility Regulation, **Real Clear Markets**, March 12, 2021.
- The Constitutional Foundations of Communications Law and Policy, <u>The</u> Regulatory Review, March 2, 2021.
- On Its Silver Anniversary, Let's Modernize the Telecom Act of 1996, <u>Real Clear Markets</u>, February 6, 2021.
- Why Restoring Internet Freedom Was a Landmark Accomplishment, <u>Truth on the Market: Retrospective on Ajit Pai's Tenure as FCC Chairman</u>, January 15, 2021.
- Democrats' Digital Democracy Task Force Wrong Direction for Online Democracy, in <u>The Washington Times</u>, December 29, 2020.

Publications List—Randolph J. May

- The Mayflower Compact and Why It Matters, in the <u>Washington Examiner</u>, December 2, 2020.
- Section 230 Legal Issues: The FCC's Authority and the First Amendment, <u>The Federalist Society Blog</u>, November 3, 2020.
- Justice Ginsburg's Replacement Won't Decimate the Administrative State, in <u>Yale</u>
 <u>Journal on Regulation: Notice & Comment</u>, September 25, 2020.
- Involuntary Volunteers at the FCC, in <u>Yale Journal on Regulation: Notice & Comment</u>, August 20, 2020.
- "Foreword: The Symposium at Fifty," Vol. 69 **Duke Law Journal**, No. 8, May 2020.
- World IP Day 2020 Protect Americans' Copyrights from Digital Piracy, in <u>Morning</u> <u>Consult</u>, April 29, 2020.
- A Tocquevillian View of Reinvigorating the United States, in **Real Clear Markets**, April 22, 2020.
- Copyright Law Needs a Digital Age Modernization, in <u>The Tennessean</u>, April 15, 2020.
- Maryland's Digital Ad Tax Is a Bad Idea, and Gov. Hogan Should Veto It, in <u>The</u> <u>Baltimore Sun</u>, March 30, 2020.
- A Comment on "Sticky Regulations" and the Net Neutrality Saga, in <u>Yale Journal</u> on Regulation: Notice & Comment, March 23, 2020.
- Relentless Competition, So Regulate Lightly, in <u>Real Clear Markets</u>, December 27, 2019.
- The Ongoing Saga of Chevron and Net Neutrality, in <u>The Regulatory Review</u>, October 21, 2019.
- Reforming the FCC's Captioned Telephone Service Program, in <u>The Regulatory</u> <u>Review</u>, September 24, 2019.
- Streamlining Adjudications at the FCC, in the <u>Yale Journal on Regulation: Notice</u>
 <u>& Comment</u>, September 20, 2019.
- John Marshall's Jurisprudence Supports Preemption of California's Net Neutrality Law, in **The Federalist Society Review**, January 28, 2019.
- Adopting Rebuttable Presumptions at the FCC, in **The Regulatory Review**, January 22, 2019.

- Maintaining the Constitution's Separation of Powers, in <u>The Washington Times</u>, October 1, 2018.
- A Constitution Day Call to Strengthen Copyright Protection, in **Real Clear Markets**, September 17, 2018.
- Why Google's Search Results Must Not Be Regulated, in <u>The Washington Times</u>, September 4, 2018.
- Deregulating the Video Marketplace, in **The Washington Times**, August 2, 2018.
- Judge Kavanaugh and the 'Chevron Deference,' in <u>The Washington Times</u>, July 13, 2018.
- After AT&T/Time Warner, Antitrust Authorities Should Abandon Their Craft, in **Real Clear Markets**, June 20, 2018.
- Woodrow Wilson's Case Against the Constitution, in <u>The Washington Times</u>, May 30, 2018.
- The Net Neutrality CRA Would Remove FTC Privacy Protections, in <u>The</u> <u>Washington Examiner</u>, May 9, 2018.
- Copyrights and Patents, Piracy and Theft, in **The Washington Times**, April 25, 2018.
- World IP Day An Opportune Time to Modernize Music Copyright Protections, in <u>The Hill</u>, April 23, 2018.
- Just a Shadow of the Old ACLU, in **The Washington Times**, April 15, 2018.
- Chevron and Net Neutrality at the FCC, in <u>The Regulatory Review</u>, February 15, 2018.
- Why Consumers Won't Be Left Unprotected, in <u>The Washington Times</u>, January 4, 2018.
- The Sunshine Act and Transparency at the FCC, in <u>The Regulatory Review</u>, December 12, 2017.
- The Justice Department Will Need a Stronger Case Against the AT&T/Time Warner Merger, in **The Hill**, November 17, 2017.
- Why America Needs an Updated Communications Act, in <u>The Washington Times</u>, November 16, 2017.

- It's Time for the FCC to Relinquish Control of Media Ownership, in <u>The Hill</u>, November 7, 2017.
- #CommActUpdate: A Communications Law Fit for the Digital Age, published by The Free State Foundation, October 2017.
- Real Progress in Regulatory Reform, in **The Washington Times**, August 22, 2017.
- The Danger Posed by the Growing Administrative State: The Cost of Regulations Is Almost Always Underestimated and Innovation Is Stifled, in <u>The Washington</u> <u>Times</u>, August 3, 2017.
- An Internet Plebiscite: Putting Public Pressure on the FCC Won't Produce Better Communications, in **The Washington Times**, July 12, 2017.
- When You Think Infrastructure, Think FCC, in the **Morning Consult**, June 14, 2017.
- Restoring Internet Freedom: Rolling Back "Net Neutrality" Will Restore Innovation to Broadband Transmission, in **The Washington Times**, May 4, 2017.
- Protect Intellectual Property Rights on World IP Day and Every Day, in <u>The Hill</u>, April 23, 2017.
- Preserving a Lifeline to Close the Digital Divide, in <u>The Hill</u>, April 4, 2017.
- 6 Ways Chairman Pai Can Stop FCC Overreach, in **The Hill**, February 28, 2017.
- One Obama Executive Order That Makes Sense: A Mandate to Trim Outmoded Rules Is One Trump Should Keep, in The Washington Times, December 19, 2016.
- A Blueprint for Trump Communications Reform: Unnecessary Regulations Should Be Switched Off, in **The Washington Times**, November 21, 2016.
- FCC Chairman Tilts the Seesaw Toward Regulation, in <u>The Hill</u>, September 22, 2016.
- Our Divisive Times: What Would Madison Say? <u>The Federalist Society</u>, July 12, 2016.
- Music MegaStars Sing the Right Note on Copyright Reform, in <u>The Hill</u>, June 23, 2016.
- With Last-Minute Regulations, FCC Has Its Eye on the Clock, in <u>The Hill</u>, June 15, 2016.

- The FCC Threatens the Rule of Law: A Focus on Agency Enforcement and Merger Review Abuses, in the Federalist Society Review, May 23, 2016.
- Copyright 'Notice and Takedown' System Needs Fixing, in <u>The Hill</u>, May 9, 2016.
- The FCC's Flawed Understanding of Competition, in **Real Clear Markets**, March 11, 2016.
- FCC's Cognitive Dissonance Leads to Regulatory Policy Run Amok, in <u>The Hill</u>, February 18, 2016.
- George Washington: Indispensable to Intellectual Property Rights in America, in **The Tennessean**, February 15, 2016.
- FCC's 'Permission-Denied' Policy for Video Devices Is Wrong, in <u>The Hill</u>, February 2, 2016.
- Protecting Global IP Rights Is an Economic Imperative, in **Real Clear Markets**, January 27, 2016.
- Internet Freedom That Isn't: FCC Vows Not To Meddle with Innovation and Rates Ring Hollow, in **The Washington Times**, January 26, 2016.
- The FCC, Still Lawless, in The Hill, November 24, 2015.
- The Copyright Alliance That Shaped Our Constitution, <u>The Federalist Society</u>, November 18, 2015.
- The Constitutional Foundations of Intellectual Property, in <u>The Washington</u> Examiner, October 5, 2015.
- Appreciating Intellectual Property Rights on Constitution Day, in <u>The Hill</u>, September 17, 2015.
- The Constitutional Foundations of Intellectual Property: A Natural Rights Perspective, published by Carolina Academic Press, September 2015.
- Lincoln, Labor and Intellectual Property Rights, in <u>The Washington Examiner</u>, September 7, 2015.
- Why Intellectual Property Rights Matter The Founders Believed Ownership of One's Labor Is a Natural Right, in <u>The Washington Times</u>, September 3, 2015.
- The FCC Flouts the Rule of Law, in the **Washington Examiner**, August 11, 2015.

Publications List—Randolph J. May

- The Future of Spectrum Policy, in **The Hill**, July 27, 2015.
- Chevron Decision's Domain May Be Shrinking, in <u>The Hill</u>, July 9, 2015.
- Is the Internet's Future One of Innovation or Government Control?, in <u>The Hill</u>, March 18, 2015.
- Is the FCC Lawless?, by Free State Foundation President Randolph J. May, in **The Hill**, February 25, 2015.
- Defining Broadband Progress Down, in **The Hill**, February 4, 2015.
- Is the FCC Unlawful?, in **The Washington Times**, January 16, 2015.
- U.S. Net Neutrality Campaign Enables Foreign Governments' Internet Control, in **The Hill**, December 22, 2014.
- Obama's Involvement Jeopardizes FCC's Net Neutrality Efforts, in <u>The Hill</u>, December 11, 2014.
- Don't Convert Internet Providers into Public Utilities, in **The Hill**, October 3, 2014.
- Happy 30th Anniversary, Chevron Part II, in <u>The Hill</u>, September 3, 2014.
- Happy 30th Anniversary, Chevron!, in <u>The Hill</u>, August 8, 2014.
- The FCC Shouldn't Go Down the Primrose (Preemption) Path, in <u>The Hill</u>, July 31, 2014.
- FCC Should Not Presume It Can Regulate the Internet, in the **Washington Examiner**, June 20, 2014.
- Return of the 'Net Neutrality' Scheme: Regulation Backers Are Turning Up the Volume for Internet Regulation, in <u>The Washington Times</u>, May 13, 2014.
- McCutcheon Decision Shows Supreme Court Split on Individual Free Speech Versus "Collective Voice," in the Washington Examiner, April 9, 2014.
- Obama May Give Internet Control to "Global Community": Authoritarians Eager to Pick Up What U.S. Gives Up, Freeing the Internet for Censorship, in <u>The</u> Washington Times, March 26, 2014.
- FCC, Broadband and Fallacy of Government "Competition": Municipal Operations Would Have an Unfair Advantage Over Private Enterprise, <u>The Washington</u> <u>Times</u>, March 7, 2014.

- Cable Merger Shows How Legacy Language Leads to Outdated Policy, <u>Washington Examiner</u>, February 19, 2014.
- Regulation in a Digital Age: We Need to Move from Regulations Crafted in 1934 to Ones Crafted for 2034, National Review Online, February 12, 2014.
- A New Digital Age Communications Act: Regulations Should Reflect Marketplace Changes, **The Washington Times**, December 29, 2013.
- Obama's War on Inequality Presaged by De Tocqueville, <u>Washington Examiner</u>, December 29, 2013.
- Why the FCC Needs to Get with the Times, Finally, **CNET**, November 3, 2013.
- A La Carte Cable by Demand, **The Washington Times**, June 3, 2013.
- "A Historian for the FCC," <u>The Washington Times</u>, May 9, 2013.
- "Regulators Can't Be Trusted to Self-Regulate: High Court Can Halt Expansion of Administrative State," <u>The Washington Times</u>, December 27, 2012.
- "Communications Law and Policy in the Digital Age: The Next Five Years," Carolina Academic Press, 2012.
- "The Psychology of Abundance and the Realities of Regulatory Micromanagement," The Daily Caller, September 18, 2012.
- "A Failure to Communicate at the FCC," The Daily Caller, August 28, 2012.
- "Don't Neuter the First Amendment in the Digital Age," <u>The Washington Examiner</u>, August 9, 2012.
- "The FCC Should Conform To Rule of Law Norms," <u>The Daily Caller</u>, July 20, 2012.
- "If Communications Policy Were a Campaign Issue," <u>The Daily Caller</u>, June 18, 2012.
- "Repurposing The FCC," The Daily Caller, March 29, 2012.
- "Re-Reforming Telecom Regulation: Power-Grabbing Bureaucracy Undermined 1996 Effort," **Washington Times**, January 26, 2012.
- "Applying Hayekian Principles to Communications Policy," <u>Forbes</u>, January 5, 2012.

- "Build Back That Broadband Wall: FCC Assaults Modern Telecom Services with Old-Fashioned Rules," Washington Times, December 15, 2011.
- "A Call for a Radical New Communications Policy: Proposals for Free Market Reform," Schiel & Denver, 2011.
- "It's the Consumer, Stupid," <u>Daily Caller</u>, September 27, 2011.
- "Constitution Day at the FCC," <u>Daily Caller</u>, September 20, 2011.
- "Rolling Back Regulation at the FCC," <u>National Review Online</u>, April 18, 2011.
- "The FCC Risks Over-Conditioning the Comcast-NBCU Merger," <u>Daily Caller</u>, January 3, 2011.
- "FCC Regulators Turn their Eyes to the Internet," <u>National Review Online</u>, December 21, 2010.
- "The FCC's Fatal Conceit," CBSNews.com, December 5, 2010.
- "Broadband Legislation and Net Neutrality Soap Opera," <u>CBSNews</u>, October 7, 2010.
- "The Distinction Between Law and Politics," <u>Washington Times</u>, July 7, 2010.
- "Defining Deference Down, Again: Independent Agencies, *Chevron* Deference, and *Fox*," Vol. 62, **Administrative Law Review**, No. 2, Spring 2010.
- "Why the FCC's Broadband Plans Got Smacked Down," CBSNews, April 14, 2010.
- "A New Direction for Net Neutrality," <u>Forbes</u>, March 24, 2010.
- "Reject the Internet "Public Option," CBSNews, February 16, 2010.
- "Overregulating the Internet," **National Review**, January 14, 2010.
- "Voiding the Constitution," The Washington Times, December 15, 2009.
- "New Directions in Communications Policy," Carolina Academic Press, 2009.
- "Charting a New Constitutional Jurisprudence for the Digital Age," Vol. 3,
 Charleston Law Review, No. 2, Winter 2009.

- "A Modest Plea for FCC Modesty Regarding the Public Interest Standard," Vol. 60
 Administrative Law Review, No. 4, Fall 2008.
- "Don't Foil the Digital Age," <u>Legal Times</u>, December 1, 2008.
- "Charting a New Constitutional Jurisprudence for the Digital Age," Vol. 9, <u>Engage</u>, Issue 3, October 2008.
- "Deregulatory Smudge?" The Washington Times, October 7, 2008.
- "At FCC, Change Must Be The Mantra," <u>CNET</u>, February 25, 2008.
- "The Unbundling Panel," <u>The Washington Times</u>, December 16, 2007 (with Christopher Yoo).
- "Time for Maryland to Face Its Health Benefits Burden," <u>The Baltimore Sun</u>," August 30, 2007.
- "What Does 'Open Access' Mean?" CNET, August 16, 2007.
- "Net Neutrality Overreach," The Washington Times, June 23, 2007.
- "Net Neutrality Mandates: Neutering the First Amendment in the Digital Age," Vol. 3
 I/S: A Journal of Law and Policy for the Information Society, No. 1, Spring 2007.
- "The Constitution, A La Carte," <u>CNET</u>, May 22, 2007.
- "Is Uncle Sam Serious About Satellite Radio," CNET, April 16, 2007.
- "Bring Transparency and Accountability to Maryland Government," <u>Baltimore Sun</u>, March 20, 2007.
- "Illogical Net Neutrality Idea," The Washington Times, February 24, 2007.
- "FCC Should Let Bygones Be Bygones," <u>Broadcasting & Cable</u>, January 29, 2007.
- "Communications Policy Pirouettes," <u>The Washington Times</u>, January 21, 2007.
- "Sidestepping the Net Neutrality Boondoggle," CNET, January 9, 2007.
- "Drop Outdated Rules," **National Law Journal**, November 27, 2006.
- "Heading Off a Potential FCC Debacle," CNET, September 21, 2006.

- "Net Neutrality and Free Speech," **Broadcasting & Cable**, September 18, 2006.
- "Net Neutrality or Net Neutering: Should Broadband Internet Services Be Regulated?" – a book published by Springer in 2006 (co-edited with Thomas Lenard).
- "Montgomery County's Outdated Cable Policies Hurt Cable Consumers,"
 <u>Washington Examiner</u>, August 16, 2006.
- "First Amendment-Net Neutrality Issues," **National Law Journal**, August 14, 2006.
- "Broader Implications of PSC Firings," <u>The Gazette</u>, July 14, 2006.
- "Watch Out We Don't Neuter the Net," CNET, June 1, 2006.
- "Making the PSC More Accountable," **Baltimore Sun**, April 25, 2006
- "Bygone Should Stay Gone," Washington Post, March 26, 2006.
- "It's Nothing New," **The National Law Journal**, February 20, 2006.
- "Why Stovepipe Regulation No Longer Works: An Essay on the Need for a New Market-Oriented Communications Policy," Vol. 58 <u>Federal Communications Law</u> <u>Journal</u>, No. 1, January 2006.
- "OMB Step Welcome," <u>National Law Journal</u>, January 23, 2006.
- "No Forced Sharing," **National Law Journal**, October 31, 2005.
- "Preventing a Communications Blackout: The Need for Telecom Redundancy",
 Chapter 27 in <u>Homeland Security and Terrorism: Reading and Interpretations</u>,
 McGraw Hill, 2006.
- Richard O. Levine and Randolph J. May, "Interconnection Without Regulation: Lessons for Telecommunications Reform from Four Network Industries", October 2005.
- "Replacing Stovepipe Regulation," Regulation, Fall 2005.
- "In Memoriam, Ernest Gellhorn," Vol. 57 Administrative Law Review, No. 3, Summer 2005.
- "Major Case for Agencies," **National Law Journal**, August 8, 2005.

- "Reform the Process," <u>National Law Journal</u>, May 30, 2005.
- "Beyond Brand X," <u>National Law Journal</u>, April 11, 2005.
- Joseph S. Kraemer, Richard O. Levine, and Randolph J. May, "<u>The Myths and Realities of Universal Service: Revisiting the Justification for the Current Subsidies,</u>"
 January 2005.
- "Bring Back ACUS," <u>National Law Journal</u>, January 3, 2005.
- "Paring FCC Sharing Rules," The Washington Times, December 14, 2004.
- "Dynamic Deregulation," **National Review Online**, December 14, 2004.
- "The FCC's Tumultuous Year in 2003: An Essay on an Opportunity for Institutional Agency Reform," Vol. 56 <u>Administrative Law Review</u>, No. 4, Fall 2004.
- "Calling for a Regulatory Overhaul, bit by bit," **CNET News.com**, October 19, 2004.
- "Who Has a Better Plan?" National Law Journal, October 11, 2004.
- "Consolidate FCC Power," National Law Journal, August 23, 2004.
- "Advent of Telephony Calls for New Rules," <u>Denver Business Journal</u>, June 24, 2004.
- "How to Reform the FCC," CNET News.com, June 21, 2004.
- "Negotiate, Not Litigate," The Washington Times, May 30, 2004.
- "Protecting Communications," **The Washington Times**, April 4, 2004.
- "Heeding the Blast of Schumpeter's Trumpet," <u>CNET News.com</u>, March 25, 2004.
- "VoIP Regulation: A Plea for Procedural Modest," **CNET News.com**, February 3, 2004.
- "The Metaphysics of VoIP," **CNET News.com**, January 5, 2004.
- "Do Feds Risk a Communications Blackout? Report Urges Redundant Telecom Systems for Key Government Offices," *Progress on Point 10.24*, December 2003.
- Joseph S. Kraemer, Richard O. Levine and Randolph J. May, "<u>Trends in the Competitiveness of Telecommunications Markets: Implications for Deregulation of Retail Local Services</u>", December 2003.

- Randolph J. May and Adam Peters, "Pennsylvania At Another Crossroads: Will It Opt For Less Regulation And Real Competition To Achieve Digital Age Progress?" Progress on Point 10.21, November 2003.
- Kent Lassman and Randolph J. May, "A Survey of Government-Provided Telecommunications: Disturbing Growth Trend Continues Unabated." *Progress on Point 10.17*, October 2003.
- "The Triennial Review Scorecard: A Disappointing Grade," Progress on Point 10.14, September 2003.
- "The Two Faces of the FCC," CNET News.com, September 6, 2003.
- "Tumultuous Times at the FCC," The Washington Times, September 4, 2003.
- Book Review, "First Among Equals: The Supreme Court in American Life," <u>Cato</u> <u>Journal</u>, Summer 2003.
- "Spectrum Licensing and Broadband," CNET News.com, July 27, 2003.
- "Handicapping Michael Powell's Legacy Year," **CNET News.com**, June 25, 2003.
- "Outdated Federal Regulations Actually Likely to Impede Diversification in Media," <u>Rocky Mountain News</u>, May 24, 2003.
- "The Storm Over Broadband Bundling," CNET News.com, April 17, 2003.
- "Show Time at the FCC," <u>The Washington Times</u>, February 19, 2003.
- "Will the Real FCC Please Stand Up?" <u>CNET News.com</u>, February 7, 2003.
- "The FCC and Telecom Recovery: A Scorecard for Evaluating the New Rules,"
 Progress on Point 10.2, January 2003.
- Thomas W. Hazlett, Edward D. Hearst, Randolph J. May, and Adam Thierer, <u>Telecrisis: How Regulation Stifles High-Speed Internet Access</u>, January 2003.
- "Digital Marketplace Myopia," The Washington Times, December 8, 2002.
- "Anti-Merger Mania: Regulators Should Let EchoStar, DirecTV Join Forces," <u>The</u> Washington Times, December 5, 2002.
- "Pennsylvania Faces A Choice: To Continue to Promote Real Telecom Competition-Or Not," *Progress on Point 9.27*, November 2002.

- Book Review, "The Rule of Law in America," <u>Cato Journal</u>, Fall 2002.
- "A Free-Market Scorecard," <u>Regulation</u>, Fall 2002.
- "A Revolution That Has Yet to Occur," <u>FindLaw</u>, October 3, 2002.
- "Michael Powell's Telecom Epiphany," <u>CNET News.com</u>, July 26, 2002.
- Larry F. Darby and Randolph J. May, Comments to the FCC In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, July 17, 2002.
- "To Litigate or Deregulate: Chairman Powell's Defining Moment," *Progress on Point 9.20*, June 2002.
- "The Telecom Meltdown: Causes and Cures," *Progress on Point 9.18*, May 2002.
- Joseph S. Kraemer and Randolph J. May, "Local Exchange Competition: Progress in Maryland," *Progress on Point 9.16*, May 2002.
- "Broadband Gets a Breaux-Nickles Boost," *Progress on Point 9.15*, May 2002.
- "A Reform Agenda for the New FCC," info, October 2001.
- Comments to the FCC In the Matter of Applications for Consent to the Transfer of Control of Licenses Comcast Corporation and AT&T Corp., Transferors, To AT&T Comcast Corporation, Transferee, MB Docket No. 02-70, April 29, 2002.
- Larry F. Darby and Randolph J. May, Comments to the FCC *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, April 5, 2002.
- "Changing the Multi-Channel Video Marketplace," Progress on Point 9.9, March 2002.
- "Hands Off the Broadband Market," Hartford Courant, February 27, 2002.
- Amicus Curiae Brief, Trans Union LLC v. Federal Trade Commission (01-1080), On Petition for a Writ of Certiorari to the United States Court of Appeals for the District Court of Columbia Circuit, February 22, 2002.
- "Broadband Regulation: Should Congress Act?" *Progress on Point 9.5*, February 2002.

- "The Tech Community Fashions A Deregulatory Broadband Policy," *Progress on Point 9.3*, February 2002.
- "A Scorecard for Evaluating Whether State Telecommunications Policies are Deregulatory and Procompetitive," *Progress on Point 9.2*, January 2002.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992*, FCC 01-263, CC Docket No. 98-82, January 4, 2002.
- "FCC Rules Slow Progress," <u>USA Today</u>, January 2, 2002.
- "Ruling Without Real Rules-Or How to Influence Private Conduct Without Really Binding," Vol. 54 **Administrative Law Review**, 4, Fall 2001.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the National Telecommunications and Information Administration In the Matter of Request for Comments on Deployment of Broadband Networks and Advanced Telecommunications, December 19, 2001.
- Jeffrey A. Eisenach and Randolph J. May, Reply Comments to the FCC In the Matter of Deployment of Advanced Telecommunications Capability, October 5, 2001.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Deployment of Advanced Telecommunications Capability*, September 24, 2001.
- Jeffrey A. Eisenach and Randolph J. May, <u>Communications Deregulation and FCC Reform: Finishing the Job</u>, August 2001.
- Joseph Kraemer and Randolph J. May, "Local Exchange Competition: Progress in New Jersey," *Progress on Point 8.16*, July 2001.
- "ABC's of Getting to 3G Wireless Another Broadband Alternative Waiting to Be Born: A Symposium," *Progress on Point 8.15*, June 2001.
- "A Reform Agenda for the New FCC," Progress on Point 8.9, May 2001.
- "The Local Telecommunications Marketplace: Are New Policy Directions Needed?"
 Progress on Point 8.7, March 2001.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC In the Matter of Nondiscrimination in the Distribution of Interactive Television Services Over Cable, March 19, 2001.

- "The Public Interest Standard: Is It Too Indeterminate to Be Unconstitutional?" Vol. 53 Federal Communications Law Journal, 427, 2001.
- "The Telecom Act at Five," in Reflections on the Fifth Anniversary of the Telecommunications Act of 1996, p. 13, February 2001.
- "Internet Into FCC Clutches," The Washington Times, January 7, 2001.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC In the Matter of High-Speed Access to the Internet Over Cable and Other Facilities, December 1, 2000.
- "Make Congress Make the Laws," **The Washington Times**, November 7, 2000.
- Joseph S. Kraemer and Randolph J. May, "Local Exchange Competition: Progress in Pennsylvania," *Progress on Point 7.16*, November 2000.
- "Maintaining the Balance: Brown & Williamson Highlights Profound Separation of Powers Issues," <u>Fulton County Daily</u>, July 18, 2000.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Public Interest Obligations of TV Broadcast Licensees*, March 27, 2000.
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Telecommunications Mergers and Broadband Communications*, February 15, 2000.
- "Putting Consumers First: Turning the Corner on Long-Distance Competition,"
 Progress on Point 7.1, February 2000.
- "Give Competition A Chance," Progress on Point 6.12, December 1999.
- Jeffrey A. Eisenach, Charles A. Eldering and Randolph J. May, "Regulatory Overkill: Pennsylvania's Proposal to Breakup Bell Atlantic," *Progress on Point* 6.13, December 1999.
- "On Unlevel Playing Fields: The FCC's Broadband Schizophrenia," Progress on Point 6.11, December 1999.
- "Is There Light at the End of the Regulatory Tunnel? Not in Pennsylvania,"
 Progress on Point 6.8, November 1999.
- Book Review, "What It Means to Be a Libertarian," <u>The Cato Journal</u>, Vol. 16, No. 3, p. 386, 1997.
- "Reforming the Sunshine Act," Vol. 49 Administrative Law Review, 415, 1997.

- "Regulatory Issues," Chapter 9 in Stuckey, <u>Internet and Online Law</u>, Law Journal Press, 1996.
- "Revisiting Fukuyama: On the Struggle for Recognition, Aggression, and Territorial Imperatives from the Beginning of History to the End of Time," <u>World Affairs</u>, Vol. 158, No. 4, p. 193, Spring 1996.
- "Honk If You Want Civil Driving," <u>The Christian Science Monitor</u>, p. 20, October 16, 1995.
- "A Baby Boomer's Appreciation," <u>The Baltimore Evening Sun</u>, p. 11A, June 20, 1995.
- "Such Outrage is Outrageous," <u>The Wall Street Journal</u>, p. A14, January 13, 1995.
- "Independent Judicial Review: An Appreciation of Its Origins and Some Contemporary Musings About Its Role Two Hundred Years Later," Vol. 2 <u>George</u> Mason Independent Law Review, 195, 1993.
- Richard S. Whitt and Randolph J. May, "AT&T v. FCC: Permissive Forbearance Policy Impact," Vol. 11 **Communications Lawyer**, Summer 1993.
- Book Review, "The Tempting of America: The Political Seduction of the Law,"
 Brigham Young University Law Review, 665, 1990.
- Book Review, "Constitutional Cultures: The Mentality and Consequences of Judicial Review," Vol. 39 <u>Catholic University Law Review</u>, 401, 1989.
- Book Review, "A Slippery Slope: The Long Road to the Breakup of AT&T," Vol. 41
 Federal Communications Law Journal, 237, 1989.
- "The Bypass Issue: The New York Public Service Commission's Response," <u>Telecommunications</u>, May 1986.
- "MCI Telecommunications Corporation v. FCC: A Roadblock or Merely a Bump on the Road to Deregulation?" Vol. 38 <u>Administrative Law Review</u>, 51, 1986.
- "Does Congress Leave Regulators Up in the Air?" Vol. 5 <u>District Lawyer</u>, May-June 1981.
- "Some Preliminary Observations on the Effect the Bumpers Amendment Would Have on the Federal Communications Commission," <u>Federal Bar News</u>, September 1980.
- "Solving the Mystery of 'Who is the Plaintiff?' and the Nature of Independent Regulatory Agencies," Vol. 32 **Administrative Law Review**, 747, 1980.