

12-2008

Editor's Note

Christopher J. Harayda
Indiana University Maurer School of Law

Follow this and additional works at: <https://www.repository.law.indiana.edu/fclj>



Part of the [Communications Law Commons](#)

Recommended Citation

Harayda, Christopher J. (2008) "Editor's Note," *Federal Communications Law Journal*: Vol. 61 : Iss. 1 , Article 1.

Available at: <https://www.repository.law.indiana.edu/fclj/vol61/iss1/1>

This Special Feature is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Federal Communications Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

I am delighted to welcome you to the first Issue of the sixty-first Volume of the *Federal Communications Law Journal*, the nation's premier communications law journal and the official journal of the Federal Communications Bar Association. The new staff is very excited to present this special Issue.

The breakup of AT&T was a landmark moment for communications law professionals and scholars. The 25th anniversary of the AT&T breakup led many such scholars, judges, and professionals to gather at the University of Pennsylvania's Center for Technology, Innovation, and Competition for a conference entitled "The Enduring Lessons of the Breakup of AT&T: A Twenty-Five Year Retrospective." The Conference included a diverse group of panelists, many of whom played key roles in the litigation. They discussed the success of the breakup policies, the shift towards access regulation, structural separation in dynamic markets, the impact of the *Trinko* decision on antitrust, the efficacy of consent decrees, and the future of intercarrier compensation. Notably, the Honorable Richard A. Posner addressed the Conference, offering his personal reflections on the breakup.

We are pleased to present Articles featuring a variety of the perspectives and insights presented at the Conference in this Issue. These Articles include the following: Professor Christopher S. Yoo provides an introduction; the Honorable Richard A. Posner recollects his personal involvement in the events that led up the Justice Department's major antitrust suit against AT&T; Joseph H. Weber provides a brief overview essay on the background of the AT&T divestiture, the antitrust suit, and the near and long-term results; Professor Paul MacAvoy presents a Lerner Index analysis of AT&T's performance in the wireline long-distance markets after divestiture; Professor Gerald Faulhaber discusses the transition from rate regulation to access regulation and whether access regulation will work; Professor Daniel Spulber and Professor Christopher S. Yoo examine early rationales for telephone regulation, review types of regulation and analyze access using a graph theory approach; Professor Eli Noam provides an empirical analysis of AT&T and Bell Canada to analyze the success of the divestiture; Professor Timothy Brennan compares the court's antitrust reasoning in *Trinko* with that used in the antitrust case against AT&T and asks if antitrust and regulation should be combined; Professor Richard Epstein analyzes the pattern of the success of consent decrees; Professor Phillip Weiser reviews the compelling need for institutional reform of antitrust merger remedies, particularly with respect to how the FCC oversees

mergers between telecommunications companies; and Professor Jerry Hausman, J. Gregory Sidak and Timothy Tardiff discuss whether regulators are forward-looking in the context of available cost models and the 2003 rise in copper prices.

In addition to the Articles related to the Conference, this Issue contains two timely Notes. Dave E. Hutchinson examines the Supreme Court's decision to hear *FCC v. Fox*, and the lack of a reasoned basis for the FCC's indecency determinations in "*Fleeting Expletives*" *Are the Tip of the Iceberg: Fallout from Exposing the Arbitrary and Capricious Nature of Indecency Regulation* and Andrew Sullivant analyzes whether the 2008 amendments to the national do-not-call registry will disrupt the determination that the registry passed constitutional muster in *Leave Me Alone! The Delicate Balance of Privacy and Commercial Speech in the Evolving Do-Not-Call Registry*.

The Editorial Board would like to thank all of the authors for their contributions. We would like to recognize and thank Professor Christopher S. Yoo, in particular, for providing the *Journal* with the opportunity to publish the Articles relating to the Conference and for writing an introduction.

We are committed to providing our readers with broad coverage of timely and important communications issues, and we sincerely appreciate the continued support of contributors and readers alike. If you have feedback about this issue, or would like to submit an article for publication, please contact the *Journal* at the Indiana University Maurer School of Law—Bloomington, 211 South Indiana Avenue, Bloomington, Indiana 47405; telephone (812) 855-5952; facsimile (812) 855-5871; and e-mail fclj@law.indiana.edu.

Christopher J. Harayda
Editor-in-Chief, Volume 61