

TCOM 3783 (CRN 40811)
Telecommunication Regulation
Fall 2019
T Th 12:30-01:45
MH 338

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University Course Description

3783. Telecommunications Regulation. Responsibilities of electronic media communicators as prescribed by law and administrative agency policies, and court decisions. Analysis of the regulatory environment of broadcasters, common carriers, and cable. Prereq.: TCOM 2682 and 2683 with a grade of C or better in both. 3 s.h.

Place of TCOM 3783 in the Telecommunication Studies major

This course is a Telecommunication Major requirement. The student will be introduced to laws, regulations, and case decisions controlling telecommunications in the United States. The course is intended to create recognition of the relationship of telecommunication industries and public policy. The course will exam both economic regulation and free expression issues.

REQUIRED Texts and Readings (Required means to demand as indispensable, to need)

Creech, Kenneth, (2014). Electronic Media Law and Regulation. 6th, Routledge

Ismail, S., Transformative Choices: A Review of 70 Years of FCC Decisions: FCC Staff Working paper. Oct. 2010
Available at:

<https://www.fcc.gov/reports-research/working-papers/transformative-choices-review-70-years-fcc-decisions>

Telecommunication Studies 3783: Cases and Readings. Telecommunication Regulation, FALL Term 2018

Additional Material

You are expected to read the [Benton Foundation's](#) Headlines each day. This service summarizes the latest developments in Telecommunication with a focus on Public Policy.

You may find an **electronic calculator** useful for determining HHI values.

Material on the exams will not necessarily be covered in class.

OBJECTIVES OF COURSE

The formulation of public policy in telecommunication is a blend of technological, social, and economic issues. Telecommunication by its very nature is a complex field and is dependent upon public policy decisions. These decisions are made at various levels of government (federal, state, and local). Technological advances are forcing rapid changes in current public policy. It is essential, as students of the field of telecommunication, that we explore policy formulation and how it is changing.

Documents controlling and describing telecommunication policies are used to introduce substantive issues. Thus, the student is required to complete the rigorous written analysis of essential telecommunication documents of the United States (particularly cases). Supplemental reading and lecture augment this analytic process. Additionally, students are required to demonstrate their understanding of public policy in telecommunication by creating a portfolio quality assignment.

The history, organization, power, and operation of U. S. telecommunication policy, particularly as found in the actions of the Federal Communications Commission (FCC), are examined. This examination is designed to provide students with points of departure, or tools, for further future analysis and study of relationships between telecommunication policy and

issues. TCOM 3783 is therefore intended to provide knowledge of content of present and past policy as well as knowledge of methods to comprehend new policy as it develops.

The effects of selected policies are studied in a statutory and case analysis process. This is intended to demonstrate the degree of interdisciplinary knowledge one must acquire from diverse fields such as law, economics, politics, technology, sociology, and communication theory to achieve success in using mediating telecommunications systems and services for human communication.

Selected examples of existing and emerging telecommunication systems and services are presented in the course. These should acquaint students with pragmatic substance of innovative communication technologies and allow the student opportunities to experiment in policy determination. This course does not dwell on memorizing and reciting subjects but it does require recall for purposes of applied analysis and demonstrating an understanding of the basic legal structures.

To reach these goals this course sets the following objectives for students.

- Demonstrate an understanding of relevant laws and regulations affecting telecommunication
- Demonstrate an understanding of basic economic principles as they relate to public policy in telecommunication
- Demonstrate an understanding of basic telecommunication technological issues and their effects on public policy
- Demonstrate a knowledge of the first amendment of the constitution and its relevance to telecommunication
- Demonstrate an understanding of the structure and responsibilities of various public policy bodies
- Demonstrate an understanding of the judicial system and the process of judicial interpretation of law

ASSIGNMENTS AND GRADING PROCEDURES

1. EXAM One	15%
2. EXAM Two	15%
3. EXAM Three	20%
3. FINAL EXAM	30%
4. BRIEFS	10%
5. PORTFOLIO ASSIGNMENT	10%
TOTAL	100%

Grading:

A standard Grading scale will be used. A=100 to 90. B=89.9 to 80 C=79.9 to 70 D=69.9 to 60.

EXAMS:

Since there is a substantial amount of material to cover in this class, there will be four exams. Each exam will consist of both objective and essay questions. The exams are open-book and you are allowed to use your notes. In the unusual circumstance that a student cannot take an exam when scheduled, the student will be required to hand in a 500 word typed explanation detailing the unusual circumstances for failing to take the exam as scheduled. The instructor will give the explanation due consideration. If you would like your **final exam** provide a stamped self-addressed envelop to the instructor.

ATTENDANCE:

This class assumes that you are adults. You know your learning style much better than the instructor. When you come to class, be prepared to discuss the assignments. If you have not completed the assignments (including the readings) or if you are not prepared (in all senses of the word) for class, please do not come to class. You are responsible for getting missed information from other students.

Withdrawals

Last day to withdraw from the class with a grade of W is October 29.

Grade of Incomplete The final determination of issuing a grade of “Incomplete” rests with the instructor. The instructor’s decision includes, but is not limited to, University policies for issuing a grade of incomplete. The instructor is not obligated to assign a grade of “Incomplete.” The only valid reasons for an “Incomplete Grade” (I) are medical reasons or other tragic circumstances that cause you to be unable to complete the course after the last day to drop the course. If such circumstances cause you to miss too much class or specific assignments before the last day to drop, you are not eligible for an incomplete – drop the course. To be eligible for an incomplete in TCOM 3783, you must have completed the first 65% of the course with a grade of “C” or higher.

Academic Dishonesty

Plagiarism, (intentional or unintentional), dishonesty on exams or other forms of academic dishonesty will result in the most severe penalty to the offender. That means a grade of F for the course. See the *YSU Student Code of Rights, Responsibilities, and Conduct* for additional information.

Duties of Students

You are expected to study for this course. It requires a considerable amount of reading. If you cannot devote on average of 7.5 hours per week to study for each 3 SH course you might consider other options. Before you approach the instructor with a question, make sure you have done your part and studied the requisite amount of time.

UNIVERSITY RESOURCES

Mandatory Statement of Non-Discrimination from the University:

Youngstown State University does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity and/or expression, disability, age, religion or veteran/military status in its programs or activities. Please visit www.ysu.edu/ada-accessibility for contact information for persons designated to handle questions about this policy.”

Statement for students with disabilities:

In accordance with University procedures, if you have a documented disability and require accommodations to obtain equal access in this course; please contact me privately to discuss your specific needs. You must be registered with the Center for Student Progress Disability Services, located at 36 West Wood Street, and provide a letter of accommodation to coordinate reasonable accommodations. You can reach CSP Disability Services at 330-941-1372.

Center for Student Progress

The Marion G. Resch Center for Student Progress is a resource on Campus established to help students successfully complete their university experience. Please phone (330) 941-3538 or visit the Center for assistance in tutoring or for individualized assistance with social and academic success. The main Center is located in Kilcawley West below the bookstore. CSP Disability Services is located at 275 Fifth Ave.

Reading and Study Skills Center

The Reading and Study Skills Center at YSU offers self-referral tutors. Go to the Reading and Study Skills Center (Maag Library, Lower Level) and complete registration materials for a tutor to assist you in improving your reading, testing-taking, time management, and other academic skills. Students using the services of the Reading and Study Skills Self-Referral Tutoring program are expected to adhere to the rules and policies of the University and the Reading and Study Skills Center. Phone: 330.941.3099

Writing Center

The Writing Center works with students in one-on-one tutoring sessions. Appointments may be made by either calling (330) 941-3055 or by coming in to the Writing Center located on the lower level of Maag Library.

Student Health Clinic

The Student Health Clinic is located on the first floor of Kilcawley House. Enter the Clinic off University Plaza. All students with a current valid YSU ID are eligible to use the Student Health Clinic and may schedule an appointment with a physician. Phone: 330-941-3489 E-Mail: srferrier@ysu.edu

Counseling Services: Juggling life’s responsibilities is a challenge that causes many individuals to feel anxious, confused, or overwhelmed at times. At Youngstown State University, the Office of Career and Counseling Services

provides a comfortable environment in which to discuss and address problems and possible solutions. Short-term counseling, consultation, and referral services are provided to the campus and, in most cases, there is no fee for services. Issues commonly addressed during individual counseling sessions include: depression, anxiety, relationship problems, family conflicts, low self-esteem, school and work problems, eating disorders, lack of emotional control, career indecision, loss and grief issues, and coping with illness.

The Office of Career and Counseling Services is located in Room 1034, Jones Hall. For more information, call 330-941-3515 or visit <http://www.cc.ysu.edu/career-services>.

BRIEFS:

A brief is a condensed statement of the substance or principal points of a case. Many cases that interpret public policy in telecommunication are complex and seek to balance a number of laws, regulations and other legal sources. To gain a full understanding of the entire public policy process in telecommunication, students are assigned specific cases to brief.

Each brief will contain 4 or 5 sections. Each section will be labeled precisely as shown infra. A brief should be only about 2 pages long.

Reading the case: Before you begin to brief the case, read it through **3 or 4 times**. Although you are required to follow a logical form in preparing your briefs, the judge who wrote the opinion was not. Consequently, the information you are looking for may be almost anywhere in the opinion. **BRIEFS ARE DUE ON THE DATE INDICATED DURING CLASS. Late Briefs are not accepted under any circumstances.**

FORM OF THE BRIEF:

Your brief will contain 4 main sections (5 if there is a dissenting or concurring opinion). You are required to **label each section of your brief as follows. (otherwise 0 for the assignment)**

1. **FACTS:** What happened in this case or opinion. What brought this action to this court or administrative agency. What is the story behind this case/opinion? Who did what to whom? Why did they do it?

The Facts section is very important since courts make decisions based only on the situation before them. It is therefore very important for your briefs to contain all the important facts and for them to be in proper order.

2. **ISSUES:** Enumerate or list the points or principles of law or administrative policy that arise in or because of the **FACTS** in this matter. There are usually one or two key issues, although there may be more. These points or lists of enumerated items should be stated as **QUESTIONS**.
3. **DECISION OR RESULTS:** Who won this case or decision.
4. **RATIONAL OR REASONS:** List the reason(s) assigned to answer each question posed in the **ISSUES** section of the Brief. You should briefly state a reason the court or agency gave for its answer to each point raised as an **ISSUE** in the action.
5. **CONCURRING/DISSENTING OPINIONS (OPTIONAL):** Sometimes, the court's decision is not unanimous. In a concurring opinion, a judge expresses why he thinks the court's decision is correct but that the reasoning is incorrect. On the other hand, in a dissenting opinion, a judge disagrees with the court's decision.

PORTFOLIO ASSIGNMENT

The Portfolio Assignment (**Law Review Summary**) will be at least 1000 typed or word processed words (about 125 words per section not counting the given text, *infra*). It will be carefully reviewed by the student for all errors and will demonstrate your best possible public policy work. It will demonstrate the student's mastery over telecommunication policy. This assignment will require that the student analyze a law review article concerning Telecommunication Policy. The student is required to summarize the article, using the following template. **LABEL EACH PART AS ON THE TEMPLATE AS INDICATED.**

TEMPLATE FOR LAW REVIEW SUMMARY (adopted from Paul, R. and Elder, L., (2007) The Miniature Guide to Critical Thinking, Dilllon Beach, CA

LABEL EACH PART AS ON THE TEMPLATE AS INDICATED.

1. The main purpose of the article is _____.
What is the purpose of the reasoner, Is the purpose clearly stated or clearly implied?
2. The key question that the author is addressing is _____.
Is the question at issue well-stated? Is it clear and unbiased? Does the expression of the expression do justice to the complexity of the matter at issue? Are there questions and purpose directly relevant to each other?
3. The most important information in this article is _____.
(figure out the facts, experiences, data the author is using to support her/his conclusions) Does the writer cite relevant evidence, experiences, and/or information essential to the issue? Is the information accurate?; does the writer address the complexity of the issue?
4. The main inferences/conclusions in this article are _____.
Identify the key conclusions the author comes to and presents in the article. Does the writer develop a line of reasoning explaining well how s/he is arriving at his or her main conclusions?
5. The key concepts we need to understand in this article is/are _____.
By these concepts, the author means _____. Figure out the most important ideas you would have to understand in order to understand the author's line of reasoning. Does the writer clarify key concepts when necessary? Are the concepts used justifiably?
6. The main assumptions underlying the author's think is/are _____.
Figure out what the author is taking for granted that might be questioned. Does the writer use questionable assumptions without addressing problems which might be inherent in those assumptions?
7. If we take this line of reasoning seriously, the implications are _____. If we fail to take this line of reasoning seriously, the implications are _____.
What consequences are likely to follow if people take the author's line of reasoning seriously? What consequences are likely to follow if people ignore the author's reasoning?
8. The main point(s) of view presented in this article is/are _____.
What is the author looking at, and how is s/he seeing it? Does the author show a sensitivity to alternative relevant points of view or lines of reasoning? Does he/she consider and respond to objections from other relevant points of view?

LABEL EACH PART AS ON THE TEMPLATE AS INDICATED.

Tentative Schedule, Fall 2019

DAY	DATE	TOPIC	READING Creech/Ishmail
T	08/20	Introduction/First Amendment	Chapt 1,
Th	08/22	First Amendment/Broadcast Reg(FCA 1934)	Chapt 2
T	08/27		
Th	08/29	Rational/ Read NBC v. US, Red Lion Case & Brief	Chapt 3
T	09/03	Licensing Stations /Read KFKB, FCC v. Sanders	Chapt. 5
Th	09/05		
T	09/10		
Th	0912	Briefs Due KFKB, FCC v. Sanders	
T	09/17	Transformative Choices	Ishmail
Th	09/19		
T	09/24		
Th	09/26	EXAM ONE	
T	10/01	Content/ Read Near, Trinity	Chapt. 6
Th	10/03	Commercial Practices	Chapt 7
T	10/08		
Th	10/10	Briefs Due, Near, Trinity	
T	10/15	Fall Break	
Th	10/16	Read Miller v. Calif, Pacifica	
T	10/22	Class Canceled	
Th	10/24	Draft of Law Review/Defamation	Chapt 10
T	10/29		
Th	10/31	EXAM TWO	
T	11/05	Cable TV	Chapter 4
Th	11/07	Read Fox TV/ Briefs due Miller, Pacifica	
T	11/12		
Th	11/14	EXAM Three	
T	11/19	Transformative Choices	Ishmail
Th	11/21		
T	11/26		
Th	11/28	University Closed	
T	12/03	Read ABC v. Aereo	
Th	12/05	Portfolio Due (Law Review)Free Press/ Fair Trail--Technologies	Chapter 12
T	12/10	Final Exam 3:15-5:15	