Policy Notes from the Ultranet

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CITI Ultra-Broadband Conference
April 2006
Two Drivers of Policy in this Sector

- Scarcity
- Abundance

The landscape changes, but neither force disappears in an ultra-broadband world
Scarcity

- Government historically intervenes because market forces can’t overcome scarcity of:
  - Last-mile infrastructure (*universal service, common carriage, unbundling*)
  - Spectrum (*broadcasting, wireless*)
  - Network capacity (*cable*)

- So, isn’t ultra-broadband the end of scarcity?
New and Old Scarcities Persist

- **“Enough” capacity is relative**
  - Depends on what you want to do (e.g. video, gaming)
  - Focus on systems/applications, not links
  - Effective scarcity to the user vs. theoretical scarcity

- **Ultra-broadband won’t arrive immediately, everywhere, and at the same time and price**
  - Need for universal service or “big broadband” subsidies?
  - Need to prevent municipalities from competing?

- **More than ever, a network of networks**
  - Interconnection as a critical bottleneck (fixed/mobile, network neutrality)
  - Standards fights (esp. inside the home)
Abundance

- Government historically intervenes because market forces can’t restrain abundance of:
  - Unauthorized reproduction (intellectual property)
  - Information (privacy)
  - “Bad” content (indecency, Barney)

- The bad news: ultra-broadband means more abundant abundance!
New Challenges of Abundance

- **Video gets Napsterized**
  - Starting to happen already
  - Potentially harder than music, because so much non-commercial material involved

- **Ubiquity and mobility = intrusiveness in the indecency context**

- **Cameras everywhere!**
  - What does privacy mean in a world of persistent accidental surveillance?
It Gets Worse

- The conceptual frameworks for communications and media policy since inception can’t accommodate a converged ultra-broadband cloud
Legacy Silo Legal Structure

Data

Telephony (Title II)

Broadcast (Title III)

Cable (Title VI)
Emerging Reality
The Good News

- There will still be lots of work for lawyers
- AKA, my grandchildren can go to college
  - ...which by then will likely be a massively multi-player virtual world!
Thank you

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