

Information and the Information Economy

A Conference Co-Sponsored by

**The Intellectual Property & Communication Law Program at the Michigan State University
College of Law**

The Donald McGannon Communication Research Center at Fordham University

&

The Quello Center for Telecommunications Management and Law at Michigan State University

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Pope Auditorium

Fordham University

Lincoln Center Campus

New York, NY

Conference Overview

Policy-making *concerning* the information economy and the new media depends upon information *about* the information economy and the new media. Not surprisingly, significant controversy surrounds the information that drives and justifies policy and regulatory efforts. For instance, many claim the Federal Communications Commission (FCC) politicizes its market analyses and argue that the FCC, since pursuing deregulation, has failed to collect sufficient data for competent rulemaking. Beyond doubts about quality and quantity, controversy surrounds the *type of information* that should guide policy making, with many questioning whether economic theory or other social goals should guide debates about media ownership and mandatory network interconnection. This conference explores these issues, attempting to isolate areas in which inadequate information may lead policymaking astray and identify the nature and adequacy of *types of information* forwarded to justify regulatory decision-making about the information economy and new media.

Panel Descriptions

Friday, May 2

The Changing Economics of Information Industries

Information and communication technologies are transforming the organization of electronic media and information industries. Digitization, gradually increasing broadband access, the availability of multiple fixed and mobile platforms, and advances in computing and electronics are changing the economics of these sectors. Peer-to-peer networks, user-generated content, ubiquitous computing and ambient intelligence are only the tip of some of the developments. Generic trends include the migration to next-generation networks that seamlessly integrate different technological platforms, the redrawing of boundaries between converging and diverging services and applications, the ability to gather enhanced consumer and audience behavior data, the proliferation of new ad-supported services, and increasing communications among machines (the “Internet of Things”). In this introductory session we address these broader developments and their implications for sector economics and policy.

Panelists:

Nicholas Economides, Stern School of Business, New York University

Eli Noam, Columbia University School of Business

Steve Wildman, Quello Center for Telecommunication Management and Law, Michigan State University

Christopher Yoo, University of Pennsylvania School of Law

Information Sources, the New Media Environment, and the Democratic Process

Policymakers have become increasingly cognizant of the need to understand the role of various media and information sources in citizens’ decision-making. At the same time, the media environment has grown increasingly complex, raising questions about whether the reconfigured media environment and the new dynamics of media usage are having a positive or a negative effect on citizen knowledge and political participation. Factors ranging from the increased flow of information across traditional geographic and market boundaries, to the greater diversity of available content options, to the blurring of the traditional distinction between media consumers and media producers, all have potentially dramatic ramifications for the relationship between information and the democratic process. This panel explores cutting edge thinking and research on the relationship between the new media environment and political decision-making, and the extent these dynamics can or should be addressed by communications policymakers.

Panelists:

Markus Prior, Department of Politics, Princeton University

W. Russell Neuman, Department of Communication, University of Michigan

Ellen P. Goodman, Rutgers University School of Law

C. Edwin Baker, University of Pennsylvania School of Law

Saturday, May 3

Information Access: Legal Rules and Market Forces

Access to information has emerged as the central feature of the digital economy of the 21st Century. In the United States, recent judicial and regulatory decisions, as well as legislative moves, have diminished government's power, both on the state and federal level, to regulate and control communications firms' decisions to provide access to competitors and customers. At the same time, mergers and proposed mergers among the biggest telephone carriers, satellites companies, and internet backbones appear to have concentrated control of access into fewer hands. Debate over the effects of these changes have focused in the "network neutrality" controversy—concerning whether federal law should mandate some level of interconnection and/or access to internet users. This panel brings to bear the insights of economics, communications scholarship, and the law to examine the effects, good or bad, of less legal and regulatory control over information access. Given the complexity of communications technology, the rapidity of market change, and the much-predicted "convergence" of communications platforms, the panel will explore whether and/or which legal rules can effectively further access.

Panelists:

Brett M. Frischmann, Loyola University School of Law, Chicago

Simon Wilkie, Center for Communication Law and Policy, University of Southern California

Kevin Werbach, Wharton School, University of Pennsylvania

Barbara Cherry, Department of Telecommunications, Indiana University

Information and Decision-Making in Media and Communications Policymaking

Policy decision-making on matters related to our media and communications environment not only affects the economics of one of our most vital industry sectors, but also the cultural and political dimensions of American life. For these reasons, this decision-making process has been – and should continue to be – placed under intensive scrutiny. Contemporary media and communications policymaking takes place in a contentious, highly-charged environment, with multiple stakeholders advocating for a wide range of policy outcomes, and with ever more rigorous demands being placed on policymakers to support and justify their decisions. This panel explores the dynamics of contemporary media and communications policy decision-making and the role that information can and should play in this process. This panel considers recent charges that the process has become increasingly politicized, as well as the somewhat contradictory charges that the process has become overly bureaucratized and data-driven. In addressing these issues, this panel considers the implications of recent occurrences such as the apparent suppression of research within the FCC, conflicts over access to policy-relevant data, and ongoing efforts to assess the quality and integrity of the data relied upon by policymakers in their decision-making.

Panelists:

Drew Clark, BroadbandCensus.com

Joe Karaganis, Social Science Research Council

Angela Campbell, Georgetown University School of Law

Lili Levi, University of Miami School of Law

Ownership, Information, and the Regulation of Standards

Exchange of information requires a language—whether a human language or a technical or digital standard. The decision of which language or standard a major communications medium will use often involves intricate policy questions, having significant bearing on how information is exchanged. We see these issues in the debates about the conversion to digital standards for broadcast television, the FCC's requirement that cable systems provide the protocols to allow standardized navigation devices, the interoperability of satellite radio receivers, and the use of interoperability of cell phones on different networks.

Panelists:

J. Gregory Sidak, Georgetown University
Linda Garcia, Georgetown University
Anthony Wilhelm, NTIA (invited)