CONTENT ABUNDANCE IN A MULTIMEDIA WORLD
Challenges and Opportunities for Multi-Platform Content Delivery and Regulation

Thursday, March 15, 2007
8:30 a.m.–4:45 p.m.
The Catholic University of America
Columbus School of Law

Sponsored by
CommLaw Conspectus: Journal of Communications Law & Policy and the Institute for Communications Law Studies at The Catholic University of America Columbus School of Law
In association with the Federal Communications Bar Association
Content Abundance in a Multimedia World
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Digitization is revolutionizing the delivery of content and the consumption of media. Distribution over multiple screens is challenging traditional business models and fragmenting the marketplace, while also allowing for a more personal and interactive converged consumer experience. Today, Americans can download television shows and movies to cell phones, store entire music libraries on iPods®, and create our own individual content to distribute to millions of people via the Internet. Yet as technology advances, the boundaries blur between the distinct capabilities of modern communications media and platforms, begging the question: Are legacy regulatory and legal frameworks still applicable—even relevant?

This symposium brings together leaders in industry, scholarship and government to debate the challenges and opportunities presented by this new media landscape. The first panel features content providers, content distributors and equipment manufacturers discussing the changes brought about by convergent delivery technologies and what the future holds for content delivery. The second and third panels inquire into communications regulation and law. The possibilities for more content across myriad devices seem endless, but will rigid approaches to regulation hamper the future of video content delivery? In particular, is the Communications Act equipped to accommodate convergent communications technologies? As content consumption shifts from the traditional paradigm of broadcast and cable television to the Internet and mobile devices, what are the implications for the continuation of differentiated First Amendment treatment of content? Have the broadcast scarcity and pervasiveness rationales justifying asymmetrical treatment depending on the delivery platform been eroded by the rise of media abundance?

Finally, as Americans are bombarded by content from new and evolving sources, what responsibilities do regulators and the general industry have in creating the “knowledgeable consumer”? While the ability to deliver content over multiple platforms is creating new business opportunities for content providers, distributors and technology companies, it is also creating new challenges for governmental bodies, consumer groups and families. The final panel will debate the proper roles of the content, service provider and equipment manufacturing industries and the government in creating tools for the public to customize and control content.
**Schedule of Events**

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<td>9:15–9:30 a.m.</td>
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<td>9:30–9:45 a.m.</td>
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<td>Kathleen Q. Abernathy</td>
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<td>Distinguished Practitioner-in-Residence</td>
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<td>9:45–11 a.m.</td>
<td>Panel I: Changing Paradigms: Industry Perspectives on Content Delivery to Multiple Screen</td>
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<td>Panel II: Navigating the Regulatory Overlay in a Convergent Environment</td>
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<td>Panel III: First Amendment Considerations for Multi-Platform Media</td>
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<td>4:30–4:45 p.m.</td>
<td>Closing Remarks</td>
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<td>David Irwin</td>
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**12:30 p.m.**

**Keynote Address**

Robert M. McDowell
Commissioner, Federal Communications Commission

Robert M. McDowell was nominated by President George W. Bush to a seat on the Federal Communications Commission on Feb. 6, 2006, for the remainder of the term expiring June 30, 2009. He was unanimously confirmed by the United States Senate on May 26, 2006, and sworn in as FCC Commissioner on June 1, 2006.

Commissioner McDowell brings to the FCC approximately 16 years of private sector experience in the communications industry. Immediately prior to joining the FCC, Commissioner McDowell was senior vice president and assistant general counsel for COMPTEL, an association representing competitive facilities-based telecommunications service providers, emerging VoIP providers, integrated communications companies and their supplier partners, where he had responsibilities involving advocacy efforts before Congress, the White House and executive agencies. He has served on the North American Numbering Council and on the board of directors of North American Numbering Plan Billing and Collection, Inc. Prior to joining COMPTEL in February 1999, McDowell served as the executive vice president and general counsel of America’s Carriers Telecommunications Association, which merged with COMPTEL at that time.

McDowell graduated cum laude from Duke University in 1985. After serving as chief legislative aide to a member of the Virginia House of Delegates, he attended the Marshall-Wythe School of Law at the College of William and Mary. Upon his graduation from law school, McDowell joined the Washington, D.C., office of Arter & Hadden, a national law firm based in Cleveland.

Extensively involved in civic and political affairs, McDowell has served on numerous boards and commissions. He was appointed by Virginia Governor George Allen to the Governor’s Advisory Board for a Safe and Drug-Free Virginia, and to the Virginia Board for Contractors, to which he was reappointed by Governor Jim Gilmore. A veteran of several presidential campaigns, he was counsel to the Bush-Cheney Florida Recount Team in 2000. His work during the 1992 presidential campaign is cited in the *Almanac of American Politics*, 1994. Among his other endeavors, McDowell has twice been a candidate for the Virginia General Assembly. He currently serves as chairman of the board of the McLean Project for the Arts.
Changing Paradigms:
Industry Perspectives on Content Delivery to Multiple Screens

Digitization is revolutionizing the delivery of content and the consumption of media. Distribution over multiple screens is challenging traditional business models and fragmenting the marketplace, while also allowing for a converged, more personal and interactive consumer experience. This panel will discuss the challenges of and opportunities for convergent delivery technologies and the future of video content distribution.

MODERATOR
Julie Kearney
Senior Director and Regulatory Counsel, Consumer Electronics Association

Julie Kearney is senior director and regulatory counsel for the Consumer Electronics Association. Kearney represents CEA before the Federal Communications Commission, Congress and other government bodies on issues such as digital television, digital audio broadcasting, spectrum and telecom policy, and intellectual property rights. Previously, she was associate counsel in MCI’s international affairs group. Prior to joining MCI, Kearney was an associate at Haley Bader & Potts (now Garvey Schubert Barer), where she represented domestic and international telecommunication clients and numerous broadcast clients. She currently serves on the Federal Commission’s Consumer Advisory Committee. Kearney earned a J.D. from Catholic University’s Columbus School of Law and received a certificate from its Institute for Communications Law Studies.

PANELISTS
Terry Denson
Vice President, Programming and Marketing, Verizon FiOS TV

As vice president of programming and marketing for Verizon FiOS TV, Terry Denson oversees the creation and implementation of video product packaging, pricing and marketing strategies. In addition, he is responsible for video content acquisitions, in addition to customer acquisition, retention and education. Denson served most recently as vice president of programming for Insight Communications, the ninth-largest cable operator in the United States, where he led the acquisition of programming and the development of analog, digital, video-on-demand, high definition TV, Broadband and interactive content strategies. Previously, as director of business development for the affiliate sales and marketing department of MTV Networks, a division of Viacom International, he negotiated affiliation agreements, managed the sales and distribution of multiple video services and directed analyses of trends in the market.

John Godfrey
Vice President, Government and Public Affairs, Samsung Information Systems America

In March, 2006, John Godfrey became vice president of government and public affairs for Samsung Information Systems America, a U.S. subsidiary of Samsung Electronics Co. of Korea. He directs Samsung’s Washington, D.C., activities related to consumer electronics and represents Samsung in external relations with government and industry, focusing on digital television, broadband, content protection, environment and other areas. Godfrey currently is chair of both the CEA Video Division board of directors and CEA’s Environmental Policy Committee, and a member of CEA’s Board of Industry Leaders. Prior to joining Samsung, he served as vice president of government affairs with Pioneer North America, prior to which he was director of government affairs for Sony Electronics. Earlier, he was with the Information Technology Industry Council; the National Research Council, the policy research arm of the National Academies of Science and Engineering; and SRI International.

Maureen O’Connell
Senior Vice President, Regulatory and Government Affairs, News Corp.

Maureen O’Connell is senior vice president of Regulatory and Government Affairs of the Government Relations Office for the News Corporation. She represents the interests of the company before Congress, the FCC and the Administration. Before joining News Corporation in 1996, she was legal advisor to FCC Commissioner James Quello. Prior to joining Commissioner Quello’s office in 1993, O’Connell held positions in the Equal Employment Opportunities and Political Program Management Branch of the Mass Media Bureau’s Enforcement Division of the FCC. Prior to her tenure at the FCC, she was an associate at the law firm of Leventhal, Senter and Lerman, and the law firm of Keller and Heckman. O’Connell graduated with honors from the University of Iowa. She received her law degree, with honors, from the University of Iowa College of Law.

Steven Teplitz
Vice President and Associate General Counsel, Time Warner, Inc.

Steven Teplitz is vice president and associate general counsel at Time Warner Inc., where he is responsible for communications policy and regulatory affairs. Teplitz works closely with many of the Time Warner business units, including AOL, HBO, Time Warner Cable, Turner and Warner Brothers, having originally joined the company as part of the AOL legal department in 1997. Prior to joining Time Warner, he served as an attorney in the FCC’s Common Carrier Bureau and an attorney in private practice, where he represented cable operators and wireless carriers. From 1991 to 1993, he served as a legislative assistant to U.S. Sen. Conrad Burns. Teplitz is a member of The Media Institute’s Board of Trustees and an active member of the FCBA. He received his J.D. cum laude from the George Washington University National Law Center.
Johanna Shelton
Senior Counsel, House Energy & Commerce Committee

Johanna Mikes Shelton serves as senior counsel for telecommunications and the Internet for the U.S. House of Representatives Committee on Energy and Commerce under Chairman John D. Dingell (D-Mich.). Her portfolio includes all telecommunications and media issues before the committee, including FCC oversight. Prior to joining the committee, Shelton served as legal adviser to FCC Commissioner Jonathan Adelstein. She previously served as counsel for Representative Rick Boucher (D-Va.), the FCC's Common Carrier Bureau, and Latham & Watkins in Washington, D.C. She received her J.D. magna cum laude from the Georgetown University Law Center and a B.S. in business administration summa cum laude from Georgetown University. Following law school, Shelton served as law clerk for the Honorable Karen Nelson Moore, U.S. Court of Appeals for the Sixth Circuit.

Andrew Jay Schwartzman
President and CEO, Media Access Project

For nearly 30 years, Andrew Jay Schwartzman has served as the president and CEO of the Media Access Project, a nonprofit public interest media and telecommunications law firm that promotes the public’s First Amendment right to hear and be heard on the electronic media of today and tomorrow. Schwartzman has appeared before Congress, the FCC and the courts to advocate for myriad communications and media issues. In recognition of his service, Scientific American honored him as one of the nation’s 50 leaders in technology for 2004. Schwartzman teaches in the Communication in Contemporary Society Program at Johns Hopkins University and serves on the International Advisory Board of Southwestern Law School’s National Entertainment and Media Law Institute. In summer 2004, he was the distinguished lecturer in residence at the institute’s program at Cambridge University. Schwartzman received his J.D. from the University of Pennsylvania Law School.

Bryan N. Tramont
Partner, Wilkinson Barker Knauer, LLP

Bryan Tramont joined Wilkinson Barker after serving as chief of staff of the FCC under former Chairman Michael Powell. As FCC chief of staff, Tramont directed the agency’s staff in implementing policies overseeing all sectors of the communications industry, including wireline, broadcast, wireless and satellite. Before being elevated by Chairman Powell to the chief of staff post, he was the chairman’s senior legal adviser, advising him generally on strategic issues and specifically on wireless, international, technology and consumer issues. Tramont also served as senior legal adviser to Commissioner Kathleen Q. Abernathy and, before that, to Commissioner Harold Furchtgott-Roth. Before joining the FCC in 1999, Tramont practiced communications law at Wiley Rein and Fielding in Washington, D.C. He also served as a law clerk for the Honorable Duane Benton on the Supreme Court for his home state of Missouri.

Richard S. Whitt
Washington Telecom and Media Counsel, Google, Inc.

Richard S. Whitt is Washington telecom and media counsel for Google, Inc. In that role, he is responsible for the company’s wireline, wireless and media advocacy before the FCC, other federal agencies and Congress. Prior to joining Google in January 2007, Whitt founded and headed NetsEdge Consulting, LLC, a Washington, D.C.-based public policy consulting firm. From 1994 to 2006, he was employed in the legal department at MCI Communications, where most recently he served as vice president for federal law and policy. While at MCI, he also wrote a series of influential papers advocating a network layers-based framework for communications law and regulation. Prior to joining MCI, Whitt worked as an associate attorney in the communications groups of two D.C.-based law firms. He is a cum laude graduate of the Georgetown University Law Center and a magna cum laude graduate of James Madison University.

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MODERATOR

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Partner, Wilkinson Barker Knauer, LLP

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PANELISTS

Maureen Olhausen
Director, Office of Policy Planning, Federal Trade Commission

Maureen Olhausen is the director of the Office of Policy Planning of the Federal Trade Commission and the head of the FTC’s Internet Access Task Force. The Office of Policy Planning coordinates the FTC’s competition advocacy program, through which the FTC advises federal and state legislatures, other federal agencies and courts about the likely effects of their actions on consumers and markets. From 1998 to 2001, Olhausen served as an attorney adviser for FTC Commissioner Orson Swindle. Prior to that, she worked in the FTC General Counsel’s Office. Before coming to the FTC, Olhausen worked at the U.S. Court of Appeals for the D.C. Circuit, including as a law clerk for Judge David B. Sentelle. She also clerked for Judge Robert Yock of the U.S. Court of Federal Claims. Olhausen graduated with distinction from George Mason University School of Law.

Andrew Jay Schwartzman
President and CEO, Media Access Project

For nearly 30 years, Andrew Jay Schwartzman has served as the president and CEO of the Media Access Project, a nonprofit public interest media and telecommunications law firm that promotes the public’s First Amendment right to hear and be heard on the electronic media of today and tomorrow. Schwartzman has appeared before Congress, the FCC and the courts to advocate for myriad communications and media issues. In recognition of his service, Scientific American honored him as one of the nation’s 50 leaders in technology for 2004. Schwartzman teaches in the Communication in Contemporary Society Program at Johns Hopkins University and serves on the International Advisory Board of Southwestern Law School’s National Entertainment and Media Law Institute. In summer 2004, he was the distinguished lecturer in residence at the institute’s program at Cambridge University. Schwartzman received his J.D. from the University of Pennsylvania Law School.

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Panel III: 2–3:15 p.m.
First Amendment Considerations for Multi-Platform Media
This panel will consider whether differentiated First Amendment treatment for content depending on the delivery platform can continue to be justified as traditional communications technologies converge. Have the broadcast scarcity and pervasiveness rationales been eroded by the rise of media abundance, or is the need for content regulation even greater?

MODERATOR
Thomas C. Goldstein
Partner, Akin Gump Strauss Hauer & Feld LLP
Thomas Goldstein heads Akin Gump’s Supreme Court practice. In the Supreme Court and elsewhere, Goldstein has briefed and argued cases spanning an array of federal law questions—including both constitutional and statutory issues—for corporate, governmental and individual clients. He has argued 17 cases before the Supreme Court, winning four straight, three by five-justice majorities. Since 2003, Goldstein has been principally responsible for SCOTUSblog (www.scotusblog.com), which is widely recognized as one of the nation’s leading legal blogs. Before joining Akin Gump, Goldstein was a partner at Goldstein & Howe, the firm he founded in 1999. He previously practiced law at Boies & Schiller, LLP and at Jones Day Reavis & Pogue. Goldstein received his J.D. summa cum laude from American University’s Washington College of Law, after which he clerked for the Honorable Patricia M. Wald of the U.S. Court of Appeals for the D.C. Circuit.

PANELISTS
Robert Corn-Revere
Partner, Davis Wright Tremaine, LLP
Robert Corn-Revere is a partner in the Washington, D.C., office of Davis Wright Tremaine LLP, specializing in First Amendment, Internet and communications law. Corn-Revere successfully argued United States v. Playboy Entertainment Group, Inc., in which the United States Supreme Court struck down Section 505 of the Telecommunications Act of 1996 as a violation of the First Amendment. He also served as lead counsel in Motion Picture Association v. FCC, in which the U.S. Court of Appeals for the D.C. Circuit vacated video description rules imposed on networks by the FCC. Before joining Davis Wright in March 2003, Corn-Revere was a partner at Hogan & Hartson L.L.P. Before that, he served as chief counsel to FCC Chairman James H. Quello. Corn-Revere received his J.D. from The Catholic University of America Columbus School of Law, where he has also served as an adjunct professor.

Jane Mago
Senior Vice President and General Counsel, National Association of Broadcasters
Jane Mago, senior vice president and general counsel, is responsible for reviewing National Association of Broadcasters pleadings before the FCC, the courts and other administrative agencies. Her areas of expertise include constitutional issues (including First Amendment matters), FCC media ownership rules, political broadcasting, EEO, administrative law, enforcement and licensing matters. She joined the NAB in 2004 after more than 26 years at the FCC. Her prior work at the FCC included many high-level positions such as general counsel, chief of the Office of Strategic Planning and Policy Analysis, and deputy chief of the Enforcement Bureau. She also served as legal adviser to three commissioners. Mago is a member of the New York Bar and holds B.A., M.A. and J.D. degrees from the State University of New York at Buffalo.

Adam D. Thierer
Senior Fellow and Director of Center for Digital Media Freedom, Progress & Freedom Foundation
Adam Thierer is a senior fellow and the director of PFF’s Center for Digital Media Freedom. As director of the CDMF, he analyzes public policy developments that impact both the economic and social aspects of the media industry, with a strong focus on First Amendment issues. Prior to joining PFF in 2005, Thierer spent four years at the Cato Institute as director of telecommunications studies and nine years at The Heritage Foundation as a fellow in economic policy. He is the author or editor of five books on diverse topics such as intellectual property, mass media regulation, Internet governance and jurisdiction, regulation of network industries, and the role of federalism within high-technology markets. Thierer earned his B.A. in journalism and political science at Indiana University and received his M.A. in international business management and trade theory at the University of Maryland.

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PANEL IV: 3:15–4:30 p.m.
Creating the Knowledgeable Consumer: The Roles of Industry, Government and the Public in the Media Marketplace

The ability to deliver content over multiple platforms has created new business opportunities for content providers, distributors, and technology companies, while simultaneously creating new challenges for governmental bodies, consumer groups and families. This panel will debate the proper roles of the content, service provider and equipment manufacturing industries and the government in creating tools for the public to customize and control content.

MODERATOR
Kathleen Q. Abernathy
Partner, Akin Gump Strauss Hauer & Feld LLP

Kathleen Abernathy is a partner in Akin Gump's communications practice group. Prior to joining Akin Gump, she served as a commissioner at the FCC. During her tenure as a commissioner, Abernathy also chaired the Federal-State Joint Board on Universal Service and was appointed by the ITU to chair the 2004 ITU Global Symposium for Regulators. Before joining the FCC, she served as vice president, public policy, at BroadBand Office Communications; as vice president, regulatory affairs, at US West; and as vice president, federal regulatory, at AirTouch Communications (a predecessor company to Cingular Wireless, now AT&T Wireless). Abernathy received her J.D. from The Catholic University of America Columbus School of Law, where she currently serves as a distinguished practitioner-in-residence.

PANELISTS
Susan Fox
Vice President, Government Relations, The Walt Disney Company

As vice president, Government Relations of The Walt Disney Company, Susan Fox represents Disney’s operating divisions before the federal government, with a particular focus on the issues that affect Disney’s media interests, including ABC, ESPN, the ABC Cable Networks, the ABC-owned television stations, and ABC Radio. Prior to her present position, she held several positions at the FCC, where she served as senior legal adviser to former FCC Chairman William Kennard; as deputy chief, Mass Media Bureau; and as special counsel in the FCC’s General Counsel Office. Prior to the FCC, Fox was an associate with the law firm of Hogan & Hartson. She also served as law clerk to the Honorable H. Robert Mayer, U.S. Court of Appeals for the Federal Circuit. Fox earned her law degree from the University of Virginia School of Law.

Patti Miller
Vice President and Director, Children & the Media Program, Children Now

As vice president of Children Now and director of the Children & the Media Program, Patti Miller oversees independent research projects on children and the media and monitors public policy developments in the communications field as it affects children. Her areas of expertise include children’s programming, prime time television diversity and media policy issues. Before coming to Children Now, Miller worked in research and production for CBS Evening News in Washington, D.C. She also worked as a project manager for a San Francisco-based research firm evaluating children’s television programming for PBS. Miller holds an M.A. in social sciences in education from Stanford University and a B.A. in mass communications from the University of California at Berkeley.

Mary Beth Richards
Deputy Director, Bureau of Consumer Protection, Federal Trade Commission

Mary Beth Richards joined the FTC in November 2006 as a deputy director in the Bureau of Consumer Protection. Before joining the FTC, she held several positions at the FCC. Over a 23-year period at the FCC, Richards served as deputy bureau chief and chief of staff in the Consumer and Governmental Affairs Bureau; deputy chief in the Enforcement Bureau; special counsel to the chairman; deputy chief of the Common Carrier Bureau; chief of the Enforcement Division of the Common Carrier Bureau; deputy managing director of the FCC; and special counsel to the Commission for Reinventing Government. Richards earned a B.A. from the Virginia Polytechnic Institute and State University and a J.D. from The Catholic University of America Columbus School of Law.

Catherine Seidel
Bureau Chief, Consumer and Government Affairs, Federal Communications Commission (invited)

Catherine Seidel is chief of the FCC’s Consumer and Governmental Affairs Bureau. From April 2005 through December 2006, she was acting chief of the FCC’s Wireless Telecommunications Bureau. Seidel has also served as a deputy bureau chief and chief of staff for the WTB. Previously, she served as the chief of the Telecommunications Consumers Division in the Enforcement Bureau and has also held positions in the Common Carrier Bureau and the Mass Media Bureau. Prior to joining the commission in 1993, Seidel worked at Bell Atlantic for almost 10 years. She holds a J.D. from the University of Maryland Law School, an M.A. in administrative sciences from the Johns Hopkins University and a B.S. in economics from Colorado State University.

Joel Wiginton
Vice President & Senior Counsel, Government Affairs, Sony Electronics Inc.

As vice president and senior counsel, Government Affairs, Joel Wiginton serves as the most senior lobbyist, legislative counsel and political strategist for Sony Electronics in the United States. Previously, he was special assistant to the president for legislative affairs in the Clinton White House, where he was the president’s primary legislative liaison to the Senate Commerce, Judiciary, Banking, and Small Business Committees. Wiginton also worked for the Senate Judiciary Committee as chief counsel for the Constitution Subcommittee and Senator Feingold, and, previously, counsel for the Administrative Oversight and the Courts Subcommittee and Senator Durbin. In addition, he practiced law in two firms, Swidler & Berlin in Washington, DC and Dorsey & Whitney in Minneapolis. He is a graduate of the University of Chicago School of Law and Macalester College.
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Finally, as Americans are bombarded by content from new and evolving sources, what responsibilities do regulators and the general industry have in creating the “knowledgeable consumer”? While the ability to deliver content over multiple platforms is creating new business opportunities for content providers, distributors and technology companies, it is also creating new challenges for governmental bodies, consumer groups and families. The final panel will debate the proper roles of the content, service provider and equipment manufacturing industries and the government in creating tools for the public to customize and control content.