Washington and the Future of Television

Future of Television Conference November 2009 David Oxenford 202-973-4256 davidoxenford@dwt.com www.broadcastlawblog.com

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Seven Topics in 10 Minutes

- Issues that Congress, the FCC and other agencies are reviewing that will affect all video providers
- Not just a broadcast-centric regulatory world
 though regulation often comes first to
 traditional broadcasters
- Big debates big players no easy answers



1. It's All Broadband All the Time at the FCC

- \$7 Billion Stimulus Package
- To Encourage Both Deployment and Adoption
- FCC Mandate to Plan Broadband Rollout by February



2. The Coming Spectrum Battle

- Spectrum needed for wireless broadband?
- White Spaces revisited on steroids…..
- CTIA and CEA versus broadcast interests
- Free TV versus on-line distribution models



3. Net Neutrality

- Content providers versus network providers
- To assure that all content treated alike but should it be?
- Is broadband a "dumb pipe"?
- What about "walled gardens"?
- Capacity and growth of networks
- Wireless too?
- End of all you can eat?



4. Piracy and Content Protection

- Proposed exclusion for piracy from net neutrality requirements
- We've seen the music piracy battles, and the royalty disputes – how hard will video be hit?
- User generated content will the safe harbors of the DMCA be revisited?



5. Privacy

- Questions about conflicts with piracy battles ties into net neutrality and questions about message censorship
- Bigger issues with targeted advertising –
 Congress and the FTC concerned about cable ad targeting, and concerns expressed about on-line issues too
- Conflict between monetization and privacy



6. Disclosure

- Sponsorship ID issues at FTC and FCC
 - blogging and "new media" subject to higher standards than traditional media
- Disclosure issues permeating all other discussions – net neutrality, privacy, subscription terms and piracy – telling people what will happen when they click



7. Content Regulation

- Everything starts with protecting kids but it's no longer limited there
- Platform parity becoming more commonly discussed

 why should cable and satellite get away with what broadcasters can't? And what about the on-line world?
- Indecency
- Junk foods and prescription drugs
- Violence
- News, community service and political speech reviews at both FCC and FTC

What's It All Mean?

- Different world with new administration in Washington
- Big battles with big stakes
- Puts Washington at the center of the video universe
- Don't expect quick and easy answers but watch for surprises!



What's Up in Washington for the Future of Television

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