

Eric Schmidt – Hatfield Scholars Paper

The summer of 2010 was a landmark time at the Federal Communications Commission, and the Hatfield Scholars program allowed me to experience this history firsthand as an intern for FCC Chairman Julius Genachowski. Thanks to the program's generous support, I spent the summer in Washington, D.C., without adding to my law school debt or worrying about a second job. Perhaps more importantly, Dale's well-deserved reputation as a voice of reason and civility in an increasingly politicized world afforded me numerous opportunities to interact with – and learn from – national leaders in the telecommunications and regulatory fields.

At University of Colorado Law School, I have been fortunate to study telecommunications law under outstanding professors and distinguished guests at Silicon Flatirons Center conferences. Still, I wondered if I would be prepared to work in the federal government alongside graduates of elite law schools and prominent policymakers who had helped shape the very laws I spent the past year studying. Luckily, I found myself with a solid foundation of skills for the job, and I believe that speaks extremely well for Colorado Law's interdisciplinary approach to telecommunications. Moreover, I enjoyed being part of a growing network of CU alumni working in the nation's capital in both the government and private sectors, and I was proud to represent Colorado Law in D.C.

History will likely view 2010 as a turning point in U.S. telecommunications regulation due to key decisions in Internet policy that have not yet fully played out. In March, the FCC released its long-awaited National Broadband Plan, a comprehensive set of recommendations promoting nationwide broadband deployment and adoption while fostering a more transparent and competitive market for Internet service. In April, however, the U.S. Court of Appeals for the D.C. Circuit unexpectedly cast into doubt the FCC's legal authority to regulate Internet access, jeopardizing key provisions of the National Broadband Plan. In *Comcast Corp. v. Federal Communications Commission*, the court held that the FCC

lacked legal authority to prohibit Comcast from interfering with its subscribers' use of peer-to-peer networks; however, the implications of the ruling stretched much further, potentially barring the Commission from enforcing basic "rules of the road" for open and nondiscriminatory Internet access. Consequently, Chairman Genachowski embarked on a controversial – and still unresolved – plan to reclassify the transmission component of broadband as a "telecommunications service" subject to greater federal regulation. As more and more Americans turn to the Internet for information, business, healthcare, and education, the ongoing debate over the proper regulatory treatment of broadband will have significant and lasting effects on our culture and economy.

While such weighty decisions were well above my pay grade as a summer intern, I believe I made a small but meaningful contribution to the FCC during a key time in its history. I prepared briefing materials for the Chairman and drafted memoranda for his advisors on substantive legal issues. I attended meetings with industry executives and public-interest groups, and witnessed a historic hearing on information privacy before the Senate Commerce Committee. These experiences gave me a better understanding of the law itself, as well as the political reality of passing legislation in a field where technology often changes too quickly for the government to keep up. When Congress created the FCC in 1934, it hardly could have imagined that an agency originally charged with regulating radio stations and telephone wires would face the technological challenges it does today. Still, I remain convinced that the government plays a valuable role in fostering private innovation while protecting consumers from unfair practices, and I am reassured by the FCC's ambitious efforts to meet this challenge.

I return to Colorado for my third year of law school grateful for this experience and eager to share it with other students through Silicon Flatirons and the Journal on Telecommunication and High Technology Law. The Hatfield Scholars program has been a tremendous benefit to my education and career, and I cannot thank enough the donors who have made it possible. I only hope that my work this

summer and future commitment to the same ideals will follow Dale's example and advance the reputation for generosity and public service that he so richly deserves.

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