

# COLORADO TECHNOLOGY LAW JOURNAL

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# COLORADO TECHNOLOGY LAW JOURNAL

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## FROM THE EDITOR

It is a great honor, and I am thrilled to present, Volume 14, Issue 1 of the Colorado Technology Law Journal.

This Issue contains essays, articles, and a keynote address from truly distinguished intellectuals in the field of telecommunications and competition policy. It reflects the efforts of the fifteenth annual Silicon Flatirons Digital Broadband Migrations Conference, “First Principles for a Twenty First Century Innovation Policy,” hosted at Colorado Law School on February 8<sup>th</sup> and 9<sup>th</sup>, 2015. There, an amazing group gathered to answer, in large part, this question: How can we ensure that innovation will *drive* the expansion of our communications networks for generations to come? The articles and essays presented here grapple with the correct role of regulation, and the theories used by regulators, in creating a fair platform for such innovation and expansion.

FCC Chairman Tom Wheeler’s Keynote Address calls us to action and articulates the FCC’s framework for ensuring access, fairness, and innovation in our Internet ecosystem. Professor Morton reminds us that there is something distinct about an “industry regulator” worth remembering as we engage in this conversation. Jon Nuechterlein and Christopher Yoo illustrate that regulators must carefully consider whether existing regulatory concepts—here, the terminating access monopoly—always apply to new technologies. FTC Commissioner Maureen Ohlhausen explains how institutional design translates directly into successful and sustainable policy outcomes. Jon Sallet explores the relationship between communications regulation and antitrust, showing that they complement each other and together can produce regulatory synergy. Christopher Yoo shows us that while we can assume constant change in technology, we cannot always continue to assume the rate or direction of that change, even if we have created a “law” for it.

This Issue is also significant because many of us on the Journal have worked or interned for one of the authors or their organizations. It is an honor for us to publish their scholarship after having the chance to work with them. We feel lucky to be part of a community that cares deeply about these issues and is dedicated to continually improving knowledge in this field.

I am very proud to present three student notes in this issue. Bill Gillespie, Molly Hogan, and Spencer Rubin continue the tradition of outstanding student writing by members of our Journal. Each of their notes explores topics central to the ecosystem of innovation that was the subject of the Conference. I am proud of their hard work in writing and publishing these notes and thank them for their dedication.

Our Journal is fortunate to benefit not only from the excellent scholarship we publish, but also from the unwavering support of our

advisors, our team manager, and the whole Silicon Flatirons Family. Professor Blake Reid and our advisor-emeritus Dean Phil Weiser have continually inspired and guided us in this endeavor. We are exceptionally lucky that they serve as mentors for our team. Many other faculty members continue to provide instrumental suggestions and guidance to student note writers, including Professors Brad Bernthal, Kristelia Garcia, Harry Surden, Andrew Schwartz, Mark Loewenstein, Scott Peppet, Dale Hatfield, Amy Griffin, Corie Rosen Felder and still others.

Our Journal Manager, Sara Schnittgrund, has been an invaluable source of institutional knowledge, advice, and sanity since our team started work on 14.1 this summer. She has provided critical support on a myriad of issues we didn't even know existed, all while transitioning into her new full-time role with the Silicon Flatirons Center. She will be missed as Journals Manager and has set the bar high for the (hopefully superhuman) individual who fills her position. Anna Noschese, Cactus Woodworth-Lies, and Jamie Stewart mean more than I can describe to our Journal in their roles with Silicon Flatirons. This issue would not be possible without their support and dedication.

I cannot express on paper the gratitude I feel working with this group of forty-one driven, talented, and kind colleagues. The students of CTLJ have spent numerous hours this semester conducting cite-checks and writing notes, and they have done so with both energy and grace. It has been a pleasure to work with each of them, and I am thankful to be able to work on a second issue with them in the spring. I thank all of the individuals listed on our masthead for their efforts this semester, in particular, our phenomenal Executive Board.

This Issue has truly been a team effort. It would not be possible without Chris Laughlin's exceptional work as Symposium Editor last year, Stephanie Vu's dedicated work as Articles Editor, and Chris Laughlin's and Laura Peszek's attention to detail and speedy work as Lead Production and Production Editors, respectively. Finally, I could not ask for more dependable, intelligent, or fun colleagues than Bill Gillespie, our Managing Editor and Cobun Keegan, our Executive Editor. Bill has fielded countless new articles, kept track of our finances, and facilitated benefits for all our members. Cobun provides a source of support and guidance for our members, handles an ever-longer list of Journal projects, and is a human Bluebook at the same time. The best part of my role thus far has been working with all of these people—I could not ask for a better team.

We hope you enjoy Volume 14, Issue 1. We look forward to bringing you Issue 2 in the spring!

*Joely R. Denkinger*  
*Editor-in-Chief, Volume 14*

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