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Speech of the Roscoe L. Barrow Memorial Award Winner

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vital. It lives on in the memory of his lectures. And it lives on in tonight's events.

I have the pleasure, tonight of introducing to you this year's recipient of the 1994 Roscoe Barrow Award. That task is especially sweet because this year's recipient is not only a Hastings graduate but also the 1984 Editor in Chief of the Comm/Ent Law Journal. She is a partner at the international law firm of Graham and James where she has specialized in telecommunications law for ten years and where she heads the firm's regulatory practice. Most recently, she has been appointed to serve on the Federal Communications Commissions by President Clinton.

I am on familiar ground in discussing telecommunications inasmuch as I serve on the Board of Directors of KQED, the local public television and public radio station. It would be tempting to use this forum to persuade her to use her influence to benefit public broadcasting. It would also be tempting to urge her to define her vision in the context of today's incredible technological communications advances. I will resist these tempting options and I will instead urge her, much as Professor Roscoe Barrow might have done, to be the Michelangelo of the Federal Communications Commission.

I present to you the 1994 Roscoe Barrow Award winner, Rachelle Chong.

Speech of the Roscoe L. Barrow Memorial Award Winner

by

RACHELLE CHONG

It is a great pleasure to be here tonight to accept the Roscoe Barrow Award from Comm/Ent. Ten years ago, I helped *give* this award. Never in a million years did I ever expect to *receive* this award! Congratulations; you have me feel older than a 34-year-old ought to feel!

My memory is that this award is given to recognize "outstanding contributions in the area of communications or sports law." Given that President Clinton has merely nominated me to serve as an FCC Commissioner and I still need to survive a Senate confirmation hearing, this award seems a little bit premature.

I note that because I am not yet confirmed by the Senate, I regret that I am somewhat constrained in the remarks I can make tonight.

But I can tell you that it is a thrill to receive this award. I can only hope that in three years when my term is up, I will have earned the award by my acts as an FCC Commissioner in the field of communications policy. I certainly intend to give this exciting new position my very best efforts.

As I was flying in today from Washington D.C., I could not help but marvel at how quickly the ten years have passed since I sat in your seats. In 1984, I was at the Comm/Ent banquet in my role as outgoing Editor-in-Chief. One message I have for those of you who think you want to be communications lawyers. Please do it. You won't be sorry. There simply could not be a better time in the century to be involved in the telecommunications or information services industries. It's hot. The issues are fascinating. There's a young President and Vice President who have as a priority item the building of the Info Superhighway. This is a construction crew you want to be on. And get this: the Vice President is a technowhiz by his own admission. This guy surfs the Internet!

And you know what? Someday, you could be setting policy as an FCC Commissioner. Hey, it happened to me. Ten years ago I was sitting where you were; it could happen to you. Now, you may be wondering, how did it happen to me? Literally, I got an unsolicited phone call in September from someone calling on behalf of the White House informing me I was being considered for this post. At first I thought it was a friend playing a joke, but it was for real. For the ten years before that, I had unknowingly been preparing for this post by practicing telecommunications law in D.C. before the FCC and in San Francisco, before the California Public Utilities Commission.

This is what happened. When I got to Hastings, I knew I wanted to practice communications law based on a media law class I took over at Berkeley as part of my journalism major. Here, I joined Comm/Ent and learned more about FCC regulation by editing articles. A telecom lawyer tipped me off that cellular telephones was where the action was going to be in the next ten years. It was kind of like the family friend who takes Dustin Hoffman aside in the movie "The Graduate" and tells him the future is in "plastics." The FCC was then just beginning to grant licenses to the first cellular telephone systems. This was very revolutionary, you know. Mobile wireless phones that you could carry with you wherever you went. Why, I could see that this would change how people communicated. It would improve and benefit society. I was fascinated by the promise of cellular from the very beginning.

I was told in no uncertain terms that if I wanted to practice communications law, the best thing I could do was go to D.C. That's where the FCC is. That's where national telecom policy is made. Even if I didn't intend to live in D.C. forever, I was urged to spend some time there to learn the area, network, and demonstrate my commitment to communications. This would help me get a job back in San Francisco in telecom, which was my ultimate goal.

So I used my position on the Comm/Ent staff to show my commitment to communications issues to those firms or regulatory agencies that did communications work. I applied to every communications firm in D.C. and the Bay Area. Ironically, I got an offer from the FCC to join as an entry level staff attorney, but turned it down to work for a small telecom firm in D.C. There, for over two years, I helped represent TV and radio broadcasters before the FCC, and handled some of the appeals of the early cellular licensing decisions. It was terrific work and a great community of FCC lawyers. It's a small group of practitioners so you get to know each other over time. I loved it.

I returned to California after my stint in D.C. Mostly it was an affair of the heart. My then boyfriend, now husband, was still here in San Francisco. By moving back, I saved a fortune in phone bills and plane trips.

I used my FCC experience to get a job with a Bay Area telecom practice group at a private law firm. I went to the international firm of Graham & James where Marty Mattes was building a telecom practice group specializing in state regulatory issues before the CPUC. So, I started over — a state agency with different rules and telecom issues.

One of the firm's big clients were four major cellular carriers in the Bay Area. I became their principal regulatory lawyer over the years. So I spent seven years practicing telecom law in the area of state regulation of wireless telecom carriers. What does that mean? I did a lot of rate work and handled anticompetitive issues relating to our clients' competitors and customers. I also did a lot of environmental and zoning work related to the siting of the cellular companies' towers. I was both a regulatory lawyer, an administrative litigator, and a general business lawyer. It's a great mix.

Then the phone call from the White House came. Needless to say, it's an offer a telecom attorney cannot refuse. Back to D.C. I went. Dragged my husband with me too. He's a diehard Giants fan; it was a tough sell now that the Giants are winning.

What tips can I give you budding telecom lawyers in here?

1. Read widely in the press about the many exciting trends in telecom law. It's all over the press right now. This will help you decide what aspect of communications you may want to get into and help you talk knowledgeably when you begin to interview. What to read? Try *Broadcast and Cable* magazine or *Communications Daily*. The popular press is full of great general articles about the info superhighway these days. *BYTE*, the computer magazine, ran a terrific overview of who the players will be in the info superhighway in March.

2. Figure out what topics are hot and become conversant in them. A few tips.

Mergermania is the name of the game. McCaw and AT&T. NTT and NextTel, formerly Fleet Call. Bell Atlantic and TCI — oh, never mind. They've changed their minds. This means antitrust law may be something to study. Convergence of various technologies is also the name of the game. Telcos have wires going into every home and want to get into cable. Likewise, cable has wires in every home and wants to start offering telephone services. Utilities getting into video service. And everyone wants to merge with those who own video programs. Everyone thinks that the public is just dying for pay per view video 24 hours a day. I myself yearn for "Star Trek: The Next Generation" three times a day!

To understand these issues, you need to understand the current regulatory and legal barriers that stand in the way of convergence of these different players. So, read the Communications Act of 1934; but know that it may become history by the end of the year. More on that later.

And read the MFJ — the Modified Final Judgment that was imposed when AT&T was broken up. The MFJ governs the Bell Operating Companies and imposes numerous line of business restrictions on them.

Also, read up on the currently pending legislation in the House and the Senate that proposes to totally rewrite the 1934 Communications Act and get rid of the MFJ. The key bills appear to be the Markey-Fields and the Brooks-Dingell bills in the House, and the Hollings bill in the Senate. There appears to be consensus in Congress to have some major telecom legislation in place by fall. If so, the implementation of this major legislation that affects nearly all major players in telecom will then fall to the FCC to implement. I can't wait.

Cable rate regulation is also hot given the 1992 Cable Act which is being implemented by the FCC as we speak. How this interplays with the new legislation will be something to watch.

Violence on TV, indecency and obscenity issues still pervade the broadcast area. These issues have gotten a lot of press play these days. Watch those issues too.

3. Think about going to D.C. if you want to be a telecom lawyer. This really did help my career and it would help demonstrate you are serious about telecom. Mostly, you get the big picture out there. Now you don't have to *stay* there...

4. If you can't go to D.C., then hang out with the telecom lawyers on this coast. You'll find them in various associations: for example the CCPUC — the Conference of California Public Utilities Counsel, Women in Communications Inc., Women in Telecommunications, the ABA Forum on Communications, the Western Chapter of the Federal Communications Bar Association. By attending their educational meetings and sessions, you'll meet those of us who are in the communications industry and these contacts could be invaluable.

5. If you can afford it, volunteer as a law clerk or lawyer to get your foot in the door. You may be able to volunteer at the PUC, Toward Utility Rate Normalization (TURN), at private firms, or at the FCC through a program of the FCBA.

Speaking of jobs, I understand that the FCC Commissioners may hire up to two law clerks per semester to work in their offices. If confirmed, I intend to do just that. I would welcome receiving the resumes of Comm/Ent'rs who would like to take my advice to go to D.C. and volunteer as a law clerk. I think there is some pay, but it's not much. Mostly, you would be helping research and process the policy decisions of the FCC. You would learn a lot and you could see the sights of D.C. For example, the Washington Monument and Socks the First Cat. I'll ask Bob to post my GJ DC address in the Comm/Ent office. You can send me resumes there.

As you can see, there is much to look forward to in the next decade of telecom law. You are the young lawyers who will work on the nitty gritty details of the construction of the Info Superhighway, the advent of high definition TV, the convergence of telcos and cable, interactive TV, and the building of mobile satellite systems that will cover the world and bring telephones to the most remote areas of the world. Imagine the effect this sophisticated communications network of networks will have on health, education, politics, and culture of the world. You can help build this world. I hope you do. It's going to be a terrific ride.

Thank you for inviting me and thank you again for this great award.