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FROM THE EDITOR

Entering our third year of publication, there is cause for excitement at the Journal on Telecommunications and High Technology Law (JTHTL). In addition to making the long awaited move to two issues per year, we are continuing JTHTL’s valuable contribution to the ongoing debate over the future of communications policy. Working in close coordination with the Silicon Flatirons Telecommunications Program, JTHTL’s mission is to bring a refreshing and innovative perspective to the array of issues arising because of the “Great Digital Broadband Migration.”

This first issue of volume three continues JTHTL’s mission by furthering the debate on a number of intriguing issues confronting regulators, academics, and industry participants. This issue begins with a compelling plea from FCC Chairman Michael K. Powell to the industry urging the voluntary adoption of a set of “Internet Freedoms,” principles that would guarantee customer access to Internet content free from any arbitrary restrictions imposed by broadband providers. Following Chairman Powell’s speech, Professors Christopher Yoo and Tim Wu cogently debate the pros and cons of a government-mandated network neutrality regime. These two articles provide a glimpse into the well-articulated arguments that characterized last spring’s Silicon Flatirons Telecommunications Program Conference.

Next, Professor Howard Shelanski examines the competitive landscape and role of antitrust policy in the deployment of the third broadband “pipe” to the home: 3G Wireless technologies. The following two articles in this issue provide thoughtful analysis to a crucial, albeit little discussed, area of telecommunications and Internet law. Scott Marcus of the FCC’s Office of Strategy Planning and Policy Analysis addresses the appropriate level of government intervention required in upgrading the Internet’s infrastructure, while Professor Peter Swire provides a theoretical perspective on the propriety of disclosing vulnerabilities in order to increase security on the Internet. Finally, Volume 3, Issue 1 concludes with the 2003 Silicon Flatirons Student Writing Contest Winner, Joe Linhoff, who discusses the implications of

the Digital Millennium Copyright Act on reverse engineering in the video game industry.

Bringing these debates to publication requires countless hours of work and dedication from the entire journal staff. Although the entire Board deserves my utmost gratitude, there are a few individuals who I would like to thank personally for making my life easier and production of this issue possible. I would especially like to thank Emily Lauck, my Production Editor, for all of her hard work in organizing cite checks, helping to produce the Journal, and manning the helm while Scott Goodwin, my Managing Editor, and I were in Washington, D.C. this summer. As for Scott, I would like to thank him for his ability to take seemingly insurmountable problems and place them in a context that made overcoming them effortless. I would also like to thank Karl Dierenbach and my Articles Editors (Cory Jackson, Andrew Johnson, and Joel Dion) for working so diligently without a complaint even when my requests may have been unreasonable.

There are others, outside the journal staff, who deserve recognition. First, I am indebted to the eight authors in this issue for understanding that with a relatively new journal, there will be inevitable growing pains. Their understanding and flexibility made the production process much easier. Second, the current JTHTL Board are mere caretakers holding the fate of this journal in trust for those who laid the groundwork before us and those who will carry the torch after we leave. For the past members of the journal, thank you for making a Volume 3 possible and to those that follow, I wish you success in continuing what we began.

Finally, and most importantly, I must express my sincere gratitude for everything that Professor Phil Weiser has done for both this journal and for its members. A few years ago, Phil Weiser breathed life into the University of Colorado School of Law by establishing both the Silicon Flatirons Telecommunications Program as well as JTHTL. As a product of his inspiration and dedication, Phil Weiser deserves all the credit for this journal’s continued success. I can confidently speak for every member of the journal in saying that we are each indebted to Professor Weiser for his guidance and friendship. Personally, I can never repay him for all the doors he has opened and advice he has given.

With that being said, I am proud to publish Volume 3, Issue 1 of the *Journal on Telecommunications and High Technology Law* and am confident that this Journal will continue to bring a refreshing approach to the intellectual debates that make the telecommunications industry the most interesting, stimulating, and dynamic area of the law today.

*Eric D. Gunning*
*Editor-In-Chief*
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