

PUBLISHED WORKS OF RANDOLPH J. MAY

- “Applying Hayekian Principles to Communications Policy,” **Forbes**, January 5, 2012.
- “Build Back That Broadband Wall: FCC Assaults Modern Telecom Services with Old-Fashioned Rules,” **Washington Times**, December 15, 2011.
- “It’s the Consumer, Stupid,” **Daily Caller**, September 27, 2011.
- “Constitution Day at the FCC,” **Daily Caller**, September 20, 2011.
- “Rolling Back Regulation at the FCC,” **National Review Online**, April 18, 2011.
- “The FCC Risks Over-Conditioning the Comcast-NBCU Merger,” **Daily Caller**, January 3, 2011.
- “FCC Regulators Turn their Eyes to the Internet,” **National Review Online**, December 21, 2010.
- “The FCC’s Fatal Conceit,” **CBSNews.com**, December 5, 2010.
- “Broadband Legislation and Net Neutrality Soap Opera,” **CBSNews**, October 7, 2010.
- “The Distinction Between Law and Politics,” **Washington Times**, July 7, 2010.
- “Defining Deference Down, Again: Independent Agencies, *Chevron* Deference, and *Fox*,” Vol. 62, **Administrative Law Review**, No. 2, Spring 2010.
- “Why the FCC’s Broadband Plans Got Smacked Down,” **CBSNews**, April 14, 2010.
- “A New Direction for Net Neutrality,” **Forbes**, March 24, 2010.
- “Reject the Internet “Public Option,” **CBSNews**, February 16, 2010.
- “Overregulating the Internet,” **National Review**, January 14, 2010.
- “Voiding the Constitution,” **The Washington Times**, December 15, 2009.
- “**New Directions in Communications Policy**,” Carolina Academic Press, 2009.
- “Charting a New Constitutional Jurisprudence for the Digital Age,” Vol. 3, **Charleston Law Review**, No. 2, Winter 2009.

Publications List—Randolph J. May

- "A Modest Plea for FCC Modesty Regarding the Public Interest Standard," Vol. 60 **Administrative Law Review**, No. 4, Fall 2008.
- "Don't Foil the Digital Age," **Legal Times**, December 1, 2008.
- "Charting a New Constitutional Jurisprudence for the Digital Age," Vol. 9, **Engage**, Issue 3, October 2008.
- "Deregulatory Smudge?" **The Washington Times**, October 7, 2008.
- "At FCC, Change Must Be The Mantra," **CNET**, February 25, 2008.
- "The Unbundling Panel," **The Washington Times**, December 16, 2007 (with Christopher Yoo).
- "Time for Maryland to Face Its Health Benefits Burden," **The Baltimore Sun**, August 30, 2007.
- "What Does 'Open Access' Mean?" **CNET**, August 16, 2007.
- "Net Neutrality Overreach," **The Washington Times**, June 23, 2007.
- "Net Neutrality Mandates: Neutering the First Amendment in the Digital Age," Vol. 3 **I/S: A Journal of Law and Policy for the Information Society**, No. 1, Spring 2007.
- "The Constitution, A La Carte," **CNET**, May 22, 2007.
- "Is Uncle Sam Serious About Satellite Radio," **CNET**, April 16, 2007.
- "Bring Transparency and Accountability to Maryland Government," **Baltimore Sun**, March 20, 2007.
- "Illogical Net Neutrality Idea," **The Washington Times**, February 24, 2007.
- "FCC Should Let Bygones Be Bygones," **Broadcasting & Cable**, January 29, 2007.
- "Communications Policy Pirouettes," **The Washington Times**, January 21, 2007.
- "Sidestepping the Net Neutrality Boondoggle," **CNET**, January 9, 2007.
- "Drop Outdated Rules," **National Law Journal**, November 27, 2006.

Publications List—Randolph J. May

- “Heading Off a Potential FCC Debacle,” **CNET**, September 21, 2006.
- “Net Neutrality and Free Speech,” **Broadcasting & Cable**, September 18, 2006.
- **“Net Neutrality or Net Neutering: Should Broadband Internet Services Be Regulated?”**, a book published by Springer in 2006 (co-edited with Thomas Lenard)
- “Montgomery County’s Outdated Cable Policies Hurt Cable Consumers,” **Washington Examiner**, August 16, 2006.
- “First Amendment-Net Neutrality Issues,” **National Law Journal**, August 14, 2006.
- “Broader Implications of PSC Firings,” **The Gazette**, July 14, 2006.
- “Watch Out We Don’t Neuter the Net,” **CNET**, June 1, 2006.
- “Making the PSC More Accountable,” **Baltimore Sun**, April 25, 2006
- “Bygone Should Stay Gone,” **Washington Post**, March 26, 2006
- “It’s Nothing New,” **The National Law Journal**, February 20, 2006
- “Why Stovepipe Regulation No Longer Works: An Essay on the Need for a New Market-Oriented Communications Policy,” Vol. 58 **Federal Communications Law Journal**, No. 1, January 2006.
- “OMB Step Welcome,” **National Law Journal**, January 23, 2006
- “No Forced Sharing,” **National Law Journal**, October 31, 2005
- “Preventing a Communications Blackout: The Need for Telecom Redundancy”, Chapter 27 in **Homeland Security and Terrorism: Reading and Interpretations**, McGraw Hill, 2006.
- Richard O. Levine and Randolph J. May, **“Interconnection Without Regulation: Lessons for Telecommunications Reform from Four Network Industries”**, October 2005
- “Replacing Stovepipe Regulation,” **Regulation**, Fall 2005
- “*In Memoriam*, Ernest Gellhorn,” Vol. 57 **Administrative Law Review**, No. 3, Summer 2005
- “Major Case for Agencies,” **National Law Journal**, August 8, 2005

Publications List—Randolph J. May

- “Reform the Process,” **National Law Journal**, May 30, 2005
- “Beyond Brand X,” **National Law Journal**, April 11, 2005
- Joseph S. Kraemer, Richard O. Levine and Randolph J. May, “The Myths and Realities of Universal Service: Revisiting the Justification for the Current Subsidies”, January 2005
- “Bring Back ACUS,” **National Law Journal**, January 3, 2005
- “Paring FCC Sharing Rules,” **The Washington Times**, December 14, 2004
- “Dynamic Deregulation,” **National Review Online**, December 14, 2004
- "The FCC's Tumultuous Year in 2003: An Essay on an Opportunity for Institutional Agency Reform," Vol. 56 **Administrative Law Review**, No. 4, Fall 2004
- “Calling for a Regulatory Overhaul, bit by bit,” **CNET News.com**, October 19, 2004
- “Who Has a Better Plan?” **National Law Journal**, October 11, 2004
- “Consolidate FCC Power,” **National Law Journal**, August 23, 2004
- “Advent of Telephony Calls for New Rules,” **Denver Business Journal**, June 24, 2004
- “How to Reform the FCC,” **CNET News.com**, June 21, 2004
- “Negotiate, Not Litigate,” **The Washington Times**, May 30, 2004
- “Protecting Communications,” **The Washington Times**, April 4, 2004
- “Heeding the Blast of Schumpeter’s Trumpet,” **CNET News.com**, March 25, 2004
- “VoIP Regulation: A Plea for Procedural Modest,” **CNET News.com**, February 3, 2004
- “The Metaphysics of VoIP,” **CNET News.com**, January 5 2004
- “Do Feds Risk a Communications Blackout? Report Urges Redundant Telecom Systems for Key Government Offices,” ***Progress on Point 10.24***, December 2003
- Joseph S. Kraemer, Richard O. Levine and Randolph J. May, “Trends in the Competitiveness of Telecommunications Markets: Implications for Deregulation of Retail Local Services”, December 2003

Publications List—Randolph J. May

- Randolph J. May and Adam Peters, "Pennsylvania At Another Crossroads: Will It Opt For Less Regulation And Real Competition To Achieve Digital Age Progress?" ***Progress on Point 10.21***, November 2003
- Kent Lassman and Randolph J. May, "A Survey of Government-Provided Telecommunications: Disturbing Growth Trend Continues Unabated." ***Progress on Point 10.17***, October 2003
- "The Triennial Review Scorecard: A Disappointing Grade," ***Progress on Point 10.14***, September 2003
- "The Two Faces of the FCC," **CNET News.com**, September 6, 2003
- "Tumultuous Times at the FCC," **The Washington Times**, September 4, 2003
- Book Review, "First Among Equals: The Supreme Court in American Life," **Cato Journal**, Summer 2003
- "Spectrum Licensing and Broadband," **CNET News.com**, July 27, 2003
- "Handicapping Michael Powell's Legacy Year," **CNET News.com**, June 25, 2003
- "Outdated Federal Regulations Actually Likely to Impede Diversification in Media," **Rocky Mountain News**, May 24, 2003
- "The Storm Over Broadband Bundling," **CNET News.com**, April 17, 2003
- "Show Time at the FCC," **The Washington Times**, February 19, 2003
- "Will the Real FCC Please Stand Up?" **CNET News.com**, February 7, 2003
- "The FCC and Telecom Recovery: A Scorecard for Evaluating the New Rules," ***Progress on Point 10.2***, January 2003
- Thomas W. Hazlett, Edward D. Hearst, Randolph J. May, and Adam Thierer, **Telecrisis: How Regulation Stifles High-Speed Internet Access**, January 2003
- "Digital Marketplace Myopia," **The Washington Times**, December 8, 2002
- "Anti-Merger Mania: Regulators Should Let EchoStar, DirecTV Join Forces," **The Washington Times**, December 5, 2002
- "Pennsylvania Faces A Choice: To Continue to Promote Real Telecom Competition-Or Not," ***Progress on Point 9.27***, November 2002
- Book Review, "The Rule of Law in America," **Cato Journal**, Fall 2002

Publications List—Randolph J. May

- “A Free-Market Scorecard,” **Regulation**, Fall 2002
- “A Revolution That Has Yet to Occur,” **FindLaw**, October 3, 2002
- “Michael Powell’s Telecom Epiphany,” **CNET News.com**, July 26, 2002
- Larry F. Darby and Randolph J. May, Comments to the FCC *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, July 17, 2002
- “To Litigate or Deregulate: Chairman Powell’s Defining Moment,” **Progress on Point 9.20**, June 2002
- “The Telecom Meltdown: Causes and Cures,” **Progress on Point 9.18**, May 2002
- Joseph S. Kraemer and Randolph J. May, “Local Exchange Competition: Progress in Maryland,” **Progress on Point 9.16**, May 2002
- “Broadband Gets a Breaux-Nickles Boost,” **Progress on Point 9.15**, May 2002
- “A Reform Agenda for the New FCC,” **info**, October 2001
- Comments to the FCC *In the Matter of Applications for Consent to the Transfer of Control of Licenses Comcast Corporation and AT&T Corp., Transferors, To AT&T Comcast Corporation, Transferee*, MB Docket No. 02-70, April 29, 2002
- Larry F. Darby and Randolph J. May, Comments to the FCC *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, April 5, 2002
- “Changing the Multi-Channel Video Marketplace,” **Progress on Point 9.9**, March 2002
- “Hands Off the Broadband Market,” **Hartford Courant**, February 27, 2002
- *Amicus Curiae* Brief, *Trans Union LLC v. Federal Trade Commission* (01-1080), On Petition for a Writ of Certiorari to the United States Court of Appeals for the District Court of Columbia Circuit, February 22, 2002
- “Broadband Regulation: Should Congress Act?” **Progress on Point 9.5**, February 2002
- “The Tech Community Fashions A Deregulatory Broadband Policy,” **Progress on Point 9.3**, February 2002

Publications List—Randolph J. May

- “A Scorecard for Evaluating Whether State Telecommunications Policies are Deregulatory and Procompetitive,” ***Progress on Point 9.2***, January 2002
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992*, FCC 01-263, CC Docket No. 98-82, January 4, 2002
- “FCC Rules Slow Progress,” **USA Today**, January 2, 2002
- “Ruling Without Real Rules-Or How to Influence Private Conduct Without Really Binding,” Vol. 54 **Administrative Law Review**, 4, Fall 2001
- Jeffrey A. Eisenach and Randolph J. May, Comments to the National Telecommunications and Information Administration *In the Matter of Request for Comments on Deployment of Broadband Networks and Advanced Telecommunications*, December 19, 2001
- Jeffrey A. Eisenach and Randolph J. May, Reply Comments to the FCC *In the Matter of Deployment of Advanced Telecommunications Capability*, October 5, 2001
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Deployment of Advanced Telecommunications Capability*, September 24, 2001
- Jeffrey A. Eisenach and Randolph J. May, **Communications Deregulation and FCC Reform: Finishing the Job**, August 2001
- Joseph Kraemer and Randolph J. May, “Local Exchange Competition: Progress in New Jersey,” ***Progress on Point 8.16***, July 2001
- “ABC’s of Getting to 3G Wireless – Another Broadband Alternative Waiting to Be Born: A Symposium,” ***Progress on Point 8.15***, June 2001
- “A Reform Agenda for the New FCC,” ***Progress on Point 8.9***, May 2001
- “The Local Telecommunications Marketplace: Are New Policy Directions Needed?” ***Progress on Point 8.7***, March 2001
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Nondiscrimination in the Distribution of Interactive Television Services Over Cable*, March 19, 2001
- “The Public Interest Standard: Is It Too Indeterminate to Be Unconstitutional?” Vol. 53 **Federal Communications Law Journal**, 427, 2001

Publications List—Randolph J. May

- “The Telecom Act at Five,” in **Reflections on the Fifth Anniversary of the Telecommunications Act of 1996**, p. 13, February 2001
- “Internet Into FCC Clutches,” **The Washington Times**, January 7, 2001
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of High-Speed Access to the Internet Over Cable and Other Facilities*, December 1, 2000
- “Make Congress Make the Laws,” **The Washington Times**, November 7, 2000
- Joseph S. Kraemer and Randolph J. May, “Local Exchange Competition: Progress in Pennsylvania,” ***Progress on Point 7.16***, November 2000
- “Maintaining the Balance: Brown & Williamson Highlights Profound Separation of Powers Issues,” **Fulton County Daily**, July 18, 2000
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Public Interest Obligations of TV Broadcast Licensees*, March 27, 2000
- Jeffrey A. Eisenach and Randolph J. May, Comments to the FCC *In the Matter of Telecommunications Mergers and Broadband Communications*, February 15, 2000
- “Putting Consumers First: Turning the Corner on Long-Distance Competition,” ***Progress on Point 7.1***, February 2000
- “Give Competition A Chance,” ***Progress on Point 6.12***, December 1999
- Jeffrey A. Eisenach, Charles A. Eldering and Randolph J. May, “Regulatory Overkill: Pennsylvania’s Proposal to Breakup Bell Atlantic,” ***Progress on Point 6.13***, December 1999
- “On Unlevel Playing Fields: The FCC’s Broadband Schizophrenia,” ***Progress on Point 6.11***, December 1999
- “Is There Light at the End of the Regulatory Tunnel? Not in Pennsylvania,” ***Progress on Point 6.8***, November 1999
- Book Review, “What It Means to Be a Libertarian,” **The Cato Journal**, Vol. 16, No. 3, p. 386, 1997
- “Reforming the Sunshine Act,” Vol. 49 **Administrative Law Review**, 415, 1997
- “Regulatory Issues,” Chapter 9 in Stuckey, **Internet and Online Law**, Law Journal Press, 1996

Publications List—Randolph J. May

- “Revisiting Fukuyama: On the Struggle for Recognition, Aggression, and Territorial Imperatives from the Beginning of History to the End of Time,” **World Affairs**, Vol. 158, No. 4, p. 193, Spring 1996
- “Honk If You Want Civil Driving,” **The Christian Science Monitor**, p. 20, October 16, 1995
- “A Baby Boomer’s Appreciation,” **The Baltimore Evening Sun**, p. 11A, June 20, 1995
- “Such Outrage is Outrageous,” **The Wall Street Journal**, p. A14, January 13, 1995
- “Independent Judicial Review: An Appreciation of Its Origins and Some Contemporary Musings About Its Role Two Hundred Years Later,” Vol. 2 **George Mason Independent Law Review**, 195, 1993
- Richard S. Whitt and Randolph J. May, “AT&T v. FCC: Permissive Forbearance Policy Impact,” Vol. 11 **Communications Lawyer**, Summer 1993
- Book Review, “The Tempting of America: The Political Seduction of the Law,” **Brigham Young University Law Review**, 665, 1990
- Book Review, “Constitutional Cultures: The Mentality and Consequences of Judicial Review,” Vol. 39 **Catholic University Law Review**, 401, 1989
- Book Review, “A Slippery Slope: The Long Road to the Breakup of AT&T,” Vol. 41 **Federal Communications Law Journal**, 237, 1989
- “The Bypass Issue: The New York Public Service Commission’s Response,” **Telecommunications**, May 1986
- “MCI Telecommunications Corporation v. FCC: A Roadblock or Merely a Bump on the Road to Deregulation?” Vol. 38 **Administrative Law Review**, 51, 1986
- “Does Congress Leave Regulators Up in the Air?” Vol. 5 **District Lawyer**, May-June 1981
- “Some Preliminary Observations on the Effect the Bumpers Amendment Would Have on the Federal Communications Commission,” **Federal Bar News**, September 1980
- “Solving the Mystery of ‘Who is the Plaintiff?’ and the Nature of Independent Regulatory Agencies,” Vol. 32 **Administrative Law Review**, 747, 1980