As we all unfortunately know, the on-going pandemic continued to raise challenges for everyone in 2021. Still, the Phoenix Center’s work was again prodigious. While we detail our many substantive accomplishments in the pages that follow, here is a quick “by the numbers” overview of our activities this year.

First, the Phoenix Center continued to author rigorous legal and economic research to help inform the policy debate. In 2021, the Phoenix Center released five (5) Policy Perspectives and four (4) Policy Bulletins. As always, our research may be downloaded free from our webpage and from the Social Science Research Network.

Second, given the rigor of our work, we are proud to report that Phoenix Center staff had eight (8) papers published in academic journals this year.

Third, we continued with our timely commentary of current events. In 2021, we published nine (9) op-eds and essays in an assortment of outlets.

Fourth, given the on-going COVID pandemic, we were unfortunately once again unable to hold our traditional events: our Rooftop Policy Roundtable and our Annual U.S. Telecoms Symposium. Still, Phoenix Center staff participated in several different teleconferences to present our research.

Fifth, we were very honored that our Chief Economist Dr. George S. Ford was invited to testify before the House Energy and Commerce Committee at a hearing entitled “Broadband Equity: Addressing Disparities in Access and Affordability” last May.

Sixth, 2021 again proved to be a very busy year for the Phoenix Center’s amicus brief practice. To begin, last year I filed an amicus brief before the Supreme Court of the United States in support of Petitioners over the appropriate judicial standard of review for the FCC’s media ownership rules in the case of Federal Communications Commission v. Prometheus Radio Project. In April 2021, the Supreme Court unanimously ruled 9-0 in the Petitioners’ favor. Next, I filed an amicus brief before the D.C. Circuit Court of Appeals in favor of Petitioners in the case of Northstar Wireless, LLC, and SNR Wireless LicenseCo, LLC, v. Federal Communications Commission, et al. Oral arguments are scheduled for January 2022.

We very much appreciate that folks again found our work informative. For example, our research continued to be cited both by government officials and in the academic literature in 2021. (Among other accolades, we were particularly appreciative that Senator Roger Wicker—the ranking member of the Senate Committee on Commerce, Science, and Transportation—cited the Phoenix Center’s research on the floor of the Senate during the debate over the Infrastructure Investment and Jobs Act.) We were also frequently cited by the press. And both Phoenix Center Chief Economist Dr. George Ford and I continue to remain in the top 1% of authors downloaded on the Social Science Research Network.

Finally, we at the Phoenix Center continued our efforts to contribute to the larger policy community in the hope of raising the level of the debate. Among other activities, I continued to serve as a co-chair of FEDERAL COMMUNICATIONS LAW JOURNAL Committee and administer its peer review process for the Federal Communications Bar Association. I also continued to serve as a member of the Executive Committee for the Federalist Society’s Telecom Practice Group.

All things considered, not a bad year…

— Lawrence J. Spiwak, President
Phoenix Center Publications

The Phoenix Center continued to publish a prodigious amount of scholarly research in 2021. As always, the Phoenix Center’s research is available free on the Phoenix Center’s web page and on the Social Science Research Network.

Phoenix Center Policy Bulletin Series

The Phoenix Center’s Policy Bulletin Series is designed to provide a forum for responding to discrete policy issues in a shorter format than our Phoenix Center Policy Paper Series. The Phoenix Center published the following Policy Bulletins in 2021:


- Phoenix Center Policy Bulletin No. 52, Race and Broadband Adoption: A Decomposition Analysis (May 2021).


Phoenix Center Policy Perspectives

The Phoenix Center’s Policy Perspectives Series is designed to provide a forum for its individual staff members to express their views on current policy developments. The Phoenix Center published the following Policy Perspectives in 2021:

- Phoenix Center Policy Perspective No. 21-01: Updating the Minimum Wage: Setting a Uniform Wage Across a Diverse America (February 16, 2021).

- Phoenix Center Policy Perspective No. 21-02: A Poor Case for a “Digital Platform Agency” (March 9, 2021).


- Phoenix Center Policy Perspective No. 21-05: A Quality Check on Form 477 Data: Errors, Subsidies, and Econometrics (October 27, 2021).

Academic Publications

In 2021, the Phoenix Center’s staff had eight (8) papers published in academic journals:


- Subsidies and Substitution: An Empirical Study of The Lifeline Program, 45 Telecommunications Policy (February 2021).

- Confusing Relevance and Price: Interpreting and Improving Surveys on Internet Non-Adoption, 45 Telecommunications Policy (March 2021).

PHOENIX CENTER PUBLICATIONS

- The Rewards of Municipal Broadband: An Econometric Analysis of the Labor Market, 45 TELECOM POLICY (September 2021).
- Electricity Rates and The Funding of Municipal Broadband Networks: An Empirical Analysis, 102 ENERGY ECONOMICS (October 2021).
- Bridging the Digital Divide: An Empirical Analysis of Public Programs to Increase Adoption, TELEMATICS AND INFORMATICS (December 2021).

OP-EDS AND ESSAYS:
The Phoenix Center had the following op-eds and essays published in 2021:

- The Biden Administration Subjects the Internet to a “Death by 50 State Cuts”, FEDERALIST SOCIETY BLOG (February 10, 2021).
- In Response to Joel Thayer, FEDERALIST SOCIETY BLOG (April 8, 2021).
- Credibility Problems with the Restatement of Copyright Project, FEDERALIST SOCIETY BLOG (August 3, 2021).

AMICUS BRIEFS
In 2021, the Phoenix Center had an active amicus brief practice. In particular,

- In 2020, the Phoenix Center filed an Amicus Brief before the Supreme Court of the United States in support of Petitioners on Writ of Certiorari in Federal Communications Commission, et al. v. Prometheus Radio Project, et al. In April 2021, the Supreme Court unanimously ruled 9-0 in Petitioners' favor.

All of these amicus briefs may be downloaded from the Phoenix Center’s webpage.

TESTIMONY
On May 6, 2021, Phoenix Center Chief Economist Dr. George S. Ford testified before the House of Representatives Committee on Energy and Commerce—Subcommittee Communications & Technology at a hearing entitled “Broadband Equity: Addressing Disparities in Access and Affordability.”
CONTRIBUTING TO THE PUBLIC DIALECTIC

2021 provided fertile soil for those interested in policy research. In this section, we highlight some (but not all) of our assorted activities and where we believe we added constructively to the debate.

GOVERNMENT CITATIONS

We glad to see that policymakers once again found our research useful in 2021. For example, we very much appreciate Senator Roger Wicker—the ranking member of the Senate Committee on Commerce, Science, and Transportation—citing the Phoenix Center’s research on the floor of the Senate during the debate over the Infrastructure Investment and Jobs Act.

CITATIONS IN THE ACADEMIC LITERATURE

The Phoenix Center also very much appreciates that our work was cited by other scholars in the academic literature. In 2021, citations to Phoenix Center research could be found in leading journals such as the ABA ADMINISTRATIVE LAW REVIEW, the HARVARD JOURNAL OF LAW AND TECHNOLOGY, the CALIFORNIA LAW REVIEW, CURRENT PSYCHOLOGY, JOURNAL OF INFRASTRUCTURE DEVELOPMENT, JOURNAL OF TECHNOLOGY TRANSFER, TELECOMMUNICATIONS POLICY, TELEMATICS AND INFORMATICS, INFORMATION SYSTEMS FRONTIERS, JOURNALS OF GERONTOLOGY, HANDBOOK OF DIGITAL INEQUITY, and FRONTIERS IN PSYCHOLOGY.

Speaking Engagements

With the COVID lockdowns, unfortunately there were no opportunities for in-person events in 2021. Still, as necessity is the mother of invention, Phoenix Center staff were nonetheless able to participate in a variety of virtual conferences and teleforums to present our research. For example:


Other Activities

- Phoenix Center President Larry Spiwak continued to serve as co-chair of Federal Communications Bar Association’s committee to oversee the FEDERAL COMMUNICATIONS LAW JOURNAL.

- Phoenix Center President Larry Spiwak continued to serve on the Executive Committee of Federalist Society’s Telecom Practice Committee.

- Finally, both Phoenix Center Chief Economist Dr. George Ford and Phoenix Center President Larry Spiwak continue to remain in the top 1% of authors downloaded on the Social Science Research Network.

Conclusion

As policy debates have become increasingly politicized over the years, we still believe (perhaps over-optimistically) that, in the end, substance matters. The policy choices we face are hard, and they should be treated with the respect and analytical rigor they deserve. Hopefully, the Phoenix Center has contributed positively towards restoring some of this analytical rigor to the dialectic.
The Phoenix Center for Advanced Legal & Economic Public Policy Studies is a non-profit 501(c)(3) educational and research organization that studies broad public-policy issues related to governance, social and economic conditions, with a particular emphasis on the law and economics of the digital age.

Founded in 1998, the Phoenix Center’s mission is to provide independent assessments of the economic and material implications of regulatory and economic policy in the U.S. and abroad.

The Phoenix Center achieves this goal by providing an honest and credible voice in the public dialectic by supporting objective, solutions-based academic research to the forefront that is unencumbered by political hyperbole or agendas and is instead well grounded in fact, law and economic theory.

Long-Term Goals:

(1) The Phoenix Center’s seeks to remind stakeholders that it is crucial to avoid political hyperbole and instead approach public policy with the analytical rigor and solemnity it deserves.

(2) The Phoenix Center seeks to promote public confidence in the democratic process, government’s institutions and in the free enterprise system.

(3) The Phoenix Center seeks to foster an environment where citizens can openly and vigorously debate today about what kind of a world they want to live in tomorrow.

The “ideal of democracy rests on the belief that the view which will direct government emerges from an independent and spontaneous process. It requires, therefore, the existence of a large sphere independent of majority control in which the opinions of the individuals are formed.”

— Friedrich von Hayek