

TABLE OF AUTHORITIES*

CASES	<u>Page</u>
<i>AT&T v. Iowa Utils. Bd.</i> , 525 U.S. 366 (1999).....	31
<i>AT&T v. FCC</i> , 487 F.2d 865 (2d Cir. 1973).....	31
* <i>Accuracy in Media, Inc. v. FCC</i> , 521 F.2d 288 (D.C. Cir. 1975).....	24, 25, 42
<i>Adams Fruit Co. v. Barrett</i> , 494 U.S. 638 (1990)	2
<i>Am. Bus Ass’n v. Slater</i> , 231 F.3d 1 (D.C. Cir. 2000)	32
<i>Am. Petroleum Inst. v. EPA</i> , 52 F.3d 1113 (D.C. Cir. 1995).....	21, 32
<i>Archenar Broadcasting Co. v. FCC</i> , 62 F.3d 1441 (D.C. Cir. 1995).....	52
<i>Ass’n of Data Processing Service Orgs., Inc. v. Bd. of Governors of the Federal Reserve Sys.</i> , 745 F.2d 677 (D.C. Cir. 1984).....	50
<i>Atlantic City Elec. Co. v. FERC</i> , 295 F.3d 1 (D.C. Cir. 2002).....	21
<i>Bechtel v. FCC</i> , 10 F.3d 875 (D.C. Cir. 1993)	54
<i>Bldg. Owners & Managers Ass’n Int’l v. FCC</i> , 254 F.2d 89 (D.C. Cir. 2001).....	22, 25
<i>California Indep. Sys. Operator v. FERC</i> , 372 F.3d 395 (D.C. Cir. 2004).....	28
<i>California v. FCC</i> , 905 F.2d 1217 (9th Cir. 1990)	22
<i>Campbell v. Acuff-Rose Music, Inc.</i> , 510 U.S. 569 (1994).....	45, 46
<i>Chamberlain Group, Inc. v. Skylink Technologies, Inc.</i> , 381 F.3d 1178 (Fed. Cir. 2004)	46

* Authorities upon which we chiefly rely are marked with asterisks.

<i>Chevron USA, Inc. v. Natural Resources Defense Council, Inc.</i> , 467 U.S. 837 (1984).....	2
<i>Christensen v. Harris County</i> , 529 U.S. 576 (2000)	2
<i>Connecticut Nat’l Bank v. Germain</i> , 503 U.S. 249 (1992).....	23
<i>Consolidated Edison Co. v. NLRB</i> , 305 U.S. 197 (1938).....	51
<i>Consumer Electronics Ass’n v. FCC</i> , 347 F.3d 291 (D.C. Cir. 2003).....	33, 34
<i>Dole v. United Steelworkers of Am.</i> , 494 U.S. 26 (1990)	2
* <i>Elec. Indus. Ass’n Consumer Electronics Group v. FCC</i> , 636 F.2d 689 (D.C. Cir. 1980).....	23, 33-35
<i>Ethyl Corp. v. EPA</i> , 51 F.3d 1053 (D.C. Cir. 1995).....	38
* <i>FCC v. Midwest Video Corp.</i> , 440 U.S. 689 (1979).....	31, 44
<i>FDA v. Brown & Williamson Tobacco Corp.</i> , 529 U.S. 120 (2000).....	36, 43
<i>Farmers Union Central Exchange, Inc. v. FERC</i> , 734 F.2d 1486 (D.C. Cir. 1984).....	51, 56
<i>Fortnightly Corp. v. United Artists</i> , 392 U.S. 390 (1968).....	45
<i>Fox Television Stations, Inc. v. FCC</i> , 280 F.3d 1027 (D.C. Cir. 2002)	54
<i>Girouard v. United States</i> , 328 U.S. 61 (1946)	21
<i>Halverson v. Slater</i> , 129 F.3d 180 (D.C. Cir. 1997).....	41
* <i>Home Box Office, Inc. v. FCC</i> , 567 F.2d 9 (D.C. Cir. 1977).....	51, 54
<i>INS v. Cardoza-Fonseca</i> , 480 U.S. 421 (1987)	36
<i>Illinois Bell Tel. Co. v. FCC</i> , 883 F.2d 104 (D.C. Cir. 1989).....	31

<i>*Illinois Citizens Committee for Broadcasting v. FCC</i> , 467 F.2d 1397 (7th Cir. 1972)	25, 28, 29
<i>*Independent Insurance Agents of America, Inc. v. Hawke</i> , 211 F.3d 638 (D.C. Cir. 2000).....	39, 41
<i>Int’l Bhd. of Teamsters v. ICC</i> , 801 F.2d 1423 (D.C. Cir. 1986)	40
<i>Kilburn v. Socialist People’s Libyan Arab Jamahiriya</i> , 376 F.3d 1123 (D.C. Cir. 2004).....	28
<i>Louisiana Pub. Serv. Comm’n v. FCC</i> , 476 U.S. 355 (1986).....	22
<i>Lyng v. Payne</i> , 476 U.S. 926 (1986).....	21
<i>MCI Telecomm. Corp. v. AT&T</i> , 512 U.S. 218 (1994).....	43
<i>Martello v. Superior Court</i> , 261 P. 476 (Cal. 1927).....	32
<i>Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.</i> , 380 F.3d 1154 (9th Cir. 2004).....	43
<i>Michigan Citizens for an Indep. Press v. Thornburgh</i> , 868 F.2d 1285 (D.C. Cir. 1992).....	40
<i>Michigan v. EPA</i> , 268 F.3d 1075 (D.C. Cir. 2001)	2, 22
<i>*Motion Picture Ass’n of Am. v. FCC</i> , 309 F.3d 796 (D.C. Cir. 2002)	<i>passim</i>
<i>NARUC v. FCC</i> , 525 F.2d 630 (D.C. Cir. 1976)	31
<i>NARUC v. FCC</i> , 533 F.2d 601 (D.C. Cir. 1976)	44
<i>Nat’l Min. Ass’n v. Dep’t of the Interior</i> , 105 F.3d 691 (D.C. Cir. 1997).....	32
<i>New York v. FCC</i> , 267 F.3d 91 (2d Cir. 2001)	31
<i>NextWave Personal Communications, Inc. v. FCC</i> , 254 F.3d 130 (D.C. Cir. 2001).....	40

<i>North American Telecomm. Ass’n v. FCC</i> , 772 F.2d 1282 (7th Cir. 1985).....	23
<i>North Haven Bd. of Educ. v. Bell</i> , 456 U.S. 512 (1982).....	36
<i>Pac. Legal Foundation v. Dep’t of Transp.</i> , 593 F.2d 1338 (D.C. Cir. 1979).....	50
<i>In re Permanent Surface Mining Regulation Litig.</i> , 653 F.2d 514 (D.C. Cir. 1981).....	40
<i>Prometheus Radio Project v. FCC</i> , 373 F.3d 372 (3d Cir. 2004)	54
<i>Qi-Zhuo v. Meissner</i> , 70 F.3d 136 (D.C. Cir. 1995).....	41
<i>Radio Station WOW, Inc. v. Johnson</i> , 326 U.S. 120 (1945).....	27
<i>Russello v. United States</i> , 464 U.S. 16 (1983).....	36
<i>Shook v. District of Columbia Finan. Responsibility & Mgmt.</i> <i>Assistance Auth.</i> , 132 F.3d 775 (D.C. Cir. 1998).....	40
<i>Sierra Club v. EPA</i> , 311 F.3d 853 (7th Cir. 2002)	32
* <i>Sony Corp. v. Universal City Studios, Inc.</i> , 464 U.S. 417 (1984).....	20, 43-44, 48-49
<i>Southwestern Bell Tel. Co. v. FCC</i> , 19 F.3d 1475 (D.C. Cir. 1994).....	26, 27, 31, 42
<i>Tennessee Valley Auth. v. Hill</i> , 437 U.S. 153 (1978)	40
<i>United States v. Article of Drug Bacto-Unidisk</i> , 394 U.S. 784 (1969).....	31
<i>United States v. Mead Corp.</i> , 533 U.S. 218 (2001).....	3
* <i>United States v. Southwestern Cable Co.</i> , 392 U.S. 157 (1968)	25, 42
<i>Whitman v. Am. Trucking Ass’ns</i> , 531 U.S. 457 (2001)	43

FEDERAL STATUTES

Administrative Procedure Act

5 U.S.C. § 706(2)	50
-------------------------	----

Communications Act

47 U.S.C. § 151	24, 29
*47 U.S.C. § 152	16, 17, 23, 25
*47 U.S.C. § 153	23, 24, 26, 28-29
47 U.S.C. § 154	23
47 U.S.C. § 301	38
47 U.S.C. § 302a	38
*47 U.S.C. § 303	<i>passim</i>
47 U.S.C. § 309(j)(14)	4
47 U.S.C. § 330	40
*47 U.S.C. § 336	13, 16, 41, 42
47 U.S.C. § 396(k)	1
47 U.S.C. § 403	1
47 U.S.C. § 405	1
47 U.S.C. § 521	1
47 U.S.C. § 534(b)	1
47 U.S.C. § 544A	38

47 U.S.C. § 549.....	38
----------------------	----

Copyright Act

17 U.S.C. § 106.....	45
----------------------	----

17 U.S.C. § 1002.....	45
-----------------------	----

17 U.S.C. § 1201(a)	8, 9, 46
---------------------------	----------

*17 U.S.C. § 1201(c)(3).....	44, 46
------------------------------	--------

17 U.S.C. § 1201(k)	9
---------------------------	---

Other Statutes

28 U.S.C. § 2342.....	1
-----------------------	---

28 U.S.C. § 2344.....	1
-----------------------	---

LEGISLATIVE MATERIALS

<i>*All-Channel Television Receivers: Hearings on S.2109 Before the Subcomm. on Communications of the Senate Comm. on Commerce, 87th Cong., 2d Sess. 59 (1962).....</i>	35
---	----

<i>Hearing before the Subcommittee on Courts, the Internet, and Intellectual Property, 108th Cong. Serial No. 5 (Mar. 6, 2003)</i>	14
--	----

<i>Hearings of Senate Interstate Commerce Committee, S. 2910, 73d Congress (1934).....</i>	30
--	----

144 Cong. Rec. H7100.....	44
---------------------------	----

144 Cong. Rec. S9936.....	44
---------------------------	----

*1962 U.S.C.C.A.N. 1873	33, 43
-------------------------------	--------

H.R. Conf. Rep. No. 105-796 (1998).....	9, 46
*H.R. Rep. No. 105-551 (1998).....	44
*S. Rep. 1526, 87th Cong., 2d Sess. 1 (1962)	33
S. Rep. No. 105-190, at 30-31 (1998).....	44, 46

FEDERAL REGULATIONS AND NOTICES

<i>In re Digital Broadcast Content Protection</i> , 18 F.C.C.R. 23,550, 68 Fed. Reg. 67,599 (2003).....	<i>passim</i>
<i>In re Digital Broadcast Copy Protection</i> , Notice of Proposed Rulemaking, 17 F.C.C.R. 16 (2003).....	9, 27, 47
<i>In re Digital Output Protection Technology & Recording Method Certification</i> , FCC Order 04-193 (Aug. 12, 2004).....	<i>passim</i>

TREATISES AND ADDITIONAL AUTHORITY

2A Norman J. Singer, <i>Statutes and Statutory Construction</i> § 47:24 (6th ed. 2000).....	40
Pamela Samuelson, <i>Intellectual Property and the Digital Economy: Why the Anti-Circumvention Regulations Need to be Revised</i> , 14 Berkeley Tech. L.J. 519 (1999).....	8