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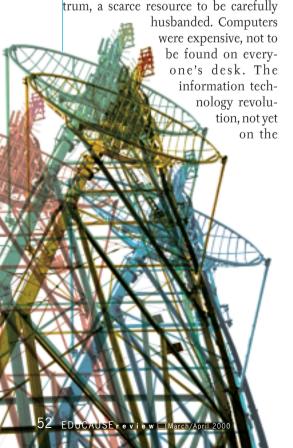
The Increasingly Complex Telecommunications Policy

Back before the breakup of AT&T and the wide distribution of cable, the world of telecommunications policy was fairly straightforward. Telephone lines were for voice. AM-FM radio and television spectrum were for broadcast. The services provided were primarily for entertainment. The fledgling educational activities had yet to evolve into the broad array of distance learning offerings we know today. The term "Internet" was virtually unknown.

Broadcasters were managing a public trust, and the Federal Communications Commission (FCC) was the dominant federal regulator. Congress entrusted the FCC with overseeing the broadcast spectrum, a scarce resource to be carefully husbanded. Computers were expensive, not to be found on everyone's desk. The information technology revolution, not yet on the

agenda for Congress and the federal agencies, was just beginning to affect a few institutions in the education community.

But soon things began to change. In the early 1980s a federal court decreed the breakup of AT&T, and the National Science Board published a groundbreaking study, "Computing and Higher Education: An Accidental Revolution" (1981). Also in the 1980s, the National Science Foundation (NSF) created the "supercomputing program" and the network needed to communicate between the five NSF-funded high-performance computing centers. With the decade's advances in technology—microwave, satellites, and computing for research and instruction and networking—the transformation to the Information Age had begun.

The government had yet to redefine its role, however, and refrained from most legislation or regulation that affected the rapid development of information technology. Nor had the higher education community defined a role it wanted to play. Taking a first step in this direction, in 1987 Educom initiated, and other Washington associations cosponsored, what were to become the annual "Networking" meetings, designed to educate the higher education community on issues of computing and networking and to impress on Congress the need for a National Research and Education Network (NREN).

The merging telecommunications and computing technologies were revolutionizing the world, and the higher education community began to take greater notice. However, universities, presented with a myriad of "opportunities" offered by hardware and software manufacturers, telephone and cable companies, and

other communication entities, were having difficulties sorting out the options. The resulting marketplace confusion limited the higher education community's ability to leverage its interest in technology as it—unlike industry, which had recognized how valuable the spectrum could be and understood the importance of telecommunications—did not lobby Congress in any organized fashion.

With the 1992 election of President Bill Clinton and Vice-President Al Gore, the administration took an unprecedented interest in and provided unusual support for the greater integration of technology into society, coordinating technology-oriented programs throughout the federal agencies, developing standards in conjunction with the states, and creating databases to assist agencies in planning programs and evaluating technologies. Newt Gingrich, as Speaker of the House, evidenced a serious interest in technology and pushed Congress to support activities and programs designed to bring technology to the workings of Congress.

Consequently, Congress entered the fray of "regulating" technology. Today a plethora of committees claim jurisdiction over technology and communications. Multiple House and Senate committees and subcommittees formulate various portions of communications policy with circumscribed rules of referral, often without coordination. For example, the Senate has the Committee on Commerce, Science, and Transportation with the Subcommittees on Science, Technology and Space, and Communications; the Committee on the Judiciary with the Subcommittees on Antitrust, Business Rights and Competition, and Technology, Ter-

rorism, and Government Information; the Committee on Environment and Public Works with the Subcommittee on Transportation and Infrastructure; the Committee on Energy and Natural Resources; the Committee on Labor and Human Resources; and the Committee on Agriculture, Nutrition, and Forestry with the Subcommittee on Forestry, Conservation, and Rural Revitalization.

The House has the Committee on Science with the Subcommittees on Basic Research, Technology, Energy and Environment, and Space and Aeronautics; the Commerce Committee with the Subcommittee on Telecommunications, Trade, and Consumer Protection; the Committee on Education and Workforce with the Subcommittee on Postsecondary Education, Training, and Lifelong Learning; the Committee on Judiciary with the Subcommittee on Courts and Intellectual Property; and the Committee on Transportation and Infrastructure.

The higher education community has made a more coordinated effort in recent years to have its voice heard in Congress. Last year, the NET'99 conference instituted a program of Hill visits. Meeting attendees were invited to attend a briefing that explained Hill policies and procedures and that also discussed EDUCAUSE issues of interest. Several attendees then visited their congressional delegates to provide information about EDUCAUSE and networking issues. This activity will be continued at the NET2000 meeting in late March.[1]

Federal telecommunications policy has grown increasingly complex in the past two decades. Complicating the matter further is increasing activity in the courts, state legislatures, and public utility commissions. The states have emerged as focal points, jousting for prominence in creating a national telecommunications policy. Telecommunications activity at the state level has received more scrutiny lately as a result of the jockeying by the "Baby Bells" for presence in the long-distance market. Taxation of e-commerce has already come to the fore, with governors and several members of Congress staking out positions for and against.

The role of higher education, now just one of the many stakeholders, has also experienced increasing complexity. EDUCAUSE expects these trends to continue apace, as evidenced by the recent merger announcements of ISPs (Earthlink and Mindspring), the expanding role of Qwest beyond serving Abilene to serving ESnet for the Department of Energy, and the proposed merger of AOL and TimeWarner. The agenda for next year in Congress, with a presidential election in the offing, will pose many challenges for the members of EDUCAUSE.