Where are we going with telecommunications development and regulation in the year 2000 and beyond ?

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Since the divestiture of AT&T, the political process of regulatory reform and deregulation of the telecommunications industry has swung like a pendulum from centralized federal control to decentralized state control. This dramatic change from the protection of a few major telephone companies to the allowance of competition amongst many telephone competitors, has opened the door to entrepreneurial energy and innovation. The resulting technological revolution in computer and communications technology is transforming our society. To complete this transformation will require that we meet the challenges posed by the new technologies with a pragmatic communications policy free from the distorting lens of ideology. A pro-competition policy in international communications will allow new players, greater variety in services, and more competitive pricing. To derive the most benefit from such a broad field of providers, tomorrow's communications policies must measure up favorably against real world criteria - jobs, prices, choices, international trade, and the effects of all of these on competition and innovation.

Having noted the power of competition, one must not lose sight of the reality that, in the telecommunications industry, government policy and regulation have a profound impact on technology and, in particular, on new systems. Government decisions not only shape the direction of many research and development projects, but often determine the rate of progress of new technology as well. When creating or restricting radio spectrum allocations, setting market rules, or establishing technical standards, today's policy makers effectively decide whether or not certain technologies will be able to develop and possibly succeed in the marketplace. More particularly, Federal Communications Commission (FCC) rulemakings, along with proposed legislation on the auctioning of frequency spectrum, have generated a dynamically changing regulatory environment for the communications industry in the United States; and nowhere will the rapid introduction of technological advances be more evident than in the new field of personal communications services.

At present, the FCC is allocating frequencies for personal communications services while deciding the amount of bandwidth to assign, the technical standards that should apply and, most fundamentally, who may be eligible to provide these services. The success of personal communications, however, will depend not only on government policy decisions, but also on the combined actions of engineers, business persons, economists, lawyers, and those in other disciplines. All of these interests must work together if new developments are to be devised in the laboratory and implemented successfully in the field.

From my unique position as a practicing trial lawyer and patent attorney, and a former university professor of electrical engineering and computer science, I see an ongoing interrelationship among many of the regulatory and technological issues. As we approach the twenty-first century, I see divestiture and deregulation creating a shift in demand, a shift which will be met by a change in entrepreneurial judgment as new products and services provide increased business opportunities. These opportunities will range from local personal communications networks to fiber optical transmission lines which will connect the continents. The products and services which will emerge in response to these opportunities will move us beyond the Information Age to the Age of Intellectual Property.