

The NPC: A Higher Priority for Networking Policy

CALEA: What are the new costs involved to ensure that a campus network meets federal standards for assisting law enforcement? *Net neutrality*: Will a tiered Internet develop, resulting in new fees to guarantee content delivery and possibly reducing innovative network services? *Muni-nets*: Should local communities be allowed to create broadband networks?

Over the past several months these terms and questions have been front-and-center in telecommunications policy discussions. Each issue has been featured in this department of *EDUCAUSE Review*: CALEA (Wendy Wigen, "CALEA: Prepare for the Worst, Hope for the Best," January/February 2006, and "A Reinterpretation of CALEA," March/April 2005); net neutrality (Rich Greenfield, "The Net Neutrality Debate: The Basics," May/June 2006); and muni-nets (Harold Feld, "Community Wireless Networks," January/February 2005). But why is there a sudden increase in telecommunications legislation, and what does it mean for higher education? Of equal importance is another question: How should our community determine when to engage and how to engage in national telecommunications policy discussions?

As a nation, we have continued to debate regulatory vs. deregulatory, monopoly vs. competitive, and centralized vs. decentralized approaches to telecommunications policy. In 1934 the Communications Act established a regulated monopoly approach as telecommunications policy. The act also established separate rules for radio broadcast services. When cable television emerged, it was viewed differently enough from telecommuni-

cations and broadcasting that a new set of rules was developed within the act to cover this service.

The first major rewrite of the 1934 act occurred when the Telecommunications Act of 1996 was passed. Congress declared this an act "to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies."¹ To achieve its goals, the act included major changes allowing the multiple Regional Bell Operating Companies to offer more-expansive geographic services, defining how these companies could offer cable television services, assigning radio frequencies for advanced television delivery, and trying to establish rules for obscenity and violence in programming content.

Legislators did recognize that significant changes were beginning to occur in the telecommunications and IT arenas. The 1996 act also included section 706: "Advanced Telecommunications Incentives." The purpose of this section, contained in three paragraphs, was to promote broadband services. Congress was insightful in not trying to declare how broadband services were defined, stating: "The term 'advanced telecommunications capability' is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology."²

Many have criticized this act as not

being prescient in recognizing what was then taking place and what was likely to happen. In fairness, however, pressure for change was driven by what had been taking place in the late 1980s and early 1990s. Although the Internet was beginning to gain widespread acceptance, many did not foresee the relatively quick introduction of content providers that would take place:

- Yahoo! was founded in 1994 and incorporated in 1995.
- eBay was incorporated in 1995.
- Google was incorporated in 1998.
- Internet2's Abilene network began operations in 1999.
- Vonage was founded in 2001.
- The *New York Times* offered RSS feeds in 2002.
- MySpace.com was founded in 2003 and Facebook in 2004.
- Skype released its 1.2 version for Windows in 2005.

Arguably, this growth in network applications and use was caused in part by the 1996 act and its effort to promote broadband and intermodal competition. The act did not anticipate the growth in content providers who would use cheaper and faster networking services. Nor did it try to account for new methods of providing security as technology changed. It certainly didn't anticipate the now-emerging growth of the consumer as producer. Blogs and wikis have become a source of news and information-gathering for many consumers. Digital camcorders, cameras, and camera-equipped cellphones are making images available for easy distribution. New sites

like YouTube and Veoh allow effortless sharing of videos.

Networking and information technology are becoming inextricably linked to education, work, and the social fabric. Policy decisions affecting these areas will have long-term consequences for higher education. Costs, innovation, and content delivery will all be affected by policy. As EDUCAUSE Vice President Mark Luker wrote in a recent *EDUCAUSE Review* article: "Current policy reflects a legacy of monopoly providers of distinct services more than the converged environment



that already exists, much less the open and fair competition that is needed for the rapid and robust emergence of next-generation services. The stakes are high. The time is now for higher education to up the ante in the telecommunications reform debate."³

A significant move toward "upping the ante" involves a change made to the Broadband Policy Group, an EDUCAUSE working group under Net@EDU. Like other working groups of Net@EDU, the Broadband Policy Group offered members the opportunity to collaborate, pooling their resources, time, and energy to develop strategies for networking in higher education. But it was limited in its ability to develop policy positions and to advocate those positions to educational organizations, to legislators, and to regulators. To provide a more direct channel of communications within EDUCAUSE and to provide policy formulation more visibility, the Broadband Policy Group has reformed as the Network Policy Council (NPC). The NPC is an advisory council to EDUCAUSE, led

by a chair and a vice-chair. As a special advisory group, the NPC will have a direct-communications relationship with the president of EDUCAUSE, and the vice president in charge of the EDUCAUSE policy office will attend all NPC meetings.

NPC members are selected from those who have interest in this area and are willing to devote the time to work on policy issues and attend frequent meetings, usually held in Washington, D.C. The objectives of the NPC are "to understand the full range of networking policy issues

confronting the research and education community, to enhance the capabilities of this community to manage and respond to these issues, and to work in a collaborative fashion to catalyze the community's formulation of a coherent policy message."⁴

The NPC's scope of activities includes the following major areas but may also include others that contribute to its goal of promoting public policies that advance the use of the Internet for research and education:

- Develop and promote networking public-policy positions that effectively represent the interests of the research and education community
- Anticipate advanced research and education network developments that will require policy analysis and advocacy
- Establish collaborative relationships on networking policy matters with research and education networking organizations; federal research agencies; regional, state, and local networking organizations; industry groups

with interests in research and education networking; associations and consumer groups with networking-related interests; and others whose participation in policy advocacy will advance the NPC's goals

- Conduct an active networking policy outreach and communications program within the research and education community and elsewhere as needed
- Create mechanisms for participation in policy development and advocacy by individuals and organizations who are in the research and education community and have relevant expertise and interests
- Function as an information source on networking technology and policy for legislators, agency officials, college and university officers, and their associations
- Pursue legislative and regulatory outcomes that support the continued evolution of the Internet as an increasingly powerful, open, and universal network for research and education and broader social goals

The NPC is holding regular conference calls and meetings. It has made a number of visits to legislators and will make more during the year. It is developing position papers and preparing sample letters to send to policy-makers. NPC members are providing updates at EDUCAUSE and related meetings and conferences. To answer the question posed at the start of this column, the EDUCAUSE Network Policy Council is thus working to help our community determine when to engage and how to engage in national telecommunications policy discussions.

Notes

1. Telecommunications Act of 1996, 47 USC. See <<http://www.fcc.gov/telecom.html#text>>.
2. Ibid.
3. Mark A. Luker, "Telecommunications Reform: A High-Stakes Debate," *EDUCAUSE Review*, vol. 40, no. 6 (November/December 2005): 112, <<http://www.educause.edu/er/erm05/erm0565.asp>>.
4. Further information, including a list of members, can be found at the following Web site: <<http://www.educause.edu/NetworkPolicyCouncil/10305>>.

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