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FCC chief can take a bow for work in wireless arena

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ASPEN, Colo. - On a hillside overlooking downtown Aspen, three entrepreneurs were describing Everwave, an ultra-advanced yet cheap-to-deploy network that blankets this resort community with wireless broadband service. Listening with obvious fascination was one of the most powerful people in American communications.

"This is breathtaking," said Michael Powell, chairman of the Federal Communications Commission, as the trio wrapped up its presentation. He was continually impressed, he added, at how modern technology has upended traditional assumptions of what it takes, in money and time, to create such a system.

The Everwave service is also something of a testament to Powell's tenure at the FCC. The commission has been more an ally than enemy for people who want to expand the use of wireless technologies in a world still dominated by wired lines.

If Powell is still FCC chairman by this time next year, no matter who is elected president in November, it will come as a surprise. Powell hasn't announced any plans, but in several recent public appearances he has seemed more in a valedictory mood than anything else: reflective about his seven-year tenure at the commission, including the past four as chairman.

That was the case this week as Powell spoke at the Progress and Freedom Foundation's 10th annual Aspen conference. Powell talked at length about some of what he considered the less-known achievements under his stewardship, including what he called a major shift in the way the staff operates.

And he once again warned that regulation in the Internet Age should be done with the lightest possible touch. Otherwise, he said, we risk a long delay in seeing the Net reach the potential it should.

Powell was among allies, for the most part. The foundation, which focuses on policy issues in the Digital Age, is a free-market oriented organization, deeply suspicious of regulation and bureaucratic tinkering.

Powell is not reflexively anti-regulation. I wish he would be on some issues, such as the FCC's harsh campaign against so-called "indecentcy" on the airwaves. To be fair, the FCC is under orders from Congress on this, but I get the strong impression that Powell understands the futility of controlling what people say in one medium when the Internet gives voice to so many.

Then again, most Americans get their information from a very few media companies. In that arena the FCC should be doing its best to prevent further consolidation, not encouraging it.

The consolidation we've seen so far could pale next to the potential media concentration that may be emerging in broadband Internet access. Powell and his FCC colleagues have been far too solicitous of the cable TV and big regional phone companies, which are doing their best to create a cable-DSL duopoly in broadband.

This is where we have to find some solace in what is one of Powell's passions: wireless. He spoke here of a broadband revolution that will be fiercely competitive and much more than just two data pipes.

There's no doubt, meanwhile, that the commission under his leadership has made some serious strides in the wireless arena. It has pushed the use of the unlicensed part of the airwaves -- that's where WiFi resides -- and is encouraging more creativity in the licensed part of the airwaves.

Powell also knows that technology is forcing regulators and others in authority to make tough decisions they would probably rather leave to someone else. Take Internet phone calls, which use a technology called Voice over Internet Protocol, or VoIP.

Upcoming rules governing VoIP will be one of the defining aspects of the next generation of communications policy, Powell said. VoIP is either a voice service, subject to old-fashioned regulations, or it's an Internet data application, he observed. If it's just data, the implications are huge.

Powell's tenure at the FCC hasn't just been making policy. Asked during his talk here to list key achievements at the agency, he was quick to list initiatives to change the nature of the organization itself.

The staff now looks much more at the future, and much less at history, he said, with special attention to how technology is changing the landscape. There's regular training to keep up -- including an internal "university" that staff lawyers must attend.

I wonder what government would be like if top appointees were all as smart and thoughtful as Michael Powell. He's taken some stands that have annoyed just about everyone, but he's one policy wonk who deeply cares about development of the Net as a great resource, and has done his best to push us toward a future in which we can take advantage of it.

I'm sending this column via the Everwave network. When Powell joined the FCC in the Clinton administration, three years before becoming chairman under President Bush, no one imagined that wireless spectrum that had been the province of baby monitors and microwave ovens might be so useful for so many.

Powell wants to see more of these experiments, to help create conditions where entrepreneurs can turn conventional wisdom on its head. His goal as a regulator, he says, has been to unshackle their creativity -- "and let them run."

Dan Gillmor's column appears each Sunday and Wednesday. Visit Dan's online column, eJournal (www.dangillmor.com/blog). E-mail dgillmor@mercurynews.com; phone (408) 920-5016; fax (408) 920-5917.

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