

Q&A with Mignon Clyburn

## How the Telecommunications Act of 1996 Unleashed a New Era of Competition

The former FCC commissioner looks back at the legacy of the legislation.

**F**ormer FCC Commissioner Mignon Clyburn has a long history as a champion of telecom competition. During her FCC tenure, she was a proponent of key broadband measures, such as net neutrality, pole attachment reform, municipal broadband and telehealth. Along with INCOMPAS CEO Chip Pickering, a former Republican member of Congress from Mississippi, Clyburn now leads the INCOMPAS BroadLand campaign, focused on making “internet for all” a reality for millions of American families and small businesses – rural and urban – that lack competitive broadband alternatives offering faster speeds and lower prices.

Though the BroadLand campaign is new, its genesis can be traced to the landmark Telecommunications Act of 1996. In the year of its 25th anniversary, Clyburn reflects on how the act provided a template to enable competition and new innovations. **BROADBAND COMMUNITIES** spoke with Clyburn shortly after INCOMPAS announced the campaign. Following are highlights of the conversation.

**BROADBAND COMMUNITIES:** *The Telecommunications Act of 1996 became law in February 1996. Looking back, what has it meant for the communications industry? What lessons from the last 25 years can inform the next generation?*

**Mignon Clyburn:** I would sum up the significance of the Telecom Act in one word: “competition.” It made competition



Mignon Clyburn

the law. It kept a promise to consumers and businesses that there will be more choices going forward, better customer service, lower prices and access to innovation. It codified the commitment to lead the world in network growth to give consumers an overall better experience.

Let’s look at what the mobile broadband space has done. It has opened the doors of opportunity. My nine-year-old niece can recite half the songs on TikTok, and I was

able to embarrass my father, James Clyburn (House majority whip, D-SC), via social media when I uploaded a video of him in front of a barbeque grill. He is not known for grilling.

If you think about what the world looked like 25 years ago, a lot of these things were not possible. The Telecom Act opened incredible windows of opportunity for big players and also for smaller players who are now big players. Think about the big names we knew back then. They were household names. But it's noteworthy that I didn't post the video of my dad grilling – which now has 80,000 views – on any of the platforms of those big-name companies. I use that homegrown example to show that the baton passed to other players. The Telecom Act enabled access to other opportunities and new information.

We now have access to people, no matter where they are or whether they have the same or similar platforms and connections. This is a U.S. milestone, but we can't ignore that the Telecom Act recalibrated what the world knows today. It had international ramifications that we continue to build upon and modify in ways to make sure the opportunities before us are more widespread and more ubiquitous. Though it has opened some doors, doors are still stuck in some parts of this country. We're forced to reflect and say, "Did this do exactly what we wanted it to do?" The answer is yes, but there's a "but" behind that. That's why INCOMPAS embarked on the BroadLand initiative.

**BBC:** *Did the Telecom Act drive new competitors in the telecom market? What could have been done better?*

**MC:** It's always easy to ask that question. I always say bills are snapshots in time. People look at lawmakers as if they're genies, but they're not. People look at laws as if they are all-powerful, but they're not. Hindsight is 20/20. Some

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players might say that they would have loved a few more guardrails here and there. Just looking through today's lens, there are local leaders and entrepreneurs who say they want more protections here or there. Also, the Telecom Act in and of itself was very enabling. It did not assume that this would be a one-size-fits-all experience by way of technology or by way of community interest. There still are tremendous opportunities to tailor via regulatory next steps, public-private partnership (P3) opportunities, and community empowerment.

If you were to force me to say one word about the Telecom Act other than "competition," I would say "unleash." It unleashed boundless opportunities. It allowed and enabled us to face several challenges. We would not have had conversations about broadband or the digital divide without this legislation. The Telecom Act enabled us to be our better selves and have access to better opportunities. It is a valid question, but I think the mystery behind it all is the challenge and opportunity.

**BBC:** *One key provision of the Telecom Act was the E-Rate program. Though E-Rate offers funding to bring connectivity to schools, students still struggle with little or no connectivity at home. What can be done to help bridge the homework gap?*

**MC:** No one is going to fix it all. E-Rate, the Emergency Connectivity Fund (ECF) and other reforms that we've seen since the Telecom Act have paved a way for us to learn more and see the benefits of investing more.

Just think about it: If we had not launched the Telecom Act, would we have seen and planted those seeds of more opportunities via these programs? Would we have been at the point where we could say, "Look at what's worked and what we still need?" I don't think there would have been an ECF, or at least not in its current form, if we had not set up a template.

Snapshots in time are good and allow us to plant the seeds of possibility and keep building. Regardless of who came up with the phrase "Build Back Better," it is a motivational North Star, not because of the politics but because of the opportunities and the potential. It recognizes that the foundation was a solid one.

We need to meet the needs of children and seniors – we're talking about continual learners and people who need continual access to health care. There's a need for businesses to be able to apply for funding online. We're building from the Telecom Act, and hopefully subsequent acts and subsequent programs will continually do it better. I give credit to the George H.W. Bush administration's "Points of Light" concept. When we speak about what the times call for, I think the Telecom Act was an incredible opportunity to see what's possible through legislation, recognizing that businesses are organic partners. At the end of the day, it's about improving subsequent generations' access to opportunities.

**BBC:** *Are there incentives the FCC could offer to help providers extend services*

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*to homes to support a hybrid or all-remote learning environment?*

**MC:** No two communities are the same. Communities have different needs, and the ability to have tailored solutions is critical. Though we need to write a prescription, we must always know that what I need in the not-so-affluent community of Columbia, South Carolina, is not what's needed 20 miles up the road in the same county, where there are even more significant challenges. Nor is it the same as what's needed in Los Angeles, for example.

What we see now is an emphasis on empowering, enabling and encouraging public-private partnerships. We know that no matter what the funding apparatus is or what is budgeted, we're not going to be able to fix it all through an appropriation model. We're not going to be able to identify it all from Washington, D.C., so these local leadership partnerships are important.

This type of partnership is happening in Los Angeles, which is working with Microsoft and Starry to look at what's going on with low-income housing units.

We talk about broadband for all. We all recognize that broadband fuels opportunities by way of providing more access not only for children but also for seniors. Thinking about my twilight years, this is empowering for me.

The 1996 Telecom Act will continue to be the compass in terms of competition, partnerships and opportunities. Too many places in South Carolina lack sufficient broadband. I have been to these communities. When I first got on the FCC, I could not come

home without someone telling me, "We need broadband." Too many people don't have access because affordability is an issue. We can't ignore that.

The "build it, they will come" mentality has to be accompanied by addressing other barriers to access. We must build networks efficiently, but providing access to the infrastructure via affordable platforms and services is important, too.

We have a chance to right the wrongs of the past and an opportunity to build a better future. I have never been more positive about the series of next steps in my 19 years of regulatory experience. We're not debating the basics. That's why I remain positive and why I am part of the BroadLand campaign.

**BBC:** *You mentioned public-private partnerships. How could P3s get broadband into more households and businesses?*

**MC:** Public-private partnerships are drawing attention to areas that have been attempting to heal themselves.

Communities want to do more things, but there are real or perceived barriers in place. I think there will be more P3s because there are companies, such as INCOMPAS members, that have the expertise and the wherewithal, but they need more [community involvement] to make it scale, affordable and accessible. We might not have worked together before, but I think if there's any way for my community not to be served in year 11 of a 10-year buildout plan, I am going to take it.

Because of what we're seeing in Congress and because of what was

birthed through the Telecom Act, more of us see that we can build out in a collaborative way and do it more efficiently and quickly and less expensively. There will be a growth of P3s in ways and forms that we did not see before. That's another reason why I am so positive working on the INCOMPAS BroadLand initiative.

Two to three years ago, the support for P3s was not there. Now we're having fewer arguments about what communities need. I am not going to argue about speeds, but I know that they're not sufficient. Consider a household in which a grandma is talking to her medical provider, a third-grader is doing homework and a parent is attempting to reskill. That home has a lot of demand for bandwidth that – especially if the family is income-challenged – it doesn't have. Finally, we're seeing how we can get the speeds and infrastructure households like that need.

**BBC:** *Do you see broadband and the presence of fiber as important to making communities more attractive?*

**MC:** It is. It fuels and allows for more opportunities. We must recognize the importance of fiber infrastructure to the rest of the ecosystem. This is not a binary discussion. This is not a fiber-versus-wireless discussion. Increasingly, people are seeing there's no tension here. This is a positive acknowledgement. We're using the conjunction "and." We're not saying "or." When you do that, the opportunities are boundless.

We're launching the BroadLand campaign because we recognize there are examples of scrappy, innovative companies doing things in certain footprints that we know should be wired and should be more enabling. They are proving all the naysayers wrong. I believe that is what creators of the Telecom Act envisioned. It was a down payment via opportunities, competition and connectivity. We have a lot to celebrate, but we have a lot to do. ❖