



TEK BRIEFS

policy, however, will be a lot harder than drafting one. So the FCC will have its hands full, trying to weigh and separate conflicting concerns from competing interests to come up with an enforceable policy. See "EMC Postcards-From the Wireless Side," in this issue, Dave Case's summary of recent FCC NRPMs (p. 12); and Don Kimberlin's article, "The Day Things Really Changed" (p. 17) which addresses the Voice Over Internet Protocol, and provides related discussions.

Conflicting Agendas

The telecommunications industry, associated technology users, and the legislative process are confronting more and more mutually conflicting agendas. The FCC is often caught in the middle and, usually, being a government body, becomes the fall guy for anything that is even perceived to be going wrong by any of the competing interests.

Internet Phone Service

Such is the case with the FCC's recent decisions regarding the "Rewriting of Internet Rules," to determine how to treat phone calls made via the Internet. The Commission is discussing whether to implement a fee structure policy that compares to what now is in place for regular telephone service. At the very least, the FCC wants to determine whether fees will have to be paid to local carriers for completing calls made to regular telephones. Already, though, one internet phone service, "Free World Dialup" will probably be exempt from any local line charges (as reported by the AP), since Free World Dialup's customers make calls without using regular telephones, and are assigned special routing numbers, vice using 10-digit phone numbers.

Implementing and regulating a

Law Enforcement Impact

The Commission is supposed to develop further rules regarding law enforcement telecommunications, such as requiring that the technology being used to enable Internet calls will not also lock out the legal ability to obtain web wiretaps. The Department of Justice is already angling to expand its Internet authority, with critics lining up to show how this will harm innovation, privacy and business. One concern and consideration is that "over"-regulated national providers will mimic what SPAMMERS are doing to work around SPAM laws—taking their business (monkey and otherwise)—offshore.

The Justice Department, FBI and DEA want an FCC clarification of how current rulings will impact an existing wiretap law, called the "Communications Assistance to Law Enforcement Act" of 1994, which requires telecommunications carriers to provide for the technical ability to accommodate legal wiretaps. The Justice Department, along with the FBI and DEA, has petitioned the FCC to rule that high-speed Internet access providers be covered by the same wiretap law currently regulating traditional phone companies. These law enforcement agencies contend that Internet telecommunications problems are growing to the extent that their ability to protect the public is becoming more difficult with each passing day.

It is clear that the effect of Internet regulation goes beyond the pure budgetary aspect of managing emerging telecommunications technologies. The already super-constrained law enforcement agencies tasked to protect us against on/offshore threats are being even further hampered, vice helped, by technology regulation. Like it or not—and a lot of freedom-at-any-cost folks deny this—we may have to modify some of our freedoms to really remain free AND safe. We can't always have it both ways. Congress will probably have to be brought into this decision process, so don't look for a resolution anytime soon.

Power Line Internet Connectivity

The recent FCC rulings that address the use of electric power lines to carry high speed Internet connectivity are affecting the Hams among us. We are concerned that these power lines, not using twisted pairs or heavily shielded cable, are so leaky that they can interfere seriously with Ham operations. The American Radio Relay League (ARRL), with its 160,000 members, opposes power line communications; but the FCC and utility companies don't seem to share their concern, saying that "new technologies" have eliminated the interference. Visit the ARRL website [www.arrl.org] for a fuller take on the Ham's position. See the *Wall Street Journal* article, "In This Power Play, High-Wire Act Riles Ham-radio Fans" (23 March 2003 edition, page 1) for a less sympathetic discussion. Ω