

**MICHELE FARQUHAR**\*

The Wireless Telecommunications Bureau was only a year old when the Telecommunications Act of 1996<sup>1</sup> was passed. The Bureau's immediate priority was to conduct the initial PCS spectrum auctions under its new auction authority,<sup>2</sup> as well as the related rulemaking proceedings and licensing efforts. The PCS C Block bidding was currently underway, with record-breaking bidding of more than \$10 billion when the auction closed in May of 1996.

At the time, policymakers viewed wireless spectrum as a prime opportunity for new entrants to compete with the "duopoly" cellular carriers as well as incumbent local telephone companies and cable operators down the road. Accordingly, FCC Chairman Reed Hundt and the Bureau were focused on adopting spectrum caps, resale and roaming requirements and other regulations to bring new competition and investment to the relatively nascent wireless industry.

The Telecom Act presented a major opportunity to bring competition and investment to the broader telecommunications industry, although mobile wireless lagged far behind the wireline and cable segments in terms of deployment and penetration at that stage. Indeed, mobile wireless was typically viewed as a complement rather than a substitute to local wireline service, and generated less consumer and public interest group attention. The Telecom Act put the initial tools and framework in place to drive today's cord-cutting culture, however, particularly with its focus on interconnection,<sup>3</sup> access,<sup>4</sup> universal service,<sup>5</sup> number portability,<sup>6</sup> and cross-platform competition.

On a more personal level, the Bureau was an exhilarating and overwhelmingly busy place to work when I arrived in late November of 1995 from NTIA. The staff was hard working and enthusiastic, reflecting the combination of the former Private Radio Bureau with parts of the Common Carrier Bureau, as well as the new Auctions Division team, many of whom came from other agencies. Spectrum and licensing issues dominated our agenda, including proposing more flexible service rules and preparing to auction many new spectrum bands as well as the remaining "Swiss cheese" from previous site-by-site licensing. The Bureau was also focused on

---

\* Before joining Hogan Lovells as a partner, Michele served as Chief of the Wireless Telecommunications Bureau at the FCC, where she had primary responsibility for the Bureau's implementation of the Telecommunications Act of 1996 and numerous rulemaking proceedings, spectrum auctions, licensing and ownership issues, and enforcement matters.

1. Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of 47 U.S.C.).

2. See 47 U.S.C. § 309(j) (2012).

3. See Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 6002(a), 107 Stat. 387 (codified as amended at 47 U.S.C. § 309(j)).

4. See 47 U.S.C. § 251(c).

5. See 47 U.S.C. §§ 254, 1302 (2012).

6. See 47 U.S.C. § 251(b).

developing new rules governing Local Exchange Carrier (LEC)-Commercial Mobile Radio Service (CMRS) interconnection arrangements when the Telecommunications Act was passed, and we needed to rethink some of our priorities going forward. Fortunately, our overall approach already dovetailed well with the competitive framework of the new legislation, but the devil was in the details—and there were many details to resolve.

Following passage of the Act, the Bureau worked closely with the Common Carrier Bureau, the Office of General Counsel, and other Bureaus on implementation of many provisions. Chairman Hundt recognized the importance of utilizing the perspectives and expertise of the Bureau staff, particularly given the disruptive role that mobile wireless carriers were likely to play in the future. The level of engagement and commitment was extremely high across the agency, enabling the Commission to undertake countless rulemakings on many complex and cutting-edge issues stemming from the Act during a compressed time period.