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Soon after the 1996 Act[1] became law, I was serving as Legal Advisor to Common Carrier Bureau Chiefs Kathy Wallman and Gina Keeney. The Act required the agency to undertake dozens of rulemakings—often under aggressive statutory deadlines—and most of those fell within the Common Carrier Bureau's bailiwick. Suddenly, an already-busy Bureau was immersed in a sea of additional proceedings, addressing a range of new issues: What elements of the incumbents' networks should be made available to competitors on an unbundled basis? At what prices?[2] Where and on what terms should incumbent carriers be required to interconnect, or allow their competitors to install equipment in their central offices?[3] How should the agency transition from a long history of implicit cross-subsidies to an explicit universal service program?[4] And what was the proper balance of state and federal power in addressing all of these questions?[5] Many of these were new and novel issues. It was both an exciting and very stressful period.

In some ways, it is hard to believe that this was twenty years ago. But in many ways, today's communications marketplace is nothing like the one the FCC regulated in 1996. Broadband services were still in their infancy in early 1996—indeed, most Americans were first coming to learn the word "Internet." Wireless voice services existed, but were a specialty offering utilized by very few. And term like "cable telephone service," "voice over Internet protocol," and "over-the-top" would have elicited blank stares from almost any FCC staffer. Thus, the decisions the agency reached in implementing the Act very much reflected the realities of the day—a marketplace in which intermodal competition was difficult to envision, and Congress's goals seemed difficult to effectuate without aggressive treatment of the incumbent local carriers. I was and remain very proud of the work my colleagues and I did to implement the Act under those conditions, and several of my coworkers from that period are among my closest friends.

As technology has evolved, though—and, to be sure, as I have moved from the public sector to a position at a Bell Operating Company—I have been struck by the ways in which the foundations underpinning our work in 1996 have eroded. After peaking at almost 118 million access lines in 2008, incumbent LECs as of December 2013 had only 66 million access lines. In contrast, there are now over 335 million wireless "lines" in service in the United States. Almost 39 million customers are served using VoIP. Many of

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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. § 251 (2012).
3. *See* 47 U.S.C. §§ 251, 252 (2012).
4. *See* 47 U.S.C. §§ 254, 1302 (2012).
5. *See* 47 U.S.C. §§ 251, 252.

these developments, of course, have more to do with technological advance than with the work we did in 1996. But whatever the reasons, we live in a world very different from the one Congress faced two decades ago. In that light, the two most important questions arising from the 1996 Act may now be these: Can today's marketplace be governed by a statute written in the era of monopoly phone service and dial-up Internet? And, if not, what must all of us—in the private sector, in government, in the public-interest community, and elsewhere—do to ensure that the next twenty years are as successful for the American communications sector as the last twenty years have been?