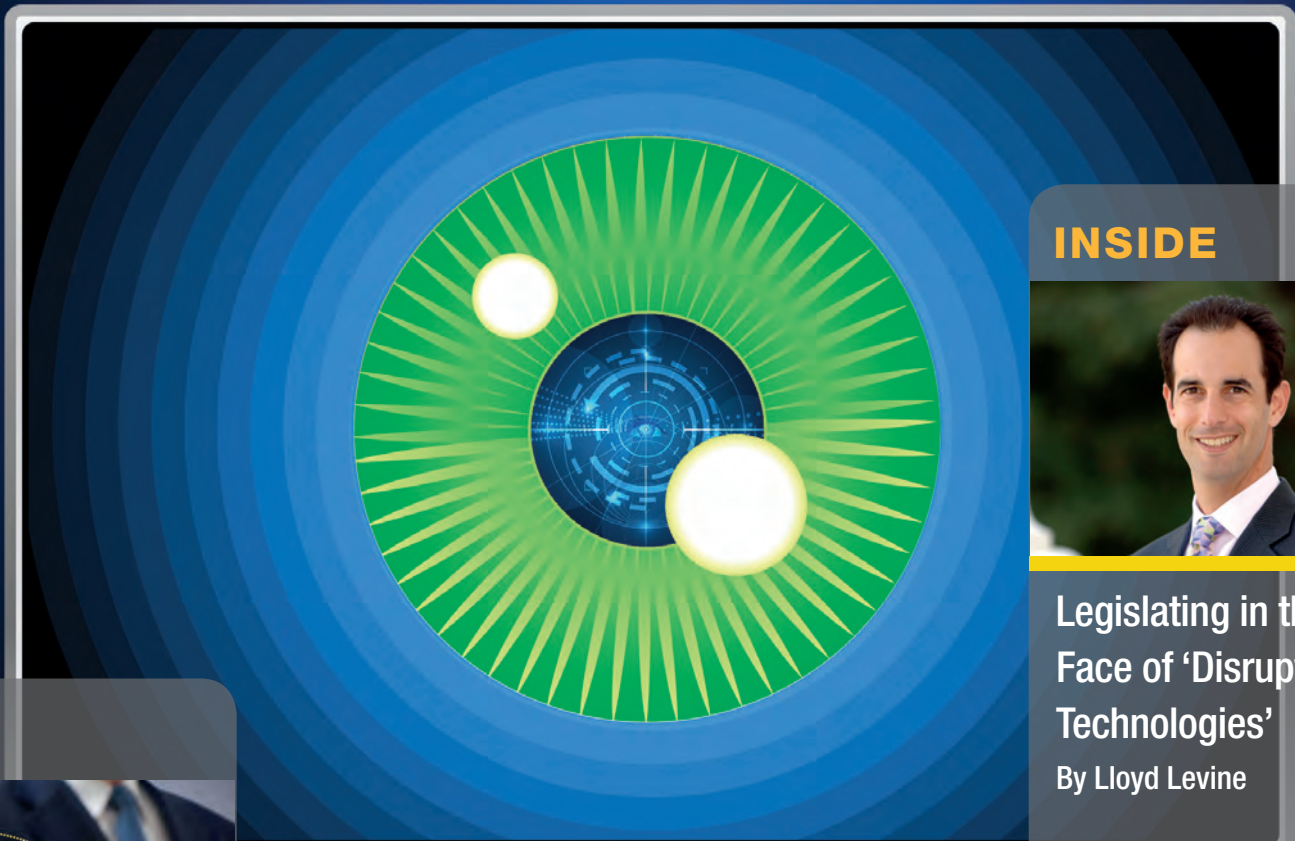


## Project Predicament

Project Management lessons from California's big IT projects



### INSIDE



Legislating in the  
Face of 'Disruptive  
Technologies'

By Lloyd Levine



The Convener

By Matt Williams



Project  
Predicament

By Cindy Waxer



An aerial photograph of a road intersection. The road is dark grey with white lane markings. To the left of the intersection is a field of yellow crops, and to the right is a field of green crops. A small cluster of trees is in the center of the intersection. A small blue car is driving on the road in the lower left.

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# Techwire at two years – thank you for tuning in!

by Bill Maile

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It's been nearly two years since I left my position as director of communications at the California Technology Agency to launch Techwire. The goal was simple: to create a publication that covered the annual \$5 billion industry – the projects, policies and people – that are working to modernize California's digital infrastructure. Based on my years of experience as a public information officer, it was my theory that there were many untold stories about the public sector technology industry, and it turned out to be true.

With the sixth issue of our quarterly magazine out this summer, Techwire has gained the attention and support of a growing audience in California. Our list of professional writers and contributors continues to expand, and with two former public officials now on board, readers will find even more in-depth technology-related policy analysis and commentary.

We are excited to have former FCC and CPUC Commissioner Rachelle Chong and former Assemblyman Lloyd Levine as regular contributors. Rachelle is a nationally known expert on telecommunications, broadband, wireless communications and digital literacy. Lloyd served as Chair of the Assembly Committee on Utilities and Commerce. He has also authored major technology-related bills, including the Digital Infrastructure and Video Competition Act. Both contributors will help lend depth as they cover and comment on current policy issues and legislation.

The summer issue also features an article by Matt Williams, former online editor of *Government Technology*,

the respected, national magazine covering technology in state and local government. We have been fortunate to share content with the well-known publication, with Techwire articles regularly reaching a national audience.

In addition to publishing the magazine and weekly stories posted online, we have been busy interviewing some of California's top leaders for our video interview series that runs statewide every week on the California Channel. Earlier this year, Techwire Host and former television journalist Michelle Kennedy interviewed State Controller John Chiang about a new state technology procurement task force that he and the governor created. More recently, Techwire Host and intellectual property attorney Christina Gagnier interviewed Department of Technology Chief Deputy Director Anna Brannen about her long tenure working in IT for the State of California. In fact, since Christina joined us, she has interviewed more than 50 state and local public officials, CIOs and technology industry experts. Thank you to the California Channel for airing Techwire programming.

In May, we held our first event, a gathering of more than 100 public and private sector technology professionals to watch Department of Health Care Services CIO Chris Cruz and his executive team unveil their enterprise architecture plan. With an hour-long presentation and some audience Q and A, we were given the department's technology blueprint to make progress on its nearly \$1 billion

delivery beyond print to video, social media, and in person conferences, this focus will keep readers informed on important issues of the day.

We have come a long way in two short years but none of it would have been possible without the support of our annual sponsors and magazine advertisers. We are fortunate to have some well-known brands

to rapidly change, and despite the Internet and social media, I think there is still a market for traditional information gathering, playing by the rules and getting our facts straight. Having a well-defined community of interest gives us a chance to thrive while longevity will come with sticking to our core values and paying attention to the stories that keep our audience well-informed.



## Techwire

Techwire Magazine is published quarterly and distributed to a growing list of subscribers, including state and local IT officials and industry professionals throughout California. To subscribe or send feedback, please email us at [info@techwire.net](mailto:info@techwire.net) or call 916.476.4789. Visit us online at [Techwire.net](http://Techwire.net).



project portfolio and help implement the Affordable Care Act in California.

Based on the excitement and feedback from the first event, we have scheduled two more. We are calling it Techwire Forum, a venue for CIOs and other technology leaders to talk about their initiatives, with some networking time, coffee and bagels included. The program is video-taped and then posted for anyone to watch. On July 24, Department of Justice CIO Adrian Farley will present. Watch for another presentation by Department of Corrections and Rehabilitation Agency CIO Joe Panora and his executive team on September 23.

Our focus on a core state IT audience and issues of interest are the engine that keeps the publication running. Even as we expand our content

behind Techwire, ranging from global system integrators and talented local consulting firms, to major broadband providers, Silicon Valley's oldest company and the world's most popular software maker. Thank you to our sponsors: Accenture, AT&T, ASG, California Emerging Technology Fund, CGI, Comcast, Delegata, Deloitte, EMC, ENS, Inc., FireEye, Graviton, Highlands Consulting, HP, Kiefer Consulting, Microsoft, M Corp, McAfee, MetaVista Consulting, Trend Micro, Trinity Technology Group, Simas and Associates and Symsoft Solutions.

So where do we go from here? Now that we are established, we need to improve and mature, and keep up the momentum. Although it would be a mistake to not closely observe how the publishing industry continues



*Bill Maile has worked as a public information officer and promoter of good government and IT solutions in California. Now he publishes Techwire, a magazine, blog site and newsletter about the public-sector tech industry in the state. Previously he served as communications director for the state Chief Information Officer and the California Technology Agency.*



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A photograph of Greg Franklin, a man in a blue military uniform, smiling and pointing at a tablet computer. He is standing in a room with other people in the background.

“There was so much that needed to be done so quickly.”

## The Convener

By Matt Williams

Greg Franklin has helped bring California together as it races to adapt to the Affordable Care Act.

He knew he would be busy when he was put in charge of helping state agencies develop standards and policy for health information technology as California worked to enact federal health-care reform. But shortly after he took the job two years ago, Franklin (pictured above) had what he called an “a-ha” moment about the true scope of his task.

“There was so much that needed to be done so quickly,” Franklin recalled. “We had just come out of four or five years of bad state budgets and staff retirements. We didn’t really have the resources then within the state government then to run as fast we needed to run.”

Franklin has been a big part of the sprint to the finish line. Unlike some states, California is on track to launch its health benefits exchange on time this fall. The online marketplace will offer a variety of health insurance plans through a program called Covered California to help people comply with the new federal mandate requiring health insurance coverage.

That’s only one piece of a larger picture. Franklin also has shared his expertise with state agencies that are installing new electronic health records systems, enterprise architecture supporting implementation of the Affordable Care Act, health information exchanges, mobility applications and many other projects.

Working as the assistant secretary of health IT with the California Technology Department, Franklin has done whatever needed to get departments talking and working together. For agency-level CIOs navigating an evolving landscape of requirements and regulations, Franklin has been everything from a sounding board and consultant, to a facilitator and meeting convener. There is no job exactly like it in any other state, Franklin says.

“I give California credit for seeing importance and value of a position like mine,” he says. “Recognizing that at this critical time goes to the heart of why California is the great state it is.”



Franklin has worked through formal and informal channels. Quarterly meetings and steering committees have

**“Recognizing that at this critical time goes to the heart of why California is the great state it is.”**

**-Greg Franklin**

brought the Department of Health Care Services, the California Department of Corrections and Rehabilitation and many others together to the table. Franklin also has had countless one-on-one conversations, where he gathered intelligence and identified possible areas for collaboration.

“I think because of those various efforts and ‘touches,’ there has become a greater awareness of what’s going on across these various agencies and departments,” Franklin says.

With the fall deadline near for California’s health benefits exchange, Franklin says the heavy lifting will be done. He is ready to step aside and plans to retire from the state in government in September. He’ll be a spectator when the system goes live for the first time in October.

Ultimately, the rollout in California of the exchange and electronic health records might be reminiscent of work he’s done over the years in the military. Since 1996, Franklin has served as the senior health administrator for the United States Air Force Reserves. For the past decade, Franklin has been managing technology projects that allow military service members to enroll in a health plan online or by phone, as well as computer-based training systems and web-based health risk assessments.

“Introducing those systems to the military -- knowing what the uptake was initially and driving toward 100% participation – is the same type of effort that’s going to have to occur not only with California’s exchange, but others systems that are provider-centric,” Franklin says.

He says there’s no big mystery about the technology that drives electronic health records and the benefits exchange. The public has shown they will use these new services if they are presented in a clear and simple way. “I think the public will be able to grasp it,” he says.

The bigger unknown and complexity for the state is the governance piece, Franklin says. Will Covered California bring in enough revenue to be self-sustaining, and can a variety of

health record forms be integrated all in one place?

“The question is, what are those parts and pieces that are important? And then from a governance standpoint, what systems are accepted or rejected, or [found to be] putting a burden on a provider or provider group?”

Those questions will only be answered in time, but Franklin has worked the past two years so that the state is in position to be successful. Still, California is doing something it has never done before.

“We’re definitely walking by faith and not by sight because we don’t have the visibility that we would have in a usual project,” Franklin says.



*Contributor Matt Williams was previously the news editor of Govtech.com.*



# 3 Key Figures in California Health IT

by Matt Williams

Greg Franklin is among a group of leaders in the California state government who are working on the Herculean task of modernizing health IT inside and outside the public sector. Here are three people among many who are playing key roles.

**Pam Lane**, California Health and Human Services Agency deputy secretary, was appointed to her position in January 2012. She also is serving as the director of the California Office of Health Information Integrity. Like Franklin, Lane is a military veteran, having served in the U.S. Navy.

During a California Health Information Exchange Stakeholder Summit convened in May, Lane told attendees that health IT transformation isn't just about plugging in computers and creating electronic health records.

"We're truly talking about changing culture. And changing culture is never easy. It's always hard," Lane said.

It's about eliminating silos and training the work force on new skills. And it's about utilizing clinical data – which she said is doubling every five years – for the benefit of improved decision-making for patients.

Building trust among organizations is necessary to spur health information exchange within California and between states. Progress is being made, she said, with the help of two new organizations: the National Association for Trusted Exchange and the California Association of Health Information Exchanges.

**Chris Cruz**, the department's CIO, says his department's enterprise architecture plan will help "connect the dots" on the multiple technology applications, systems and platforms that DHCS operates. As the state government continues to implement the Affordable Care Act, DHCS is involved in California's health benefits exchange and a Medicaid Management Information System project, and is

bracing for an expansion of the Medi-Cal program due to federal health-care reform.

Cruz said the enterprise architecture plan is designed to be sustainable and repeatable and something that transcends the state. (see page 10)

"We wanted to have a fundamental strategy and road map that we could follow and execute from," Cruz said during a May 31 presentation as the enterprise architecture was unveiled.

Recognizing that the technology architecture at DHCS isn't as mature as it needs to be and that there currently are many disparate business processes, the enterprise architecture sets standards and goals, and treats data as an enterprise resource. Enterprise architecture will be used in the department's future budgeting process as DHCS -- the largest state Medicaid system in the U.S. -- provisions service to lower-income Californians.

**Kenneth Kizer**, director of the Institute for Population Health Improvement and the California Health eQuality (CHeQ) program within the UC Davis Health System, is working through his organization with the help of federal funding to promote usage and increase deployment of health information exchange, with the goal of improving coordinated care.

Much of Kizer's work centers on the development of registries for diseases and chronic conditions like cancer and diabetes. Kizer is working on the California Immunization Registry as well as Project INSPIRE, an effort to build registries for high-impact medical conditions. With the advent of electronic health records, there's an opportunity to pull in the data needed for these registries in near real time. The idea is to give caregivers information that helps them improve clinical care for large populations of Californians.

HIE promises to improve health care, but many challenges remain, especially as patients have more and more providers because of increasing specialization in the health-care industry.

# Department of Health Care Services Unveils Enterprise Architecture Plan

At Techwire's first event held on May 31, the Department of Health Care Services unveiled its enterprise architecture plan, the technology blueprint to make progress on the department's nearly \$1 billion project portfolio and help implement the Affordable Care Act in California.

Facing federal deadlines, the department is tasked with deploying new systems while utilizing best practices and the latest technologies including the cloud, mobility and virtualization.

Chief Information Officer Chris Cruz led the presentation that included Enterprise Architect Ben Word and Chief Medical Information Officer Dr. Linette Scott. They laid out the department's guiding principles and detailed plans including business, information and technical architectures.

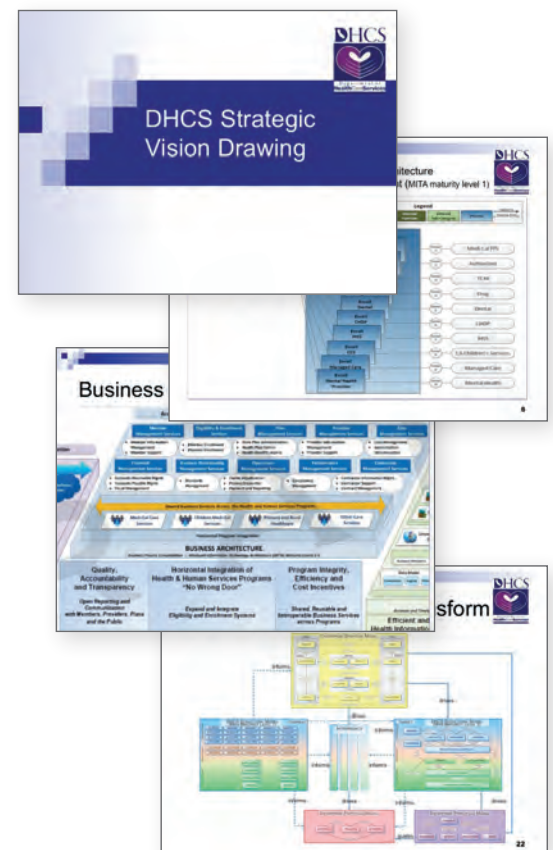
Discussion topics included the department's "To-Be" vision developed by the Enterprise Architecture Office and how DHCS will transform the way California is modernizing its health IT infrastructure.

Department of Technology (CalTech) Deputy Director Gregory Franklin kicked off the detailed, one-hour briefing with opening remarks to a group of more than 100 public and private sector IT professionals assembled at the Sheraton Grand in Sacramento.

Franklin said that Cruz and his team are working with CalTech as they develop a statewide enterprise architecture plan that will drive technology planning in departments across the state.

The DHCS's Enterprise Architecture Plan will provide a roadmap of their vision and what strategies will be used to meet the steep challenges over the next 5 years.

Watch video of the entire program at: <http://www.youtube.com/techwirenet>.







# Google Experiments with Broadband Via High Altitude Balloons

By Rachelle Chong

Digital have-nots in very rural or remote locations in New Zealand, Africa, South America and Australia, take heart! Google has been experimenting with a technology that uses high altitude balloons carried by winds high above airplane traffic lanes to beam Internet access at 3G speeds to receivers on the ground.

The project is aptly named Project Loon, because, well, the idea does sound kind of crazy when you first hear it. But recently, Google proved it works.

According to Michael Cassidy, Director of Project Management at Google, Google thinks it might be possible to build a ring of these high altitude balloons, flying around the globe on stratospheric winds, which would be able to beam Internet access to subscribers below. The focus would be bringing some measure of Internet access to Earthlings who live in very rural or remote areas. Further, should there be a natural disaster and normal communications systems are down, this could bring communications quickly to these stricken areas to assist with urgent disaster aid. The public safety applications should not be overlooked.

Google tested its balloons in Christchurch, New Zealand. The site was aptly chosen, if you recall the devastating earthquakes that struck Christchurch in 2011, cutting



Art: google.com

it off from modern communications. About 50 balloons were launched and successfully maneuvered to the proper places to beam Internet signals down to about 50 volunteer testers. The loony idea worked and speeds are supposed to be comparable to 3G Internet speeds.

Why is this so important to these rural and remote citizens of the world? According to a McKinsey study in October 2011, Internet accounts for 3.4% of GDP in 13 countries it looked at and 21% in GDP growth in the last five years for mature countries. There are two billion Internet users worldwide. Further there is a 10% increase in productivity for small businesses from Internet usage.

In short, Internet access to these very rural and remote places may help these people improve their economic circumstances by opening up their markets, and increasing their access to important information like weather, market conditions, etc. Further the educational, public safety and social

aspects of broadband access must also be factored in. While it seems clear that this experiment is just that, the promise of alternative wireless broadband access through new technologies is exciting. Google is to be commended for pursuing this idea to this stage, and giving hope to those who desire the Internet but cannot get it.



*Rachelle Chong is a nationally known expert on telecommunications, broadband, wireless communications, cable, digital literacy, public safety communications, renewable energy and smart grid policy. She is a former Commissioner of the Federal Communications Commission and the California Public Utilities Commission.*



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# Project Predicament

## Project Management lessons from California's big IT projects

By Cindy Waxer



Since its launch two years ago, the State of California's Franchise Tax Board (FTB) Enterprise Data to Revenue (EDR) project has collected more than \$128 million for the state budget, with total revenue increases of \$2.8 billion projected by 2017. Created to modernize California's tax collection system and decrease the state's sizable tax gap, the EDR project is well on its way to generating \$4.7 billion in additional revenue and is both "on schedule and on budget," according to Cathy Cleek, chief information officer for the FTB.

That's a far cry from California's MyCalPAYS project which was intended to overhaul the state's payroll system but instead ended up prompting the State Controller's Office to terminate a \$90 million contract with selected vendor SAP Public Services. With \$254 million already invested in the \$371 million software system, the project, which was riddled with delays, is now on hold while state officials carry out an assessment of what went wrong and stave off legal proceedings.

Welcome to project management in state government where engagements typically span multiple agencies and involve disparate legacy

systems – factors that can easily cause a project to snowball in scope, schedule and budget.

Some government agencies are learning to embrace best practices, though, that can make the difference between a gory post-mortem and sweeping project success. "Project managers don't spend enough time planning," says Cleek. "The more planning you can do upfront and really think through how a project will get rolled out, the better off you'll be."

The EDR project, for example, was divided into four major phases. These components include deploying a new

return processing system, the creation of an enterprise data warehouse, the introduction of a secure online taxpayer folder and the updating of legacy systems. It's a "crawl, walk, run"-approach to project management that Cleek credits for the project's cautious yet on-course rollout.

Shell Culp is also familiar with the unique challenges government agencies face when it comes to project management. Chief deputy director at the Office of Systems Integration, California Health and Human Services Agency, Culp says, "In a private organization, when you're integrating systems, you're integrating them across one entity. But in government, agencies are sovereign, so there's considerably more activity that has to take place to bring everybody up to speed. And that takes time and effort."

To ease the process, Culp emphasizes the need for proper organizational change management. Overhauling systems is one thing. However, Culp says project managers need to teach





employees “how the face of the organization will change with the new system and to map those changes to a point where people feel comfortable. If that comfort level isn’t there, there’s a possibility for malicious compliance.”

Garnering buy-in from senior-level officials, designing new systems in a collaborative manner, offering extensive training and raising awareness are all ways that Culp says agencies can ensure that workers are on board and rally behind a new project.

While forward-thinking best practices are key to project success, Carlos Ramos says it’s essential that project leaders also get back to basics. “We fundamentally have to change the way that folks look at the way we roll out projects,” says Ramos, Secretary of California Technology, California Technology Agency. “When people decry a failure of a project, they always point to being months beyond schedule or way over budget. But they never go back to where those budgetary and time baselines were set.”

For this reason, Ramos says it’s critical that government agencies painstakingly establish and document realistic baselines for project success – metrics that gauge everything from meeting deadlines and staying on budget to utilizing staff resources and building a strong business case for change.

“We need to redefine our measures of success and change our processes so that by the time decision makers are actually looking at a project and measuring its success, they’re measuring it against an accurate baseline,” says Ramos.

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*Cindy Waxer is a journalist whose articles have appeared in publications including Government Technology, The Economist, Fortune Small Business, CNNMoney.com, CIO and Computerworld.*

## Projects of Note

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### CalFresh

Launched to improve the nutrition of people in low-income households by increasing their ability to buy household needs. Benefits are issued via an Electronic Benefit Transfer card.

### California State Board of Equalization’s Centralized Revenue Opportunity System (CROS)

Currently in a pre-implementation phase, CROS aims to generate an annual net increase of \$200 million in previously unidentified revenue by expanding online services, improving transaction accuracy and replacing the BOE’s old legacy systems.

### The Enterprise Data to Revenue Project

By modernizing tax systems and leveraging data to more effectively administer tax systems, the EDR project plans to improve service, reduce taxpayer burden, reduce the tax gap and generate about \$4.7 billion in additional revenue.



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## Finding Your Neighborhood Score Using Technology

By Yo Yoshida

Have you ever moved to a new city without any idea of what neighborhood would best suit you? What neighborhood has the best public schools for you children, or the safest place to raise a family, or the best access to public transportation? Or maybe you want to know more about the neighborhood you're already a part of and how you can improve the community that you live in. It is not easy to find a lot of this information in one place. But what if you could pull out your smartphone, enter a street address, and have a rating pop up that could give you all of this valuable information and more? Civic startup, Appallicious has done just that for the City of San Francisco with a brand new app called the Neighborhood Score.

I recently attended the U.S. Conference of Mayors in Las Vegas with San Francisco Mayor Ed Lee to unveil this one-of-a-kind mobile application, made possible by San Francisco's open data initiatives. At the conference, San Francisco Mayor Ed Lee and I spoke at the Technology and Innovation Task Force with other civic leaders from all over the United States. At the panel we showed other cities how Neighborhood Score can empower citizens, elected officials, and community leaders.

Neighborhood Score gathers data from over 20 open data sets on the Federal, state, regional, and local level and then compiles that data into a 100-point rating score on a street-by-street basis. With this information, users are able to see how their neighborhoods rank down to the city block on a wide variety of issues like crime rate, pollution, quality of education, access to public transportation. Basically anything you would want to know about any particularly neighborhood in the city that you live in. This application gives citizens the crucial information they need when making big decisions like where to buy a house, or small decisions like finding the safest bike route through the city.

Neighborhood Score is also invaluable to our local leaders, and the residents they serve. A mayor, supervisor, or department head can use Neighborhood Score to see how neighborhoods stack up to each other. The app makes it easy to see which areas are doing well on certain issues, like a low crime rate or higher quality of education. Elected leaders can then see what these neighborhoods are doing differently and implement strategies in target areas that might need additional support or more resources. Neighborhood Score will also help hold our leaders accountable. Residents can

now easily see if their representatives are delivering on promises they've made to improve the communities that their constituents live in.

This extremely useful mobile application would not have been possible if local governments and agencies hadn't opened up these vital data sets for civic start-ups and other innovators to use. We worked closely with the San Francisco Mayor's Office of Civic Innovation, the San Francisco Department of Public Health, and other organizations like Code For America to bring San Franciscans the Neighborhood Score.

We look forward to working with other local governments, mayors, city council members, department heads, and city leaders so their residents can utilize the same valuable information about their neighborhoods like the City by the Bay.



*Yo Yoshida is the CEO of Appallicious, the company that created Neighborhood Score.*

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## What's in a name? Department or Agency...

By Amy Stewart

**On July 1, the California Technology Agency changed its name to the California Department of Technology.**

Besides a new approach on the procurement of major IT projects and the swapping of a couple of divisions related to last year's legislative session, there will be few changes, Director Carlos Ramos (pictured above) said. The agency's mission, authority and office locations will all be the same. As a result of AB 1498 (Buchanan) signed last year by Governor Brown, the procurement organization that currently

handles major IT projects within the Department of General services will move to the new Department of Technology. The move comes with new opportunities to improve the sometimes difficult efforts to hire vendors to build major IT systems.

"It's not so much a change in strategy, it's more leveraging an opportunity for collaboration," said Director Ramos. "We're going to take lessons learned on big systems projects... and use it to remake everything from way we approve and initiate projects, to our FSR the SPR

processes, to the way we acquire our contracts for big systems integration projects. The idea would be to make the procurement processes shorter, to reduce bureaucracy and foster greater competition when we go out to bid."

Also included in AB 1498 was a provision for the state chief information officer to report directly to the governor, despite the agency losing its cabinet status in last year's Governor's Reorganization Plan. Led by TechAmerica, the technology industry lobbied to include statutory language to keep the position from being downgraded.

# Superpowers for All

by Mike Montgomery

The first issue of Marvel Comics' The Fantastic Four was released in 1961. Almost immediately, Sue Storm — also known as Invisible Girl — was relegated to the role of damsel in distress. But her persona started to change a few decades later, as artists began amplifying her powers from simple invisibility to superpowers that, at the time, we couldn't have imagined.





What does this little trip down geek memory lane have to do with technology? If our tech community is akin to a modern-day Fantastic Four, then spectrum is the damsel in distress as demand trumps supply, held hostage by entities such as federal government agencies who are not using spectrum efficiently. And much like Sue Storm's superpowers, spectrum is a powerful, yet invisible force in our lives.

How we use spectrum and what we expect spectrum to deliver on our behalf has also evolved over the years—from radio to radar, television to cellphones—with stops for baby monitors and garage door openers along the way.

Now we are in the age of mobile broadband, and its unprecedented popularity is forcing both the wireless industry and the federal government to debate how best to deal with the airwaves.

According to the FCC, the average smartphone consumes 24 times more data than a traditional cellphone. Tablets are an even bigger beast, devouring 122 times more data than smartphones. Given how everywhere you look nowadays you see someone staring at a mobile device, it's no wonder this is such a popular topic.

To free up more spectrum, the FCC will be holding "incentive auctions" conceivably as early as 2014. Broadcasters will be compensated for offering up their spectrum so it can be auctioned to wireless carriers to support the tremendous growth in demand for mobile broadband. But as with any regulatory effort, parties hold differing views of how the auctions should be conducted.

If the FCC were to design its auctions so that some wireless carriers are restricted from competing and bidding on the spectrum they need — as some have called for — then millions of consumers will find themselves on the losing end of a regulatory squabble. It could mean more dropped calls, slower data speeds, and an inability to tap the full potential of their mobile devices. That's not a recipe for success, and the entire mobile application industry will also suffer.

The current reality is that only one path will hit the intended target. Every qualified bidder, big and small, needs to increase their network capacity and should be permitted to bid competitively. The need for more spectrum is only going to grow over the next few years — by an estimated 35 times by 2015, according to the FCC.

Unlike Marvel's Fantastic Four, there doesn't have to be a villain in spectrum's story. Elected and industry leaders can heroically embrace policy solutions that acknowledge demand and support an increased supply of spectrum. By keeping spectrum auctions open to all bidders willing to

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fork over the cash and put airwaves to use quickly for consumers, the FCC can ensure mobile broadband continues to be a powerful force for consumers and America's economy.

The old way of thinking limited Sue Storm's powers for decades. The FCC should ensure that it does not limit carriers from competing for spectrum in the incentive auction. That way, we can live in a world where everyone has superpowers.



The term broadband refers to the wide bandwidth characteristics of a transmission medium and its ability to transport multiple signals and traffic types simultaneously.



*Mike Montgomery is the Executive Director of CALinnovates, a coalition bridging California-based tech and Washington, DC policymakers.*



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1 - "The High Cost of Low Performance", <http://www.pmi.org/Knowledge-Center/Pulse/Pulse-Interactive.aspx>

# Legislating in the Face of ‘Disruptive Technologies’

By Lloyd Levine



People have often asked me, “If you could repeal one law, what would it be?” My answer is always the same: “The law of gravity, I find it very limiting.”

Obviously I am making a joke, as it is clearly impossible to repeal (or amend) the laws of physics. But what about the effectiveness and enforceability of other laws? Particularly laws that try to regulate technology and the Internet?

The term “Disruptive Technology” was originally used to “describe a new technology that unexpectedly displaces an established technology.” These days, there are so many examples of this that it is no longer a unique phenomenon. Digital music files and online shopping have replaced record stores. Online publications have altered newspaper and magazine publishing in multiple ways, including the elimination of publications. Cell phones have nearly eliminated land line telephones. And, travel agents

are being replaced by on line travel services. And that is just to name a few.

While not necessarily “disruptive” in the same way, technology has also fundamentally and radically changed policy making and governing. But that aspect seems to get far less attention and discussion. email, web sites, Facebook, Twitter, on line video, and many others inventions have altered the way policy makers and constituents interact. But beyond that, the technologies themselves have altered the way we must govern and regulate if we want those laws and regulations have any meaning or effect.

I saw this firsthand in my first year in the Legislature. In 2003, cell phones had not yet become the smart phones that we see today. With the exception of a few high end models, most were simply portable phones you could take with you.

However, despite the similarity to land line phones in function, cell phone rate plans were completely different as mobile carriers had switched to the “one rate”/“bucket of minutes” plans. And land line phone providers were just beginning to follow suit.

That year a member of the legislature introduced legislation to force providers of mobile telephone service to disclose their rates the same way land line phone providers were required to do. The goal was simple; provide consumers with more information on what they were paying for.

But there was a problem, how do you disclose the rate when it’s a flat rate?

More importantly, as it relates to the topic of regulating technology, only two members of the committee actually knew about “one rate” plans. Neither the author of the legislation, nor the sponsor was aware of “one



“Last year in a veto message, Governor Jerry Brown sagely opined, ‘Not every human problem deserves a law.’ Paraphrasing that, not every technology problem can be solved by a state law.”

rate” plans, let alone understood the implications of such plans on rate disclosure legislation.

Fax machines provide another example. With the fax machine came annoying junk faxes (a precursor to email spam). There was much government action to prohibit junk faxing, and none of it did anything to stop junk faxes.

How about spam emails? We have laws on the books to prevent those as well, yet the effect hasn’t been to eliminate spam. The best tool against spam emails has been more and more sophisticated email filters and virus protection programs. Private firms like Microsoft, McAfee, and Norton have done far more to stop spam than any government law.

More recently, a Berkeley City Council member proposed a tax on email to save the post office. While that may sound like an innovative idea to some, those with any understanding of how email works knows it would be as easy to implement as a repeal of the law of gravity. All this to prop up a postal system overcome by the “Disruptive Technologies” of email, scanning, electronic banking and bill payments, and cloud storage of shared documents.

Does that mean any and all attempts to regulate technology are futile? No, it just means that in order to attempt to regulate the technology we must understand how it works. For unless we understand the technology, we will have little chance of achieving the stated purpose of the regulations. And sometimes, by the time we get the law passed, the fast pace of innovation and new technology has made the law outdated.

From privacy to cell phone use in cars to Internet gambling, there are multiple proposals on a variety of topics in the California Legislature at this very moment that attempt to impose some sort of regulation on technology in some way. Policy makers and interest groups seeking to pass legislation or push an agenda must understand the relevant technologies. In each instance, the goals are laudable, but the technology involved forces a different debate and a different set of available policy options.

Sometimes, we may just have to accept that there will be tradeoffs. Like most inventions, the internet, cell phones, and countless other technological innovations all come with great societal benefits, but they also come with detriments. You simply can’t have one without the other; even if you wanted to. Once a piece of

technology is unveiled and a demand created, that technology and its capabilities won’t go away. It may be replaced with a newer technology, but the capabilities remain.

Last year in a veto message, Governor Jerry Brown sagely opined, “Not every human problem deserves a law.” Paraphrasing that, not every technology problem can be solved by a state law.



*Hon. Lloyd Levine (ret.) is President of Filament Strategies, LLC., a California based political and policy consulting company. Prior to becoming President of Filament Strategies, LLC., he was a member of the California State Legislature where he served as the Chair of the Assembly Committee on Utilities and Commerce, demonstrating significant leadership and expertise in energy, telecommunications, and technology issues.*

# MobileGov 2013



Joel Cherkis (top), general manager of Microsoft's worldwide public sector business, gave the keynote address. State Geographic Information Officer Scott Gregory (middle right) presents the state's new geoportal. The Department of Water Resources (bottom right) won the competition for Most Innovative Solution for its "Levee Watch" mobile app. State Senator Leland Yee assists Dept. of Technology Director Carlos Ramos (bottom left) present awards.





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