12.03.25 Full Committee Markup – Documents for the Record

1. A letter from the Indiana Municipal Power Agency to Rep. Houchin.
2. A letter from the Blue Ridge Power Agency to Rep. Griffith.
3. A letter from the California Municipal Utilities Association to Chair Guthrie and Ranking Member Pallone.
4. A letter from the Salem Electric Department to Rep. Griffith.
5. A letter from trade associations to Chair Guthrie and Ranking Member Pallone.
6. A letter from Lean Energy US to Chair Guthrie and Ranking Member Pallone.
7. A letter from GILD of Ancient Supplers to Chair Guthrie and Ranking Member Pallone.
8. A letter from American Short Line and Regional Railroad Association to Chair Guthrie and Ranking Member Pallone.
9. A letter from the Association of American Railroads to Chair Guthrie and Ranking Member Pallone.
10. A support document from INCOMPAS for the RAIL Act.
11. A letter from the Association of American Railroads to Rep. Joyce.
12. A statement of opposition to H.R. 2289 from the Wireless Radiation Specialists.
13. A letter from Missouri River Energy Services to Rep. Miller-Meeks and Rep. Fedorchak.
14. A letter from Electric Cities of Alabama to Rep. Palmer.

IMPA
Indiana Municipal Power Agency

December 2, 2025

The Honorable Erin Houchin
United States House of Representatives
342 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Houchin:

On behalf of Indiana Municipal Power Agency (IMPA), I am writing to express opposition to Section 102 of H.R. 2289, the Proportional Review for Broadband Deployment Act, as amended, because it contains the text of H.R. 278, the BROADBAND Leadership Act by Representative Morgan Griffith (R-VA).

IMPA is the wholesale electric power provider to 61 cities and towns throughout Indiana and Ohio that own and operate their local electric distribution utility systems. IMPA's mission is to provide reliable, low-cost, and environmentally responsible power. Our members operate their distribution systems to best serve their community with oversight provided by municipal councils and local utility service boards.

While public power utilities strongly support expanding broadband access, we do not believe this legislation will achieve that objective. As currently drafted, H.R. 278 would expand federal control over public power utility infrastructure, undermining local authority and engineering safety without any assurance that purported "savings" would be passed on to customers.

Section 224 of the Communications Act explicitly exempts public power utilities and rural electric cooperatives from Federal Communications Commission (FCC) oversight of pole attachments, recognizing that oversight is already provided at the local level. For years, cable and telecommunications companies have sought to eliminate this exemption, arguing, without evidence, that local control over rates and regulations is a barrier to broadband deployment.

APPA members are community-owned, not-for-profit entities with no incentive to restrict customer access to broadband services. The only reason a public power utility would deny an attacher access to utility poles is to protect public safety. Our members remain committed to supporting broadband deployment, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal.

Sincerely,
INDIANA MUNICIPAL POWER AGENCY

Peter Prettyman
Senior Vice President and General Counsel

BLUE RIDGE POWER AGENCY

PO Box 2310
730 W. Main St
Salem, VA 24153
Tel. 540/378-0193
BRPA.org

*Vision:*
Blue Ridge will be the power supply partner of choice, adding economic value and technical expertise to its members through enhanced services.

*Mission:*
Blue Ridge will provide strategic, cost-effective services which enable its members to meet their customers' current and emerging needs.

*Members:*
Town of Bedford
Central Virginia Electric Coop
Craig-Botetourt Electric Coop
Town of Front Royal
City of Martinsville
City of Radford
Town of Richlands
City of Salem
Virginia Polytechnic Institute and State University

December 2, 2025

The Honorable Representative Griffith
2110 Rayburn HOB
Washington, D.C. 20515

Dear Rep. Griffith:

On behalf of Blue Ridge Power Agency and its members, I am writing to express opposition to Section 102 of H.R. 2289, the Proportional Review for Broadband Deployment Act, as amended, because it contains the text of H.R. 278, the BROADBAND Leadership Act.

Blue Ridge Power Agency is a joint action agency with 9 members, each an electric distribution utility. These members serve over 89,000 customers across the Commonwealth of Virginia. Six members are municipally-owned utilities, two are cooperatives, and Virginia Tech Electric Service is a state agency (VTES). Blue Ridge serves as its members' voice in legislative and regulatory proceedings. Blue Ridge, along with VTES and its municipal members, are also members of the American Public Power Association (APPA).

As currently drafted, H.R. 278 would expand federal control over public power utility infrastructure, creating serious safety concerns without any assurance that purported "savings" would be passed on to customers. While public power utilities strongly support expanding broadband access, we do not believe this legislation will achieve that objective.

Section 224 of the Communications Act explicitly exempts public power utilities and rural electric cooperatives from Federal Communications Commission (FCC) oversight of pole attachments, recognizing that oversight is already provided at the local level. For years, cable and telecommunications companies have sought to eliminate this exemption, arguing, without evidence, that local control over rates and regulations is a barrier to broadband deployment.

APPA members are community-owned, not-for-profit entities with no incentive to restrict customer access to broadband services. The only reason a public power utility would deny an attacher access to utility poles is to protect public safety. Our members remain committed to supporting broadband deployment, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal.

Sincerely,

Alice Wolfe

Alice Wolfe
General Manager
Blue Ridge Power Agency

CMUA
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

915 L Street., Suite 1210
Sacramento, CA 95814
(916) 326-5800
CMUA.org

December 2, 2025

The Honorable Brett Guthrie, Chairman
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Frank Pallone, Ranking Member
House Committee on Energy & Commerce
2323 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 2289, the Proportional Reviews for Broadband Deployment Act – OPPOSE Section 102**

Dear Chairman Guthrie and Ranking Member Pallone:

On behalf of the California Municipal Utilities Association (CMUA), I write to respectfully express our **opposition** to Section 102 of H.R. 2289, the Proportional Reviews for Broadband Deployment Act, by Representative Buddy Carter (R-GA) because it contains the text of H.R. 278, the BROADBAND Leadership Act by Representative Morgan Griffith (R-VA). CMUA represents 86 publicly owned electric, gas, water, and wastewater utilities statewide. Together, CMUA members provide water to 75 percent of Californians and energy to 25 percent of the state.

CMUA members are committed to an effective and efficient process for pole attachments throughout California. The only reason a public power utility would deny an attacher access to utility poles is to protect public safety. However, as currently drafted, Section 102 of H.R. 2289 (H.R. 278) would expand federal control over public power utility infrastructure, creating serious safety concerns without any assurance that purported "savings" would be passed on to customers. While public power utilities strongly support expanding broadband access, we do not believe this legislation will achieve that objective.

Section 224 of the Communications Act explicitly exempts public power utilities and rural electric cooperatives from Federal Communications Commission (FCC) oversight of pole attachments, recognizing that oversight is already provided at the local level. For years, cable and telecommunications companies have sought to eliminate this exemption, arguing, without evidence, that local control over rates and regulations is a barrier to broadband deployment.

CMUA members are community-owned, not-for-profit entities with no incentive to restrict customer access to broadband services. Our members remain committed to supporting broadband deployment, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal.

If you have any questions, please contact me at ddolfie@cmua.org or reach out to Danielle Blacet-Hyden, CMUA's Executive Director, at dblacet@cmua.org or 916-847-8444.

Sincerely,

Derek Dolfie

Derek Dolfie
Director of Energy, California Municipal Utilities Association

**CITY OF SALEM, VIRGINIA**

ELECTRIC DEPARTMENT P.O. BOX 869 736 WEST MAIN STREET
ZIP CODE 24153-0869

The Honorable Representative Griffith

2110 Rayburn HOB

Washington, D.C. 20515

On behalf of Salem Electric Department, I am writing to express opposition to Section 102 of H.R. 2289, the Proportional Review for Broadband Deployment Act, as amended, because it contains the text of H.R. 278, the BROADBAND Leadership Act by Representative Morgan Griffith (R-VA).

The City of Salem Electric Department has pole attachment agreements with more than ten various communications companies and several other private companies to attach cables to our poles. We have worked with all of these companies to allow pole attachments without compromising safety standards and without limiting the Electric Department's future use of those poles. We feel strongly that the local control of these assets is extremely important.

As currently drafted, H.R. 278 would expand federal control over public power utility infrastructure, creating serious safety concerns without any assurance that purported "savings" would be passed on to customers. While public power utilities strongly support expanding broadband access, we do not believe this legislation will achieve that objective.

Section 224 of the Communications Act explicitly exempts public power utilities and rural electric cooperatives from Federal Communications Commission (FCC) oversight of pole attachments, recognizing that oversight is already provided at the local level. For years, cable and telecommunications companies have sought to eliminate this exemption, arguing, without evidence, that local control over rates and regulations is a barrier to broadband deployment.

APPA members are community-owned, not-for-profit entities with no incentive to restrict customer access to broadband services. The only reason a public power utility would deny an attacher access to utility poles is to protect public safety. Our members remain committed to supporting broadband deployment, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal.

Sincerely,

A.K. Briele
Director,
Salem Electric Department

December 3, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Guthrie and Ranking Member Pallone:

On behalf of the undersigned organizations representing the nation's competitive communications, broadband, and technology providers, we write to express our strong support for the Broadband and Telecommunications RAIL Act and to urge the Committee to advance this important bipartisan legislation.

For years, broadband deployment across the United States has been constrained by unpredictable, inconsistent, and unregulated processes for securing access to railroad rights-of-way. Despite billions of dollars in federal, state, and private investment to expand high-speed broadband—particularly for unserved and underserved communities—projects frequently stall when they intersect with railroad corridors.

Under the current system, providers encounter long delays, excessive fees, and a lack of any enforceable permitting timelines or cost standards. These challenges are not tied to safety concerns; rather, they stem from a regulatory vacuum in which neither the Federal Communications Commission nor the Federal Railroad Administration has clear authority to establish or enforce a fair, uniform process. As a result, critical broadband builds, public-interest infrastructure projects, and community development initiatives are all too often slowed or derailed by administrative barriers that serve no operational or safety purpose.

The RAIL Act offers the balanced, thoughtful solution that has been missing. By establishing reasonable timelines, transparent, cost-based compensation standards, and a clear dispute resolution process, the legislation ensures that broadband providers can deploy necessary infrastructure efficiently while maintaining the highest standards of railroad safety and operational integrity. The bill strikes the right balance between enabling broadband deployment

and ensuring that rail carriers retain appropriate oversight of work conducted near their infrastructure.

Importantly, the Act enhances—not diminishes—safety. Providers must still submit engineering plans, follow established industry standards, and coordinate closely with railroads. The legislation simply creates a predictable framework that prevents unnecessary delay and eliminates arbitrary or inflated cost structures that hinder deployment and undermine national broadband goals.

As Congress works to connect every American to high-quality, affordable broadband—and as communities pursue infrastructure upgrades essential to economic growth, education, health care, and public safety—the need for a consistent national framework for railroad crossings has never been more urgent.

We commend your leadership on this issue and stand ready to assist the Committee as it advances this measure. Passage of the Broadband and Telecommunications RAIL Act will remove a long-standing barrier to deployment and accelerate the nation's efforts to close the digital divide.

Thank you for your continued commitment to connecting every community.

Respectfully submitted,

Fiber Broadband Association

INCOMPAS – The Competitive Communications and AI Infrastructure Association

NCTA – The Internet & Television Association

NTCA – The Rural Broadband Association

USTelecom – The Broadband Association

WTA – Advocates for Rural Broadband

December 2, 2025

The Honorable Brett Guthrie
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Guthrie and Ranking Member Pallone:

On behalf of the Local Energy Aggregation Network (LEAN Energy US) and our nationwide network of Community Choice Aggregation (CCA) providers and programs, we write to express our concern regarding legislation that the Committee has scheduled for markup this week.

LEAN Energy US represents roughly 40 million residents and businesses across eight states who rely on CCAs to access various energy supply options while still receiving high consumer protection. Our members have a proven record of designing and delivering local energy programs that aim to reduce energy use, lower bills, and strengthen community resilience. CCA programs have become so popular that participation in active CCA communities typically ranges between 85% and 95%. In addition, CCAs are one of the most powerful local policy tools that protects consumer choice, prioritizes competitive and stable pricing, and develops local economic benefits. Our 2023 study demonstrates that CCA customers have saved, on national average, 2–25% compared to default utility rates.

We understand the intent of the "Energy Choice Act" (H.R. 3699) is to prevent state and local governments from limiting consumers' energy options. While we strongly support consumers' ability to direct energy choices, the bill as written may have the unintended consequence of calling into question those consumers' voices in establishing and operating a CCA. The bill's broad language could be read as a limitation on a CCA's choice of resources, which is made with the desires of the local community in mind. Although CCAs allow individuals to opt-out, the language of this bill would introduce significant uncertainty in the operation of CCAs, if enacted.

LEAN Energy US stands ready to work with the bill sponsors and the Committee to amend this legislation to preserve and strengthen local authority and community-driven energy planning.

Thank you for your consideration.

Sincerely,

Claire Dépit-Strömbäck
Director of Public Policy

2108 N ST # 8586, Sacramento, CA, 95816
www.leanenergyus.org

December 2, 2025

The Honorable Brett Guthrie
Chairman, House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member, House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

**Re: Markup of the Energy Choice Act (H.R. 3699)**

Dear Chairman Guthrie and Ranking Member Pallone:

The GILD of Ancient Supplers applauds the House Energy and Commerce Committee for advancing the *Energy Choice Act* (H.R. 3699). We appreciate the Committee's commitment to preserving consumers' freedom to choose the energy that best meet their needs at their homes or for their businesses.

The GILD of Ancient Supplers is a unique, non-profit honor society for suppliers to the natural gas industry across the U.S. and Canada. Established in 1937, the mission of the GILD is to encourage the use of natural gas and promote goodwill and fellowship among its members and to the greater natural gas industry. Members share a commitment to guarding the highest ideals of service, integrity, and loyalty to the gas industry in their relationships with customers, clients, associates, employers, and principals.

The GILD is concerned with the number of proposed policies banning energy sources like natural gas that are becoming more common in cities and states across the United States. Americans deserve the right to choose the reliable energy that best fits their needs, and budgets. The GILD is grateful that the House Energy and Commerce Committee has also recognized that these troubling policies are being proposed and is acting. The House of Representatives should pass the *Energy Choice Act*, ensuring American energy choice is protected.

The GILD appreciates your leadership on this important issue. If there is anything our organization can do to assist you in moving this energy choice legislation forward please do not hesitate to ask, we would be happy to help.

Respectfully submitted,

Tushar Shah
Mayor
GILD of Ancient Supplers

American Short Line and Regional Railroad Association

Tuesday, December 2, 2025

The Honorable Brett Guthrie
Chairman
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
House Committee on Energy & Commerce
2323 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Guthrie and Ranking Member Pallone:

I write on behalf of the more than 600 Class II and III freight railroads—collectively known as short line railroads—regarding H.R. 6046, the Broadband and Telecommunications RAIL Act and the ongoing concerns the freight rail industry has with the bill.

Short lines operate nearly 50,000 route-miles, or roughly 30% of the national freight network, and connect one out of every five railcars to the broader rail system. We serve more than 10,000 shippers in small towns, rural communities, and agricultural and industrial corridors that often have no other freight rail transportation option. These railroads are small businesses by every measure: averaging approximately 30 employees, 79 miles of track, and $7.7 million in annual revenue, representing under 6% of total U.S. railroad industry revenue despite maintaining roughly 30% of the infrastructure.

Short lines support the goal of expanding broadband access in rural America. Our railroads operate extensively in the communities this bill seeks to serve, and our employees live there. Short lines work with broadband and utility companies every day and have an established record of facilitating access in a safe, timely, and cooperative manner, often reviewing complete applications in under 30 days despite lean staffing and limited resources.

Overall, we believe that this bill is very concerning, especially with regards to safety. The Federal Railroad Administration (FRA) is the agency responsible for overseeing all matters of rail safety. As such, FRA has several safety standards and regulations that railroads, and broadband developers must adhere to. FRA, in conjunction with the freight railroads, need to have oversight of this work to ensure these risks are considered and mitigated. Designating the Federal Communications Commission as the "sole" federal agency to oversee construction on railroad rights-of-way, without FRA's expertise greatly jeopardizes safety during these installations.

Beyond that, the requirements and liabilities created by H.R. 6046 would disproportionately and uniquely burden short line freight railroads. For small railroads, the bill's mandates, including short timelines, limited time to complete engineering reviews, and unfunded requirements—could overwhelm the small teams responsible for protecting track integrity, worker safety, and the local communities through which trains operate. These risks are not theoretical: unexpected or

improperly reviewed installations can jeopardize buried communications systems, drainage assets, signal systems, utilities, and other infrastructure essential to safe operations.

For these reasons, we respectfully request that this legislation be reconsidered entirely, as it is unnecessary and damaging to the short line freight rail industry. Short lines already facilitate installations efficiently, and we remain committed partners. Congress should not inadvertently impose unfunded liabilities and unmanageable operational burdens on small businesses that lack the scale, staffing, and resources to comply with a one-size-fits-all federal mandate.

We appreciate your leadership on rural connectivity and your engagement with the freight rail industry throughout the legislative process. We urge continued discussion with short line railroads to ensure that broadband deployment can advance without compromising rail safety or imposing unintended consequences on the small railroads that sustain rural supply chains and local economies. We stand ready to work with you to develop an approach that supports broadband expansion while preserving the safety and viability of short line freight railroads.

Sincerely,

Chuck Baker
President, ASLRRA

Cc: The House Committee on Energy and Commerce

IAN N. JEFFERIES
President & CEO
ijefferies@aar.org
*(202) 639-2400*

December 2, 2025

Chairman Brett Guthrie
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Ranking Member Frank Pallone
Committee on Energy and Commerce
2323 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Guthrie and Ranking Member Pallone:

I write today regarding H.R. 6046, the Broadband and Telecommunications RAIL Act and the ongoing concerns the rail industry has with the bill, most concerningly around safety. While I appreciate the small improvements that have been made, I am disappointed to see that little has been done to address the significant concerns with the legislation that I have previously outlined in my September 18 and November 18 letters, which I have attached for your reference.

In every discussion we have had regarding this legislation, safety has been and continues to be the number one concern for the rail industry. While we recognize the need to deploy broadband throughout rural America, this cannot take precedence over guaranteeing construction is done safely. The Federal Railroad Administration (FRA) is the agency responsible for overseeing all matters of rail safety. As such, FRA has several safety standards and regulations that railroads and broadband developers must adhere to. FRA, in conjunction with the railroads, need to have oversight of this work to ensure these risks are considered and mitigated. Designating FCC as the "sole" Federal agency to oversee construction on railroad rights-of-way, ignores FRA's expertise and jeopardizes safety during these installations.

In my prior letters I have also discussed how railroads already have existing processes designed to balance the efficient development of broadband while ensuring railroad safety and our concerns with broadband providers accessing railroad rights of way through a notification-only system. Applications to work on, near, under, or around railroad tracks are complex. Such activities require a professional engineering plan. Railroads need time to review and process each application to ensure all critical elements, especially safety elements, are properly addressed. While we can appreciate that broadband companies sometimes secure permitting with the state or locality, as we have explained previously those government entities are not able to ensure that the proposed work does not interfere with other work or previous installations on railroad property, including railroad communications equipment. The installation of utilities around railroad infrastructure has

ASSOCIATION OF AMERICAN RAILROADS

IAN N. JEFFERIES
President & CEO
ijefferies@aar.org
*(202) 639-2400*

unique risks and challenges. Permitting broadband providers unapproved access to railroad property throughout active rail corridors creates safety risks to railroad employees, people performing the construction activities, the traveling public, and communities near the track.

Finally, ensuring construction and ongoing use, maintenance, relocation and removal of permanent broadband infrastructure on railroad property is done safely with the appropriate engineering reviews is paramount. Likewise, railroads should have the ability to cover their costs and fees for their labor necessary to ensure compliance of safety standards and be able to receive just compensation for the use of railroad private property interests. Railroads should not be asked to subsidize the cost of the construction and property acquisition that would not occur if not for the deployment of broadband.

Thank you for your attention to these important matters. We encourage the Committee to address these critical concerns to ensure the continued safe deployment of broadband in our communities

Sincerely,

Ian Jefferies

INCOMPAS
THE FUTURE OF COMPETITION

# Broadband and Telecommunications RAIL ACT Support Document

## Why the RAIL Act Matters — The Harms Without Reform

- Without federal deadlines or cost standards, broadband deployments get trapped for **months or years** waiting for railroad approvals — even when state and local permits are already in hand.
- Excessive and unpredictable railroad fees — often tens of thousands per crossing — and demand for additional insurance or "rush review" surcharges severely inflate deployment costs, undermining both rural broadband initiatives and urban infrastructure projects.
- This affects more than just broadband providers — delays can stall essential community projects, economic development, public safety networks, and upgrades necessary for 21st-century digital infrastructure.

## Key Benefits of Passing the RAIL Act

- **Predictability**: 60-day decision window + 30-day scheduling window — eliminates open-ended railroad backlogs.
- **Affordability**: Compensation limited to actual costs — ends inflated crossing fees and surprise cost burdens.
- **Transparency & Accountability**: Denials must be justified with documented safety or infrastructure interference reasons; all parties can challenge arbitrary denials via the FCC.
- **Speeding Broadband Deployment**: Particularly important for rural, suburban and underserved areas — ensuring that investments in fiber, 5G, and other broadband expansions aren't held hostage by railroad gatekeepers.
- **Protecting Public Projects**: Municipal infrastructure, redevelopment, public safety networks, and community broadband efforts no longer get delayed by railroad inertia.

### Upholding Safety Standards

- The RAIL Act does **not eliminate safety requirements**. Instead, it requires that any denial be tied to **actual interference with rail infrastructure or safety hazards** — not vague or subjective criteria.
- Providers must submit **engineering, bore, and construction plans**, and all work must comply with accepted industry standards (e.g., the most recent edition of the manual used by the American Railway Engineering and Maintenance-of-Way Association, AREMA).
- The bill establishes a **federal regulatory backstop and oversight process** (FCC + FRA coordination), ensuring safety remains a top priority while eliminating excessive delay and cost.
- The "safety" argument has become a shield for delay — not a genuine operational necessity — when applied to broadband conduit deployment that meets all standard engineering requirements.

The RAIL Act ensures safety **is preserved** — but **unjustified delays and inflated costs are not**. By establishing a clear, fair, and enforceable nationwide permitting process for railroad-adjacent broadband infrastructure, Congress can finally remove a major bottleneck that has prevented Americans from getting the broadband they need.

ASSOCIATION OF AMERICAN RAILROADS

IAN N. JEFFERIES
President & CEO
ijefferies@aar.org
*(202) 639-2400*

September 18, 2025

The Honorable John Joyce
2102 Rayburn House Office Building
Washington, DC 20515

Dear Representative Joyce:

I write today regarding the Broadband and Telecommunications RAIL Act. I appreciate you and your staff's work on this legislation and the time they have taken to discuss this legislation throughout the process. The industry recognizes the need to deploy broadband for rural America and agrees that it must be done in a safe and efficient manner.

While broadband companies often cite isolated examples of delays and high fees, most companies attempting to access railroad property have a different experience — one rooted in safety, efficiency, and partnership. For example, one of our member railroad processes thousands of utility permit requests annually, with the average review time for complete applications at 25 days. Many permits are approved in under 30 days. Legislation must balance the goals of deploying broadband and operating a safe national rail network.

It is because of this commitment to finding the right balance that the rail industry has focused on the following key principles when reviewing this and similar legislation: safety must be the top priority; railroads must have sufficient time and information to process applications; railroads should be given fair and complete reimbursement, including reimbursement of any out-of-pocket costs to facilitate the work; and given the top priority of safety, Department of Transportation's regulations governing track and employee safety standards must be respected.

As you know, railroads not only own and control their rights-of-way, but know what lies beneath them, which can include rail communications systems, utilities, pipelines, or other buried infrastructure. Therefore, railroads have developed efficient and cost-effective processes for the safe permitting of infrastructure in, on, under, and above their rights-of-way. Railroads' existing processes have a proven track record of timely facilitating broadband deployment.

Unfortunately, from our members' experience only about 30% of submitted applications for access to railroad rights-of-way contain all the information necessary for a proper safety review

of the installation, while unauthorized installations have resulted in serious safety risks. This is why the provisions of the bill that do not allow for proper engineering review by rail infrastructure experts cause concern from a rail-safety perspective. Specifically, the process that allows broadband providers to install broadband on railroad rights-of-way after merely notifying the railroad could seriously compromise the safety of railroad employees, the workers performing the construction activities, and the communities near the track.

Again, I appreciate your engagement with the industry thus far on these important issues and urge you to continue to engage directly with railroads to understand the permitting processes, our safety protocols, and efforts to work with broadband companies. I look forward to continuing working with you on this and other issues.

Sincerely,

Ian N. Jefferies

Cc: The House Committee on Energy and Commerce Subcommittee on Communications & Technology

# FORMAL OPPOSITION STATEMENT ON H.R. 2289

***Submitted to the House Committee on Energy & Commerce***

**"Proportional Reviews for Broadband Deployment Act"**

Submitted by:

**David Jones**
**Director, Wireless Radiation Specialists (WRS)**
San Diego, CA
Info@WirelessRadiationSpecialists.com
WirelessRadiationSpecialists.com
December 2, 2025

---

## Introduction

My name is David Jones, Director of Wireless Radiation Specialists (WRS). I conduct professional on-site RF exposure measurements in homes, schools, neighborhoods, and workplaces throughout Southern California. My work documents real-world exposure conditions created by macro towers, small cells, concealed antennas, rooftop installations, and school-adjacent infrastructure.[1]

I respectfully oppose **H.R. 2289**, which would exempt significant wireless infrastructure modifications from essential environmental and historic-preservation review under NEPA and NHPA.

These exemptions remove critical oversight at a time when federal agencies themselves acknowledge major gaps in evaluating long-term, cumulative, and real-world RF exposure.[3]

Local governments, parents, and schools rely on NEPA/NHPA review as the only formal mechanism that ensures transparency, public notice, and protective evaluation before wireless facilities are expanded in sensitive community areas.

Removing these requirements before the FCC and EPA have resolved their documented safety gaps puts children, families, firefighters, medically vulnerable populations, and entire communities at avoidable risk.

---

# Summary of Opposition

I urge Congress to **reject H.R. 2289 as written** because:

1. It eliminates NEPA and NHPA environmental and historic-preservation review for wireless upgrades despite significant unresolved federal safety concerns.
2. It accelerates concealed and unnotified antenna expansion in school zones and residential areas.
3. It undermines local governments' ability to evaluate real- world RF exposure, which federal agencies do not currently assess.
4. It contradicts federal judicial findings, including the D.C. Circuit's ruling that FCC exposure limits lack a reasoned analysis regarding children, long-term exposure, and environmental impacts.[1]

H.R. 2289 removes the only protections communities have while major scientific and regulatory gaps remain unresolved. The following sections outline the key concerns raised by H.R. 2289 in detail.

---

# 1. H.R. 2289 Removes Environmental and Historic Review Despite Documented Federal Gaps

H.R. 2289 would exempt a broad range of wireless infrastructure modifications from classification as a *major federal action* under NEPA or an *undertaking* under NHPA. This means:

- No environmental review
- No historic-preservation review
- No evaluation of proximity to schools
- No public notice requirement
- No transparency about concealed or camouflaged antennas

Yet federal agencies have confirmed that they **do not** evaluate long-term, cumulative, or continuous RF exposure. The EPA has publicly stated that it does not maintain a funded RF safety program, does not evaluate whether FCC limits are health-protective, and confirms FCC limits were designed only for short-term heating, not long-term exposure.[3]

NEPA and NHPA reviews are the only remaining mechanisms requiring a basic environmental, public-transparency, and site-specific analysis.

Removing these reviews does not "streamline"—it blinds the public.

---

## 2. Children Receive the Highest Cumulative Exposure, Yet H.R. 2289 Removes Their Only Protections

Children are more vulnerable to RF exposure due to thinner skulls, higher water content in tissues, rapid neurological development, smaller body mass, and longer lifetime cumulative exposure.[1]

Weekly field measurements near schools show elevated RF levels in areas where children spend extended periods. Children cannot articulate symptoms the way adults can; they express neurological discomfort through behavior:

- irritability
- difficulty concentrating
- sleep disruption
- withdrawal
- headaches described simply as “feeling weird”

The **American Academy of Pediatrics**, representing 67,000 pediatricians, has twice urged the FCC to strengthen RF exposure standards to reflect children’s unique biological vulnerability.[4]

H.R. 2289 removes federal review at the precise moment when pediatric protections should be strengthened—not abandoned.

---

## 3. Firefighter Neurological Findings Demonstrate Real-World Harm in High-Exposure Environments

California enacted a statewide exemption prohibiting wireless antennas on fire stations after firefighters across **six separate stations** reported:

- cognitive impairment
- memory deficits
- debilitating headaches
- persistent fatigue

Neurological imaging revealed functional abnormalities following antenna installation.[2]

These were not isolated cases—they were repeated patterns across multiple stations.

If one of the healthiest and most resilient occupational groups requires protection, it is unreasonable to assume that children, seniors, or medically vulnerable individuals should receive less.

---

# 4. Concealed and Camouflaged Antennas Create Hidden Exposure Zones

Modern wireless infrastructure is increasingly installed in:

- streetlights
- traffic fixtures
- signage
- utility poles
- building façades
- school property

Residents often live within 50–150 feet of transmitting antennas without any notification or identifiable markings.[5]

NEPA/NHPA reviews are often the only process that triggers public awareness and transparency.

H.R. 2289 allows the proliferation of concealed antennas—**with zero notice**.

---

# 5. Real-World RF Measurements Contradict Theoretical Models

My fieldwork consistently documents:

- room-to-room exposure variation
- nighttime exposure elevation
- peak bursts far above baseline
- strong localized fields from concealed antennas
- overlapping directional beams
- carrier handoff spikes[5]

Theoretical models rarely reflect actual environmental conditions.

Eliminating environmental review means these real-world conditions will never be evaluated before equipment upgrades are approved.

## 6. Local Authorities Are the Only Entities Conducting Real-World Risk Evaluation

Because:

- the FCC has not updated its RF limits despite federal court orders[1]
- the EPA does not verify RF safety[3]
- no federal agency evaluates cumulative or multi-source exposure[5]
- no federal agency evaluates school-zone siting impacts
- **every major wireless carrier** acknowledges RF-exposure litigation as a material business risk (Verizon, AT&T, T-Mobile)[5][6][7]
- major infrastructure companies (Crown Castle) acknowledge the same[8]
- global insurers refuse to cover RF exposure due to uncertain long-tail liability[9]

Local governments remain the **only level of government** evaluating wireless installations in real-world community settings.[1]

H.R. 2289 removes the limited oversight communities still possess.

---

## 7. Recommendations

To protect families, schools, and communities, I respectfully urge Congress to:

1. **Reject H.R. 2289 as written.**
2. Restore NEPA and NHPA review for wireless modifications, especially when installations are concealed, high-powered, or placed near schools and homes.
3. Require public notice and transparent site identification for all wireless installations and upgrades.
4. Require school-zone impact analysis before modifying equipment near educational facilities.
5. Incorporate federal court findings from ***Environmental Health Trust v. FCC (2021)***.
6. Ensure cumulative exposure analysis is included in any approval framework.
7. Preserve local authority to review installations when federal standards do not address long-term or multi-source exposure.

## 8. Historical Delays Show the Cost of Ignoring Early Warnings

History demonstrates what happens when early-warning signs are dismissed or when regulatory agencies fall behind emerging science. Cigarettes, asbestos, and lead paint were all considered safe for decades. In each case, communities paid the price for delayed action—especially children and vulnerable populations.

H.R. 2289 risks repeating this pattern by removing environmental and historic review at a time when federal agencies have not addressed major scientific, medical, and legal gaps already identified by courts, physicians, insurers, and documented field measurements.

---

# Conclusion

Wireless connectivity is important, but responsible governance requires safety evaluation, transparency, and accurate environmental review.

H.R. 2289 removes NEPA/NHPA oversight at a time when:

- the FCC has not addressed children's vulnerability
- the EPA does not evaluate RF safety
- real-world exposure conditions differ from predictions
- concealed antennas are expanding
- cumulative exposure is unregulated
- industry acknowledges litigation risk
- courts have ruled federal RF guidelines inadequate

Removing federal environmental and historic review while these issues remain unresolved leaves communities—especially children—with **no meaningful protection at all**.

For these reasons, I strongly oppose H.R. 2289 and urge Congress to preserve environmental, historic, and local review authority until federal agencies resolve the gaps identified by courts, physicians, field measurements, and scientific evidence.

Respectfully submitted,

**David Jones**
Director, Wireless Radiation Specialists
San Diego, CA
Info@WirelessRadiationSpecialists.com

# Footnotes

1. *Environmental Health Trust et al. v. Federal Communications Commission*, 9 F.4th 893 (D.C. Cir. 2021).
2. California Professional Firefighters, Testimony Regarding Neurological Symptoms Following Antenna Installation (SB 649, 2017).
3. **U.S. Environmental Protection Agency**, Correspondence Regarding RF Exposure Guidelines and Lack of Long-Term Evaluation Authority (2020–2022).
4. **American Academy of Pediatrics**, Letters to the FCC Urging Updated RF Guidelines to Reflect Children's Vulnerability (2013; 2016).
5. **Verizon Communications Inc.**, Annual Report on Form 10-K, "Risk Factors."
6. **AT&T Inc.**, Annual Report on Form 10-K, "Risk Factors."
7. **T-Mobile US, Inc.**, Annual Report on Form 10-K, "Risk Factors."
8. **Crown Castle International Corp.**, Annual Report on Form 10-K, "Risk Factors."
9. **Lloyd's of London**, Market Bulletin Y050, "Electromagnetic Fields Exclusion" (2015).

MISSOURI RIVER® ENERGY SERVICES

3724 West Avera Drive
PO Box 88920
Sioux Falls, SD 57109-8920
Telephone: 605.338.4042
Fax: 605.978.9360
*www.mrenergy.com*

December 2, 2025

The Honorable Mariannette Miller-Meeks
U.S. House of Representatives
504 Cannon House Office Building
Washington, DC 20515

The Honorable Julie Fedorchak
U.S. House of Representatives
1607 Longworth House Office Building
Washington, DC 20515

Dear Representatives Miller-Meeks and Fedorchak:

On behalf of Missouri River Energy Services (MRES), I am writing to express our strong opposition to Section 102 of H.R. 2289, the Proportional Review for Broadband Deployment Act, as amended, because it contains the full text of H.R. 278, the BROADBAND Leadership Act by Representative Morgan Griffith (R-VA). As members of the House Energy & Commerce Committee, we expect this legislation to be considered before you at a markup tomorrow.

MRES is a not-for-profit, member-owned joint action agency serving 61 public power communities across Iowa, Minnesota, North Dakota, and South Dakota. Our member utilities are locally governed, community-owned, and responsible for maintaining the safety, reliability, and affordability of their electric systems. These systems are funded by and accountable to the same customers they serve.

As currently drafted, H.R. 278 would expand federal control over public power utility infrastructure, creating serious operational and safety concerns without any assurance that purported "cost savings" would be passed on to customers. While MRES and its members strongly support efforts to expand broadband access, we do not believe this legislation will help achieve that goal.

Section 224 of the Communications Act explicitly exempts public power utilities from Federal Communications Commission (FCC) pole-attachment oversight, an exemption grounded in decades of recognition that local ownership and governance already provide effective, transparent oversight. For years, cable and telecommunications companies have sought to eliminate this exemption, arguing, without evidence, that local control over rates and standards is a barrier to broadband deployment.

Public power utilities, including all MRES members, are community-owned and not-for-profit, with no incentive whatsoever to block or delay broadband access for their customers. The only

MISSOURI RIVER® ENERGY SERVICES

3724 West Avera Drive
PO Box 88920
Sioux Falls, SD 57109-8920
Telephone: 605.338.4042
Fax: 605.978.9360
*www.mrenergy.com*

circumstances under which a public power utility would deny or condition access to utility poles involve ensuring public safety, protecting lineworkers, and maintaining the reliability of the local electric system. Imposing federally mandated timelines and deemed-granted provisions, as envisioned in H.R. 278, would shift risk and cost to electric customers and undermine utilities' ability to meet safety, engineering, and staffing requirements.

Our members remain committed to supporting broadband deployment, some partner directly with providers or operate broadband networks themselves, but we do not believe the provisions in Section 102 of H.R. 2289 will advance that goal. Instead, they would preempt local authority and reduce the tools public power utilities need to manage their systems responsibly.

For these reasons, we respectfully urge you to oppose Section 102 of H.R. 2289 and any effort to advance the provisions of H.R. 278 as part of this legislation or any future package. Thank you for your consideration and for your continued support of the public power communities we serve.

Sincerely,

Matthew E. Schull
President & CEO

ELECTRIC CITIES OF ALABAMA
UNITING ALABAMA'S ELECTRIC CITIES



December 1, 2025

The Honorable Gary Palmer, Chairman
Subcommittee on Environment
House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Palmer:

On behalf of Electric Cities of Alabama (ECA), I am writing to express opposition to Section 102 of H.R. 2289, the Proportional Review for Broadband Deployment Act, as amended, because it contains the text of H.R. 278, the Broadband Leadership Act by Representative Morgan Griffith (R-VA).

As you may know, ECA is proud to serve approximately one million customers in 36 cities across Alabama. From the Tennessee Valley region in the north to the gulf and wiregrass regions in the south, ECA's municipally owned electric utilities offer reliable and low-cost electricity.

As currently drafted, H.R. 278 would expand federal control over public power utility infrastructure in Alabama, creating serious safety concerns without any assurance that purported "savings" would be passed on to customers. While public power utilities strongly support expanding broadband access, I do not believe this legislation will achieve that objective.

Section 224 of the Communications Act explicitly exempts public power utilities and rural electric cooperatives from Federal Communications Commission oversight of pole attachments, recognizing that oversight is already provided at the local level. For years, cable and telecommunications companies have sought to eliminate this exemption, arguing, without evidence, that local control over rates and regulations is a barrier to broadband deployment.

ECA member utilities are community-owned, not-for-profit entities with no incentive to restrict customer access to broadband services. ECA remains committed to supporting broadband deployment, but do not believe provisions in Section 102 of H.R. 2289 will advance that goal.

Uniting Alabama's municipally owned electric utilities, I remain

Sincerely,

Jonathan A. Hand
Executive Director

P.O. Box 1550, Montgomery, AL 36102-1550 · 770 Washington Avenue, Suite 164, Montgomery, AL 36104
Phone: (334) 954-3221 · Fax: (334) 954-3223 · www.electriccities.org