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BREAKING DOWN BARRIERS TO BROADBAND

INFRASTRUCTURE DEPLOYMENT

WEDNESDAY, OCTOBER 28, 2015

House of Representatives,

Subcommittee on Communications and

Technology,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 10:07 a.m., in Room 2123, Rayburn House Office Building, Hon. Greg Walden [chairman of the subcommittee] presiding.

Members present: Representatives Walden, Latta, Barton, Shimkus, Blackburn, Lance, Guthrie, Olson, Pompeo, Kinzinger, Bilirakis, Johnson, Long, Ellmers, Collins, Cramer, Upton (ex officio), Eshoo, Doyle, Welch, Clarke, Loeb sack, Rush, Matsui,

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Lujan, and Pallone (ex officio)

Staff present: Gary Andres, Staff Director; Ray Baum, Senior Policy Advisory for Communications and Technology; Rebecca Card, Assistant Press Secretary; Andy Duberstein, Deputy Press Secretary; Gene Fullano, Detailee to the Communications and Technology Subcommittee; Kelsey Guyselman, Counsel to the Communications and Technology Subcommittee; Grace Koh, Counsel to the Communications and Technology Subcommittee; Tim Pataki, Professional Staff Member; David Redl, Counsel to the Communications and Technology Subcommittee; Charlotte Savercool, Professional Staff Communications and Technology; Greg Watson, Legislative Clerk for Communications and Technology and Oversight and Investigations; Christine Brennan, Press Secretary; Jeff Carroll, Staff Director; David Goldman, Chief Counsel for Communications and Technology; Jerry Leverich, Counsel; Lori Maarbjerg, FCC Detailee; and Ryan Skukowski, Policy Analyst.

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1           Mr. Walden. We are going to call to order this Subcommittee  
2 on Communications and Technology for our hearing on Breaking Down  
3 Barriers to Broadband Infrastructure Investment.

4           And welcome our witnesses here today and others.

5           Yesterday, this subcommittee met to discuss how the  
6 President's policy on applying monopoly-era Title II regulations  
7 on high-speed networks has affected private investment in  
8 broadband infrastructure. In light of what may happen in the  
9 marketplace, in light of how the marketplace works, I think it  
10 is important to look at the uncertainties and the barriers in the  
11 marketplace and the delays that hinder the deployment of  
12 communication networks and the availability of broadband for all  
13 Americans. These are important goals, regardless of the outcome  
14 of the current court battle over Title II.

15           Today's hearing will focus on reviewing bipartisan  
16 legislation to accelerate permitting processes, open up available  
17 infrastructure, and cut down on uncertainty and delay.

18           There is no question that networks are racing to keep up with  
19 consumer demand. We know that for fact. The Cisco Virtual  
20 Networking Index predicts that by 2019, the Internet of Things  
21 will increase the load on our networks exponentially, pushing us  
22 toward the 2 zettabyte-per-year mark, yes, indeed, zettabytes.  
23 That is 12 times more data than we used in 2009. Streaming video,

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24 wearables, and machine-to-machine communication are only a few  
25 of the developments vaulting network use skyward. And that's just  
26 based on what we now know. It is impossible, of course, to predict  
27 what innovations will cause us to increase our data consumption  
28 by another exponential factor.

29 We need to ensure that our federal policies allow networks  
30 to manage the growing tidal wave of data consumption, and this  
31 subcommittee has been approaching this issue from at least two  
32 perspectives. First, we have reviewed the availability of  
33 spectrum and continue to consider ways to make more spectrum  
34 available for commercial broadband use. Let me make clear, our  
35 work on spectrum is far from over, but we continue to make  
36 progress. And it is a big focus of our subcommittee.

37 Second, we must consider ways to lower the cost of  
38 deployment, to make investment in infrastructure more attractive  
39 to network operators. And yesterday, this subcommittee heard  
40 from economists on the different challenges associated with  
41 return on incremental investment: that is, whether companies  
42 will invest in upgrades and expansion. And today, we will  
43 consider the other side of the equation, the sunk costs.

44 We are focusing on lowering the costs of deployment by  
45 considering legislation that would help to streamline red tape  
46 in permitting and by providing access to existing infrastructure

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47 that would help to reduce costs by eliminating delay and  
48 uncertainty in deployment.

49           Specifically, we will consider a bill that would require the  
50 government to maintain a database of federal assets. Now, this  
51 is a step that many in the Administration have already called for.  
52 This database would allow infrastructure providers to quickly  
53 determine efficient routes for laying fiber or attaching  
54 antennas. It would provide points of contact to allow  
55 infrastructure providers to identify their negotiating partners.  
56 And we will also consider how to ensure that agencies make  
57 broadband infrastructure permitting a priority, by requiring the  
58 senior real property officer of each landholding agency  
59 accountable for the performance of the agency in this respect.

60           We are also considering a bill to ensure that poles owned  
61 by federal entities become available to broadband infrastructure  
62 providers at the statutorily regulated rate. Now, poles have  
63 been an essential input to the deployment of telephone and cable  
64 services. They continue to be essential inputs to broadband  
65 infrastructure. Stringing wire on poles can be much more  
66 economical than burying fiber in city streets. This legislation  
67 allows us to explore the possibility of increasing access to  
68 federally owned poles, as well as clarifying the rates and  
69 placement of poles across the country.

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70           We will also review H.R. 3805. Now, that is a bill  
71 introduced by the ranking member Ms. Eshoo, myself, and many on  
72 this subcommittee are cosponsors. The Broadband Conduit  
73 Deployment Act is a sensible idea that many in the broadband  
74 industry have recommended. The bill will require States to  
75 evaluate the need for broadband conduit whenever they dig up the  
76 roads for a federal-funded project. Now, simply having that  
77 conduit installed in the roads already will reduce the costs of  
78 broadband deployment significantly.

79           This subcommittee will also take on the project of  
80 streamlining the permitting processes for federal agencies with  
81 a significant control over federal lands. One of the concerns  
82 most frequently expressed by those seeking to deploy broadband  
83 infrastructure is that the permitting processes are inconsistent  
84 from field office to field office or from army base to army base.  
85 We will consider a bill to address the inconsistencies by  
86 requiring the Department of Interior, the Forest Service, and the  
87 Department of Defense to streamline and standardize their  
88 permitting processes, making them as efficient as possible for  
89 those seeking to provide broadband service.

90           We also have a draft bill before us today that streamlines  
91 the agency-required reviews under the National Historic  
92 Preservation Act and under the National Environmental Protection

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93 Act. This draft bill would seek to eliminate duplicate Section  
94 160 and NEPA reviews, striking a balance between protecting our  
95 cultural and environmental treasures and accelerating the pace  
96 of broadband infrastructure permitting.

97 Last but not least, we will consider the good work started  
98 in the 112th Congress in the Spectrum Act. We required GSA to  
99 develop master contracts, forms, and fee schedules for the  
100 attachment of antennas to federal properties. We have a draft  
101 bill before us that makes clear that we expect agencies to use  
102 those master contracts, forms, and fee schedules.

103 I would like to thank our witnesses today for taking the time  
104 to comment on the legislation and to help us understand how we  
105 can improve the legislation as we move on to the next steps. Our  
106 intent is to maintain an open and interactive process in drafting  
107 this legislation so that we can strike the right balances and  
108 arrive at the right policies for spurring broadband deployment.

109 With that, I would recognize the gentlelady from California,  
110 Ms. Eshoo, for opening comments.

111 Ms. Eshoo. Thank you. And good morning, Mr. Chairman.  
112 And all of our thanks from this side for having this hearing. And  
113 welcome to the witnesses.

114 Competition, competition, competition. We have heard  
115 Chairman Wheeler, members of the committee repeat these words over

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116 and over and over again, and yet 3/4 of U.S. households have access  
117 to just one broadband provider capable of offering the speeds  
118 needed to unlock everything the internet has to offer.

119 This summer I heard from Vince, a constituent in Santa Cruz,  
120 who told me he pays about \$140 a month for two landlines with long  
121 distance and a DSL line that is supposed to be 6 megabits. He  
122 told me that if he were actually able to get those speeds, the  
123 service would be almost usable for running his home business and  
124 having a movie night using Apple TV and Netflix.

125 Unfortunately, Vince's story is all too common not just in  
126 my congressional district, which may surprise many of you given  
127 that it is Silicon Valley, but around the country. With  
128 competition come lower prices, faster speeds, and better customer  
129 service.

130 Last week, Chairman Walden -- and I am so grateful to him  
131 for joining and being the Republican lead along with 26 other  
132 cosponsors -- joined me in reintroducing -- my idea has been around  
133 since, what, 2009. But you know what? Some things take time to  
134 mature or be appreciated -- the Broadband Conduit Deployment Act.  
135 It is commonly called "Dig Once." And it is so commonsense that  
136 I have even wondered why we didn't come up with this a decade ago.  
137 But at any rate, we are at it now.

138 And it would mandate the inclusion of broadband conduit,



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139 plastic pipes which house fiberoptic communications cable, during  
140 the construction of federally funded roads when there is a  
141 demonstrated need for broadband during the next 15 years. Well,  
142 we know that there is that demand. So it is commonsense, it is  
143 bipartisan, it would expand access to broadband for millions of  
144 Americans, and the cream on the top is that it would save taxpayers  
145 considerable sums.

146 So the subcommittee today is also considering five draft  
147 bills intended to improve and streamline government process that  
148 can hinder the deployment of broadband, and I think they are really  
149 terrific ideas. The best part is that if we can package all of  
150 these and move them forward, that collectively they will really  
151 put a dent in the processing that we have. So I welcome them,  
152 especially by expanding the FCC's nondiscriminatory access  
153 obligation to include telephone poles located on federal  
154 property, the Federal Government owns a lot of property in the  
155 country, so to inventory that and then be able to, you know, really  
156 up our game I think would really make a huge difference.

157 So if enacted into law, as I said, collectively these ideas  
158 and the "Dig Once" policy is going to bring broadband into unserved  
159 areas in our country and underserved areas, which is so important.

160 So I thank all of my colleagues for their ideas and what we  
161 are going to discuss today. Thank you to the witnesses. We look

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162 forward to hearing from you. And I will yield the remainder of  
163 my 54 seconds to Congresswoman Matsui.

164 Ms. Matsui. Thank you very much, Ranking Member Eshoo. And  
165 I want to thank the witnesses for being here today.

166 Today, the subcommittee is discussing six proposals to  
167 facilitate broadband deployment across our nation. Many of my  
168 colleagues come from rural districts in which you really face  
169 unique hurdles in building infrastructure. But even in my urban  
170 district of Sacramento we have challenges to ensuring that all  
171 of our residents have the access they need to succeed in the 21st  
172 century.

173 I am pleased to join Ranking Member Eshoo and Chairman Walden  
174 as cosponsor of H.R. 3805, which encourages "Dig Once" so that  
175 when highway projects are under construction, we also install  
176 broadband conduit.

177 I also support the concepts we are discussing today about  
178 how to better leverage existing federal assets to support  
179 broadband deployment. In particular, I hope to hear from our  
180 witnesses about the proposal to create an inventory of federal  
181 infrastructure and property that can be used for broadband.

182 Broadband infrastructure is essential. Whether our  
183 constituents are urban or rural, middle income or lower income,  
184 I look forward to continuing our bipartisan work in this area.

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185           And I yield back.

186           Mr. Walden. The gentlelady yields back the balance of her  
187 time.

188           I turn now to the Chairman of the full committee, the  
189 gentleman from Michigan, Mr. Upton.

190           The Chairman. Well, thank you, Mr. Chairman.

191           We all know that robust infrastructure is the skeleton for  
192 a healthy economy. That is true for transportation, for energy,  
193 and unquestionably for communications, an industry where the pace  
194 of consumption is growing exponentially.

195           Folks in Michigan, like all Americans, have a near insatiable  
196 appetite for all the information, products, and services that the  
197 internet has to offer. To keep up with the ever-growing demand  
198 of a flourishing sector of the economy, broadband communications  
199 providers must build and innovate constantly, every day.

200           But we can't build efficiently if we get in our own way. The  
201 government permitting process has stymied transportation  
202 networks, energy networks, and communication networks. Both  
203 Presidents Bush and Obama have recognized the maze of red tape  
204 that infrastructure builders must navigate in order to build into  
205 the backbone of our national economy. Both Presidents have also  
206 attempted to cut back the endless reviews, requirements, and  
207 requests that hinder efficient, timely, and economic deployment

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208 of communications infrastructure. So it is time for this  
209 committee to put the pedal to the metal and improve government  
210 permitting for broadband networks.

211 This is a bipartisan effort. That has always been the  
212 hallmark of this subcommittee. Both Democrats and Republicans  
213 have been at the drafting table together for a long time to think  
214 through good policy and put them into actionable laws. I would  
215 hope that we can continue this effort to help our nation's  
216 communication networks thrive and continue to contribute to our  
217 success in the global economy.

218 And I yield the balance of my time to Mrs. Blackburn.

219 Mrs. Blackburn. Thank you, Mr. Chairman. And thank you all  
220 for being here to talk with us.

221 I think, as you can see, there is a lot of agreement on the  
222 fact that there -- we have got a big job in front of us. And  
223 basically, you can sum it up and say how do we expedite building  
224 out the network and how do we allow the environment for increased  
225 speeds? This is what people want.

226 When you look at the demand, the demand is not sitting around  
227 waiting on some committee to do its job. The demand is continuing  
228 to increase. And as you are looking at 2019 and you are talking  
229 about 3.9 billion interconnected devices, it means we have to move  
230 forward with this.

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231           The other issue is access to federal property. It does need  
232 to be addressed. And as we go through this process, I would  
233 encourage, Mr. Chairman, that we look closely at how we approach  
234 that.

235           And with that, I yield to any Member who is seeking time.  
236 Mr. Latta gets the balance of the time.

237           Mr. Latta. Well, I appreciate the gentlelady for yielding.  
238 And I also thank our witnesses for being with us today.

239           Broadband has fundamentally changed the way we live our  
240 lives. From online banking to streaming videos, the demand for  
241 high-speed is relentless. There is a clear need for more  
242 investment in American broadband networks, and this is especially  
243 evident in the rural areas I represent where some households are  
244 not afforded access to high-speed services.

245           However, there are real challenges to investing in broadband  
246 infrastructure. The costs associated with building,  
247 maintaining, and upgrading networks is often overlooked and taken  
248 for granted. That is why our law should not further impeded  
249 build-out.

250           The Federal Government should find ways to eliminate  
251 barriers and encourage a continued model of private network  
252 investment that has been successful in our country. I hope that  
253 the discussion that we have today will start a healthy debate on

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254 how to best assist deployment of this critical infrastructure to  
255 support wireline and wireless broadband services.

256 And with that, I yield back the balance of my time to the  
257 gentlelady.

258 Mr. Walden. Are there any Republicans who want to use up  
259 the remaining minute? If not, I will turn to the gentleman from  
260 New Jersey, the ranking Democrat on the full committee, Mr.  
261 Pallone, for opening comments.

262 Mr. Pallone. Thank you, Chairman Walden. I will keep my  
263 remarks short because I think there are some other Members who  
264 would like to use my time.

265 Consumer demand for high-speed broadband continues to surge.  
266 To meet this consumer demand, we must continue to invest in the  
267 networks that carry our data. As we can see here today,  
268 discussions about whether to invest in infrastructure do need to  
269 have two sides. Our priorities should never be whether to invest  
270 in infrastructure; it should be only how we invest. And the best  
271 way to build a sound infrastructure is to ensure that both industry  
272 and the government are working together.

273 The bills we are considering today demonstrate how this is  
274 done. And I want to thank the authors of all of today's bills  
275 for their efforts and dedication to meeting consumer demand and  
276 doing it in the right way.

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277           But our work is not done because more and more of our  
278           communications needs are going wireless, and when it comes to  
279           wireless networks, infrastructure is only half the story. But  
280           for wireless networks to handle consumer traffic, we also need  
281           spectrum.

282           The budget agreement that we are considering today would  
283           direct the auction of 30 megahertz of spectrum for commercial use,  
284           and that is a good start. But we can't stop there. We should  
285           continue our bipartisan work in this committee to authorize more  
286           spectrum auctions going forward. By continuing these twin  
287           efforts to improve network infrastructure and to freeing more  
288           spectrum, I believe we can meet consumers' communication needs  
289           for years to come. And by working in a bipartisan fashion, we  
290           can show the country that our government can still work for them.

291           I was going to yield whatever time he needs to Representative  
292           Loebsack.

293           Mr. Loebsack. Thank you, Ranking Member Pallone, for  
294           yielding me the time. And I would like to thank the subcommittee  
295           for holding this important hearing today.

296           As I have said many times before this subcommittee, including  
297           yesterday, just yesterday, improving broadband access is  
298           essential, particularly in districts like mine that are rural and  
299           have significant barriers to infrastructure development.

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300           Every time I go home to my district, which is just about every  
301 weekend, I hear from my constituents about how important it is  
302 for Iowa families, businesses, hospitals, and schools to be  
303 connected in today's economy. I am very pleased that the  
304 subcommittee has worked to put together the draft bills that we  
305 are looking at today. I look forward to discussing these bills  
306 and exploring ways that we can help smooth the way for further  
307 infrastructure development.

308           At some point soon, I hope we also, however, turn our  
309 attention to the challenges of building and operating networks,  
310 especially wireless coverage, in areas of the country where people  
311 work and live and visit but where companies do not find it in their  
312 economic interest necessarily to build out. I believe that that  
313 challenge will require us to consider how networks are funded and  
314 will become an important component to the issue we are discussing  
315 here today.

316           And I thank the witnesses who are here today, and I yield  
317 back my time. Thank you, Mr. Pallone.

318           Mr. Pallone. Mr. Chairman, I yield to Representative Lujan  
319 what time he might use.

320           Mr. Lujan. Mr. Chairman, thank you so very much and to our  
321 chairman and ranking member for scheduling this incredibly  
322 important hearing to continue the conversation on how we expand



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323 access to broadband.

324 This issue is vital both to our economic future and our  
325 constituents' quality of life. By supporting broadband  
326 deployment, we support the entrepreneurs and innovators who want  
327 to build brighter futures for their people. By connecting  
328 schools, we help tackle the homework gap and prepare children to  
329 succeed in today's competitive economy.

330 But as we all know, when it comes to broadband, too many  
331 Americans have been left behind. This is especially true for  
332 rural parts of America. Currently, more than half of rural  
333 Americans and 2/3 of Americans living on tribal lands lack access  
334 to advanced broadband. In New Mexico, those numbers are 77  
335 percent and 89 percent respectively.

336 Clearly, we have more to do to scale this digital divide,  
337 and the discussion drafts we are reviewing today are a good first  
338 step. And I am happy to see a bipartisan commitment to support  
339 the deployment of broadband infrastructure.

340 And with that, I yield back the balance of my time.

341 Mr. Pallone. I am not sure if anyone else on my side would  
342 want to say anything.

343 All right. I yield back, Mr. Chairman.

344 Mr. Walden. The gentleman yields back the balance of his  
345 time. All time is expired. We will now go to our witnesses.

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346           Thank you very much for being here to each of you and your  
347 testimony that you have submitted for us. We will start with  
348 Heather Burnett Gold, who is the president and CEO, FTTH Council  
349 Americas. Thank you for being here.

350           All of you, when you use the mikes, just pull them  
351 uncomfortably close and make sure that little light is lit and  
352 you will be good to go.

353           So thanks for being here, and please go ahead, Ms. Gold.

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354 STATEMENTS OF HEATHER BURNETT GOLD, PRESIDENT AND CEO, FTTN  
355 COUNCIL AMERICAS; SCOTT BERGMANN, VICE PRESIDENT, REGULATORY  
356 AFFAIRS, CTIA; JEB BENEDICT, VICE PRESIDENT, FEDERAL REGULATORY  
357 AFFAIRS AND REGULATORY COUNSEL, CENTURYLINK; AND DEB SOCIA,  
358 EXECUTIVE DIRECTOR, NEXT CENTURY CITIES

359

360 STATEMENT OF HEATHER BURNETT GOLD

361 Ms. Gold. Good morning, Chairman Walden, Ranking Member  
362 Eshoo, and members of the subcommittee. Thank you for inviting  
363 the Fiber to the Home Council Americas to testify on breaking down  
364 barriers to broadband infrastructure deployment.

365 The council is dedicated to accelerating deployment of  
366 all-fiber networks by incumbent telephone companies, cable  
367 providers, competitive private builders, municipalities, and  
368 others.

369 Fiberoptic cable is by any measure the most future-proof  
370 wireline infrastructure. Recent studies show that all-fiber  
371 networks promote economic growth and actually increase property  
372 values. Much progress has been made. Today, fiber-to-the-home  
373 networks pass approximately 30 percent of our households and many  
374 more of our businesses. Many agencies from the FCC to state and  
375 local governments have already lowered barriers and provided  
376 incentives for all fiber deployments.

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377           But as the experience of my members has told me, there is  
378 much that needs to be done. I will focus on two such areas today:  
379 access to federal property and access to poles.

380           Earlier this year, the President created the Broadband  
381 Opportunity Council, which focuses on federal-agency efforts to  
382 facilitate broadband deployment. The BOC appropriately  
383 identified many actions to incense such deployment, but it is  
384 clear that legislative authority would further their  
385 implementation and make the Federal Government more efficient  
386 when administrating those assets.

387           First, Congress should mandate creation of a complete and  
388 interactive database of federal assets maintained by agencies on  
389 which broadband infrastructure can be attached or installed.

390           Second, legislation is needed to ensure that "Dig Once" is  
391 implemented by the relevant federal agencies where conduit is  
392 installed simultaneously with government highway construction  
393 projects.

394           Third, legislation should require common permitting  
395 application processes and fee schedules for access to federal  
396 assets regardless of the technology being deployed and obligate  
397 federal agencies to maintain records tracking applications and  
398 their resolution.

399           Fourth, where historic, cultural, and scientific reviews

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400 have already been undertaken regarding a federal asset,  
401 subsequent providers seeking access ordinarily should not have  
402 to complete such a review.

403 And finally, to reduce open-ended delays in the approval  
404 process, Congress should adopt a shot clock providing for  
405 automatic permitting approval after a specific time period.

406 I would like to now turn to the significant problem providers  
407 face when seeking access to poles of utilities and local exchange  
408 carriers.

409 In 2011, the FCC addressed some of the key problems service  
410 providers were facing with pole owners and attachments. Yet even  
411 after the FCC's action, the council members still encounter  
412 substantial problems when seeking access to poles, which compels  
413 me to ask for Congress's help on their behalf.

414 First, because attachers have found the FCC's timelines are  
415 regularly flouted by many pole providers, Congress should codify  
416 the timelines, direct the Commission to develop streamlined  
417 procedures for expeditious resolution of any complaints  
418 concerning timeline violations, and give the Commission clear  
419 authority to impose fines at levels that would motivate adherence  
420 to those timelines.

421 Second, new legislation should make clear and provide for  
422 prompt enforcement of the obligations of pole owners to identify

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423 properly certified contractors that attachers can use to perform  
424 pole survey and make-ready work in a timely fashion.

425 Third, Congress should preclude utilities from requiring new  
426 attachers to pay for make-ready to fix existing violations of  
427 others before obtaining access to poles and allow only cost-based  
428 make-ready charges for the work still needed after the violations  
429 are corrected.

430 Fourth, Congress should simplify the Pole Act and eliminate  
431 the cause for continuing disputes by making clear that so-called  
432 cable rate, which the federal courts have found fully  
433 compensatory, applies to all attachers.

434 Finally, all pole owners should be brought within the scope  
435 of the Pole Act and the FCC's implementing regulations.

436 [Audio malfunction in hearing room.]

437 Ms. Gold. -- pole attachments can be found in my written  
438 testimony.

439 In closing, the council commends the subcommittee for  
440 hearing concerns about barriers that stand in the way of fiber  
441 network deployment. We stand ready to work with you as you move  
442 forward.

443 Thank you again for this opportunity.

444 [The prepared statement of Ms. Gold follows:]

445

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447           Mr. Walden. Ms. Gold, thank you for your testimony. We  
448 appreciate your comments.

449           We will now go to Mr. Scott Bergmann, who is the vice  
450 president for regulatory affairs, CTIA. Mr. Bergmann, thank you  
451 for being here. Please go ahead.



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452 STATEMENT OF SCOTT BERGMANN

453

454 Mr. Bergmann. Chairman Walden, Ranking Member Eshoo, and  
455 members of the --

456 Mr. Walden. Remember to push that button on that  
457 microphone.

458 Mr. Bergmann. Thank you.

459 Mr. Walden. There you go.

460 Mr. Bergmann. Chairman Walden, Ranking Member Eshoo, and  
461 members of the subcommittee, thank you for the opportunity to  
462 share the wireless industry's perspective on promoting broadband  
463 infrastructure deployment.

464 Sound infrastructure policy is a necessary complement to  
465 good spectrum policy. CTIA commends the subcommittee for its  
466 leadership on a long-term spectrum plan to ensure that America's  
467 wireless industry can remain the world's leader and an engine for  
468 investment and innovation.

469 We also applaud your focus today on promoting reasonable and  
470 predictable policies that enable timely deployment of wireless  
471 infrastructure. To that end, CTIA commends the bipartisan staff  
472 discussion drafts and the Eshoo-Walden "Dig Once" bill. These  
473 proposals can help CTIA's members effectively deploy the world's  
474 most advanced wireless networks.

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475           To build out wireless infrastructure that reaches all  
476 Americans, our members need access to locations controlled by the  
477 Federal Government and by non-Federal Government entities. In  
478 the roughly 3/4 of the country governed by the local zoning  
479 process, the FCC's 2009 shot-clock order produced a framework that  
480 has provided clarity and accelerated wireless broadband  
481 deployment. That order established much-needed deadlines for  
482 local governments and recognized that co-locations, which take  
483 place on existing sites, should move faster.

484           CTIA supported the FCC's order and helped defend it in court,  
485 where it was upheld in a 2013 Supreme Court decision. The  
486 shot-clock order has already begun to produce positive results.  
487 Siting applications that were backlogged began to move speeding  
488 facilities' deployment and improving network coverage. And a  
489 number of States have embraced the successful shot-clock  
490 approach, most recently, California just 3 weeks ago.

491           Congress took an equally important step when it adopted the  
492 2012 Spectrum Act. In Section 6409 Congress provided that zoning  
493 authorities may not deny and shall approve eligible requests to  
494 modify existing wireless facilities. As implemented by the FCC  
495 in 2014, this ability to co-locate by right is enormously helpful  
496 to carriers as we migrate to new generations of technology and  
497 look forward to 5G.

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498           But more needs to be done. The FCC has helpfully started  
499 a proceeding to speed deployment of small cells and is working  
500 to permit greater access to so-called twilight towers. We urge  
501 the Commission to complete these proceedings expeditiously.

502           Unfortunately, Section 6409's provisions for federal  
503 property have not been implemented as successfully or as rapidly.  
504 The act directed GSA to establish common processes and contracts  
505 for wireless antenna deployments on federal property. And GSA  
506 was required to develop a common application form for federal  
507 easements and rights-of-way. Despite a 60-day deadline, GSA only  
508 recently acted on Section 6409.

509           While we commend GSA's efforts, federal agencies must  
510 consistently adopt the standardized forms and contracts in order  
511 to fulfill Congress's intent. Congressional oversight is  
512 particularly important because the Federal Government controls  
513 several thousand buildings and roughly 28 percent of the U.S.  
514 landmass. Siting on these properties today is often complicated  
515 and time-consuming. Even lease renewals are often lengthy and  
516 bureaucratic. These delays deter investment and harm consumers.

517           So we encourage the subcommittee to make federal citing  
518 process look more like the municipal process. This will produce  
519 revenue for the Federal Government; will help improve and extend  
520 service; it will spur investment and jobs; and it will enable

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521 government users, the private sector, and the public at large to  
522 benefit from America's world-leading wireless networks.

523 So in addition to moving forward with the "Dig Once"  
524 legislation and the staff discussion drafts, CTIA offers several  
525 recommendations.

526 First, federal agencies should have deadlines for acting on  
527 requests to site on federal properties. Those deadlines should  
528 reflect the lesser impact associated with co-locations.

529 Second, all agencies should be encouraged to consistently  
530 use the common processes and contracts recently established by  
531 GSA.

532 Third, Congress should direct the Commission to conclude its  
533 work on the small cell deployment proceeding by a firm deadline.

534 And finally, Congress should direct the FCC to affirmatively  
535 state that twilight towers that have not been subject to prior  
536 objections need not be processed under the National Historic  
537 Preservation Act. This would allow those longstanding  
538 facilities to be upgraded on a timely basis.

539 Collectively, these actions will improve the wireless  
540 industry's ability to deploy infrastructure and to enhance  
541 America's economic well-being.

542 Thank you for the opportunity to testify, and I look forward  
543 to your questions.

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544

[The prepared statement of Mr. Bergmann follows:]

545

546

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547           Mr. Walden. Thank you, Mr. Bergmann. We appreciate your  
548 testimony.

549           We go now to Jeb Benedict, Vice President, Federal Regulatory  
550 Affairs and Regulatory Counsel for CenturyLink. Good morning.  
551 Thanks for being here.

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552 STATEMENT OF JEB BENEDICT

553

554 Mr. Benedict. Good morning, Chairman Walden, Ranking  
555 Member Eshoo, and other distinguished members of the committee.  
556 Thank you for having me, and thank you for introducing the  
557 Broadband Conduit Deployment Act. Measures like this can make  
558 it easier, faster, and more cost-effective to connect more  
559 Americans.

560 You know, CenturyLink operates a nationwide broadband  
561 network. We have a local network that covers nearly 600,000  
562 square miles. We have a quarter-million miles of domestic fiber  
563 and more than a million miles of copper cable. We have millions  
564 of customers we serve directly, we provide wholesale capacity to  
565 many other providers, and we deliver connectively to tens of  
566 thousands of wireless towers nationwide.

567 With such a large network, we necessarily work closely with  
568 federal land use employees, and I can say we know that they are  
569 dedicated public servants. They are professionals who take their  
570 responsibility seriously. And we have and value constructive  
571 relationships with them. But even so, the cost and delays  
572 associated with access to federal lands pose a real and  
573 frustrating problem, and it is one that this committee could help  
574 with.

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575 Congress should consider steps to reduce permitting delays,  
576 as discussed here. Broadband deployment, needed upgrades to  
577 rural communities, and urgently needed connections to wireless  
578 towers all are routinely delayed because of the slow review  
579 process. Agency permits commonly take 12 to 15 months, whereas  
580 on state and private lands, similar arrangements can be completed  
581 in just weeks.

582 We realize that agencies have limited resources, but within  
583 agency budgets we think headquarters really aren't treating the  
584 permitting function as a priority. We like to think that Congress  
585 can at least ensure broadband applications receive priority over  
586 other applications, just as electric utilities commonly and  
587 appropriately receive priority today.

588 Congress could consider legislation to expand categorical  
589 exclusions for previously disturbed areas. We support good  
590 stewardship of public lands and we strive to follow responsible  
591 environmental and historic practices, but in most of our  
592 installations, we are simply adding fiber to existing poles and  
593 conduit or we are trenching new fiber in road shoulders.

594 Federal land use agencies should be directed to expand use  
595 of categorical exclusions under NEPA and Section 106 just as the  
596 Federal Highway Administration and the Federal Transit  
597 Administration did last year under MAP-21.



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598 Congress should consider steps that minimize or eliminate  
599 federal permitting fees and lease rental for broadband  
600 facilities. Any dollars spent on federal right-of-way is a  
601 dollar unavailable for network. Where economics of deployment  
602 are marginal, some people won't be connected or upgraded when they  
603 otherwise could be.

604 Congress also should encourage better interagency  
605 coordination. Permitting delays are most frustrating when a  
606 fiber route crosses several agency lands where more than one  
607 agency must approve our request. We are held hostage to whichever  
608 review is slowest.

609 This committee could also examine some of the other barriers  
610 to broadband deployment. It could help ensure that we have equal  
611 and nondiscriminatory access to municipal and co-operative poles.  
612 We are compelled to make our poles available to other providers  
613 but co-ops, munis, and public utility districts routinely deny  
614 us access or demand unreasonable fees.

615 Congress should ensure municipalities can't discriminate in  
616 access to public rights-of-way. Too many jurisdictions charge  
617 us an unreasonable rate for permission to place our facilities  
618 in the public right-of-way. And many others give providers,  
619 especially municipal systems, free access when we are assessed  
620 discriminatory franchise fees, taxes, permit requirements, and

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621 rights-of-way fees.

622 Congress should also clarify the limited rights of railroads  
623 in rights-of-way that are granted by the government. It should  
624 confirm that other users have reasonable, cost-effective access  
625 to those public corridors.

626 We have seen signs of improvement on federal rights-of-way  
627 issues, and we welcome the President's 2012 executive order. We  
628 appreciated the White House OSTP's review of the categorical  
629 exclusions and the Broadband Opportunity Council's attention to  
630 access and permitting. And Congress has helped with measures  
631 like MAP-21 and the legislation being discussed today. These are  
632 all positive starts.

633 We look forward to working with Congress, with the federal  
634 agencies and the White House to help promote needed broadband  
635 infrastructure investment, especially in rural areas.

636 Thank you for letting me appear today, and I will welcome  
637 your questions.

638 [The prepared statement of Mr. Benedict follows:]

639

640 \*\*\*\*\* INSERT 3 \*\*\*\*\*

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641           Mr. Walden. Mr. Benedict, thank you for your testimony. We  
642 appreciate it.

643           We will now go to Ms. Deb Socia, who is the executive  
644 director, Next Century Cities. Ms. Socia, thank you for being  
645 here today. We look forward to your testimony.

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646 STATEMENT OF DEB SOCIA

647

648 Ms. Socia. Thank you. Good morning, Chairman Walden,  
649 Ranking Member Eshoo, and distinguished members of the  
650 subcommittee. My name is Deb Socia, and I am the executive  
651 director of Next Century Cities, a bipartisan city-to-city  
652 initiative with 120 member communities across the country. Our  
653 leaders are dedicated to ensuring that all have access to fast,  
654 affordable, and reliable broadband.

655 High-speed internet access is essential from our smallest  
656 community, Alford, Massachusetts, to much larger cities like Los  
657 Angeles. Our members are committed to universal high-quality  
658 internet access from multiple providers, and not just for economic  
659 development but to improve the quality of life for everyone in  
660 the community. Our communities are doing yeomen's work, wiring  
661 businesses, schools, and residents.

662 On behalf of our membership, representing 25 million  
663 Americans, our message today is simple. This is hard work, and  
664 we welcome bipartisan federal leadership to reduce the cost- and  
665 time-intensive burden on Next Century City members and  
666 communities across the Nation. For example, easing access to  
667 federal land and assets for those deploying next-generation  
668 networks will encourage investment from both public and private

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669 entities. Dig-once policies will reduce capital costs and  
670 streamline new broadband deployments.

671 Consider Santa Monica, California, which adopted dig-once  
672 some 20 years ago, thus lowering the cost of both public and  
673 private investment throughout the city. The city leases to many  
674 ISPs, and that means real competition for local businesses. They  
675 also use their conduit and fiber to connect more than 100 buildings  
676 and deliver wireless connectivity to all major city corridors.

677 Elsewhere, Mesa, Arizona, has used "Dig Once" to encourage  
678 private sector investment from both ISPs and from high-tech firms  
679 that can use the conduit to establish redundant fiber pathways.  
680 And in building its municipal fiber network, Longmont, Colorado,  
681 realized cost savings in connecting some neighborhoods because  
682 they had already been built with conduit.

683 This July, Next Century Cities released a comprehensive  
684 policy agenda identifying concrete steps that all policy  
685 stakeholders could take from government officials to community  
686 members to members of the civil society of non-governmental  
687 agencies and institutions. All can take steps to help achieve  
688 fast, reliable, and affordable internet access. And our  
689 recommendations included "Dig Once" approaches, a low-cost  
690 solution at all levels of government.

691 Next Century Cities believes that conduit can make

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692 significant difference, particularly at key bottlenecks such as  
693 bridges, overpasses, and railroad crossings. Particularly in  
694 rural areas, the cost of deploying fiber is far higher at these  
695 bottlenecks. Navigating these bottlenecks is especially  
696 challenging for new entrants, whether local companies, local  
697 governments, or other entities that lack the existing  
698 infrastructure of long-established providers.

699 We are particularly interested in your deliberations on pole  
700 attachments. Some of our members own their own poles. Others  
701 have struggled to gain access to privately owned poles in a timely  
702 manner. So we are uniquely suited to participate in these  
703 conversations.

704 In our experience, one of the fundamental challenges with  
705 pole attachment is not just the cost but the time it may take for  
706 make-ready to occur, despite the FCC's existing shot-clock order.  
707 To the extent the FCC is directed to examine this subject, it  
708 should investigate both time and costs. We believe it is useful  
709 to have more information on the location of poles and ducts.

710 The one thing we are concerned about is the significant  
711 burden this mandate may place on cities and small utilities. We  
712 therefore encourage Congress to focus first on the larger  
713 utilities that will cover the majority of our population rather  
714 than on the smaller utilities and cities that may not have yet

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715 fully computerized records.

716 We would like to stress that while pole attachments are a  
717 concern for some network deployers, we hear as much or more  
718 frustration about the challenge of crossing railroad  
719 rights-of-way, and we hope that Congress will soon address that  
720 potential barrier to investment.

721 Day by day, the need for fast, affordable, and reliable  
722 broadband becomes more evident. Communities across the country  
723 are recognizing this urgent need and developing the critical  
724 broadband infrastructure their residents demand. And it is an  
725 issue that transcends partisanship here in D.C. and in communities  
726 nationwide.

727 I am encouraged that the subcommittee has chosen to hold this  
728 conversation today. Hearings such as this can provide a critical  
729 platform for communities to share their experiences and develop  
730 opportunities for collaboration with federal policymakers.

731 I look forward to continuing to work with members of the  
732 subcommittee and your colleagues to ensure that communities  
733 across the country can enjoy the next-generation broadband that  
734 is now crucial infrastructure for all citizens.

735 Thank you.

736 [The prepared statement of Ms. Socia follows:]

737

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739 Mr. Walden. Ms. Socia, thank you for your testimony. I  
740 want to thank all of you. It has been most helpful in our efforts  
741 here.

742 I am going to start off with a couple of questions. First  
743 of all, I want to tell you what we face in a district like mine,  
744 which would stretch from the Atlantic to Ohio. It is one of the  
745 biggest land masses for a single district other than some of the  
746 single-member States. I was in Mitchell, Oregon, recently on a  
747 Sunday afternoon with a town hall, population 126, 126 people,  
748 and there were probably 20 or 30 people at the town hall. They  
749 have been waiting 22 years for the Bureau of Land Management to  
750 finish a NEPA so that they can plug four power poles into the ground  
751 and finally get three-phase power to this town, 22 years and still  
752 don't have a decision.

753 Meanwhile, they were pretty excited because finally they  
754 have some level of cell service if you are a Verizon customer  
755 because they bought these little extenders. And so now in  
756 downtown Mitchell, Oregon, which is about a block-and-a-half, if  
757 you are a Verizon customer, you can actually get cell service.

758 There is a major east-west road that goes through this area  
759 with thousands of people every day going past. The city has a  
760 payphone booth there -- the younger people in the audience, we  
761 will explain what that is/was -- that the city pays for and a local

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762 grocery store houses just so they have a phone in town.

763           So this occurs all across the country. Fifty-five percent  
764 of my district is federal land. We face this NEPA issue on  
765 everything. And it shouldn't take 22 years to figure out if you  
766 can put four power poles in the ground, but it does and they are  
767 not done yet.

768           So I appreciate your testimony on what we are trying to do  
769 here. I want to ask Mr. Bergmann more about the shot clocks  
770 because I am intrigued by what you talked about there and others,  
771 as well as if you could -- all of you are open to this one on these  
772 twilight tower issues and if you can talk in layperson's terms  
773 about what that really means is going on out there.

774           So Mr. Bergmann and others, we will start with you. Shot  
775 clocks, do they work? We have tried to put them in other bills  
776 because we think they work, but clearly, if the GSA took 3 years  
777 to do something we mandated them 60 days to complete, we have got  
778 a problem -- well, they have a problem.

779           Mr. Bergmann?

780           Mr. Bergmann. Thanks so much for the question, Mr.  
781 Chairman. And unfortunately, the experience you describe is not  
782 an uncommon one when looking to cite on federal lands, and it is  
783 something that our members have experienced particularly in parts  
784 of the country where extending coverage is really critical to the

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785 local economy and to public safety. Making sure that we have  
786 wireless infrastructure siting on federal lands is really key to  
787 that mission.

788 So learning the lesson from what Congress did in 2012 I think  
789 is really instructive. When Congress adopted a shot clock for  
790 the ability to co-locate in the municipal context, what we found  
791 is that the process started to move much more quickly. And we  
792 found that with the FCC's 2009 shot clock order, in both cases  
793 applications that had been backlogged started to move. Our folks  
794 were able to deploy. And now we need this same sort of discipline  
795 to the process on the federal side as well, too.

796 Mr. Walden. Okay. Others on the panel want to comment on  
797 that?

798 Ms. Socia. I will mention that this issue applies to our  
799 rural communities as well. And one of our rural communities was  
800 trying to build a public safety network, and it took them 2 years  
801 longer because of the time required to get permitting. And in  
802 some of our urban communities, they suffer with long-term  
803 permitting issues as well, and in some cases, our cities have  
804 determined to just find more expensive workarounds --

805 Mr. Walden. Right.

806 Ms. Socia. -- rather than ask for permission to use federal  
807 lands.

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808 Mr. Walden. We are fighting this with a major power line,  
809 the Boardman to Hemingway line. And to avoid going on the federal  
810 ground, I am convinced Idaho Power is picking the private ground  
811 because they can use their powers for eminent domain, which they  
812 are trying not to do. But it is taking irrigated ag land out of  
813 production because they just don't want to fight this fight on  
814 the federal ground that is right there.

815 Ms. Socia. That is what we are finding as well.

816 Mr. Walden. Mr. Benedict?

817 Mr. Benedict. We have similar frustrations. And I should  
818 also add that there really is no wireless without wires.

819 Mr. Walden. Right.

820 Mr. Benedict. A delay that is affecting a cell tower, even  
821 once resolved, if we are facing delays getting our fiber rooted  
822 to the tower, it is still out of operation.

823 Mr. Walden. Yes. Ms. Gold?

824 Ms. Gold. My members face all the same frustrations. I  
825 think the example I used was a 250-mile fiber route where they  
826 built the two ends, completed two ends and waited for the 8 miles  
827 in between on the federal property an additional 6 months.

828 Mr. Walden. Out of 250 miles --

829 Ms. Gold. Right.

830 Mr. Walden. -- there was 8 miles of federal --

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831 Ms. Gold. Eight miles and the --

832 Mr. Walden. -- see, I am just talking four power poles,  
833 22 years.

834 Ms. Gold. And a similar company has pending federal  
835 permitting applications that have been in place since May of 2014.  
836 So I think the frustration is real.

837 Mr. Walden. Yes. Thank you all.

838 We will turn now to the gentlelady from California, Ms.  
839 Eshoo, for questions.

840 Ms. Eshoo. Thank you, Mr. Chairman. And again, thank you  
841 to each of the witnesses. This is a softball question. Do you  
842 all support the "Dig Once" policy?

843 Ms. Gold. Yes.

844 Mr. Benedict. Yes.

845 Mr. Bergmann. Yes.

846 Ms. Eshoo. Terrific. A plus. You passed.

847 Last week, there were several elected officials in one of  
848 my local communities that wrote to me about the need to ensure  
849 that federal policies don't undermine their local permitting  
850 decisions for wireless facilities. And the Communications Act  
851 and the Spectrum Act have frequently been cited as provisions that  
852 limit local decision-making. It is a big issue for local  
853 government. And do you find that the bill and the ideas that we

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854 are considering today that are under discussion that would weaken  
855 or alter local permitting decisions?

856 Ms. Gold. I don't see that. My members, generally when  
857 they get to a community, the community is so happy to have the  
858 deployment of fiber networks that they work with them, and this  
859 is a subject that we talk to our communities about a lot, how they  
860 need to situate themselves in order to welcome fiber providers.

861 Ms. Eshoo. They don't find anything --

862 Ms. Gold. So I don't see --

863 Ms. Eshoo. -- menacing in what we are --

864 Ms. Gold. No.

865 Ms. Eshoo. -- doing relative --

866 Ms. Gold. I --

867 Ms. Eshoo. -- to that issue?

868 Ms. Gold. No.

869 Ms. Eshoo. Good. Ms. Socia -- that is a lovely name -- I  
870 regularly hear from constituents that are mentioned in my opening  
871 statement who are frustrated by the high cost of broadband and  
872 the lack of choice in service providers. Your members include  
873 two of my constituent communities, the city of Palo Alto and Santa  
874 Cruz County. Have you seen evidence that the cost and speed of  
875 service are improved when local governments deploy high-speed  
876 broadband in their communities?

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877 Ms. Gold. Indeed, we have found that to be true. Whenever  
878 there is a new entrant into the market, it has become very clear  
879 that more investment happens, not less, and that in fact the cost  
880 for broadband reduces and the speed increases.

881 Ms. Eshoo. On both fronts, that is excellent.

882 Mr. Benedict, in July we heard from Governor Lewis of the  
883 Gila River Indian Community about the challenges of bringing  
884 broadband to tribal communities. You noted in your testimony  
885 that it can be especially difficult for your company to deploy  
886 or upgrade broadband on tribal lands given the cost and the  
887 challenges in accessing federal lands. If the six draft bills  
888 before the subcommittee were enacted into law, would CenturyLink  
889 be able to expand its deployment into unserved tribal land? It  
890 is a big issue that many of us have raised for several years here,  
891 and it really is a form of neglect, real neglect in our country.  
892 So can you enlighten us on this?

893 Mr. Benedict. Well, the challenges of course are low  
894 population densities. And with the size of our footprint, we have  
895 a great many areas that are low density. We also have made a  
896 commitment to the FCC for Connect America Fund build-out to 1.2  
897 million locations, including in tribal communities.

898 That said, it is a -- the types of issues, the types of  
899 problems we are talking about here today are incremental cost and

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900 incremental barriers to our broadband deployment. As a  
901 consequence, you know, measures such as are considered in the  
902 draft legislation and in the "Dig Once" bill would in fact help  
903 reduce our costs.

904 Ms. Eshoo. Well, that is encouraging.

905 To all of the witnesses, we are talking about built-out of  
906 wireline and wireless broadband infrastructure. But given that  
907 the consumer experience also includes the use of Wi-Fi and other  
908 unlicensed uses, I want to make sure that we don't forget about  
909 them. So how do Wi-Fi and unlicensed uses factor into the  
910 infrastructure investment discussion that we are having today?  
911 For all of you, who would like to go first? Mr. Bergmann.

912 Mr. Bergmann. I am happy to take the first pass. So we  
913 certainly support deployment in both licensed and unlicensed  
914 spectrum, and so we are big supporters of that from a spectrum  
915 perspective and also from an infrastructure perspective as well,  
916 too. We want to make sure that those facilities out there -- and  
917 just to your first question, Congresswoman, wanted to make sure  
918 -- you know, California adopted a streamlined procedure just 3  
919 weeks ago.

920 Ms. Eshoo. Yes.

921 Mr. Bergmann. So the steps that you all are contemplating,  
922 I think, are very consistent with that overall reasonable



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923 framework for making sure that local officials can perform their  
924 roles but that we have some reasonable and predictable deadlines  
925 associated with the process.

926 Ms. Eshoo. Great. Thank you very much.

927 Mr. Walden. Before I move on to, let's see, Mrs. Blackburn,  
928 I want to introduce into the record, ask unanimous consent, a  
929 statement from the American Public Power Association giving  
930 APPA's analysis of the draft bill on pole attachments. Without  
931 objection.

932 [The information follows:]

933

934 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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935 Mr. Walden. The chair will hear from others in the utility  
936 world about their views. I know they are not on this panel but  
937 they are not unnoticed.

938 So now, let's go to Mrs. Blackburn for 5 minutes.

939 Mrs. Blackburn. Thank you, Mr. Chairman. And I am going  
940 to try to not take the 5 minutes.

941 Mr. Bergmann, I want to come to you. Let's talk about these  
942 master forms, contracts, fee schedules that were due in 2012. I  
943 think the GSA missed that deadline. And I want to ask you about  
944 your opinion on that, what more should we do or have we reached  
945 the final goal on that? So your comments, please.

946 Mr. Bergmann. Thank you so much.

947 So the GSA's adoption of the master forms and contracts, as  
948 you correctly point out, was, you know, over 1,000 days late. So  
949 we would have loved to have seen that process happen sooner, but  
950 we are very glad that they are adopted. Now, the key is to get  
951 them implemented. We need to make sure that federal agencies  
952 actually put them to use if we want to get the benefit out of those  
953 master forms and contracts. So oversight from this subcommittee  
954 would be very helpful to make sure that agencies adopt them and  
955 that they apply them in a consistent manner.

956 We often find from base to base or office to office in  
957 agencies that processes are not applied in a consistent manner.

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958 So your help and oversight with that would be extremely helpful.

959 Mrs. Blackburn. Okay. Thank you. We will continue that  
960 oversight, and I think we probably had the frustration that was  
961 shared by many of you with the delay in hitting that deadline.

962 Mr. Benedict, I want to come to you. You are hearing a good  
963 bit, and the chairman talked about the federal right-of-way and  
964 the issues that we are seeing there. In Tennessee I have 19  
965 counties, 10,000 square miles. And in that I have got a lot of  
966 rural, I have got a lot of underserved areas. And they are  
967 adjacent to federal lands or there is critical defense and energy  
968 projects that are around these areas.

969 But it seems that the communities need the Federal Government  
970 out of the way in order to allow broadband because not being able  
971 to get that in there is stifling educational opportunities and  
972 economic development. And we hear about it every single time,  
973 and rightfully so we hear about it every single time we are in  
974 those communities.

975 What I would like to do is to hear from you and any of you  
976 on the panel what the Administration could do to improve the  
977 interagency coordination without congressional intervention, I  
978 mean just decide today that they are going to do this so you don't  
979 have the ridiculous issues of years of being required to complete  
980 a NEPA process for, as Chairman Walden said, putting in a pole

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981 for an attachment. So if I could hear from you first and then  
982 any others that want to add.

983 Mr. Benedict. Well, one thing that could help significantly  
984 is taking steps to streamline applications that have minimal real  
985 environmental or historical impact, and that is through the  
986 obscure, you know, categorical exclusion process. We have  
987 actually, as an industry group, been talking with the White House  
988 Office of Technology Policy on measures that the Administration  
989 could undertake directly --

990 Mrs. Blackburn. Okay.

991 Mr. Benedict. -- as they are directed to agency to try to  
992 streamline the process where installation of new wireless or  
993 wireline facilities actually has minimal environmental impact  
994 because it is in previously disturbed areas, consistent with what  
995 Congress has done on MAP-21.

996 Mrs. Blackburn. Yes. Thank you. Anyone else to add a  
997 point?

998 Ms. Gold. I do think the Broadband Opportunity Council  
999 looked at this issue, and they have made recommendations about  
1000 streamlining the processes. I just think it would be legislative  
1001 oversight and authority would be helpful to making the executive  
1002 action more --

1003 Mrs. Blackburn. So continue to hold them accountable.

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1004 Excellent.

1005 Thank you. I yield back.

1006 Mr. Walden. The gentlelady yields back the balance of her  
1007 time.

1008 The chair now recognizes the gentleman from New Jersey, Mr.  
1009 Pallone.

1010 Mr. Pallone. Thank you, Mr. Chairman.

1011 I wanted to start with Mr. Bergmann. For most of us,  
1012 broadband has become an essential part of our day-to-day lives.  
1013 Unfortunately, for over 60 percent of those living in tribal lands  
1014 access to the kind of broadband remains out of reach. In many  
1015 of these tribal areas, wireless services may be their best chance  
1016 of getting online. So I just wanted to ask what is the industry  
1017 doing to promote build-out in tribal lands?

1018 Mr. Bergmann. Congressman, thank you for the question.  
1019 And I recall that you care deeply about tribal lands. The work  
1020 that you are doing today can really make a big difference.

1021 In that part of the country, much of the land is controlled  
1022 by federal agencies, so taking some of the steps that we have been  
1023 talking about today to put some deadlines on BIA, on BLM can help  
1024 us build out infrastructure to those areas more quickly.

1025 I might point out another area as well, too, which is that  
1026 the FCC has talked about ongoing funding mechanisms to support

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1027 build-out in rural areas and in tribal areas for mobile broadband.  
1028 And so the attention of this committee to making sure that those  
1029 mobility funds and tribal mobility funds are fully implemented  
1030 can also help as well.

1031 Mr. Pallone. All right. Thanks.

1032 Ms. Socia, for much of the country, the private sector has  
1033 done a good job making sure consumers have access to high-speed  
1034 broadband, but still gaps remain, and I don't think we will find  
1035 the silver bullet to close those gaps, which is why the draft bills  
1036 we are discussing today try several different approaches. What  
1037 do you think the Federal Government could do in striving for this  
1038 goal? Do our discussion drafts help move us forward?

1039 Ms. Socia. I think they do. I think also the  
1040 acknowledgment that this is critical infrastructure has been very  
1041 helpful. I think, as I mentioned earlier, thinking about those  
1042 key bottlenecks is very helpful locally as well.

1043 I think at the local level when it is difficult topology,  
1044 when it is limited population density, there really isn't a  
1045 financial model that makes it make sense for big companies to come  
1046 in and build out and thinking about how we can help to incentivize  
1047 that and to give local communities the capacity to make decisions  
1048 about their own future.

1049 So, for example, we have a rural community in Massachusetts

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1050 that chose to build their own, Leverett, Massachusetts, because  
1051 even their copper line was not really successful for them, and  
1052 every time it rained, they couldn't call 911. And no one else  
1053 wanted to build out so they took it upon themselves to do it. And  
1054 so we really applaud that kind of local control and that local  
1055 opportunity for our folks to be able to solve their own problems  
1056 at that level.

1057 Mr. Pallone. Well, thanks. I know there had been a number  
1058 of creative experiments with new ways of deploying fiber for  
1059 high-speed broadband, and one of the most well-publicized efforts  
1060 has been Google Fiber. So I was going to ask you what early  
1061 lessons we have learned from these types of experiments in  
1062 deploying fiber throughout the country?

1063 Ms. Socia. So, you know, one of the things we learned from  
1064 that was that competition is great. And we all knew that  
1065 competition is a good thing in any marketplace. When Google came  
1066 in, the prices went down, the speeds went up. And we also learned  
1067 that it is really important for communities and providers to work  
1068 collaboratively to solve problems. And when they do, outcomes  
1069 are positive. And the changes that our cities made to support  
1070 Google they offered to all providers. That is a really helpful  
1071 process for us to begin to think about how do we work  
1072 collaboratively and how do we empower that local community to be

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1073 part of the solution.

1074 Mr. Pallone. All right. Thanks a lot.

1075 Thank you, Mr. Chairman. I yield back.

1076 Mr. Walden. Well, thank you very much. The gentleman  
1077 yields back.

1078 And the chair now recognizes the chairman emeritus, the  
1079 gentleman from Texas, for 5 minutes.

1080 Mr. Barton. Thank you, Mr. Chairman.

1081 I am not as familiar with these issues as some of the other  
1082 members of the subcommittee. I have looked at the draft bills,  
1083 and I must say that I am a little bit troubled. I am a market  
1084 person. I believe markets work. I believe open, transparent  
1085 markets are better than regulated markets. I believe incentives  
1086 are better than federal mandates.

1087 I understand there are some real problems in siting on  
1088 federal lands, and I understand that NEPA has been abused in ways  
1089 that we didn't intend when that particular law was passed.

1090 So my first question is just a general question. Are the  
1091 problems that you folks are facing in your business models, are  
1092 they primarily generated because of the problems dealing with  
1093 federal lands and federal facilities, or do you think that there  
1094 are broader problems in the private land private sector? Anybody  
1095 can answer that.



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1096 Mr. Benedict. Well, I will begin. Our chief concern is on  
1097 federal lands we have -- you know, we face challenges in  
1098 rights-of-way and property access everywhere, but the principal  
1099 frustrations we run into are not state lands, they are not private  
1100 landowners, but federal lands. And it is not because our permits  
1101 will be denied; it is because of the processing delays. It is  
1102 really a problem of process and not substance.

1103 Our concern isn't with NEPA. Our concern isn't with the  
1104 National Historic Preservation Act. It is just how these are  
1105 carried out in ways that needlessly delay our ability to get  
1106 broadband infrastructure upgrades deployed.

1107 Mr. Barton. Do the other panelists agree that your problems  
1108 are primarily on federal lands and federal facilities?

1109 Ms. Gold. [Nonverbal response.]

1110 Mr. Bergmann. [Nonverbal response.]

1111 Ms. Socia. [Nonverbal response.]

1112 Mr. Barton. I appreciate that. I am going to yield -- I  
1113 just want to say I am troubled that we are beginning to take the  
1114 position that access to wireless programs, wireless products,  
1115 wireless services are some sort of an entitlement. Some people  
1116 would hope that we would have a McDonald's on every corner but  
1117 we let the market decide where we put McDonald's and Burger Kings.

1118 Generically, I think we should let the market decide when

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1119 and where broadband is deployed. It is obviously much better than  
1120 the old copper systems and the old telecommunications systems we  
1121 had only like 10 or 15 years ago, but to begin to take the position  
1122 that somehow this is an entitlement that the most rural, least  
1123 densely populated part of our country should have the same  
1124 services as downtown Manhattan to me just is not correct.

1125 In any event, you know, the bills that deal with federal  
1126 access, Mr. Chairman, I am generally supportive of, but I want  
1127 to tread lightly in this area.

1128 And with that, I would yield back.

1129 Mr. Walden. Well, thank you very much. The gentleman  
1130 yields back. And the chair now --

1131 Mr. Barton. Oh, wait. If --

1132 Mr. Walden. Oh, I am sorry.

1133 Mr. Barton. If I still have time if somebody wanted to ask  
1134 me a question or --

1135 Ms. Eshoo. I just have --

1136 Mr. Walden. The gentleman yields? I thank the gentleman  
1137 --

1138 Mr. Lujan. Mr. Chairman, the only point -- the observation  
1139 that I make, Mr. Barton is representing one of those rural States  
1140 like Mr. Greg Walden and his -- I was just sharing with our Ranking  
1141 Member Eshoo is that you can board a plane in Albuquerque, New

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1142 Mexico --

1143 Mr. Barton. I have done it.

1144 Mr. Lujan. -- and stay on the internet until you land in  
1145 New York or San Francisco or Washington, D.C., or Dallas, wherever  
1146 you go. And so if the technology exists for us to be able to stay  
1147 connected at 30,000 feet traveling at those speeds, it appears  
1148 that the technology would exist to connect the United States of  
1149 America. We just need to figure out, you know, what that piece  
1150 is.

1151 And so not necessarily from the perspective of, as I would  
1152 describe it, as an entitlement, but connectivity is essential for  
1153 safety purposes today, especially as we are seeing the abandoning  
1154 of many of those antiquated copper systems that aren't being  
1155 maintained and now even plain old telephone service is starting  
1156 to lack in many of these communities as well.

1157 So I think, you know, therein lies an opportunity where  
1158 market forces have worked, satellite deployment in other areas  
1159 where we can see how we can connect to other people.

1160 Mr. Walden. The gentleman's time has expired, and the chair  
1161 now recognizes the gentleman from Pennsylvania for 5 minutes.

1162 Mr. Doyle. Thank you, Mr. Chairman. And I want to thank  
1163 you for holding this hearing and thank the witnesses appearing  
1164 before us.

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1165 I would also like to thank and commend the chairman and the  
1166 majority staff for working with us to come up with a slate of  
1167 legislative proposals that advanced our shared goal of promoting  
1168 broadband deployment. I am particularly proud of the bipartisan  
1169 legislation introduced by my good friend Anna Eshoo and Greg  
1170 Walden setting the "Dig Once" policy into law. This is way  
1171 overdue, and I encourage the committee to move forward on this  
1172 bill.

1173 Let me start by asking Mr. Bergmann a question. You  
1174 mentioned in your testimony many of the challenges faced by  
1175 wireless carriers in deploying wireless infrastructure on federal  
1176 structures and federal lands. Specifically, you mentioned the  
1177 need for Congress to encourage federal agencies to implement the  
1178 common processing contracts established by GSA pursuant to the  
1179 Spectrum Act. Do you believe that the draft bill directing  
1180 adoption of these practices achieves that goal?

1181 Mr. Bergmann. Yes, sir.

1182 Mr. Doyle. Thank you. I support this bill also, and I think  
1183 it is an example of smart, sensible policies that we need to  
1184 advance wireless broadband deployment in this country.

1185 I want to ask Mr. Benedict. I noticed in the draft bill that  
1186 addresses pole attachments, I notice a change in current law.  
1187 Among the many sensible reforms to pole attachment policy and data

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1188 collection, I saw that the rates charged to ILECs like CenturyLink  
1189 by energy utilities would be substantially reduced as you would  
1190 pay the FCC-regulated telecom rate for pole attachments under the  
1191 draft bill.

1192 I just have two questions about that. First, if ILECs were  
1193 to pay a substantially lower rate to energy utilities for access  
1194 to poles, who picks up the cost differential that results from  
1195 that lower rate?

1196 And secondly, can you explain the differences to us between  
1197 the services that an ILEC currently receives under the current  
1198 rate structure versus what I understand are scaled-down services  
1199 available to service providers that pay that telecom or cable  
1200 rate?

1201 Mr. Benedict. Well, actually, our chief concern is having  
1202 a more level competitive playing field when it comes to pole  
1203 attachments. The FCC has taken some action to reform the process,  
1204 but we still end up in a situation where ILECs commonly pay more  
1205 on electric utilities than other attachers, particularly cable.  
1206 You know --

1207 Mr. Doyle. My understanding is you get more services for  
1208 that than those groups that are paying the telecom or cable rate  
1209 is under this new bill, is that equalized, you know, you are paying  
1210 that lower rate that the telecoms and cables pay or are you also

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1211 getting that scaled-down service --

1212 Mr. Benedict. Well --

1213 Mr. Doyle. -- or are you maintaining what you have?

1214 Mr. Benedict. Well, the charges are also a portion

1215 according to either the space or the usage on the pole.

1216 Mr. Doyle. Sure.

1217 Mr. Benedict. And to the extent that we are not imposing

1218 any larger burden on the pole owner, then rates should be

1219 comparable. There really shouldn't be a distinction between, you

1220 know, our fiber and another party's.

1221 Mr. Doyle. But if you are paying less, someone has got to

1222 pick up that -- I mean, utilities are saying, well, they are just

1223 going to pass that on in the utility bills to consumers. So I

1224 guess I am just trying to understand what happens to that cost

1225 differential under that bill.

1226 Mr. Benedict. Well, the FCC's, you know, oversight -- and

1227 indeed States' oversights of ILEC pole, you know, charges, where

1228 they are regulated, which is not everywhere, that actually

1229 reflects costs from the pole based on publicly available

1230 information, public accounting information. So the numbers are

1231 not pulled out of the air. We face a different problem where we

1232 are talking about co-op or municipal-owned poles where they are

1233 not subject to that oversight.

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1234           But with electric utilities, you know, there is a measure  
1235 of discipline that the FCC has helped enforce. Previously, we  
1236 didn't have a clear right to attach, which left us in something  
1237 of a less clear situation in terms of our rights, the rates that  
1238 could be charged to us and the terms that could be imposed on us.

1239           Ultimately, we all have an interest in advancing, you know,  
1240 broadband deployment and broadband upgrades, and the cost of  
1241 attachments are significant, especially in rural areas. I mean  
1242 if we were looking at a \$25 or a \$30 pole attachment rate and need  
1243 to attach to 10 or 12 poles to reach a --

1244           Mr. Doyle. No, I understand that. I am just saying if your  
1245 costs go down, somebody is picking that up and I am just curious  
1246 who is picking up that additional cost.

1247           Mr. Benedict. Well, I can't speak to that. But I can say,  
1248 you know, the costs are often higher than they ought to be --

1249           Mr. Doyle. Thank you.

1250           Mr. Benedict. -- frankly.

1251           Mr. Doyle. I noticed a lot of green ties in the audience.  
1252 I thought it was maybe an early St. Patrick's Day, but I understand  
1253 that is the CenturyLink color. And everyone wears the green tie,  
1254 so as an Irishman, I appreciate that.

1255           Mr. Chairman, I yield back.

1256           Mr. Latta. [Presiding] All right. The gentleman yields

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1257 back, and his time has expired.

1258 The chair now recognizes himself for 5 minutes.

1259 And again, I would like to thank the witnesses for being with  
1260 us today. And this is a question to all of our witnesses today.

1261 We have defined broadband in the draft legislation as a  
1262 service capable of providing advanced telecommunications  
1263 capability under Section 706, largely leaving the definition to  
1264 the FCC's discretion. We have some reservations about whether  
1265 a shifting definition will create uncertainty for both agency and  
1266 broadband providers, for agencies denied applications for  
1267 services they may argue is not broadband. And the question is,  
1268 is there a better way to draft this definition? And, Ms. Gold,  
1269 if I could start with you.

1270 Ms. Gold. We have argued before the FCC for the last year  
1271 that they should get away from a speed measurement and they should  
1272 be looking at the facility. Obviously, we have argued for a  
1273 fiber-based facility because you can indefinitely expand the  
1274 speed. I think that this constant resetting the goalpost has  
1275 created some confusion. I think the Commission and Congress  
1276 should be thinking long-term. What facility can deliver the  
1277 broadband that this country will need 10, 15, 20 years from now  
1278 rather than constantly arguing over what is the market-based speed  
1279 that is acceptable because that is in a sense continual investment



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1280 where one investment policy might be better.

1281 Mr. Latta. Mr. Bergmann?

1282 Mr. Bergmann. So I certainly share your observation that  
1283 shifting broadband definitions make it challenging for providers  
1284 to make decisions about whether to participate in federal  
1285 programs.

1286 I certainly note as well, too, that when aspirational  
1287 definitions are adopted, that can sometimes put those public  
1288 policy goals out of line with the broadband that consumers are  
1289 actually adopting in the marketplace.

1290 And I would note as well, too, that just last year when  
1291 Congress spoke to a definition of broadband in the context of the  
1292 farm bill, you all adopted a definition that was based on 4  
1293 megabits down, 1 megabit up, and there is some benefit to having  
1294 definitions that reflect what consumers are actually purchasing  
1295 because it allows providers to have a mix of technologies, to meet  
1296 needs in different parts of the country with different challenges.  
1297 It also enables competition to help drive subsidies in support  
1298 programs as well, too. So certainly appreciate any guidance on  
1299 that as well.

1300 Mr. Latta. Thank you. Mr. Benedict?

1301 Mr. Benedict. Yes, well, we would agree that a general  
1302 definition of a broadband facility would be more sensible than

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1303 a definition tied to Section 706. I mean, the FCC already uses  
1304 more than one definition of broadband, and frankly, the focus  
1305 should be on the generic use of the facility, not the specific  
1306 speed or character of the end product that might be provisioned  
1307 by it.

1308 Mr. Latta. Ms. Socia?

1309 Ms. Socia. We might argue that primarily because we feel  
1310 that our communities that are very rural, we really need to be  
1311 thinking about how are we providing them with opportunities for  
1312 education, for public safety, for transportation, for precision  
1313 farming, for all the things that are so necessary now. And we  
1314 think that definition is really helpful to folks in those  
1315 communities to ensure that they end up with the opportunity to  
1316 have the same resources as their friends across the country.

1317 Mr. Latta. Thank you. If I could follow up on a question  
1318 that the gentlelady from Tennessee asked, Mr. Benedict, if I could  
1319 ask you, the rural communities that are not adjacent to federal  
1320 lands, how can we best encourage broadband development in  
1321 high-cost areas without federal funding when you have these areas  
1322 that are private lands next to federal? What would be the best  
1323 way to go for those of you who don't get the federal funding?

1324 Mr. Benedict. Well, we actually typically cross federal  
1325 lands to access communities that may be adjacent or even many miles

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1326 down the road. We are not simply talking about local broadband  
1327 facilities that are deployed on federal lands but also long-haul  
1328 and middle-mile facilities that are necessary to reach those  
1329 communities. We may have a long run through a national forest  
1330 in order to connect one community to a major hub.

1331 Mr. Latta. And, Mr. Bergmann, if I could, with my last 25  
1332 seconds, ask you, the environmental review process is very  
1333 burdensome on federal lands. Is there a way to learn from the  
1334 local review process when we are looking at the federal lands?

1335 Mr. Bergmann. Certainly. There are a number of challenges  
1336 with the environmental --

1337 Mr. Latta. Oh, excuse me. Is your mike on? Thank you.

1338 Mr. Bergmann. Thank you for the reminder. So there are a  
1339 number of challenges with the environmental review process, but  
1340 certainly, an absence of deadlines is one of the chief challenges.  
1341 So adopting a framework that is similar to what Congress did in  
1342 the municipal side would be very helpful with that environmental  
1343 review process as well, too.

1344 Mr. Latta. Thank you. And my time has expired.

1345 And the chair now recognizes the gentleman from Iowa for 5  
1346 minutes.

1347 Mr. Loeb sack. Thank you, Chairman.

1348 As I said earlier, I am really glad that the committee is

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1349 addressing opportunities to expedite and streamline processes for  
1350 build-out on federal property. It is very, very important.  
1351 First thing I do want to say is I want to thank you, Ms. Socia,  
1352 for your comments about rural broadband. I know I beat the same  
1353 drum every time at these particular hearings, but given my  
1354 district and it is not as big as Chairman Walden's by any means,  
1355 but it is probably 12, 13,000 square miles, 24 counties in  
1356 southeastern Iowa, and, you know, we do have some urban areas,  
1357 got a town of 110,000, Davenport, about 100,000, 110,000, but I  
1358 have so much in my area that is rural. And it is very, very  
1359 difficult.

1360           You mentioned the different aspects, you know, of not just  
1361 economic development but challenges for the educational  
1362 communities. I mentioned yesterday that a lot of our schools are  
1363 connected to the ICN. You know, that is the state-built pipeline  
1364 if you will, but a lot of those students, when they go home at  
1365 night, they have homework and that homework often has to be  
1366 accomplished, has to be finished on the internet. And they have  
1367 very limited opportunities often to do that. So it is just so  
1368 important.

1369           And I am glad you mentioned the agricultural part of this  
1370 as well. A lot of folks don't know that, the precision farming  
1371 that you mentioned. It is absolutely critical nowadays in many

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1372 parts of this country that folks be able to have that kind of  
1373 broadband so they can connect to the internet so they can do the  
1374 things that they need to do.

1375 And I know that is not specifically what we are talking about  
1376 here today, but at the same time, this is something that we have  
1377 got to be thinking about whenever we talk about the expansion of  
1378 broadband. And it is not just my district; it is all over the  
1379 country obviously.

1380 I just have one brief question for Mr. Bergmann, although  
1381 before I forget, I should thank Ms. Eshoo again for her "Dig Once"  
1382 legislation. You know, often, it is not the case in this body  
1383 that we think very rationally about how to resolve issues it seems  
1384 like. I mean, this is when it is like, you know, this is a total  
1385 no-brainer and it has taken since 2009. It makes no sense to me,  
1386 you know, for it to become this important and be before us so that  
1387 we can deal with it.

1388 But at any rate, Mr. Bergmann, you mentioned some of the  
1389 benefits that could accrue to the Federal Government, in  
1390 particular, if we can improve access for siting on federal  
1391 properties. Can you sort of elaborate on that a little bit if  
1392 you can?

1393 Mr. Bergmann. So thank you. And we are certainly  
1394 supporters of the "Dig Once" legislation as well, too, supporters

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1395 of robust fiber. But as you know, you can't plug fiber into a  
1396 school bus that is taking kids home in a rural area, but you can  
1397 have an LTE connection so that, you know, kids in rural areas can  
1398 take advantage of mobile wireless networks and the innovations  
1399 that we are doing right now, whether it is m-learning, m-health,  
1400 remote monitoring for your elderly in rural communities. There  
1401 are some real opportunities. And access to federal properties  
1402 in rural areas is a really critical issue.

1403 So the steps that we have talked about today, establishing  
1404 deadlines, making sure that reviews happen in parallel rather than  
1405 one after the next, making sure that fees are related to the actual  
1406 impact rather than just sort of other goals are all important steps  
1407 that this subcommittee can take to promote that sort of wireless  
1408 infrastructure in rural areas.

1409 Mr. Loeb sack. I think a lot of what we are doing is creating  
1410 efficiencies, and sometimes people don't think of government  
1411 being particularly efficient, but there are ways that we can do  
1412 there, there is no question about that, and maybe even save  
1413 taxpayers some dollars along the way.

1414 You did mention, I think, in your testimony on page 3 that  
1415 there would be revenue for the Federal Government. Can you talk  
1416 about that a little bit as well?

1417 Mr. Bergmann. Sure. So whenever there is siting on federal

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1418 lands, we are not asking for that access for free.

1419 Mr. Loeb sack. Right.

1420 Mr. Bergmann. We pay for that access. And so it produces  
1421 revenue for the government when we are able to put those facilities  
1422 on federal lands.

1423 Mr. Loeb sack. Is there any estimate as to how much that  
1424 might be at this point?

1425 Mr. Bergmann. You know, we would be happy to work with you  
1426 to get back with your staff to see if can provide some of that  
1427 information.

1428 Mr. Loeb sack. Okay. Thank you. Thank you, Mr. Chair. I  
1429 yield back the remainder of my time.

1430 Mr. Latta. Well, thank you very much. The gentleman yields  
1431 back. And the chair now recognizes the gentleman from New Jersey  
1432 for 5 minutes.

1433 Mr. Lance. Thank you, Mr. Chairman.

1434 Ms. Gold, when your member companies decide to trench fiber  
1435 in a new location, I am sure that you calculate the cost associated  
1436 with that. Do you also project possible delays in whether the  
1437 deployment will be outweighed by the fact that it may take  
1438 so long, and therefore, it is not economically feasible?

1439 Ms. Gold. For many of my members they are operating as local  
1440 entities, and so they go ahead and they do a feasibility study

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1441 --

1442 Mr. Lance. Feasibility study, yes.

1443 Ms. Gold. -- and that is part -- the time and cost are  
1444 critical components of that feasibility study. So with my one  
1445 member that was building a middle-mile network, they had no idea  
1446 it was going to double the time it took to put in the federal  
1447 permitting in the eight miles. But for anybody going into a local  
1448 community to actually do fiber to the home, time and cost are  
1449 critical. So a private company may decide not to go to a community  
1450 if there are sufficient constraints on how long it will take.

1451 Mr. Lance. And is it your experience that this is often the  
1452 case, that where the projects are either delayed or do not reach  
1453 fruition because of that?

1454 Ms. Gold. It is hard for me to answer that because the  
1455 projects we see are where they are moving ahead. In other words,  
1456 the community has already determined that they want this asset,  
1457 and so they are working to make it come about as expeditiously  
1458 as possible. Obviously, when they have to cross federal property  
1459 and there is a delay, that is a fly in the ointment but --

1460 Mr. Lance. Your universe, therefore, may not be the  
1461 complete universe because --

1462 Ms. Gold. Correct.

1463 Mr. Lance. -- of projects that you do not see because they



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1464 have been abandoned?

1465 Ms. Gold. Exactly.

1466 Mr. Lance. Is there anyone else on the panel who would like  
1467 to comment?

1468 Ms. Socia. I would mention that --

1469 Mr. Lance. Ms. Socia?

1470 Ms. Socia. Yes, thank you. In some cases our members have  
1471 found that there has been a significant delay for one project,  
1472 and in the next project they therefore choose not to go on federal  
1473 lands and to instead really increase the cost by doing a  
1474 workarround.

1475 Mr. Lance. I see.

1476 Ms. Socia. And so it really is problematic for a lot of the  
1477 communities that we support.

1478 Mr. Lance. And Mr. Benedict?

1479 Mr. Benedict. We have run into similar situations. And if  
1480 the cost or delay of securing that federal right-of-way gets to  
1481 the point that it is unacceptable, if we find another way around,  
1482 you know, we are talking about a longer route. Our projects are  
1483 typically budget-limited, which means that we have to scale back  
1484 the amount of build-out in that local community. That basically  
1485 means that there are houses, possibly businesses in that community  
1486 that would have been upgraded that we now can't.

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1487           Mr. Lance. Thank you. In your testimony, Mr. Benedict, you  
1488 state, "CenturyLink is compelled by law to make its poles  
1489 available to other providers, even competitors at modest  
1490 cost-based rates. Yet co-ops, munis, and public utility  
1491 districts routinely deny us access and demand grossly  
1492 unreasonably rates. Congress should act to create a level  
1493 playing field, and consequently, CenturyLink supports the  
1494 committee's plans for legislation on access to poles, ducts, and  
1495 conduit." Could you go into a little greater detail on that?

1496           Mr. Benedict. Yes, certainly. The problem isn't  
1497 universal, but it is too often the case that with co-operatives,  
1498 public utility districts, municipalities that have their own  
1499 poles, we have no clear legal right to attach and there is no state  
1500 or federal oversight of the rates, terms, and conditions. And  
1501 that can and does lead to unreasonable situations.

1502           We have had a recent case where we were, you know, threatened  
1503 with the removal of poles by a co-op and disconnection of power  
1504 at our central office unless we accepted a huge increase in rental  
1505 rate. And that type of, you know, frankly, extortion is something  
1506 that shouldn't be happening in this marketplace.

1507           Mr. Lance. And this is an area of law with which I am not  
1508 completely familiar. Are these matters governed by state boards  
1509 of public utility or not?

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1510 Mr. Benedict. When you are talking about municipalities and  
1511 co-ops, as a general rule, no, they are not subject to state  
1512 oversight and they are not subject to FCC oversight. And that  
1513 frankly is a problem we would suggest Congress help correct.

1514 Mr. Lance. Thank you very much. I am interested in this  
1515 topic and hope to be able to follow up.

1516 Thank you, Mr. Chairman.

1517 Mr. Latta. Thank you. The gentleman yields back.

1518 And the chair now recognizes for 5 minutes the gentlelady  
1519 from California.

1520 Ms. Matsui. Thank you, Mr. Chairman.

1521 Ms. Gold, you spoke about the importance that localities can  
1522 play in accelerating their deployments. In my congressional  
1523 district in Sacramento, as part of our light rail expansion, the  
1524 fiber backbone was installed. And I also have to reflect on what  
1525 my colleague Mr. Loeb sack mentioned about schools and the  
1526 connections. I say this because I represent an urban area, yet  
1527 I am hoping that this fiber that is already in the light rail  
1528 expansion that it really connects to community colleges. There  
1529 is a lot of territory in between which is economically depressed,  
1530 and I would like to leverage this fiber that the expansion has  
1531 provided here, so I am asking you, how can we best encourage  
1532 broadband providers to leverage this fiber?

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1533 Ms. Gold. So we have seen in several situations where the  
1534 availability of a robust middle-mile network, you know, often the  
1535 cost -- and I think CenturyLink testified to this. The cost of  
1536 getting to a community can be as expensive as building it out.  
1537 Once you have the access, the middle-mile access which you now  
1538 have, that helps incent fiber deployment actually to the premises.

1539 There are several models, as Ms. Socia said. There is no  
1540 one model for every community. We have found demand aggregation  
1541 models, which was the big innovation that Google brought to play,  
1542 has worked very well even in lower income areas. One of my members  
1543 is building out the State of Mississippi, and they are going to  
1544 towns as small as 3,200 constituents. And they have done it by  
1545 using their middle-mile network and then actually building a  
1546 demand aggregation model in that community where people all sign  
1547 up. They pre-sign --

1548 Ms. Matsui. Yes.

1549 Ms. Gold. -- so people know exactly where they are going  
1550 to go.

1551 Communities have a lot of assets in place such as access to  
1552 building for central offices. They have the common conduit where  
1553 a fiber provider could pull fiber. So these are the kind of assets  
1554 that a community needs to have an inventory of such as we need  
1555 an inventory of federal assets.

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1556 Ms. Matsui. Community assets inventories we are talking  
1557 about, so if we identify, for instance, some anchor institutions  
1558 like libraries and particular schools that might be strong, those  
1559 might be assets --

1560 Ms. Gold. Yes.

1561 Ms. Matsui. -- that we could leverage.

1562 Ms. Gold. Absolutely, especially if they need fiber access  
1563 because then you can get funding to help build those, which  
1564 releases more financial availability to actually build to the  
1565 homes.

1566 Ms. Matsui. Okay. That is good. Thank you.

1567 Ms. Gold, you also endorse the concept of the inventory of  
1568 the federal assets on which broadband can be attached or  
1569 installed. Will using these existing assets drive down the cost  
1570 of expansion of fiber networks?

1571 Ms. Gold. I think it is very important for any fiber  
1572 deployer, be it local or long-haul, to know where they are going  
1573 and what is available to access. And yes, that will drive down  
1574 the cost of a feasibility study, it will release then more funds  
1575 to actually put the fiber in the ground.

1576 Ms. Matsui. Okay. Great. Mr. Bergmann, when it comes to  
1577 broadband, we know that increasingly consumers are relying on  
1578 wireless, and this is especially true for our minority populations

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1579 and low-income Americans. What are the biggest barriers to  
1580 wireless broadband infrastructure deployment?

1581 Mr. Bergmann. So, Congresswoman, I think you are exactly  
1582 right. We see the same thing, which is that minority and  
1583 low-income consumers are active adopters of mobile wireless and  
1584 mobile broadband. They tend to have mobile broadband as their  
1585 primary connection to the internet; they tend to be heavy users  
1586 of the mobile internet.

1587 So as we look to upgrade our networks, we are trying to make  
1588 sure that we can provide all of the services that our consumers  
1589 want. And so a big part of that is building out these  
1590 next-generation networks that have much higher capacity. And so  
1591 being able to do things like to deploy DAS and small cells, which  
1592 are much smaller than traditional macro sites but allow us to  
1593 provide that kind of capacity is really critical.

1594 The FCC is working on a proceeding right now to speed up the  
1595 deployment of those small cells, and, you know, we think that is  
1596 really helpful. We have appreciated the opportunity and continue  
1597 to work with the FCC.

1598 We certainly think that this committee could help by putting  
1599 a hard deadline in there for that proceeding, and that would be  
1600 consistent with what the FCC is doing. They have endeavored to  
1601 complete the proceeding by this time next year, and we are hopeful

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1602 that that will happen. We will address some of those barriers  
1603 that you talked about.

1604 Ms. Matsui. Okay. Thank you. And, you know, today, we are  
1605 basically talking about physical infrastructure, but I am also  
1606 focusing on making more spectrum available because we know  
1607 spectrum is really the invisible infrastructure needed for robust  
1608 wireless networks. So what impact does access to the spectrum  
1609 have on the broadband infrastructure deployment?

1610 Mr. Bergmann. So I completely agree with you. It is a  
1611 symbiotic relationship between spectrum and infrastructure. We  
1612 absolutely need the infrastructure to build out the spectrum. We  
1613 have talked and certainly applaud your leadership, Congressman  
1614 Guthrie's leadership in creating incentives for federal agencies  
1615 to make spectrum available.

1616 We really believe that you need to have low-band spectrum,  
1617 mid-band spectrum, high-band spectrum. As you start to deploy  
1618 in those higher bands, infrastructure becomes even more  
1619 important. Those bands tend to propagate in much smaller areas,  
1620 so you really need to have a dense network. If we are going to  
1621 be the leaders in 5G, if we are going to be the leaders in the  
1622 Internet of Things, maintain that global edge, we need to make  
1623 sure that we have those dense networks and that we are able to  
1624 build out that infrastructure quickly.

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1625 Ms. Matsui. Okay. Fine, thank you. And I yield back.

1626 Mr. Latta. The gentlelady yields back.

1627 The chair now recognizes the gentleman from Texas for 5  
1628 minutes.

1629 Mr. Olson. I thank the chair. And welcome to all four  
1630 witnesses.

1631 Once you cross the Mississippi River to Arizona heading West,  
1632 most of that land is controlled by the Federal Government. There  
1633 is one exception, my home State of Texas, almost all private land,  
1634 but that is because we were a nation, a Republic before we became  
1635 State.

1636 To maximize broadband access, we need commonsense actions  
1637 that balance jobs and growth with expense and the environment.  
1638 And rural access is important. For example, my home State of  
1639 Texas has a state law that guarantees access to state universities  
1640 for people graduating from high school depending upon their GPA,  
1641 their standing in their class. That sounds great, but what  
1642 happens sometimes, kids from rural schools don't have the  
1643 technology to succeed. They go to a great school like University  
1644 of Texas and can't compete because they didn't have that  
1645 opportunity in high school. So rural access is important.

1646 And if we all dig on federal land or highways for broadband  
1647 access, a whole swarm of agencies pop up: EPA, the Corps of



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1648 Engineers, Bureau of Land Management, National Park Service,  
1649 Department of Transportation, FCC, Department of Defense with the  
1650 Army, the Marine Corps, the Navy, and the Air Force involved, Fish  
1651 and Wildlife Service, Department of the Interior, Department of  
1652 Agriculture, and on and on and on. Over and over, say, for  
1653 example, BLM says good to go, EPA or Fish and Wildlife Service  
1654 says stop, object, no, don't move forward. We all want growth,  
1655 and that means a lean, mean federal machine for permits.

1656 So my question is for each of you, you can be the king or  
1657 the queen. Ms. Gold, you are the queen today. If you had to pick  
1658 among offenders, which federal agency generates the biggest  
1659 problems for your organization, and how should we fix that? Pick  
1660 one out, ma'am. You are the queen.

1661 Ms. Gold. I don't think there is any one because in every  
1662 situation it is somebody else that is -- you know, it could be  
1663 the U.S. Forest, it could be the Bureau of Indian Affairs. I mean  
1664 there is just -- such a panoply of agencies control permitting  
1665 and federal properties. I would be hard-pressed to say there is  
1666 one.

1667 Mr. Olson. That is scary.

1668 King Bergmann.

1669 Mr. Bergmann. I would simply echo --

1670 [Audio malfunction in hearing room.]

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1671 Mr. Bergmann. -- range of those agencies that you  
1672 mentioned. Just by contrast, in the municipal environment  
1673 Congress and the FCC have imposed deadlines of 60 days, 90 days,  
1674 150 days. In the federal space, we regularly see delays of 2 to  
1675 4 years and sometimes even longer than that. So the steps that  
1676 this committee is taking to apply some deadlines consistently  
1677 across agencies would be very helpful.

1678 Mr. Olson. King Benedict, your call, sir.

1679 Mr. Benedict. Yes, I sort of hate to point fingers. I mean,  
1680 frankly, we endure the same problems with all of the agencies,  
1681 and in some instances it is not because of circumstances employees  
1682 can control. And if you are talking about dealing with an  
1683 emergency like wildfires, then everything tends to be  
1684 back-burnered.

1685 But, you know, that said, we do think that, you know, some  
1686 offices seem to be quicker than others, but all across the board  
1687 we face similar problems and unreasonable delays. And if it is  
1688 good now, 6 months from now we may be facing similar backlogs  
1689 because some employees have, you know, gone on leave or some other  
1690 crisis has crowded out our broadband applications.

1691 Mr. Olson. Queen Socia.

1692 Ms. Socia. I like being queen. Thank you so much. I will  
1693 echo my co-panelists' comments that there doesn't seem to be any

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1694 one agency that is really problematic, that it is much more endemic  
1695 to the larger group.

1696 Mr. Olson. Well, thank you. I am running out of time. I  
1697 yield back the balance of my time.

1698 Mr. Latta. Thank you very much. The gentleman yields back.

1699 And the chair now recognizes the gentlelady from New York  
1700 for 5 minutes.

1701 Ms. Clarke. I thank you, Mr. Chairman. I thank the ranking  
1702 member. I thank our panelists for really honing in on today's  
1703 subject matter. It is helpful for us to have a deeper  
1704 understanding of what broadband deployment in relation to the  
1705 Federal Government and the private sector really means for our  
1706 constituents.

1707 My first question is to Ms. Socia. While it might seem  
1708 obvious that access to high-speed broadband is essential for  
1709 consumers, I have seen some reports where some don't hold that  
1710 view. Indeed, there are some members on this very committee that  
1711 don't hold that view. How do you respond to those that don't  
1712 believe that broadband is critical or an essential  
1713 infrastructure?

1714 Ms. Socia. I would start by sharing that I was an educator  
1715 for a long time, so for me, education of our children should be  
1716 a primary responsibility. And so much of what we use now in

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1717 education to provide good services to children involves  
1718 technology. And I will further say that in rural communities it  
1719 is even that much more important. If your child would like to  
1720 take a course that is not available in that small school, they  
1721 can go online and take a course, but only if it is available.

1722 I will add that precision farming, as I mentioned before,  
1723 is very important in our rural areas, and in particular in  
1724 communities that are drought-stricken that it has really added  
1725 efficiencies that have been really helpful.

1726 It helps our communities with things like transportation.  
1727 It is essential for public safety. And these all go beyond the  
1728 obvious economic development part of this problem. You can't  
1729 possibly get a job or maintain a job without access these days,  
1730 and I think that we need to be pretty clear about it being essential  
1731 infrastructure.

1732 Ms. Clarke. So when we hear the argument that the market  
1733 has to determine that, what would you say moving forward in the  
1734 21st century that would mean for our nation quite frankly?

1735 Ms. Socia. And I would say, you know, that there may have  
1736 been similar comments when we were bringing electricity across  
1737 the country and we wouldn't have that question today about  
1738 electricity being a market problem. And I think that broadband  
1739 at this point we are coming to the place where we need to think

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1740 of it in the same way, that it is essential infrastructure and  
1741 that we need all hands on deck, and that if the market can't solve  
1742 the problem, then we need to figure out how to solve the problem.

1743 Ms. Clarke. In one of the discussion drafts we offered  
1744 today, we create an inventory of federal property and real  
1745 property that can be used to help deploy broadband infrastructure.  
1746 In addition, this draft would also permit local and municipal  
1747 governments to add their existing facilities to the inventory so  
1748 they might be better utilized by broadband developers. Would  
1749 your members be interested in having their infrastructure added  
1750 to such an inventory?

1751 Ms. Socia. I don't think they are adverse to doing so. I  
1752 think the problem with be that our communities and many of the  
1753 smaller utilities are so tiny and so lean and their information  
1754 is on paper only that such an obligation could be really an undue  
1755 problem for that particular group. We are happy when folks come  
1756 to our communities and ask for information, and we readily share  
1757 it, but generally, it is person to person, somebody walks in the  
1758 office and we can share with you where those assets are.

1759 We do, however, encourage our communities to be fiber-ready,  
1760 to identify those assets, to be ready to move forward in the  
1761 marketplace however they choose to move forward.

1762 Ms. Clarke. Is there currently coordination between

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1763 federal, state, local governments, and would this discussion

1764 draft helped foster that sort of cooperation?

1765 Ms. Socia. I imagine the draft will certainly foster that  
1766 sort of cooperation.

1767 Ms. Clarke. Okay. Very well. Mr. Chairman, I yield back  
1768 the balance of my time.

1769 Mr. Latta. Thank you. The gentlelady yields back.

1770 And the chair now recognizes the gentleman from Illinois for  
1771 5 minutes.

1772 Mr. Kinzinger. Thank you, Mr. Chairman. Thank you all for  
1773 being here. I appreciate it. Hopefully, I won't take all 5  
1774 minutes. It depends on you guys.

1775 So, Mr. Benedict, you speak briefly in your statement  
1776 regarding the problems in locating facilities on military bases.  
1777 How does that process usually go, and what delays do you typically  
1778 encounter?

1779 Mr. Benedict. Well, the delays we run into in crossing  
1780 federal lands that are managed by Department of Defense units are  
1781 akin to what we see in other federal lands. We are running into  
1782 the same NEPA reviews, we are running into the same 106 reviews,  
1783 but we also have some peculiar problems, and on occasion we have  
1784 run into undue fees for, you know, accessing buildings or putting  
1785 facilities onsite --

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1786 Mr. Kinzinger. Can you explain like undue fees?

1787 Mr. Benedict. Well, it is just, for example, you know, we  
1788 were assessed something on the order of \$30,000 to put in, you  
1789 know, a small central office facility on, you know, one particular  
1790 base that it was just not something we were expecting.

1791 Mr. Kinzinger. Yes.

1792 Mr. Benedict. And, you know, these units, like other  
1793 agencies, you know, see an obligation to recover costs and apply  
1794 fees for permitting applications. And all of those add up.

1795 Mr. Kinzinger. So who loses when a company like CenturyLink  
1796 is unable to deploy on a military base?

1797 Mr. Benedict. Well, one of our, you know, major customers,  
1798 of course, are military agencies. We also provide broadband and  
1799 voice service to military residents in military facilities. So  
1800 anything we can do to make, you know, the cost and access, the  
1801 timely access of our facilities to those communities is important.

1802 Mr. Kinzinger. Yes. Mr. Bergmann, one of the staff drafts  
1803 addresses deployment on DOD properties. Why is this important  
1804 to your members, and how could enhanced deployment on these  
1805 properties benefit the armed services?

1806 Mr. Bergmann. So, Congressman, thank you. Certainly, two  
1807 ways leap to mind. One is as the Department of Defense looks to  
1808 commercial off-the-shelf solutions, right, which are innovative,

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1809 world-leading, often more cost-effective, having wireless  
1810 facilities on DOD bases can help that.

1811 Certainly, another way is if you look at the personnel on  
1812 a typical military base often very youthful, right, and we know  
1813 that the young adults in this country certainly are big adopters  
1814 of mobile broadband. So if we are looking to promote the quality  
1815 of life for the men and women who are members of the armed services,  
1816 making sure that there are robust mobile services there is a great  
1817 way to do it.

1818 Mr. Kinzinger. So I am still an active guardsman so, you  
1819 know, I still fly planes, do military duty. I can't think of one  
1820 time I have ever been on a military base where there has been  
1821 available wireless access. I mean it is all -- maybe there is  
1822 a café on base that has some kind of a thing but I have never --  
1823 I mean at least that I know of never been on one where there was  
1824 wireless available, which is to me kind of astonishing.

1825 And you also mentioned in your testimony in 2012 Congress  
1826 provide relief to expedite modification requests for eligible  
1827 facilities. Is that working well, and are these changes having  
1828 a positive impact on speed of siting?

1829 Mr. Bergmann. So that law has been very effective in helping  
1830 us deploy co-locations so where we are adding onto an existing  
1831 site, making sure that we have timelines so that that happens



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1832 quickly. And we are certainly seeing the benefits of that. You  
1833 know, we believe that there is more that can be done to further  
1834 streamline that municipal process. We talked a little bit about  
1835 the small cell deployments, and that is another area where we are  
1836 working with the Commission and certainly appreciate this  
1837 subcommittee's guidance. The lessons of the 2012 act, the  
1838 deadlines have been very helpful in the process.

1839 Mr. Kinzinger. Okay. Great.

1840 Does anybody else have anything to add to that? Otherwise,  
1841 I will yield back. Thank you.

1842 Mr. Latta. The gentleman yields back.

1843 The chair now recognizes the gentleman from New Mexico for  
1844 5 minutes.

1845 Mr. Lujan. Thank you very much, Mr. Chairman.

1846 Ms. Gold, as you know, one of the draft bills proposes to  
1847 create a database of federal assets that can be used to support  
1848 broadband deployment, a proposal that was also endorsed by the  
1849 White House's Broadband Opportunity Council. Can you quickly  
1850 share how this database would support our efforts to expand access  
1851 to rural and tribal communities, as well as penetration elsewhere?

1852 Ms. Gold. If you take the database and you couple it with  
1853 more expedited permitting, all of a sudden people are going to  
1854 know where there are assets that they can use to attach fiber or

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1855 conduit they can use to pull fiber or attach wireless devices.  
1856 I mean, right now it is a real hodgepodge of trying to figure out  
1857 who controls the property where and who you need to go to to get  
1858 permission to have access to it. If you have that someplace  
1859 logically and easily accessible, it makes the building process  
1860 much better and more rapid, especially if you couple that with  
1861 some sort of a shot clock on permitting.

1862 Mr. Lujan. I appreciate that. And, Mr. Benedict, do you  
1863 believe that the discussion bills before us would advance  
1864 infrastructure build-out by the private sector? Do the bills  
1865 strike the correct balance to successfully address some of the  
1866 roadblocks you face in New Mexico and elsewhere when it comes to  
1867 applying for a permit from entities like the BLM?

1868 Mr. Benedict. Yes, we think so.

1869 Mr. Lujan. There has been a lot of conversation from some  
1870 of our colleagues, as well as with our witnesses today pertaining  
1871 to how we work closer with our electric cooperatives as well. Ms.  
1872 Socia, I appreciate your observation that if market forces would  
1873 have driven the wiring of electricity across America, rural parts  
1874 of America that grow most of our food would have been left out.  
1875 We wouldn't have electricity running to these parts of the  
1876 country. But with that being said, we also see the benefit of  
1877 rural utility service and other aspects that help deploy those

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1878 services.

1879 Mr. Benedict, can you touch on the importance of making sure  
1880 that if we indeed are going to touch rural parts of America, how  
1881 a partnership with the rural electric cooperatives with a  
1882 co-locate is essential to that? Last time I looked at a map of  
1883 where those electricity lines ran, it was mostly rural parts of  
1884 America.

1885 Mr. Benedict. Yes, and we actually have facilities and  
1886 provide voice and broadband in much of rural America.

1887 And I don't mean to suggest that there is any antagonism  
1888 between us and the cooperative community or municipalities for  
1889 that matter, municipal systems. We actually have cooperative  
1890 arrangements with a great many. Our concern is that there are,  
1891 you know, some that in effect use their position to wring some  
1892 additional revenue out of attachments beyond anything that we  
1893 would consider truly a compensatory rate.

1894 We, as a pole owner, fully appreciate that no party should  
1895 be, you know, expecting to have access to poles or conduit at,  
1896 you know, rates that are not compensatory.

1897 Mr. Lujan. But you said something earlier that  
1898 investor-owned utilities are required by the FCC to consider these  
1899 co-locates for fiber conductivity but that others may not be  
1900 required to do that. Can you expand on that?

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1901           Mr. Benedict. Well, under FCC rules, electric utilities are  
1902 -- unless a State has asserted oversight, investor-owned  
1903 utilities are subject to an FCC regime, as are we, as an ILEC,  
1904 that mandate cost-based rates. And that provides, you know, a  
1905 basis for apportioning and allocating costs. So it doesn't  
1906 necessarily mean we are, you know, the cheapest non-power  
1907 attacher, but it provides a basis for ensuring that there is more  
1908 predictable and more reasonable, you know, rates applied and that  
1909 some of the potential abuses that we have experienced, you know,  
1910 don't recur.

1911           Cooperatives and municipal poles aren't subject to that  
1912 regime. They are not subject to FCC oversight and they need not  
1913 --

1914           Mr. Lujan. If I just may interrupt here, I apologize, Mr.  
1915 Benedict, as time is running short. I just hope that that prompts  
1916 us to look at this because, look, if we are going to cover rural  
1917 parts of America, we should look at all the assets that we have  
1918 to be able to move into this realm as well. And being a former  
1919 public utility commissioner, I understand the constraints that  
1920 exist, whether it is at public utility commission levels, it is  
1921 at FERC, PURPA, FCC, whatever it may be. Let's bring this into  
1922 a realm we have an opportunity. And to complement again the "Dig  
1923 Once" legislation, I appreciate Mr. Loeb's assessment of

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1924 this, Ms. Eshoo, that this is a commonsense approach.

1925 I would hope that also as we look at utility easements, as  
1926 they are engaged with each and every one of you, whether it is  
1927 water, electricity, telecom, natural gas through these easements  
1928 with federal partners, including the BIA, that once one easement  
1929 is approved for water, then when the next one comes in under  
1930 electricity or telecom, that those same approvals that were put  
1931 in place once can be put in there and maybe you can enter a  
1932 cost-share with one another so you are not having to do this  
1933 repeatedly.

1934 And then, Mr. Chairman, lastly, I know time is running out,  
1935 but I hope that we can have a conversation to some of the  
1936 disincentives that exist when we talk about distribution versus  
1937 transmission, as I would describe it, where you are providing  
1938 conductivity or power for a community as described and required  
1939 by federal law, especially into tribal communities, but then you  
1940 enter into going into those communities but then you incur  
1941 liability to have to provide service. We need to have this  
1942 conversation, which is a rulemaking currently before the BIA and  
1943 to see how it intersects with these conversations not only for  
1944 broadband and communication penetration but for providing power  
1945 and water.

1946 So thank you for the indulgence, Mr. Chairman, and I

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1947 appreciate the witnesses and the hearing today.

1948 Mr. Latta. Well, thank you very much. The gentleman's time  
1949 has expired.

1950 The chair now recognizes for 5 minutes the gentleman from  
1951 southeastern Ohio.

1952 Mr. Johnson. Thank you very much, Mr. Chairman. And I  
1953 thank the panel for being with us today. Thank you very much.

1954 Mr. Bergmann, I understand that when one of your members is  
1955 sitting on a piece of land or a building governed by a municipal  
1956 zoning authority, there is a shot clock imposed by the FCC that  
1957 gets you a yes or a no within 150 days. But when one of your  
1958 members wants to put a tower on a piece of real estate controlled  
1959 by the Defense Department, that approval process can take multiple  
1960 years. With the understanding that there are certainly sensitive  
1961 sites where it might not make national security sense to deploy  
1962 commercial wireless infrastructure, aren't there many other  
1963 situations where improved commercial wireless access could  
1964 improve the quality of life for those people living on the DOD  
1965 facility and in some cases where that same commercial access could  
1966 improve the DOD's ability to leverage commercial off-the-shelf  
1967 technology to achieve its mission at a lower cost?

1968 Mr. Bergmann. I think you are exactly right, Congressman.  
1969 In the municipal context the deadlines are 150 days, 90 days, and

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1970 60 days, recognizing that where we are adding facilities where  
1971 they already exist, the timelines should be even shorter, and  
1972 contrast that to our experience with the Federal Government where  
1973 delays are routinely between 2 and 4 years. There are tremendous  
1974 opportunities here to move more quickly and to deliver the sorts  
1975 of benefits that you described, enabling our military to take  
1976 advantage of commercial off-the-shelf solutions and improving the  
1977 quality of life for the men and women who serve in the armed  
1978 services.

1979 Mr. Johnson. Do you know what drives that complicated, long  
1980 timeline? What is it? Is it just the paperwork or just the  
1981 slowness? What is your thought?

1982 Mr. Bergmann. So I certainly think deadlines are a helpful  
1983 construct, also making sure that when we are doing more than one  
1984 review, if you are doing an environmental review as well, too,  
1985 or in the context of military facilities doing a spectrum review,  
1986 that we try to do those reviews in parallel as opposed to  
1987 sequentially, and that that will help considerably as well, too.

1988 Mr. Johnson. Okay. Ms. Gold, the Broadband Opportunity  
1989 Council that the President created called for an inventory of  
1990 federal assets such as the one contemplated by one of our draft  
1991 bills. In your opinion, how does this help would-be network  
1992 builders?

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1993 Ms. Gold. It is very important to know where assets are  
1994 available that you can use. Just such as we encourage every  
1995 community to do an asset inventory, we would like to have such  
1996 an asset inventory from the Federal Government because that would  
1997 help us understand where we need to go to get permission to cross  
1998 federal land or where there may be conduit or where there may be  
1999 federal poles that we can use to attach fiber or pole fiber. It  
2000 all helps expedite the process. And this is basically a  
2001 construction project, so time is money. And I think that is --  
2002 you know, having legislative authority behind the Broadband  
2003 Opportunity Council recommendation would be very helpful.

2004 Mr. Johnson. Okay. Mr. Bergmann, back to you, and I just  
2005 thought of this. Do you have any examples -- and if you don't,  
2006 that is fine -- but do you have any examples of any of those  
2007 unreasonably long DOD approval processes where it could have  
2008 brought some really positive advantages to the community?

2009 Mr. Bergmann. So we do have examples across a variety of  
2010 different agencies, and we would be happy to share those with you  
2011 and happy to work with your staff to give you those examples.

2012 Mr. Johnson. If we could see those, that would be great.

2013 All right. Mr. Chairman, I yield back the remainder of my  
2014 time.

2015 Mr. Latta. Thank you. The gentleman yields back.



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2016           The chair now recognizes the gentleman from Illinois for 5  
2017 minutes.

2018           Mr. Rush. Thank you, Mr. Chairman. And I want to thank the  
2019 witnesses for being here today.

2020           Mr. Chairman, I want to ask Ms. Socia. In July, your  
2021 organization released a comprehensive policy agenda recommending  
2022 the "Dig Once" approaches to spur broadband deployment. And in  
2023 my city in the county region of Cook County, we have a lot of  
2024 railroad tracks, and we have over 3,000 public highway railroad  
2025 crossings. And I would just like to know what some of your  
2026 frustrations that you have found that you have heard of that you  
2027 might be aware of regarding access to railroad rights-of-way.

2028           Ms. Socia. Our members actually find the railroads  
2029 particularly difficult to work with with regard to getting a  
2030 right-of-way to build under a railway. The timeline has been  
2031 fairly long and the expense very high. It would be really helpful  
2032 if there were a "Dig Once" policy that provided that resource  
2033 available to anyone who needed to use it to pull fiber through,  
2034 could save significant amount of time and money for our members.

2035           Mr. Rush. Have there been any discussions at all with some  
2036 of the railroad companies? Are they implacable in terms of them  
2037 cooperating or have there been any discussions that you all are  
2038 aware of with any railroad companies?

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2039 Ms. Socia. I couldn't speak specifically to that, but I  
2040 would be happy to ask my members for specifics and get back to  
2041 you.

2042 Mr. Rush. Okay. Now, this is a question that may or may  
2043 not have been answered already, but it is dealing with the  
2044 historical preservation review process for the twilight towers.  
2045 Mr. Bergmann, do you have any idea, are there any impediments to  
2046 the deployment of broadband to these twilight towers?

2047 Mr. Bergmann. So thank you, Congressman. So there are a  
2048 group of towers that were built over a decade ago during a time  
2049 when the historic preservation laws were unclear that exist out  
2050 there today and that are not eligible for the streamlined  
2051 treatment that this subcommittee and Congress helped provide for  
2052 in the 2012 Spectrum Act. So we are working closely with the  
2053 Commission right now to develop a resolution so that we can put  
2054 those twilight towers to good use, but we would certainly  
2055 appreciate any guidance from this subcommittee to make clear that  
2056 towers that exist that have been out there for 10 years and that  
2057 don't have objections are not required for approval under the  
2058 National Historic Preservation Act.

2059 Mr. Rush. Thank you. Thank you, Mr. Chairman. I yield  
2060 back.

2061 Mr. Latta. The gentleman yields back, and the chair now

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2062 recognizes the gentleman from Florida for 5 minutes.

2063 Mr. Bilirakis. Thank you. I appreciate it, Mr. Chairman.

2064 Mr. Bergmann, thank you for joining us here today. I have  
2065 a few quick questions for you. We all want to protect the  
2066 environment and preserve scenic views and natural areas. To what  
2067 extent do today's modern infrastructure technologies impact the  
2068 surrounding environment?

2069 Mr. Bergmann. So thank you. So certainly one of the things  
2070 that we see is a move towards much more small cell deployment,  
2071 which tends to have -- it is a fraction of the size. It tends  
2072 to have a much smaller impact. And so one of the things that we  
2073 are working to do is to try to make sure that the review process  
2074 reflects that lighter impact. So that is a big part of the small  
2075 cell deployment over at the FCC right now. And we would certainly  
2076 like to make sure that we are able to move forward with that  
2077 because, you know, as you know, when we are able to deploy our  
2078 service in those areas, we are not just taking advantage of that  
2079 land, we are providing service to the folks who go into those  
2080 areas. Whether they are rural communities, whether they are  
2081 parks, we are making service available there as well, too.

2082 Mr. Bilirakis. Thank you. And I understand that using a  
2083 DAS -- distributed antenna system -- reduces the need for new  
2084 towers, is that correct?

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2085           Mr. Bergmann. That is absolutely correct. These are  
2086 typically placed on existing towers and are used to improve  
2087 coverage or to improve capacity so that we have better quality  
2088 services there.

2089           Mr. Bilirakis. Thank you. Has there been adequate  
2090 streamlining of the FCC environmental and historic preservation  
2091 review procedures? What has been your experience so far on that  
2092 and what remains to be done?

2093           Mr. Bergmann. So the Commission has launched a proceeding  
2094 to streamline that process, particularly for small cells and DAS  
2095 systems, and we are certainly supportive of that effort and would  
2096 like to make sure that it is completed in a timely fashion.

2097           Mr. Bilirakis. Thank you. A question for Ms. Socia --  
2098 welcome back to our subcommittee -- can you explain a bit more  
2099 about how streamlined infrastructure protocols on federal land  
2100 like at the MacDill Air Force Base in the Tampa area, how it can  
2101 help programs like your Next Century Cities more efficiently meet  
2102 their goals?

2103           Ms. Socia. I think in building out public safety systems  
2104 it is really important that there be a timely response to requests  
2105 for permitting on those sites, and I think that is also accurate  
2106 even in our more urban areas where there are federal buildings  
2107 located in areas that our cities have had to work around in order

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2108 to provide service to their citizens, free Wi-Fi or public safety.

2109 Mr. Bilirakis. Thank you. And, Mr. Benedict, just for my  
2110 clarification, can you describe your view that railroad companies  
2111 have unrealistic expectations about their rights to public  
2112 corridors? Is that a question of statutory interpretation or  
2113 maybe a general question of enforcement?

2114 Mr. Benedict. Well, it is a question of the statute not  
2115 having been as clear as it might have been. I mean, many of these  
2116 rights-of-way have been in place for a very, very long time. And  
2117 the real question is are we entitled to access? Are we entitled  
2118 to place in the ballast what rates would be reasonable to expect?

2119 We also have problems with railroad crossings, just as Ms.  
2120 Socia described, and we would like to think that these could be  
2121 more easily worked out with a clear directive from Congress that  
2122 the holders of railroad right-of-way granted by the Federal  
2123 Government must provide reasonable access on reasonable terms and  
2124 conditions.

2125 Mr. Bilirakis. Thank you very much for the suggestion.

2126 I yield back, Mr. Chairman. I appreciate it.

2127 Mr. Latta. Thank you. The gentleman yields back the  
2128 balance of his time.

2129 At this time the chair recognizes the gentleman from Missouri  
2130 for 5 minutes.

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2131 Mr. Long. Thank you, Mr. Chairman.

2132 And, Ms. Gold, this first question is kind of a sticky wicket.  
2133 The electric utilities say that the statutory rate for cable  
2134 attachment on poles is a subsidized rate that ultimately will  
2135 result in electric utility ratepayers subsidizing broadband  
2136 build-out. I have got a two-part question, and this is where the  
2137 sticky wicket comes in. What is your response to that argument,  
2138 and how should we balance the rights of homeowners and pole  
2139 attachers in order to continue to encourage both pole ownership  
2140 and broadband build-out?

2141 Ms. Gold. So in fact the Supreme Court found in 1987 that  
2142 the cable rate formula adopted by the FCC provides pole owners  
2143 with adequate compensation, and it did not result in an  
2144 unconstitutional taking. The cable rate, as it is set up today,  
2145 charges the cable owner just for that part of the pole which they  
2146 use.

2147 I would argue that any attacher to the pole should only be  
2148 assessed the same rate. Right now, because we have all attachers  
2149 under two different regulatory regimes -- we have the telecom  
2150 attachers and the cable attachers -- we go through regulatory  
2151 gymnastics to try to come up with a rate that is the same for both.  
2152 If we instead say there was going to be a common rate set for any  
2153 attacher to a pole, then we wouldn't be going through this whole

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2154 discussion.

2155           And in fact, because the cable rate that -- we always default  
2156 and say it should be the cable rate because that was found years  
2157 ago to be compensatory. I certainly think we would all welcome  
2158 some further proceeding that might look at pole attachment rates,  
2159 but for all attachers on a common basis, regardless of whether  
2160 you are a cable company or a telecom company, because basically  
2161 we are all putting up a cable of some kind, so they should be equal.

2162           Mr. Long. Yes. What year was that ruling again?

2163           Ms. Gold. Eighty-seven.

2164           Mr. Long. So the answer to my second question, how do we  
2165 encourage both pole ownership and broadband build-out? That is  
2166 your suggestion?

2167           Ms. Gold. I think we need to -- there are two aspects to  
2168 using the poles. It is not just the rental rate, but we also need  
2169 to look at make-ready costs. This is an area that has really  
2170 become a problem for new fiber deployers. When they try to get  
2171 on a pole, the costs can vary widely. If a pole has violations  
2172 on it from a previous attacher, often the investor-owned utility,  
2173 which are the ones that are most regulated today, will argue that  
2174 that violation needs to be corrected by the new entrant prior to  
2175 their attaching to a pole. Obviously, we don't want to discourage  
2176 new fiber deployment by making new entrants pay for some old

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2177 attacher's violation.

2178           So I think there are a whole host of issues. I think  
2179 equalizing the rates and looking at make-ready costs on a  
2180 nondiscriminatory cost basis would be very helpful to further  
2181 fiber deployment.

2182           Mr. Long. Okay. My next question is a two-part question  
2183 for two different people. Start with Mr. Benedict and then I have  
2184 got a follow-up for Mr. Bergmann.

2185           Mr. Benedict, one of our bills requires the FCC to assume  
2186 a lead role on Section 106 historical preservation reviews that  
2187 are required in most federal undertakings. As I understand it,  
2188 the draft bill would help eliminate duplicative reviews by other  
2189 agencies. In your opinion, would this help speed deployment?

2190           Mr. Benedict. Yes, we believe it would. In fact, this  
2191 would be an expansion of what Congress has already done with MAP-21  
2192 with the Department of Transportation agencies.

2193           Mr. Long. Okay. And then, Mr. Bergmann, how does this help  
2194 with tower siting?

2195           Mr. Bergmann. So it would certainly help in our ability to  
2196 deploy the sorts of next-generation technologies like DAS and  
2197 small cells that are going to be used to improve both coverage  
2198 and capacity. So as we try to think about moving towards 5G  
2199 networks, maintaining our global leadership, the ability to do



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2200 that quickly will be extremely important.

2201 Mr. Long. Okay. And then, Ms. Socia, one for you, do you  
2202 recommend to towns looking to deploy fiber that they collect a  
2203 map of assets, conduit poles, ducts, buildings, utility cabinets,  
2204 and offer access to the broadband provider at a cost-based rate?

2205 Ms. Socia. We recommend that all of our communities do an  
2206 asset inventory and really create a circumstance whereby their  
2207 city is fiber-ready, whether they choose to build themselves, work  
2208 with a partner, create an open-access network, or enter into a  
2209 public-private partnership. We feel like having that  
2210 information ready is definitely a helpful step in making this  
2211 deployment happen faster.

2212 Mr. Long. Okay. I am asking because I would like to know  
2213 if the Federal Government should do the same, but I am out of time.  
2214 I don't have any time, but if I did, I would sure yield it back.

2215 Mr. Latta. Well, in that case, the gentleman's time has  
2216 expired.

2217 And I am going to turn to the ranking member if she would  
2218 like a point of personal privilege.

2219 Ms. Eshoo. Well, thank you, Mr. Chairman. I appreciate it.

2220 We know that the age levels vary with the wonderful staffers  
2221 that work with us, and there are two that have joined us here in  
2222 the hearing room. They are my godsons, and if they would just

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2223 stand up. This is Paul Voss and this is Thomas Voss. And so they  
2224 want to learn about what we do here. So look at people waving  
2225 to you. Isn't that great? So we welcome you. Who knows -- yes,  
2226 hi, guys. Yes. Maybe someday they will either be at that table  
2227 or this one.

2228 Thank you very much, Mr. Chairman.

2229 Mr. Latta. Well, thank you very much.

2230 And with that, and seeing no other Members to ask questions  
2231 this afternoon, on behalf of the subcommittee chairman, the  
2232 gentleman from Oregon, the ranking member, the gentlelady from  
2233 California, and myself, I would like to thank this panel for your  
2234 excellent presentation this morning. We really appreciate your  
2235 time.

2236 And if there are no other issues to come before the committee,  
2237 we stand adjourned.

2238 [Whereupon, at 12:16 p.m., the subcommittee was adjourned.]