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6 BREAKING BARRIERS: STREAMLINING PERMITTING TO

7 EXPEDITE BROADBAND DEPLOYMENT

8 Wednesday, April 19, 2023

9 House of Representatives,

10 Subcommittee on Communications and Technology,

11 Committee on Energy and Commerce,

12 Washington, D.C.

13

14 The subcommittee met, pursuant to call, at 10:31 a.m.,

15 in Room 2322, Rayburn House Office Building, Hon. Robert

16 Latta [chairman of the subcommittee] presiding.

17

18 Present: Representatives Latta, Bilirakis, Walberg,

19 Carter, Dunn, Curtis, Joyce, Weber, Allen, Balderson,

20 Fulcher, Pfluger, Harshbarger, Cammack, Obernolte, Rodgers

21 (ex officio); Matsui, Clarke, Veasey, Soto, Eshoo, Cardenas,

22 Craig, Fletcher, Kuster, Kelly, and Pallone (ex officio).

23

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24 Also present: Representative Johnson.

25

26 Staff present: Slate Herman, Counsel, C&T; Noah
27 Jackson, Clerk, C&T; Sean Kelly, Press Secretary; Peter
28 Kielty, General Counsel; Emily King, Member Services
29 Director; Giulia Leganski, Professional Staff Member, C&T;
30 John Lin, Senior Counsel, C&T; Kate O'Connor, Chief
31 Counsel, C&T; Evan Viau, Professional Staff Member, C&T;
32 Hannah Anton, Minority Policy Analyst; Jennifer Epperson,
33 Minority Chief Counsel, C&T; Waverly Gordon, Minority Deputy
34 Staff Director and General Counsel; Tiffany Guarascio,
35 Minority Staff Director; Dan Miller, Minority Professional
36 Staff Member; Caroline Rinker, Minority Press Assistant;
37 Michael Scurato, Minority FCC Detailee; Andrew Souvall,
38 Minority Director of Communications, Outreach and Member
39 Services; and Johanna Thomas, Minority Counsel.

40

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41 *Mr. Latta. Well, good morning. The subcommittee will
42 come to order, and the chair recognizes himself for five
43 minutes for an opening statement.

44 Broadband connectivity is a critical part of everyday
45 life. Ordinary activities like work, education, healthcare
46 now require a highspeed internet connection. Yet millions
47 of American, particularly those in rural areas, still lack
48 access to broadband and aren't able to enjoy the benefits of
49 connectivity.

50 Over the past few years, Congress has made significant
51 investments to bridge this digital divide. The most
52 significant being the Infrastructure Investment and Jobs Act
53 providing over 45 billion dollars for broadband deployment.
54 While funding is a key piece to the puzzle, it's not enough
55 to make sure that people have access to broadband, we need
56 to make sure new networks can be built in a timely and a
57 cost-efficient manner.

58 I firmly believe that the infrastructure bill was a
59 missed opportunity to enact meaningful permitting reform
60 that would have broken down barriers to deployment and
61 stretched federal spending. Lengthy application reviews and
62 excessive fees for deployment will only delay connectivity

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63 and increase costs leaving behind those Americans --
64 American families who lack reliable internet access.

65 Without changes to the permitting process and
66 meaningful oversight, all of this money set aside for
67 broadband could be wasted. We cannot let that occur.
68 Permitting reform is not just necessary to bridge the
69 digital divide, it is necessary to help us continue to lead
70 the world in the next generation wireless technology. We
71 will not beat China to 5G leadership if efforts to deploy
72 new wireless infrastructure are delayed.

73 I appreciate that the Federal Communications Commission
74 has worked to streamline state and local permitting process
75 in this space. We need to codify and build on these
76 reforms. The legislation we're reviewing today includes
77 over 30 proposals that will help us streamline permitting at
78 all levels of government, facilitating accelerated broadband
79 deployment.

80 These ideas include implementing shot clocks on state
81 and local government reviews of permitting applications,
82 capping fees, removing burdensome environmental and historic
83 preservation reviews, and making it easier to deploy on
84 federal lands. Enacting these policies would help providers

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85 receive an answer in a timely manner, reduce the burdens and
86 costs of the deployment, ensure that the -- ensure that we
87 connect people quickly.

88 I am proud to once again lead the Wireless Leadership
89 Act which would help expedite the deployment of wireless
90 infrastructure. This legislation would set timelines that
91 state and local governments must abide by in reviewing
92 applications and create a deemed grant remedy for reviews
93 that miss deadlines. It would also reduce the cost of the
94 deployment by limiting the fees these government -- those
95 governments can charge for reviewing applications and using
96 a right-of-way. The bill does all this while preserving
97 state and local zoning authority.

98 I hope that we can make these bills bipartisan as we
99 move through our regular order. This is not a partisan
100 issue. Both Republicans and Democrats want to close this
101 digital divide. And as I've said in the past, it's not a
102 Republican, Democrat, or Independent issue, it's all of our
103 issue.

104 The bills we are considering today will ensure we do so
105 quickly and cost effectively. I am pleased that the Biden
106 Administration recognizes the need for permitting reform and

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107 is encouraging states to streamline their permitting
108 processes for broadband deployment. I hope we can work on
109 this package together.

110 I look forward to hearing from our witnesses today, all
111 of whom understand the challenges of deploying broadband.
112 And again, I want to thank our witnesses for appearing
113 before us.

114

115

116 [The prepared statement of Mr. Latta follows:]

117

118 *****COMMITTEE INSERT*****

119

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120 *Mr. Latta. And at this time, I will recognize for
121 five minutes the gentlelady from California, the ranking
122 member of the subcommittee.

123 *Ms. Matsui. Thank you very much, Chairman Latta. The
124 topic of today's hearing is an important one. If we're able
125 to find bipartisan solutions that speed broadband
126 deployment, we can accomplish a goal shared by all members
127 of the subcommittee: getting connectivity to communities
128 who need it. While I have some concerns about process and
129 representation on the witness panel today, it is my hope
130 that moving forward we can get back to a more balanced
131 approach that encourages bipartisan collaboration on a
132 consequential issue.

133 The small towns and hamlets in my district are
134 desperate for modern internet connectivity. The mayors that
135 reach out to me are ready to do whatever it takes to get
136 their residents connected. This is something I know is not
137 unique to me.

138 Most of us on this subcommittee hear from our districts
139 about the lack of broadband on a daily basis. These local
140 governments understand the challenges they have -- they face
141 better than anyone else. They know where broadband is

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142 available, where it's not, and the barriers they face to
143 connectivity.

144 I believe we must be supporting not limiting their
145 efforts. These communities want broadband connectivity, and
146 with the funding included in the bipartisan infrastructure
147 bill, we have historic opportunity to provide it. The
148 bipartisan ILJA provided 65 billion dollars to expand access
149 to broadband through new deployment and adoption efforts.

150 This includes 42 billion dollars for the BEAD Program,
151 which is to support deployment of new broadband
152 infrastructure projects. BEAD will be successful because it
153 addresses the fundamental impediment to broadband
154 deployment: economics. In rural areas where populations
155 are more spread out, private companies can't afford to
156 deploy or operate a network. In those areas, the problem
157 isn't permitting barriers, it's an unsustainable business
158 case.

159 Thankfully, Congress correctly recognized this dynamic
160 with the bipartisan BEAD Program. Continuing to support
161 NTIA in the states as they implement BEAD is the single most
162 powerful tool that we have to connect our unserved
163 constituents.

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164 Let me repeat. It is the bipartisan BEAD Program, more
165 than any bill on today's agenda, that will be responsible
166 for closing the digital divide. In both Republican and
167 Democratic districts, this funding will soon result in
168 shovels in the ground and homes coming online.

169 If you haven't already, I'd encourage members to reach
170 out to their state broadband offices. Let them know about
171 the needs of your district and get engaged.

172 Over this past recess, I held a roundtable with NTIA,
173 the California Public Utilities Commission, and official --
174 and local officials to discuss broadband implementation. We
175 outlined the broadband needs of the rural areas in my
176 district and how all levels of government can work together
177 to get them served.

178 I believe that this type of federal, state, and local
179 collaboration is a key to successful broadband deployment,
180 leveraging the expertise of all involved to connect
181 communities is the right path forward. That's why I'm
182 concerned that as drafted some of the proposals on the
183 agenda today could undermine that collaboration. Rigid top
184 down federal preemption can never be as successful as
185 meaningful incentives to support local collaboration and

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186 engagement.

187 Having said that, it's clear that there are ample
188 opportunities to support a more predictable, sustaining
189 permitting process, especially at the federal level.
190 Contradictory permitting requirements, unacceptable
191 deadlines, and a confusing tangle of bureaucracy at the
192 federal level has inhibited broadband deployment for far too
193 long. This is especially a problem for western states where
194 federal lands can prevent middle mile connections that serve
195 as a bridge between communities.

196 I'm hopeful we can find bipartisan agreement on issues
197 like this which can meaningfully speed up broadband
198 deployment. We've done it before. I think about the
199 bipartisan work on commonsense dig-once policies led by
200 Congresswoman Eshoo or some of the consensus permitting
201 items advanced by the FCC.

202 So while I am disappointed by some aspects of this
203 hearing, I'm committing to really continuing the discussion.
204 There is more to be done: providing clarity and
205 responsiveness at the federal level, incentives for local
206 engagement, and a more predictable process across the board.

207 I want to thank our witnesses for appearing before us

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208 today, and I look forward to our discussion.

209 [The prepared statement of Ms. Matsui follows:]

210

211 *****COMMITTEE INSERT*****

212

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213 *Ms. Matsui. And I yield back the balance of my time.

214 *Mr. Latta. Thank you. The gentlelady yields back,
215 and at this time, the chair recognizes for five minutes The
216 Chair of our full committee of Energy and Commerce, the
217 gentlelady from Washington.

218 *The Chair. Good morning, and thank you, Mr. Chairman.

219 In 2021, Congress wrote the largest check for broadband
220 deployment in our nation's history, more than 42 billion
221 dollars for the Broadband Equity Access and Deployment, or
222 BEAD Program, one billion for the Middle Mile Infrastructure
223 Deployment, an additional two billion for deployment on
224 tribal lands, and two billion for rural broadband deployment
225 through the Department of Agriculture.

226 These funds are just a small fraction of the funding
227 appropriated over the past several years that could have
228 been used for deploying broadband. This is an historical
229 opportunity in our nation's history to connect all
230 Americans, and we cannot allow permitting delays and
231 unnecessary costs to mess it up.

232 Unfortunately, the Infrastructure Investment and Jobs
233 Act spent more money without the needed fixes to the
234 burdensome permitting process. We need to lift regulatory

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235 burdens, cut the red tape, roll out the red carpet. Without
236 removing barriers to deployment, a record amount of taxpayer
237 money will be wasted. This means that rural Americans will
238 continue to watch from a distance as technologies advance.
239 Kids will go without access on -- to online educational
240 resources. And businesses in Rural America will be left
241 behind as the digital economy continues to boom in urban
242 centers across the globe.

243 This issue should not be partisan. The federal funding
244 wave is coming. The BEAD Program will begin awarding money
245 for deployment as early as the end of this year in addition
246 to the deployment that is already happening from both
247 private and public investments.

248 It was good news last year that the National
249 Telecommunication and Information Administrative encouraged
250 states to identify steps to reduce costs and barriers to
251 deployment, promote the use of existing infrastructure,
252 promote and adopt dig-once policies, streamline permitting
253 processes, and cost-effective access to poles, conduits,
254 easements, and rights-of-ways.

255 But encouraging and promoting these actions is not
256 enough. It's time for Congress to act and pass substantive

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257 (sic) permitting reform like the legislative discussion
258 drafts we're considering today. The bills being discussed
259 today offer a wide variety of needed improvements to
260 existing permitting requirements at the federal, state, and
261 local levels.

262 I'm proud to lead the Wildfire Wireless Resiliency Act
263 as a part of our legislative agenda. In wake of a disaster,
264 communities need to be reconnected as quickly as possible
265 when their networks go down. Communications providers
266 working to reconnect victims to the systems that provide
267 access to public safety, healthcare, and resources, should
268 not be tied up in regulatory nightmares.

269 Under this new legislation, projects to rebuild damaged
270 or destroyed communication facilities will be exempt from
271 NEPA and historical preservation review, which would have
272 already occurred from the original communications facility
273 to be built. We don't need another round of environmental
274 or historic review when there's already existing
275 infrastructure. And this is one of many we will discuss
276 today that enacts reasonable permitting reforms.

277 Members across this committee are putting forth
278 excellent solutions that guarantee these important federal

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279 funds are going to go towards deployment, as Congress
280 intended and communities need.

281 I look forward to hearing from the witnesses. To our
282 rural and urban constituents currently under and unserved,
283 broadband is on the way. I'm hopeful that we can get it to
284 you faster in a less costly manner.

285

286

287

288 [The prepared statement of The Chair follows:]

289

290 *****COMMITTEE INSERT*****

291

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292 *The Chair. Thank you. I yield back.

293 *Mr. Latta. Thank you. The gentlelady yields back.

294 The chair now recognizes the gentleman from New Jersey, the
295 ranking member of the full committee, for five minutes.

296 *Mr. Pallone. Thank you, Chairman.

297 Breaching the digital divide has been a top priority of
298 this committee for years, and in 2021 Democrats delivered on
299 that promise with passage of the bipartisan infrastructure
300 law. This law made historic investments in broadband that
301 will help connect millions of Americans to highspeed,
302 affordable, and reliable broadband regardless of income or
303 zip code. And I look forward to discussing today how we can
304 build upon the investments we've already made to continue
305 bridging the divide.

306 For years, House Democrats have championed the need to
307 make government investments in areas where the private
308 markets have failed to build out broadband -- broadband
309 networks equitably and affordably. Far too many people in
310 these communities the lack for -- for them, the lack of
311 highspeed, reliable internet means not having the
312 opportunity to do basic things that many of us now take for
313 granted like applying for a job, telehealth appointments, or

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314 completing schoolwork from home.

315 All told, the Biden Administration will provide more
316 than 60 billion dollars across a number of programs to bring
317 state of the art broadband networks to families and
318 households in primarily unserved and rural communities,
319 tribal lands, and other unconnected areas around the
320 country. The overwhelming majority of these funds have yet
321 to be distributed, and therefore, the hard work ensuring
322 these funds and projects reach the people who need them
323 mostly remains ahead of us.

324 It's critical that we ensure states and communities are
325 prepared to receive these funds and get projects moving
326 quickly and efficiently. If there are impediments or delays
327 that might jeopardize the smooth implementation of these
328 programs, then we want to know about them.

329 So it's important for this committee to hear from
330 expert witnesses about potential issues, but that's not the
331 point of today's hearing. Republicans have skipped right
332 past an examination of the issues to potential solutions,
333 which is unfortunate and defies logic. The subcommittee
334 should first take the time to identify where the problems
335 are before examining solutions. And this legislative

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336 hearing is, in my opinion, too broad.

337 The 30 Republican discussion drafts on the agenda span
338 a vast number of issues, amend a number of different federal
339 laws, impact a number of different industry sectors and
340 state and local autonomy. The Republican majority invited
341 four witnesses to cover these bills, and yet the chair
342 rejected our request for a second Democratic witness for the
343 panel, and I have deep concerns about that imbalance and the
344 precedent it sets, especially because the Republican
345 majority skipped holding an informational hearing.

346 I believe that any discussion of these issues that does
347 not include state and municipalities, tribal
348 representatives, environmental justice communities, and
349 other experts with relevant testimony is incomplete. The
350 Republican majority's actions are inconsistent with their
351 calls for bipartisan collaboration, and unfortunately, may
352 make it harder to work together on these bills as they move
353 forward.

354 To be clear, if there are real obstacles in deploying
355 broadband universally, we want to know about them and find
356 ways to address them. But some of the Republican proposals
357 before us today are supposed solutions to problems that

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358 simply do not exist. In fact, one of the clearest obstacles
359 to reliable and affordable internet are state laws in more
360 than a dozen states that prohibit municipalities from
361 competing in the free market to build or operate their own
362 broadband network if they choose.

363 Representative Eshoo's Community Broadband Act is
364 critical to ensuring flexibility and competition for
365 communities that want to provide this service for their
366 residents, which is a successful model in many states.
367 Representative Fletcher's Broadband Incentives for
368 Communities Act would kickstart deployment efforts by
369 providing resources to communities to deal with the influx
370 of applications for these projects and others. So these two
371 bills are real solutions as we bridge the digital divide.

372 And, obviously, I think that we need to investigate a
373 lot of the background here before we move forward with these
374 bills, Mr. Chairman.

375 [The prepared statement of Mr. Pallone follows:]

376

377 *****COMMITTEE INSERT*****

378

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379 *Mr. Pallone. And with that, I yield back the balance
380 of my time.

381 *Mr. Latta. Thank you. The gentleman yields back the
382 balance of his time.

383 And I would like to point out for our witnesses that
384 you will each have five minutes to address the committee.
385 And also, I don't see in front of you -- do we have the
386 light, the timer in the front for the witnesses? Yeah,
387 there -- I see we don't have it on the tabletops today. But
388 you'll see that when the light turns yellow that you'll each
389 have one minute remaining, and then when it turns red, the
390 time has expired.

391 Our witnesses for today's meeting is Mr. Michael
392 Romano, Executive Vice President of the NTCA-The Rural
393 Broadband Association; Mr. Michael Saperstein, the Senior
394 Vice President of Government Affairs and Chief Strategy
395 Officer of the Wireless Infrastructure Association; Mr.
396 Ernesto Falcon, the Senior Legislative Counsel, Electronic
397 Frontier Foundation; Mr. Louis Finkel, the Senior Vice
398 President of Government Relations, National Rural Electric
399 Cooperative Association; and our final witness is The
400 Honorable Michael O'Rielly, President of MPORielly

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401 Consulting, Inc. (sic).

402 And with that, Mr. Romano, you are recognized for five
403 minutes.

404 STATEMENT OF MICHAEL ROMANO, EXECUTIVE VICE PRESIDENT, NTCA-
405 THE RURAL BROADBAND ASSOCIATION; MICHAEL SAPERSTEIN, SENIOR
406 VICE PRESIDENT OF GOVERNMENT AFFAIRS AND CHIEF STRATEGY
407 OFFICER, WIRELESS INFRASTRUCTURE ASSOCIATION; ERNESTO
408 FALCON, SENIOR LEGISLATIVE COUNSEL, ELECTRONIC FRONTIER
409 FOUNDATION; LOUIS FINKEL, SENIOR VICE PRESIDENT, GOVERNMENT
410 RELATIONS, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION;
411 AND THE HON. MICHAEL O'RIELLY, PRESIDENT, MPORIELLY
412 CONSULTING, LLC

413

414 STATEMENT OF MICHAEL ROMANO

415

416 *Mr. Romano. Thank you. To Chairwoman McMorris
417 Rodgers, Ranking Member Pallone, Chairman Latta, Ranking
418 Members Matsui, members of the subcommittee, thank you for
419 the chance to testify this morning regarding how to
420 accelerate the deployment of broadband networks.

421 My name is Mike Romano, I am the executive Vice
422 President of NTCA-The Rural Broadband Association. We

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423 represent approximately 850 small community-based network
424 operators who live in and serve the most rural parts of the
425 United States.

426 NTCA members have made extensive strides in deploying
427 broadband in Rural America. This gives them substantial
428 experience and perspective on permitting and approvals
429 relating to federal lands, highways of all kinds, and
430 railroad crossings, among others. At the same time, they
431 have more to do to upgrade their remaining customers, and
432 they are actively engaged in expanding to reach unserved
433 locations in other areas. This gives them a substantial
434 interest in finding ways to improve and expedite permitting
435 procedures where possible.

436 My written statement provides a series of case studies
437 involving NTCA members to highlight some of the most
438 significant concerns they encounter in navigating current
439 permitting laws and procedures. Examples include a provider
440 who incurred 30,000 dollars in engineering and environmental
441 fees and delay of nearly a year to cross BLM land for one
442 small part of a large fiber ring.

443 A provider who was trying to upgrade a network to fiber
444 in a previously disturbed right-of-way that took nine months

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445 to approve despite a categorical exclusion under NEPA with
446 the approval coming too late to start construction during
447 the winter.

448 A provider who faced delays of nearly two years for
449 historical and consultation processes under the National
450 Historic Preservation Act for projects that were primarily
451 in previously disturbed rights-of-way.

452 And a provider who faced delays and fees of 12,000
453 dollars simply to bore 15 feet under a railroad crossing.

454 These examples and many more like them demonstrate how
455 providers can face lengthy and frustrating delays, and the
456 need to expend substantial sums beyond the actual cost of
457 construction to access federal lands or other rights-of-way
458 for broadband deployment. What must not be missed, however,
459 is that this is just the current state.

460 Certainly broadband deployment has accelerated over the
461 past several years, but we are just on the precipice of even
462 more massive investment as important well -- much-needed
463 initiatives like the Broadband Equity Access and Deployment
464 Program, or BEAD, come online. These expanded efforts will
465 lead to much greater demand for permits and approvals that
466 threaten to exacerbate existing backlogs and could undermine

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467 a shared national objective of universal connectivity.

468 While permitting is just one piece of the puzzle when
469 it comes to the business case for rural broadband, it is a
470 critical piece, and NTCA therefore greatly appreciates both
471 the subcommittee's general attention to these issues and its
472 specific consideration of various pieces of legislation
473 aimed at promoting streamlining. Bills like the Broadband
474 Leadership Act, the BEAD Fees Act, and the Reducing Barriers
475 for Broadband on Federal Lands Act will help facilitate
476 fiber deployment in rural areas through a variety of measure
477 outlined in those bills.

478 I also highlight in my written statement how the
479 subcommittee can make sure that other legislative measures
480 under consideration here will streamline wireline and
481 wireless deployments alike and the need for further
482 conversations regarding how to promote timely and cost-
483 effective access to poles and railroad crossings.

484 Finally, workforce development has become an important
485 phrase in our national dialogue these days, generally and in
486 the broadband industry specifically. But as my written
487 statement highlights, this concept is going to be essential
488 as well in considering how to make permitting more

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489 efficient. As good and as skilled as many employees in
490 federal, state, and local permitting offices may be, NTCA
491 members consistently report that there appears to be a lack
492 of staff resources necessary to handle the quantity of
493 applications presented leading to confusion, delay, and a
494 lack of effective communication at times.

495 For example, one NTCA member reported that the BLM
496 office in a large western state had only two staffers tasked
497 with reviewing all broadband, oil, and gas permitting
498 applications there. Therefore, even as the subcommittee
499 rightly and thoughtfully considers process improvements that
500 can accelerate broadband deployment through the legislation
501 presented, NTCA encourages attention as well to ensuring
502 that permitting agencies and offices at all levels are
503 staffed for the work to come, that the staff will be well-
504 trained for the important work they need to do, and that
505 internal systems and procedures are in place within each
506 agency to ensure more timely and effective communication
507 with applicants.

508 Thank you for the opportunity testify. I look forward
509 to the conversation today and answering your questions.

510 [The prepared statement of Mr. Romano follows:]

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511

512 *****COMMITTEE INSERT*****

513

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514 *Mr. Latta. Thank you for your testimony.

515 And, Mr. Saperstein, you're recognized for five

516 minutes.

517

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518 STATEMENT OF MICHAEL SAPERSTEIN

519

520 *Mr. Saperstein. Chairwoman McMorris Rodgers, Ranking
521 Member Pallone, Chairman Latta, Ranking Member Matsui, and
522 members of the subcommittee, thank you for holding this
523 timely hearing highlighting the importance of efficient and
524 streamlined infrastructure permitting reform.

525 I am Mike Saperstein, Senior Vice President of
526 Government Affairs and Chief Strategy Officer for the
527 Wireless Infrastructure Association, WIA.

528 WIA represents the multitude of entities that make up
529 the entire wireless ecosystem. We have never been closer to
530 achieving our bipartisan goal of nationwide connectivity,
531 making broadband available literally everywhere from dense
532 urban corridors to rural farmland. To realize our shared
533 connectivity goals, we must also account for significant
534 consumer demand for broadband connectivity on the move.
535 Mobile broadband has never been more available, affordable,
536 accessible, and competitive than it is today. We should
537 acknowledge this win for the American people even while we
538 finish our work.

539 However, and this is the main message I want to impart

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540 today, infrastructure deployment is the fulcrum between the
541 potential of historic broadband investment and the reality
542 of universal connectivity. Our nation's broadband potential
543 will ultimately be limited by the barriers we do not remove.
544 That's why today's hearing is so important.

545 What we're doing here today is fundamentally in
546 exercising good government and sound management. If
547 universal connectivity is Congress' priority, and there are
548 65 billion reasons to believe it is, then we must identify
549 the things within our control preventing us from achieving
550 that priority. Permitting processes serve a function, but
551 common sense tells that not every proposed action requires
552 the same amount of scrutiny. And what we're asking for is
553 straightforward.

554 We simply seek a predictable application process
555 proportionate to the project that will be decided in a
556 timely manner. And when the answer is no, let us know why
557 that is, and let's work together to resolve reasonable
558 concerns.

559 Fortunately, we're not starting from scratch. We can
560 build on the existing policy, much like we can build on
561 existing physical infrastructure and fill in the gaps that

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562 exist. Congressional action over the last decade, aided by
563 the FCC's sensible interpretations, has been effective in
564 reducing the gap between potential and actualized
565 connectivity. And the results speak for themselves.

566 5G is being deployed at the twice the speed of 4G.
567 Siting activity in the two years following FCC reform
568 exceeded the previous seven years combined. And that's why
569 these reforms must be maintained and strengthened as we
570 attempt to cover the hardest remaining parts of America.

571 Permit me to give a few examples of what WIA members
572 experienced. Many jurisdictions were doing an end run
573 around the application shot clock for co-location and minor
574 modifications simply by claiming things like the locality
575 lacks processing procedures and the shot clock can't start
576 until those procedures are established; or, most
577 egregiously, simply refusing to accept an application to
578 avoid triggering the shot clock.

579 There was also endless debate about what constitutes a
580 substantial change to the dimensions of a structure that
581 make it eligible for streamline review that the FCC's 5G
582 upgrade order resolved. The FCC's interpretation of
583 congressional action has gone a long way toward solving this

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584 problem, and we see an increasing partnership with local
585 communities that understand the value of wireless
586 connectivity.

587 But the FCC's orders are subject to challenge. Today,
588 the FCC's 2020 5G upgrade order is now under appeal in the
589 Ninth Circuit. We appreciate the bills, like Chairman
590 Latta's Wireless Leadership Act, that would codify and make
591 permanent existing FCC interpretations.

592 In Congress' own backyard, siting on federal lands
593 continues to be a bedeviling issue, despite prior
594 congressional action. More than anything, WIA members seek
595 clarity, accountability, and transparency with respect to
596 permitting on federal lands. Simple portals would help
597 this.

598 Similarly, there are resource-driven review issues at
599 the FAA that could also use congressional attention. WIA
600 supports codifying streamline environmental reviews which
601 otherwise may not be commensurate with the undertaking and
602 unnecessarily delay broadband deployments.

603 Finally, WIA supports efforts to increase government's
604 ability to prepare themselves for this increasing permitting
605 demands across all divisions: federal, state, and local. A

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606 crucial effort as broadband providers push to connect every
607 corner of this nation.

608 Removing broadband -- barriers to broadband deployment
609 has long been a bipartisan goal of Congress and the
610 Executive Branch. We agree. We look forward to discussing
611 today the slate of bills at issue to determine how we can
612 help remove those barriers. Thank you.

613 [The prepared statement of Mr. Saperstein follows:]

614

615 *****COMMITTEE INSERT*****

616

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617 *Mr. Latta. Well, thank you for your testimony.

618 Mr. Falcon, you are recognized for five minutes.

619

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620 STATEMENT OF ERNESTO FALCON

621

622 *Mr. Falcon. Chairman Latta, Ranking Member Matsui,
623 and members of the subcommittee, my name is Ernesto Falcon,
624 and I'm the Senior Legislative Counsel for the Electronic
625 Frontier Foundation. Thank you for inviting me today to
626 speak with you.

627 My organization has been around for more than 30 years
628 and is focused on the simple premise that a person's rights
629 and liberties are maintained -- must be maintained or
630 enhanced as technology advances. We have been at the
631 forefront of studying the future of broadband access and how
632 to get it to everyone because without 21st Century right of
633 connectivity, you are not a full participant in society.

634 We have conducted in depth research and produced
635 publications on the issue from both the legal and technical
636 perspective. And for years I have led the organization's
637 research and analysis work and have interviewed with the
638 CEOs of ISPs, municipalities, industry consultants,
639 cooperatives, financial experts, and many others involved in
640 our broadband ecosystem. I hope to be of assistance to the
641 subcommittee as we dig into how to ensure the success of

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642 BEAD.

643 One thing is clear, fiber infrastructure underlies the
644 advancement of all broadband access options from fixed
645 wireless to satellites to wireline. The IIJA Priority
646 Broadband Projects Provision is arguably one of the smartest
647 course corrections we have made in telecom policy. Now,
648 federal dollars must be spent on future proof networks so we
649 do not have to continually play a game of catch up.

650 In the past, we have spent billions subsidizing good
651 enough for now access only to find all of it obsolete within
652 a few years. Now, Congress and the Biden Administration
653 have set forth a path for every state to deliver 21st
654 Century access infrastructure through fiber that will not
655 need to be replaced for decades to come.

656 Two objectives I think we all share here are
657 predictable construction timelines and standardized costs
658 when accessing public land, and the unnecessary cost driver
659 is delay. And I also think a lot of good can be done with
660 standardizing fees when accessing public land in a way that
661 is consistent and logical. There are fee structures out
662 there that I have witnessed that actively undermine fiber
663 deployment, and I detail that in my written testimony.

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664 Those types of structures would undermine the goals of BEAD.

665 And I understand the attractiveness of shot clocks with
666 deemed granted, and policies should favor expeditious review
667 of permits to enhance BEAD, but the reality is increasing
668 staffing resources to the relevant permitting agencies will
669 likely yield better results. Most communities are eager,
670 but resource constrained, to work with the ISPs to expand
671 access, and ISPs are not able to know of all the possible
672 complicating factors a public land might hold without
673 involving the government agency in charge of managing it.
674 And in terms of cities, ISPs are not fully aware of a city's
675 infrastructure or the current status of the rights-of-way
676 without the help of the local government.

677 And any number of complications may occur if we view
678 deployment as a unilateral matter. These need to be done
679 in collaboration. Furthermore, running over local power I
680 believe risks forgetting what we learn -- what -- forgetting
681 what happened last time we did this nearly 20 years ago with
682 a consolidation of franchise authorities in most states at
683 the advent of fiber to the home.

684 Study after study have showed that large ISPs favored
685 the most lucrative targets of a community while foregoing

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686 equal upgrades to less desirable areas. This has created a
687 two-tier broadband market where wealthy areas enjoy fiber-
688 based broadband with faster speeds and lowering prices while
689 low-income areas are still stuck with legacy access that is
690 both slower and more expensive. As part of IIJA, Congress
691 found it necessary to remedy this problem by creating the
692 digital discrimination rulemaking authority at the FCC.

693 So it's important to keep local power involved to give
694 them -- and give them the flexibility to work with ISPs to
695 ensure equitable outcomes.

696 We cannot forget the E in BEAD. And local governments
697 have traditionally served as the party to represent the
698 interest of local communities. And we can't lose sight of
699 the fact that a successful BEAD is one that delivers
700 broadband access to all people without exception.

701 Thank you again for inviting me here to speak. I look
702 forward to your questions and hope to be of assistance.

703 [The prepared statement of Mr. Falcon follows:]

704

705 *****COMMITTEE INSERT*****

706

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707 *Mr. Latta. And thank you very much for your
708 testimony.

709 Mr. Finkel, you are recognized for five minutes.

710

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711 STATEMENT OF LOUIS FINKEL

712

713 *Mr. Finkel. Well, thank you, Mr. Chairman. Mr.
714 Chairman, Ranking Member Matsui, members of the
715 subcommittee, thank you for inviting me to testify today.

716 My name is Louis Finkel, and I serve as the Senior Vice
717 President for Government Relations at the National Rural
718 Electric Cooperative Association, or NRECA.

719 NRECA is the national service organization for more
720 than 900 rural electric cooperatives that provide electric
721 service to approximately 42 million people across 48 states.
722 Rural electric cooperatives are member-owned, not for
723 profit, and we were formed to provide safe, reliable
724 electric service to their members at a most -- at the most
725 reasonable cost.

726 Electric cooperatives are focused on people not
727 profits. A longstanding commitment to rural communities
728 drives coops to identify ways to help build a better
729 tomorrow. This obligation is not without challenges. More
730 than 80 years ago, electric cooperatives were formed to
731 bring affordable electricity to high-cost, low-density rural
732 areas where large investor-owned utilities would not. Those

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733 same economic factors exist today for broadband delivery to
734 those same areas.

735 The cost of building and maintaining these networks in
736 sparsely populated areas with difficult terrain is
737 prohibited for member -- many providers. It is a cost-
738 intensive process with little return on investment.

739 Today, more than 200 electric cooperatives in 39 states
740 are involved in rural broadband deployment efforts, whether
741 as the internet provider themselves or through partnerships.
742 Since cooperatives are owned by the people they serve, they
743 truly understand the need for broadband in these areas and
744 the challenges associated with deploying this
745 infrastructure, which is why some coops have chosen to
746 expand their services to include broadband. Simply put,
747 coops are providing this service because no other provider
748 will.

749 The existing federal permitting process takes too long,
750 it's too expensive, and is an impediment to the ability of
751 broadband providers to meet the needs of their consumers and
752 communities. This process must be modernized to give more
753 certainty and predictability to providers.

754 The National Environmental Policy Act, or NEPA

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755 Regulations, present a significant challenge to rapid
756 broadband deployment. Coops face NEPA requirements when
757 seeking a variety of federal permits, approvals, and
758 financial assistance, including access to powerlines right-
759 of-way on federal lands. In many instances, existing
760 rights-of-way and easements only apply to electric service
761 and not to broadband. When this happens, the utility must
762 renegotiate the right-of-way or easement agreement with each
763 state, each federal agency, local jurisdictions, and private
764 landowners which can take years and cost millions of
765 dollars.

766 Improving coordination amongst federal agencies is a
767 simple, commonsense step that can alleviate many challenges
768 to rural broadband deployment and reduce both delays and
769 costs for these projects. Even within the same agency,
770 coops have experienced differing application of the rules
771 when dealing with multiple, regional, or state offices.
772 Similarly, duplicative reviews by federal agencies for
773 broadband infrastructure placed on existing poles in
774 existing right-of-ways only serve to slow down projects and
775 make them more expensive.

776 Streamlined approaches to actions that are known to

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777 have minimal environmental impacts will allow agencies to
778 focus their time and resources on proposals that truly do
779 have significant environmental impact. Similarly, ensuring
780 that broadband maps are accurate before BEAD funds is
781 distributed is critical to connecting unserved communities.
782 Congress should provide flexibility to states to use their
783 own maps and local knowledge in addition to the FCC maps
784 when determining eligible locations for BEAD.

785 As electric utilities, coops own and maintain utility
786 poles and rights-of-way for the safe and reliable
787 distribution of electricity. When space and capacity allow,
788 coops lease out excess space to their poles to
789 communications providers. This relationship provides
790 communications companies with access to an existing pole
791 distribution network for a small fraction of the cost that
792 the coop community has incurred to build and maintain these
793 systems.

794 The fees charged to attach to coop poles reflect the
795 unique geographic and demographic characteristics of each
796 coop service territory which can vary from state to state
797 and coop to coop. If the Fair Poles Act were enacted, it
798 would dissuade electric cooperatives from participating in

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799 recently created federal programs and supporting broadband
800 deployment in high-cost rural areas.

801 Cooperatives are some of the most willing entities to
802 bring broadband to those hardest to reach and most expensive
803 communities, and adoption of the Fair Poles Act would
804 unfairly change the rules of the game after providers have
805 already gone through the complicated and costly process of
806 applying for federal funding. The federal permitting
807 process becomes even more challenging when multiple federal
808 agencies are involved, and lengthy reviews coupled with
809 unclear timelines and administrative burdens only add to the
810 challenges and frustration of dealing with the federal
811 government.

812 NRECA and its members are deeply committed to bridging
813 the digital divide and connecting rural families and
814 businesses with reliable, highspeed internet. We appreciate
815 the committee's timely attention to permitting issues and
816 streamlining deployment so that families, no matter where
817 they live, can access reliable, affordable internet
818 connection that meets their needs today and into the future.

819 I thank you for the opportunity and look forward to
820 your questions.

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821 [The prepared statement of Mr. Finkel follows:]

822

823 *****COMMITTEE INSERT*****

824

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825 *Mr. Latta. Thank you for your testimony.

826 And the chair now recognizes Mr. O'Rielly. Thanks very

827 much for being with us. Good to see you back at the

828 subcommittee. And you're recognized for five minutes.

829

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830 STATEMENT OF THE HON. MICHAEL O'RIELLY

831

832 *Mr. O'Rielly. Thank you. Good morning, everyone.
833 Thank you to Subcommittee Chairman Latta, Ranking Member
834 Matsui, Full Committee Chair Rodgers, and Ranking Member
835 Pallone, and the members of the subcommittee for calling
836 this important hearing for the -- and including me as a
837 panelist.

838 I am Michael O'Rielly, currently President of a self-
839 named small consulting firm. Previously, I served as an FCC
840 commissioner and a 20-year congressional staffer, including
841 eight years on this subcommittee.

842 I want to start by extending my support for the large
843 majority of bills and the underlying issues that are the
844 subject of today's hearing. I appreciate and applaud the
845 subcommittee's attention to ease the broadband permitting
846 process and address the necessary component of pole
847 attachments. In several instances, respectfully, I do
848 believe the legislative efforts could go further, especially
849 on pole attachments.

850 For multiple decades, policymakers rightfully have
851 declared it U.S. policy that all Americans should have

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852 access to broadband. Despite changing definitions of speed
853 and capacity requirements over time, the charge has remained
854 constant: bring private sector broadband offerings to every
855 unserved household in our nation.

856 While several of today's bills may be being brought
857 forward by Republicans, I note that relevant Biden
858 Administration officials have wholeheartedly agreed with
859 permitting reform and have outlined additional action that
860 they intend to take on that purpose. Inefficient and costly
861 permitting and pole fee requirements extend broadband
862 buildout timelines, raise overall costs, reduce willingness
863 to participate in federal and state programs, alter bids
864 being submitted, and waste broadband company resources.

865 If the ultimate goal is to give broadband access to
866 those unserved Americans, this effort, if sufficiently broad
867 and comprehensive, can remove a known and legitimate set of
868 obstacles to deployment. Likewise, the U.S. cannot be a
869 global leader in wireless connectivity without necessary
870 upgrades to existing wireless infrastructure. Yet, creating
871 modern wireless networks and meeting consumer wireless needs
872 can reduce overall approval from -- requires overall
873 approval from a multitude of government entities.

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874 In particular, the siting of towers and antennas, be
875 they large or small, has generated unnecessary opposition
876 from certain groups for various reasons, and operators have
877 run into processes that are outdated based on out -- based
878 outside of reason or fact, and are downright discriminatory.
879 Application costs have also been a major issue.

880 For wireline-centric networks, new fiber routs as well
881 as fiber connecting wireless communication towers and
882 antennas will be buried underground or attached to existing
883 pole infrastructure. Hundreds of thousands of miles of
884 fiber that all need to be approved whether it uses states or
885 local lands, easements, rights-of-way, and the source -- or
886 needs overall governmental approval to dig and lay the fiber
887 within a state.

888 Thus, improvements to these procedures, such as those
889 contained in the draft Broadband Leadership Act and other
890 draft bills would be exceptionally helpful to the effort.
891 Respectfully, these are not new issues, as we've mentioned
892 before. They've been explored at length and are well-known.

893 I participated in hundreds and hundreds of meetings on
894 this particular topic. I've been in the fields and have run
895 the diggers, the cherry pickers, and the trenchers. I've

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896 had thousands of conversations with people who are trying to
897 get broadband out into the communities they serve. I've sat
898 with families who have had -- who have not had broadband and
899 are seeking it. And these problems exist and have existed
900 pretty much in some form or fashion for the last 30 years of
901 my career. We're finally getting to a point where we're
902 trying to patch up a number of issues that are well-known.

903 On the wireless side, streamlining federal siting
904 provisions and codifying recent efforts of the Commission,
905 such as timelines, deemed granted procedures, application
906 fee amounts, minimizing upgrade approval needed, and
907 addressing historic preservation and NEPA restrictions would
908 go a long way towards securing a wireless future and short
909 circuiting endless litigation.

910 Additionally, a number of bills under consideration
911 would address the wireless siting procedures on federal
912 land. One of the bills being discussed today would
913 effectively apply Section 224 of the Communications Act,
914 thus sidestepping the current exemption for multiple --
915 municipal systems, cooperatives, and non-utilities for
916 entities that are or becoming recipients of certain federal
917 broadband subsidy programs.

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918 While I worry the scope of this bill may be too narrow,
919 I'm outraged by a joint letter that I saw yesterday by many
920 electric utility and coop organizations opposing even this
921 moderate step. To put in context, these organizations
922 represent entities that have sought to enter the broadband
923 marketplace and have full access to the provisions of 224
924 for areas outside their natural footprints but reject any
925 type of reciprocity. These are the same entities that stood
926 at my door at the FCC and begged to be put first in line on
927 broadband subsidies, leaving others to pick for the leftover
928 areas and funds.

929 Not only should this applicable bill be passed into
930 law, but the current exemption should be completely
931 eliminated. If that's too far, at least exclude the
932 exemption area -- exclude the exemption for areas deemed
933 unserved or underserved.

934 I thank the chair for his time.

935 [The prepared statement of Mr. O'Rielly follows:]

936

937 *****COMMITTEE INSERT*****

938

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939 *Mr. Latta. Well, thank you very much for your
940 testimony.

941 And before I begin the questioning on our end here on -
942 - with the members, I would also like to point out that we
943 also have another subcommittee running downstairs, Health
944 is, and so many of us also, including the chair, are also on
945 Health, and so we're going to have to go back and forth
946 between the two subcommittees. But I just wanted to mention
947 why you see the movement of members in and out of the
948 subcommittee today.

949 So it's not that they don't want to hear your testimony
950 or be here for the entire, they're just covering for two.
951 And it's always a fun day when we have three running, so we
952 can really keep moving.

953 But I'm going to begin the questioning and recognize
954 myself for five minutes.

955 And, Mr. O'Rielly, as I've said, the infrastructure law
956 was a missed opportunity to enact meaningful permitting
957 reform. That's why we need to make those changes now. If
958 Congress does not act to rollback certain permitting
959 requirements, what are the risks for the future of broadband
960 deployment in these hard to reach areas?

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961 *Mr. O'Rielly. Thank you for the question. You're
962 absolutely right that reform is necessary. The last time
963 that I remember that Congress addressed these was in the
964 siting provisions in 2012, the last time I was here working
965 in the Senate. If we don't go forward as a nation, if we
966 don't -- if the committee -- subcommittee is unable to fix
967 some of these issues, then broadband will be delayed.
968 Broadband deployment will be extended, the timelines will be
969 much farther out, and the costs will be -- you know, will be
970 exceptional for the providers themselves.

971 And this is not something that is -- that we just
972 learned of. We have providers in the RDOF Program, the
973 FCC's RDOF Program, who are the canary in the coalmine, who
974 have been trying this for a number of years to deploy and
975 have run into these exact problems. It's not something that
976 we just came up with. These things will delay and -- delay
977 deployment and cost more money, and that will leave a
978 portion of population unserved after all the money has been
979 spent.

980 *Mr. Latta. Well, thank you.

981 Mr. Saperstein, over the last decade, the FCC taken a
982 number of steps to streamline permitting for wireless

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983 infrastructure. These actions include imposing shot clocks
984 for reviewing applications, deemed granted remedies for
985 missing deadlines for reviewing applications to modify
986 existing wireless towers, and limiting fees. How have these
987 changes helped accelerate deployment, and why should
988 Congress codify these changes?

989 *Mr. Saperstein. Thanks for your question, Mr.
990 Chairman. So as you mentioned, thanks to Congress'
991 leadership, starting really with the 6409 Act addition, the
992 FCC has done a number of interpretations that have really
993 made the siting process much more streamlined and efficient
994 than it was before that. But the reason we need Congress'
995 help is because those reforms are not necessarily permanent.

996 As I mentioned, the proof is in the pudding in terms of
997 the FCC's reforms and the overall improvements that we've
998 seen. We've seen 5G deployed at a rate that 4G never was.
999 We've seen twice as many -- well, more infrastructure
1000 deployed over the last two years after the FCC's action than
1001 in the previous seven combined.

1002 The FCC's reform -- interpretations of Congress'
1003 actions are making a big difference, but we're afraid if
1004 Congress does not step in to act and does not codify the

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1005 reforms that the FCC has made, that challenges like the one
1006 going on right now in the Ninth Circuit for the 5G upgrade
1007 order, could backslide on all of those. And so, we can't
1008 afford to have that. We can't afford to go back to where we
1009 were. We need to keep charging forward with our wireless
1010 infrastructure, so we'd appreciate your consideration.

1011 *Mr. Latta. Yeah, let me follow up, because again,
1012 something you mentioned -- something I -- I'm not sure I've
1013 ever heard here in committee, that you mentioned that, you
1014 know, the problems you're -- that folks out there are
1015 finding, you know, not only as far as shot clocks and things
1016 like but refusing to accept an application.

1017 *Mr. Saperstein. Yeah, I mean, and so this goes I
1018 think to part of what --

1019 *Mr. Latta. And I guess one of the questions is how do
1020 we -- who should we do that here in Congress to make sure
1021 we're -- you know, we're legislating on something like that
1022 because not accepting an application, saying, sir, we're not
1023 going to take it today, or tomorrow, or whenever.

1024 *Mr. Saperstein. Right. And some of the reforms that
1025 are proposed here, they provide accountability, and that's
1026 one of the key things that we seek. And that can be in the

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1027 form of a deemed granted measure.

1028 So there's a certain shot clock. There are provisions
1029 in there for when an application is deemed complete, so it's
1030 clear to the jurisdiction, as well as the applicant, you
1031 have submitted a completed application, there's an
1032 established period of review, which is appropriate, and from
1033 there, jurisdiction either needs to act or the application
1034 would be deemed granted.

1035 *Mr. Latta. Well, thank you.

1036 Mr. Romano, in my last minute and 10 seconds a similar
1037 question for you. The FCC has taken some action to
1038 streamline wireline deployment, including one-touch make
1039 ready rules and prohibiting moratory on deployments. What
1040 reforms have not been acted up by the FCC that Congress
1041 should consider to streamline the wireline permitting
1042 process? And, I'm sorry, I only got about 50 second left.

1043 *Mr. Romano. So I'll just -- thank you, Chairman, for
1044 the question. I think something like the Broadband
1045 Leadership Act is something we look to, for example, as a
1046 terrific measure to move some of these forward. They
1047 address some of the concerns that Mr. Saperstein raised as
1048 well in the wireless context.

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1049 For example, when applications are considered complete,
1050 there is a definition in the bill of that process, received
1051 and complete, which is terrific. We've seen cases in
1052 Michigan, for example, where the provider didn't hear for
1053 months about the status of its application despite
1054 inquiries. These measures would help to instill, I think,
1055 definitional important -- definitional certainty in the
1056 process, promote communication, and ultimately, I think,
1057 lead to better results in terms of knowing where one stands
1058 at the very least in this process.

1059 *Mr. Latta. Well, I appreciate that. And again, you
1060 know, what we want to get done, we want to make sure that
1061 our unserved areas get served, you know, our underserved
1062 areas get better service, and we don't end up in situations
1063 where you might have served areas being considered unserved.
1064 So we want to -- these are all the things we're looking at.

1065 But my time's expired, and at this time I'm going to
1066 recognize the gentlelady from California, the ranking member
1067 of the subcommittee for five minutes.

1068 *Ms. Matsui. Thank you very much, Mr. Chairman.

1069 Last year I wrote a letter to the Biden Administration
1070 urging the Departments of Transportation and Energy, along

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1071 with NTIA to coordinate on the deployment of electric
1072 vehicle charging and broadband infrastructure. Much of the
1073 disparities we see in broadband access are also present in
1074 EV charging infrastructure, low-income and rural areas lag
1075 behind. Co-locating EV charging and broadband
1076 infrastructure can address multiple national priorities
1077 simultaneously and avoid duplicative permitting
1078 requirements, maximizing impact of this funding.

1079 Mr. Saperstein, do you believe coordinating
1080 infrastructure deployment efforts in IIJA with broadband
1081 expansion can help reduce deployment barriers and stretch
1082 federal dollars further?

1083 *Mr. Saperstein. Thank you for the question. Yes,
1084 absolutely. One of WI's core tenants is to make shared use
1085 of infrastructure.

1086 *Ms. Matsui. Okay, thank you very much, Mr.
1087 Saperstein.

1088 Muck like dig-once, I really think this type of co-
1089 location can speed broadband deployment. I ask unanimous
1090 consent to have this letter introduced.

1091 *Mr. Carter. [Presiding] Without objection.

1092 [The information follows:]

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1093

1094 *****COMMITTEE INSERT*****

1095

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1096 *Ms. Matsui. Okay. Mr. Falcon, this is a question for
1097 you. In addition to deployment challenges, we can't lose
1098 sight of the critical adoption equity work we need to do to
1099 truly close the digital divide. I introduced the Digital
1100 Equity Foundation Act to establish a nonprofit foundation
1101 that would channel public and private investments into
1102 making progress boosting adoption in digital literacy.

1103 Mr. Falcon, can you discuss the role equity and
1104 adoption plays in closing the digital divide, and do you
1105 believe additional resources are needed to support these
1106 efforts?

1107 *Mr. Falcon. Thank you for the question, Ranking
1108 Member Matsui. Absolutely. I think there is an awful lot
1109 of opportunity in helping a large segment of the population
1110 learn how to interface with the internet. You know, a lot
1111 of them need, you know, actual assistance in understanding,
1112 you know, the value of the internet, the resources available
1113 to them. And efforts that promote adoption are going to be
1114 necessary for quite a long time.

1115 *Ms. Matsui. Okay. While it's understandable that
1116 federal agencies approach property management differently,
1117 significant discrepancies between their approaches to

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1118 permitting can be extremely burdensome for broadband
1119 deployment on public lands. Mr. Saperstein, how do these --
1120 those diverse and conflicting requirements hinder broadband
1121 deployment on federal lands, and do you believe they have a
1122 disproportionate impact on rural broadband access?

1123 *Mr. Saperstein. Yes, I mean, when it comes to
1124 wireless infrastructure, the last remaining areas that are
1125 unserved by wireless are often in rural lands, and often
1126 those areas coincide with federal lands as well due to park
1127 land.

1128 There are success stories. We know that some of our
1129 members have recently worked, for instance, in Utah to work
1130 closely to bring service there. But what we don't have
1131 right now when it comes to siting on federal lands is a
1132 clear sense of clarity for how the processes should exist;
1133 accountability, what happens if you miss the deadlines that
1134 Congress has worked so hard to install; and transparency,
1135 where are we in the process. Even knowing that would be
1136 extremely helpful.

1137 *Ms. Matsui. Okay, fine. Thank you.

1138 And, Mr. Falcon, can you discuss how these arbitrary
1139 fee scales can disincentivize innovative broadband financial

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1140 models?

1141 *Mr. Falcon. Absolutely. So one of the things that
1142 fiber infrastructure provides from a financial planning
1143 standpoint is longevity. So you can look at it with a very
1144 long timetable of how long your investment will be
1145 worthwhile, and that opens up a lot of opportunities in
1146 terms of long-term financing.

1147 However, if there are fees that essentially, in my
1148 written testimony, demonstrated a fee that kind of scaled up
1149 the cost of the monthly, annual cost of deploying additional
1150 fiber strands, that kind of destroys the model of any sort
1151 of long-term planning. A lot of these will need -- you'll --
1152 -- on the early years will need to look for subscribers and
1153 opportunities to sublease.

1154 *Ms. Matsui. Okay. Well, permitting barriers can
1155 prevent deployment in certain circumstances. The biggest
1156 impediments have always been economic considerations. For
1157 rural and low-income neighborhoods, this historical legacy
1158 has produced a digital divide we're attempting to close with
1159 the BEAD Program.

1160 Mr. Falcon, can you discuss limitations of permitting
1161 reform in addressing these considerations and how BEAD can

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1162 help support the access in these historically underserved
1163 areas? And I don't have much time. We have 30 seconds to
1164 discuss this.

1165 *Mr. Falcon. Certainly. So, I mean, the local
1166 community, the local government has always been the
1167 negotiating arm on behalf of the local community, so
1168 ensuring that they're part of the process, to ensure that
1169 there's equitable deployment of the network in applicants is
1170 key.

1171 *Ms. Matsui. I find that very true since I met with
1172 some of my people, and they feel the same way in these small
1173 villages and community areas. So anyway, thank you very
1174 much, and I yield back the balance of my time.

1175 *Mr. Carter. The gentlelady has yield back. The chair
1176 now recognizes The Chair of the full committee, Ms. Rodgers,
1177 from Washington State.

1178 [Phone ringing.]

1179 *Voice. Oops, excuse me.

1180 *The Chair. Thank you, Mr. Chairman. The federal
1181 government owns a significant amount of land in the western
1182 states, hundreds of millions of acres, and many of these
1183 areas are unserved despite billions of dollars of private

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1184 and public investment that has historically gone into
1185 broadband deployment.

1186 Mr. Romano and Mr. Saperstein, can you discuss the
1187 challenges your members face trying to deploy on federal
1188 lands and how we can make this process easier?

1189 *Mr. Romano. Sure. Thank you for the question,
1190 Chairwoman Rodgers. To start, I think the issue on federal
1191 lands is getting -- as Mr. Falcon mentioned as well, for
1192 fiber, for example, it's a long-term investment. We're
1193 trying to plan for years ahead, and also trying to plan
1194 around build cycles, and timeframes, and seasons, and the
1195 like. And the predictability is so important in trying to
1196 plan, especially for smaller providers, many of whom are
1197 based in Rural America and want to serve the communities in
1198 which they live, trying to plan to get contractors on site,
1199 trying to plan to get supplies in, all of these things are
1200 specific challenges that not only prevent potentially
1201 private deployment but also can deter potential
1202 participation in public programs to the extent that I cannot
1203 necessarily specify when I'll be able to deliver, the cost
1204 of delivering.

1205 All of those things make it much harder to both deliver

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1206 on the promise or an even participate in the programs that
1207 would help with that.

1208 *The Chair. Right, right. Thank you.

1209 Mr. Saperstein, would you speak to maybe any ideas you
1210 have as to how we can make the process easier?

1211 *Mr. Saperstein. Yeah. We were excited to see two
1212 bills that dealt with portals, and this is a simple but
1213 really helpful fix that would at least allow applicants to
1214 know where they are in the process. Currently, there is no
1215 transparency into where they are from -- with the federal
1216 land agencies, so that would be a very helpful fix.

1217 *The Chair. Okay, thank you.

1218 Mr. Finkel, I've heard from some providers that the
1219 cost of pole attachments is high and is a barrier to
1220 broadband deployment, and I understand that some pole
1221 attachment rates are regulated by the Federal Communications
1222 Commission, FCC, or the states; while some, those are --
1223 those set by municipal or cooperatively-owned utilities are
1224 not. I wanted to ask you to speak to how cooperatives
1225 determine their pole attachment rates and how they compare
1226 to the regulated rates.

1227 *Mr. Finkel. Sure. So I appreciate the question,

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1228 Madam Chair. Pole attachment rates, as determined by -- at
1229 least I can only speak for electric cooperatives, is really
1230 based upon what the true cost is for that attachment. In
1231 many rural areas, there are more poles than people, and so
1232 when we're looking at what the cost is to attach that pole,
1233 the cost is truly the cost. And there's no profit motive,
1234 though accusation has been made that we're in the business
1235 of trying to impose higher fees for excess. It's based on
1236 the geography, on the density, on the demographic of that
1237 community.

1238 And so when you're talking about trying to connect
1239 these rural communities, I mean, our members, they're the
1240 provider of last resort. They were in electricity 80 years
1241 ago, and they are now in many rural communities where
1242 they're providing that broadband service because nobody else
1243 will show up.

1244 I mean, it's -- so for us, reliability and
1245 affordability of the electric system is the first priority,
1246 and so when we try to establish that fee, it's a fee based
1247 upon what's going to keep that pole safe and what's going to
1248 ensure that we get back the true cost of that attachment.

1249 *The Chair. Thank you for those insights. I

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1250 appreciate what you do.

1251 I wanted to ask Mr. O'Rielly if you would also speak to
1252 this issue.

1253 *Mr. O'Rielly. Yes, I appreciate the views of my
1254 fellow -- I don't -- fellow panelist, but I don't agree.
1255 You know, we have providers that are right next to the
1256 exempt entities that are offering and able to comply with
1257 FCC rules and rates, and are not going bankrupt, and are not
1258 putting health and safety at risk.

1259 This exemption doesn't match up with cost. There's a
1260 number of studies that have been done that the rates are two
1261 to three times more expensive on the exempt entities than on
1262 non-exempt entities, and that's just not something a
1263 provider -- you know, we talk about areas that are unserved
1264 and why there's, you know, a carrier of last resort, someone
1265 who is offering service. Well, Congress is going to provide
1266 a -- is providing a boatload of money to help provide access
1267 and buildout.

1268 It has to deal with the issue of these rates being --
1269 you know, we're not going to bury all of the poles and
1270 fiber, we're going to have to attach -- excuse me, attach to
1271 the poles that already exist.

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1272 *The Chair. Well, this is an issue that we're --
1273 appreciate your insights. We got to work on this some more.

1274 I want to -- in my time remaining, one of my priorities
1275 is to strengthen American competitiveness. And we know that
1276 the Chines Communist Party wants to surpass us in wireless
1277 leadership, and it's easy for them to build the
1278 infrastructure to do that. We need to be doing everything
1279 in our power to make sure that that doesn't happen.

1280 So why is permitting reform good overall for American
1281 competitiveness? And just incorporate that into your
1282 answers in the future.

1283 [Laughter.]

1284 *The Chair. Okay, thank you all for being here.

1285 I yield back.

1286 *Mr. Carter. The gentlelady has yield. The chair now
1287 recognizes the gentlelady from New York, Representative
1288 Clarke, for five minutes.

1289 *Ms. Clarke. Good morning. Let me start by thanking
1290 our panel of witnesses for joining us today, as well as
1291 Chairman Latta and Ranking Member Matsui for convening this
1292 important hearing on broadband deployment.

1293 Access to reliable highspeed internet is essential in

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1294 our increasingly digital society, and I'm proud of the work
1295 this committee has done to bridge the digital divide in
1296 America. The historic bipartisan infrastructure law
1297 provided billions of dollars in federal funding to bring
1298 highspeed internet to the millions of Americans still
1299 lacking access. As we continue to grow as a nation and
1300 expand our digital infrastructure, it is vital that these
1301 funds are used to bring broadband to communities
1302 historically left out of certain opportunities and
1303 investments.

1304 Unfortunately, the stark reality is that many of the
1305 communities that were disproportionately denied mortgage
1306 loans in the 1960s are the same communities that are without
1307 highspeed or any internet access today. So I look forward
1308 to working with my colleagues on this committee to explore
1309 pathways to equitable streamline -- equitably streamline
1310 permitted processes, bridge the digital divide, and unleash
1311 the full potential of our nation.

1312 My first question is directed to Mr. Falcon. As this
1313 committee looks at efforts to streamline broadband
1314 deployment, what factors should we consider to ensure that
1315 low-income minority communities have been -- who have been

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1316 subjected to both traditional and digital redlining in the
1317 past do not continue to be left behind? And other witnesses
1318 may feel free to chime in as well.

1319 *Mr. Falcon. Certainly. Thank you for that question.
1320 The -- I mean, I think the fundamental goal of all of these
1321 applications and the funding is ensuring that the
1322 infrastructure is built equally and equitably to all people
1323 that are in need of it. The history of cherry picking and
1324 redlining has given us -- has given Congress the reason to
1325 have passed the digital discrimination rulemaking. So
1326 ensure we don't forget that we had to do that, and
1327 prospectively going forward ensuring equitable distribution
1328 of these networks is vital.

1329 *Ms. Clarke. Would anyone else like to chime in now?
1330 Mr. Romano.

1331 *Mr. Romano. Thank you, Congresswoman. I'll weigh in
1332 as well representing more rural areas specifically. I think
1333 one of the important things that Congress has done and that
1334 Congress should continue to do, and the funding agencies as
1335 well, is to make sure that when providers are receiving
1336 funding, for example, that there is a commitment to serve
1337 throughout the entirety of the area for which funding is

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1338 provided without differentiation between particular
1339 communities within that serving area.

1340 I think that is a critical piece of this, and it does
1341 underpin I think a lot of the recent grant programs and
1342 other funding programs, but the accountability and the
1343 backend of tracking whether that is, in fact, happening is
1344 going to be critical as well.

1345 *Ms. Clarke. Very well.

1346 Mr. Saperstein?

1347 *Mr. Saperstein. Yes, thank you for the question. I
1348 just wanted to point out that one of the great benefits of
1349 wireless infrastructure, particularly shared wireless
1350 infrastructure, is it allows multiple service providers to
1351 attach to the same facility, and therefore, multiple network
1352 providers to serve that community. We saw the benefits of
1353 this with 99 percent coverage with 4G LTE and we're already
1354 well on our way ahead of pace with 5G.

1355 *Ms. Clarke. Very well, thank you.

1356 In your testimony, Mr. Falcon, you acknowledge that
1357 previous deregulatory efforts failed to spark industry
1358 competition. It did nothing to mitigate the digital
1359 redlining we see today. I'd like to dig into that topic a

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1360 bit more.

1361 Can you explain to this committee the negative impact
1362 of digital redlining, particularly how it perpetuates
1363 poverty in low-income and minority communities, and why
1364 haven't previous efforts by the FCC to streamline permitting
1365 for broadband deployment resulted in buildout in digitally
1366 redlined communities?

1367 *Mr. Falcon. Certainly. So the natural inclination of
1368 a provider would be to kind of target the most lucrative
1369 portions of a community first. In the absence of any sort
1370 of regulation to ensure a fully distributed network of full
1371 equitable deployment, that's generally where they'll stop.
1372 That's what most of these studies that we've seen over the
1373 years have shown. The markup did a nationwide analysis
1374 showing, you know, a replicated result of this type of
1375 discrimination that's occurring, and the ramifications that
1376 are significant.

1377 When we look at in terms of fiber deployment in
1378 particular, you know, there's a study by the Fiber Broadband
1379 Association that shows that property values, the value of a
1380 home when it's connected to fiber, you know, is a sizable --
1381 there's a sizable increase, so the equity of a household in

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1382 a neighborhood is dependent on the wire that's connected to
1383 that household. The pandemic I think showed the significant
1384 problem when your connection couldn't handle distributed
1385 work and remote schooling. These are -- this is why I call
1386 it a first class and second class internet structure.

1387 *Ms. Clarke. Thank you. Mr. Chairman, I yield back.

1388 *Mr. Carter. The gentlelady has yield back. The chair
1389 now recognizes the gentleman from Florida, Representative
1390 Bilirakis, for 5 minutes.

1391 *Mr. Bilirakis. Thank you, sir. I appreciate it very
1392 much, and I appreciate all the testimony here.

1393 I represent Pasco County, one of the counties I
1394 represent, and it's no stranger to horrors of the federal
1395 permitting process. In 1998, the County identified the need
1396 for an additional emergency evacuation route for use during
1397 a flood event, such as a hurricane. That year, the County
1398 submitted its proposal known as the Ridge Road Extension
1399 Project to federal regulators.

1400 That public safety project sat in a regulatory quagmire
1401 for 22 years, despite the overwhelming support of the county
1402 residents and really unanimous support in the Tampa Bay
1403 area. Meanwhile, the 178,000 people who were deemed to

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1404 benefit from the emergency project were put at risk. The
1405 project was finally green lighted after President Trump
1406 issued an executive order titled, "Expediting Environmental
1407 Reviews and Approvals for High Priority Infrastructure
1408 Projects.''

1409 But we shouldn't have to rely on an executive order,
1410 folks, in my opinion, to streamline permitting, especially
1411 for projects that promote public safety. That's why I have
1412 submitted the Coastal Broadband Deployment Act as a
1413 discussion draft for today's hearing. This bill would
1414 remove lengthy barriers to deploying or modifying
1415 communication facilities within a floodplain, which can help
1416 people stay connected during a weather event.

1417 And I want to tell you, Ridge Road is -- we finally got
1418 it done, and man oh man, the people love it. The community
1419 loves it, and they're -- they feel safer because it is an
1420 evacuation route, God forbid we have a hurricane in our area
1421 directly. If we get a direct hit, it's going to be very
1422 difficult.

1423 But I want to ask the question, Mr. Romano, in your
1424 written testimony, you mentioned that your members have
1425 delays as long as two years due to federal reviews when

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1426 building out. Can you discuss the potential regulatory
1427 problems a company may face if they wanted to modify an
1428 existing communications facility, for example, to make it
1429 more resilient to natural disasters? If you could answer
1430 that question, I'd appreciate it.

1431 *Mr. Romano. Yes, thank you, Congressman, for the
1432 question. You know, one of the most confounding deployment
1433 struggles we face at times is putting something -- restoring
1434 networks, putting in where previously disturbed earth is
1435 there. You would think that putting a network back in or
1436 upgrading an existing network in a previously disturbed
1437 right-of-way should be relatively seamless due to the fact
1438 that it's already been used, and it -- and you would think
1439 that it's gone through reviews in the past.

1440 Nonetheless, we run into these circumstances all too
1441 frequently, and so I think bills like the one you've talked
1442 about are going to be critical to make sure that we can get
1443 through both the NEPA and the National Historic Preservation
1444 Act and Section 106 Procedures as promptly as possible to
1445 reengage or re -- and then upgrade those networks and those
1446 places.

1447 The one other note I would make, Congressman, very

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1448 quickly on this bill and a number of others is because
1449 they're amending existing law, they tied a 6409, which is a
1450 provision that's primarily dealing with wireless issues. So
1451 we would encourage the subcommittee and folks to think about
1452 this. I know there's some bills in here that help to amend
1453 6409 to pick up wireline networks as well, and so we would
1454 like to make sure to see that as part of all of these
1455 measures to pick up wireless and wireline networks alike and
1456 make sure they're all resilient and can be restored quickly.

1457 *Mr. Bilirakis. Very good. It makes a lot of sense to
1458 me.

1459 Mr. Saperstein, during an emergency, real time
1460 communication keeps people informed of ongoing threats. Do
1461 you think there's -- there are instances where regulatory
1462 delays and building out or disaster mitigation of
1463 communications facilities could unnecessarily threaten lives
1464 through hindered communications?

1465 *Mr. Saperstein. Yes. And what we see right now is
1466 that much of the parklands, particularly, you know, in
1467 western districts, are still unserved, and that is really a
1468 public safety threat. So we would encourage any actions
1469 that can really expedite siting on federal lands in order to

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1470 avoid those public safety instances.

1471 *Mr. Bilirakis. Okay, I'd like to ask this question
1472 for Mr. O'Rielly. If he don't -- if we don't have time, at
1473 least he can get it for the record.

1474 Over the past several years, the federal government has
1475 allocated tens of billions of dollars of taxpayer money for
1476 broadband build out in closing the digital divide, as you
1477 said. In your estimation as a percentage, how much of
1478 allocated dollars are doing regulatory red tape as opposed
1479 to actually getting people connected?

1480 *Mr. O'Rielly. I'm happy give you more specific, but
1481 if I had to, you know, off the top, I would say it's
1482 probably around 15 to 20 percent.

1483 *Mr. Bilirakis. Okay. That's a lot. So yeah, please,
1484 if you can give us some more specific information, I'd
1485 appreciate it.

1486 And I yield back, Mr. Chairman. Thank you.

1487 *Mr. Carter. The gentleman has yield back. The chair
1488 now recognizes the gentleman from Florida, Representative
1489 Soto, for five minutes.

1490 *Mr. Soto. Thank you, Chairman. Just a few weeks ago
1491 we got to travel to Kenansville, Florida in our district in

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1492 Southern Osceola County with the Under Secretary of Rural
1493 Development, Xochitl Torres Small, a dear friend and former
1494 colleague here. We met with local ranchers and local
1495 hunting and game managers in an area that is as rural as it
1496 gets.

1497 And it was great to hear them talk about the 15 million
1498 being invested by the American Rescue Plan in that area.
1499 They talked about the need to download information quickly
1500 for the ranches on information related to their cattle, on
1501 information related to dove hunting. Who would have
1502 thought, right? The Osceola turkey as well, which you have
1503 to go to my district to make the turkey trot on the East
1504 Coast.

1505 And I guess if you're not in there, you don't realize
1506 how much data is needed for all these rural businesses, and
1507 agricultural, and hunting, and other businesses. And so I
1508 was pleased to see that the American Rescue Plan is helping
1509 deliver internet to rural communities in Central Florida.
1510 And, Members, if you're not seeing that in your district
1511 it's, you know, time to speak up. It's changing lives in
1512 Central Florida.

1513 But that's just the first step. And we know with the

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1514 Infrastructure Investment and Jobs Act passed recently, 65
1515 billion improve internet access, 42 billion for the
1516 Broadband Equity Access and Deployment Program, the BEAD
1517 Program. I'm excited that Florida has taken steps to
1518 participate in the BEAD Program and signaled it intends to
1519 continue that process. We already saw five million awarded
1520 to help with their initial plan and grant to create a five-
1521 year action plan, and they've received over 7.4 million
1522 dollars in federal funds to support that planning.

1523 In addition, NTIA has estimated, as well as third-party
1524 research, that Florida could receive as much as 1.5 billion
1525 dollars through BEAD to really help finish the job across
1526 Florida. The company in question who stepped up for areas
1527 of South Osceola was Spectrum.

1528 And, Mr. Romano, are your member companies ready to
1529 take on this challenge like we've seen in rural Osceola?

1530 *Mr. Romano. Thank you, Congressman. Yes, they're
1531 ready and eager. I think the biggest challenge -- some of
1532 the biggest challenges will be figuring out -- well, among
1533 other things that aren't subject to this hearing
1534 necessarily, supply chain considerations, finding trained
1535 workforce.

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1536 But permitting issues, again, will be a piece of the
1537 puzzle. Our members have been -- actually, I would say
1538 probably the active participants in the reconnect program,
1539 so great partners with rural development. I think we're
1540 excited about the promise of this.

1541 The biggest concern I have right now is we -- as I
1542 mentioned in my testimony, we're on the precipice of massive
1543 amounts of investment coming in, and we need to make sure
1544 both the procedures are ready to go but also the staff
1545 skillsets and training are there, and to -- and the systems
1546 to make sure, as Mr. Saperstein mentioned, the portals. To
1547 make sure that we can see -- realize the promise of all of
1548 these different programs out there.

1549 *Mr. Soto. Thank you.

1550 And, Mr. Finkel, this is Peace River country, one of
1551 your members, and I know they've been eager since -- we
1552 won't see -- we'll see a combination of companies help with
1553 this. How are your members gearing up, and what are you
1554 hearing from your customers about the potential of getting
1555 higher speed internet?

1556 *Mr. Finkel. Well, Congressman, it's always driven by
1557 the local community, as electric utilities are owned by the

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1558 communities we serve. When the community speaks up and our
1559 kind of ownership base drives us to build out, and asks us
1560 to partner, we do. It's just really that simple.

1561 *Mr. Soto. Well, we're excited to work with our local
1562 folks as well.

1563 Mr. Falcon, we saw the Biden Harris Administration put
1564 out a permitting action plan. There's a lot of discussion
1565 in the cornucopia of bills of today in this hearing of how
1566 to address permitting as we implement the Inflation
1567 Reduction Act and the Infrastructure Law. Do you have any
1568 comments on the permitting action plan by the Biden Harris
1569 Administration and any other principles that you think can
1570 guide as we have to permit these projects?

1571 *Mr. Falcon. Yeah, I think it just demonstrates that
1572 everyone is committed to the success of implementation of
1573 BEAD. No one wins if systemic delays results in rising
1574 costs, particular for small applicants, particularly new
1575 entrants into the space.

1576 I think, you know, as I say in my written testimony,
1577 really just predictability and predictability in the cost in
1578 terms of the fees on public lands are probably the two best
1579 things you can deliver in order to ensure successful

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1580 outcomes.

1581 *Mr. Soto. Thank you so much.

1582 Members, our oversight is going to be a key part of
1583 this as well as we work with the administration, with our
1584 colleagues in Congress, so I look forward to continuing that
1585 work. And I yield back.

1586 *Mr. Latta. [Presiding] Thank you. The gentleman
1587 yields back, and at this time, the chair recognizes the
1588 gentleman from Michigan's Fifth District for five minutes.

1589 *Mr. Walberg. Thank you, Mr. Chairman, and thanks to
1590 the panel for being here.

1591 Broadband providers are subject to significant
1592 permitting delays, as we've talked about already. Delays
1593 are felt by the consumers. The frustration of some of my
1594 neighbors seeing me with broadband finally and not seeing
1595 themselves with a sight of broadband coming down. I felt
1596 the same way for a number of years myself, and so it's a
1597 challenge. Connecting everyone to broadband is a goal we
1598 all share.

1599 Billions of dollars have gone out the door, but it
1600 takes dollars, it takes many hands to make it work. And
1601 oftentimes we don't see interagency coordination, and maybe

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1602 through no fault of their own, but the process that takes
1603 place. The FCC, NTIA, USDA, and various stimulus grants
1604 over the years have often appeared to compete with one
1605 another.

1606 And so, Mr. Romano, how do we improve coordination
1607 between agencies? And if I could add on to the question, do
1608 you believe requiring all government broadband programs to
1609 make distributions based on FCC's new broadband maps can
1610 break the decades-long cycle of overbuilding and the
1611 problems that come from that?

1612 *Mr. Romano. Thank you for the question, Congressman.
1613 The second part of your question actually I think was the
1614 first place I was going to go in terms of effective
1615 coordination, which is the use of a singular data source to
1616 start from.

1617 Now there are always going to be issues arising in
1618 terms of the maps that are presented by -- produced by the
1619 FCC being snapshots in time and needing updating. There are
1620 processes set forth in BEAD, for example, for states to run
1621 challenges. But at the end of the day, we should be
1622 starting from a singular data source that reflects the best
1623 source of information we've got available. So I think that

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1624 is going to be a critical starting point for coordination.

1625 The other part of coordination that's going to be
1626 important is sharing of information about enforceable
1627 commitments that are made, grants that are made among these
1628 agencies so that if NTIA sees that the FCC has done
1629 something over here, NTIA is not necessarily putting money
1630 there or vice versa. So I think that sharing of information
1631 about enforceable commitments feeding into the broadband
1632 mapping exercise, those are two of the most critical pieces
1633 of communication that can happen.

1634 *Mr. Walberg. It cuts down a lot of waste, too. Yeah.

1635 Mr. Saperstein, while permitting delays can be a
1636 barrier to deployment, should we also be concerned about
1637 other potential bottlenecks, including supply chain delays,
1638 workforce shortages, and what efforts are underway to ensure
1639 we have the labor force in place to get the job done?

1640 *Mr. Saperstein. Congressman, thank you for the
1641 question. WIA actually is doing a lot on the workforce
1642 front. We are partnered with the Department of Labor, with
1643 the telecommunications industry registered apprenticeship
1644 program, which has thousands of apprentices in the pipeline
1645 now working with over 80 employers.

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1646 We couldn't agree more that we can't allow our human
1647 workforce, our human infrastructure to become a bottleneck
1648 here, and so we're working to train the next generation.

1649 *Mr. Walberg. Yeah, so necessary. Good jobs out
1650 there, too.

1651 *Mr. Saperstein. Absolutely.

1652 *Mr. Walberg. The slate of bills we're discussing
1653 today includes my Brownfields Broadband Deployment Act,
1654 which would help streamline the deployment of broadband
1655 projects entirely within Brownfields sites by eliminating
1656 the requirement to prepare an environmental or historic
1657 preservation review. These sites are often located in
1658 digitally underserved areas, and the proposed changes will
1659 help promote greater digital connectivity.

1660 In Vicksburg, Michigan where I was just last week in
1661 fact, they are creating a one of a kind facility for
1662 lodging, entertainment, artist development in a town of less
1663 than 4,000. Located in a former paper mill, this Brownfield
1664 site will hopefully bring incredible economic growth to the
1665 area, but they have a problem with connection.

1666 Mr. Romano, how important is broadband connection to
1667 the economic viability of rural areas, and how could a

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1668 longer regulatory approval process for broadband

1669 infrastructure destroy that opportunity?

1670 *Mr. Romano. Thank you, Congressman. So at NTCA, we
1671 believe not on that networks need to be built, but they need
1672 to be used and celebrated, and that those -- the best
1673 practices should be shared. I mean, economic development --
1674 we have a program called Smart Rural Community that
1675 highlights the fact that these networks are not just built
1676 for their own sake but for the benefit ultimately and uses
1677 of the community for telehealth, telework, economic
1678 development, and the like.

1679 Those types of uses, especially in a town of 4,000
1680 people, that's about the average size of the biggest city in
1681 the type of areas that our members serve. That's a
1682 difference maker in terms of rural -- attracting new people
1683 to rural areas and just getting people to come back home
1684 after school, so it's incredibly important.

1685 And permitting's a bit part of that. If providers go
1686 to -- again, as I said earlier in an earlier question, if it
1687 takes them -- if they look at a program and think, I could
1688 do this but for the fact that I don't know that I can meet
1689 the buildout deadlines because I don't even know when my

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1690 shot clock's going to start, that can be a real deterrent to
1691 participation.

1692 *Mr. Walberg. Yeah, and this is a visionary community,
1693 they believe in their community. It's a neat site. It will
1694 be unbelievable if they get it done, but this is a key
1695 component to it.

1696 So thanks for your attention, and I yield back.

1697 *Mr. Latta. Thank you. The gentleman yields back, and
1698 at this time, the chair recognizes five minutes to the
1699 ranking member of the full committee, the gentleman from New
1700 Jersey, for five minutes.

1701 *Mr. Pallone. Thank you, Chairman Latta.

1702 Affordable, reliable broadband service is a resource
1703 that every community needs and every community wants, and so
1704 I have some concern that broad measures by Congress to
1705 trample on local authority and treat ever community the same
1706 will end up creating more problems than they solve.

1707 So let me start with Mr. Falcon. In your testimony,
1708 you point to examples of when past deregulation efforts have
1709 not closed the digital divide but have, in fact, exacerbated
1710 the problem. So what lessons should we keep in mind about
1711 the role of municipalities and local leaders in broadband

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1712 deployment, and how can proposals to remove local
1713 consultation and authority hinder efforts to connect all
1714 Americans to highspeed internet?

1715 *Mr. Falcon. Thank you for that question, Ranking
1716 Member Pallone. I think the big lesson to have learned is
1717 just looking at the results of what has happened when you
1718 compare two similar situated markets, Los Angeles and New
1719 York City. New York retained local authority for
1720 franchising and California didn't. California consolidated
1721 under the state government. New York is pushing fiber to
1722 the home to hundreds of thousands of low-income households.
1723 New York City that is. And Los Angeles has less than half
1724 of their community connected to 21st Century access today.

1725 You know, these are both very similar areas of density
1726 in terms of income and opportunity, business sector, but the
1727 removal of the local community from negotiating with ISPs
1728 from ensuring equity in the deployment, ensuring a
1729 ubiquitous deployment yields these results. So I think that
1730 is the number one lesson to learn from removing local power,
1731 removing the local community from the equation and working
1732 with ISPs. They're eager to work, but they also want to
1733 make sure everyone is covered.

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1734 *Mr. Pallone. Alright. Now many of the witnesses
1735 today have pointed to a lack of resources at permitting
1736 agencies as a cause for delay and other challenges in the
1737 review process. But, again, Mr. Falcon, what is the risk to
1738 communities and the public at large if we ignore those
1739 resource restraints and focus only on strict approval
1740 timelines and deemed granted provisions, if you will?

1741 *Mr. Falcon. Absolutely. Thank you for that question.
1742 The challenge here that we're facing is this is the largest
1743 public works projects happening in many areas for decades,
1744 and they don't have the staffing in place to handle that.
1745 So staffing up and providing the personnel resources to
1746 review these permits in an expeditious way resolves the
1747 issue. It's not really about removing the government or
1748 taking -- getting the government out of the equation, the
1749 government is an inherent and necessary partner for the
1750 success of the deployment of these areas. The ISPs cannot
1751 completely go it alone to be successful at their deployment
1752 plans.

1753 *Mr. Pallone. So would you agree then that unless
1754 permitting agencies at the federal, state, local, or tribal
1755 levels get additional resources for personnel and training,

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1756 we're not going to fully address delays in permitting for
1757 broadband infrastructure?

1758 *Mr. Falcon. I think there's a whole list of
1759 unforeseeable complications that will come up, particularly
1760 for -- and I would like to distinguish between, you know,
1761 upgrading areas where existing rights were already utilized
1762 versus, you know, new construction. A lot of this money is
1763 going towards new construction and new areas. Lacking
1764 knowledge of the local area because the managing government
1765 agency is the one with that knowledge could be detrimental
1766 to deployment planning.

1767 *Mr. Pallone. All right, thanks. I've just got
1768 another question or so to Mr. O'Rielly. It's good to see
1769 you here today.

1770 I'm concerned that efforts to complete our historic
1771 buildout of reliable highspeed broadband to every corner of
1772 the country will still leave too many people behind unless
1773 we continue to focus on ensuring that everyone can afford
1774 the service regardless of income. So I know that -- I'm
1775 sure you can answer -- or if you could just briefly discuss
1776 funding for the Affordable Connectivity Program, why it's
1777 important to close the opportunity gap. Well, I know

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1778 because you've been involved with it, obviously.

1779 *Mr. O'Rielly. I have supported and do support the
1780 ACP. I believe that additional funding from Congress would
1781 be wisely spent. Affordability is a component for a number
1782 of American families who -- you know, we can get broadband
1783 to everybody, but if they can't afford it, then they're not
1784 going to be able to subscribe.

1785 The program is working today. It's probably in the
1786 best -- the best program in terms of its structure that
1787 we've had, and there have been a number of programs in the
1788 past that have had deficiencies, and we've solved some of
1789 those with ACP. So I think additional funding would be
1790 appropriate, but that's also with another committee to work
1791 through in terms of going forward.

1792 *Mr. Pallone. Well, you know, we can push them, as you
1793 know.

1794 [Laughter.]

1795 *Mr. O'Rielly. I think that would be smart for both
1796 sides, and I support -- you know, as a fiscal conservative,
1797 I think it's money well spent.

1798 *Mr. Pallone. All right, thank you so much. I don't --
1799 -- I guess I'm out of time, so I'll leave it at that. Thanks

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1800 a lot.

1801 Thank you, Mr. Chairman.

1802 *Mr. Latta. Well, thank you very much. The gentleman
1803 yields back. And at this time, the chair recognizes the
1804 gentleman from Georgia, the vice chair of the subcommittee,
1805 for five minutes.

1806 *Mr. Carter. Thank you, Mr. Chairman, and thank all of
1807 you for being here.

1808 Before I ask my questions, I want to respond to the
1809 ranking member's comments earlier about broadband permitting
1810 barriers not existing. I could not disagree more. They do
1811 exist, and the witnesses here today have already cited
1812 examples of where they exist, and I'm sure we'll cite even
1813 more examples. Even the current FCC chairwoman has also
1814 acknowledged that these barriers exist.

1815 In 2018, when the Republican-led FCC embarked on an
1816 effort to revise its infrastructure rules to promote
1817 expansion of 5G, Chairwoman Rosenworcel suggested in her
1818 statement that, "If we want broad economic growth and
1819 widespread mobile opportunity, we need to avoid unnecessary
1820 delays in the state and local approval process.'"

1821 While we may disagree on the approach, we must all

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1822 acknowledge that these are real problems and they deserve
1823 real solutions. So I appreciate you bringing up these
1824 examples that you've brought up. And with all due respect,
1825 I am encouraged to hear the ranking member say that he's
1826 concerned about local control, a long-held Republican view
1827 that I'm glad that is being shared now with some of our
1828 colleagues, so I appreciate that.

1829 You know, Mr. Chairman, I appreciate this hearing
1830 because this is extremely important, and as vice chair of
1831 this committee, it's one of the things that I really wanted
1832 to concentrate on. And one of my top priorities is to close
1833 the digital divide that exists, particularly in Rural
1834 America.

1835 For those of you who don't know, I'm from Georgia. We
1836 have a saying in Georgia, there are two Georgias; there's
1837 Atlanta and everywhere else. And I represent everywhere
1838 else, so this is extremely important to me. And it's
1839 extremely important for us to continue to lead U.S. -- to
1840 help the U.S. maintain leadership on broadband and wireless
1841 innovation, investment, and competition.

1842 So, Mr. Saperstein, I want to ask you, one of the bills
1843 that we're discussing today is my bill, the Proportional

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1844 Reviews for Broadband Development Act. This expedites the
1845 process for certain modifications to wireless towers or base
1846 stations. Specifically, it exempts the addition, removal,
1847 or replacement of transmission equipment on those towers or
1848 stations from environmental and historic preservation
1849 reviews.

1850 Do you think that such a simple modification would
1851 improve the quality and the timeliness of broadband
1852 deployment for Americans?

1853 *Mr. Saperstein. Yes. Thank you for the question.
1854 So, yes, I mean, I think what your bill and what we're
1855 seeing with many of the bills affecting the NEPA review is
1856 that it adds a deal of proportionality to the review at
1857 stake. So not everything needs to be reviewed in the same
1858 manner.

1859 Co-locations don't need to be reviewed in the same
1860 manner. Things that have already gone -- undergone
1861 different reviews don't need to be reviewed in the same
1862 manner. And I think it brings a commonsense approach to
1863 that.

1864 *Mr. Carter. Thank you. And that's the key, common
1865 sense, and that's what we're trying to get at it here.

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1866 Look, we all want to make sure we have rules and regulations
1867 and they're followed, but we want to use common sense and
1868 get this done, and really eliminate unnecessary barriers.
1869 That's what we're all trying to do here.

1870 Also, Mr. Saperstein, I wanted to ask you, in June of
1871 2021, the New Jersey State Assembly passed S2674, a bill
1872 that was led by three Democrats that would institute cost-
1873 based fees, shot clocks, and deemed grant remedies for
1874 wireless and broadband network facilities. The purpose of
1875 the bill was to meet the growing consumer demand for
1876 wireless data and increasing competitive options for
1877 communication services available to the state's residents.

1878 Chairman Latta has a bill that -- the Wireless
1879 Leadership Act, that contains many of the same principles as
1880 this New Jersey State bill. Do you agree that enacting
1881 these policies would help meet the needs of consumers and
1882 promote competition?

1883 *Mr. Saperstein. Yes. We appreciate Chairman Latta's
1884 Wireless Leadership Act and its -- steps that it would take
1885 to really codify many of the reforms that the FCC has done
1886 to encourage, you know, fees that are reasonably based to
1887 the costs as well as streamlining of permitting procedures.

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1888 *Mr. Carter. Good. The New Jersey bill that passed
1889 the State Senate was also amended to accommodate the
1890 concerns of residents and municipal leaders who raised
1891 concerns. Can you describe how broadband permitting laws
1892 can balance state and local concerns with the need for
1893 timely and fair permitting processing?

1894 *Mr. Saperstein. Absolutely. One of the things that
1895 we've seen is that we've taken out the review of co-
1896 location, which makes sense because it's making use of
1897 existing infrastructure. There's nothing in what we see
1898 here today that would remove a community's ability to have
1899 legitimate, aesthetic concerns, and their own processes
1900 dealt with. So there's a good balance to be struck in
1901 there, and we find that we have a good partnership with our
1902 communities.

1903 *Mr. Carter. Great. Thank you, and thank all of you
1904 for being here.

1905 Thank you, Mr. Chairman, and I'll yield back.

1906 *Mr. Latta. Well, thank you very much. And our next
1907 member to ask questions is the gentlelady from New
1908 Hampshire. You're recognized for five minutes.

1909 *Ms. Kuster. Thank you very much, Mr. Chairman, and

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1910 thank you to our witnesses for being with us today to
1911 discuss the speed -- how to speed up deployment of broadband
1912 services.

1913 There are a number of legislative proposals before us
1914 today, but I'd like to take a step back and further examine
1915 the challenges to broadband deployment. Addressing these
1916 challenges will allow states and providers to implement
1917 federal broadband funding. Through the bipartisan
1918 Infrastructure Law, Congress invested an historic 65 billion
1919 dollars to build out our country's broadband infrastructure.
1920 This established the Broadband Equity Access and Deployment
1921 Program for states to expand highspeed services to their
1922 communities. This program will ensure that even the most
1923 rural and hard to reach communities, like many in my
1924 district in New Hampshire, have access to broadband.

1925 Mr. Falcon, you spoke about how deploying this scale of
1926 infrastructure will be a major endeavor for many small
1927 communities. How should Congress ensure local governments
1928 are equipped to meet this challenge?

1929 *Mr. Falcon. Thank you for that question. The -- you
1930 know, what it -- again, what it boils down to is providing
1931 the resources for personnel to kind of meet this surge of

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1932 demand. This is going to be a very intense but short period
1933 of years where these projects will come in large volume, and
1934 once constructed, given that the guidance is to deploy
1935 fiber, we will not be revisiting these any time in the near
1936 future. So it's really just a matter of the surge demand
1937 and ensuring the resources are available there for them to,
1938 you know, meet that demand when it comes.

1939 *Ms. Kuster. Thank you. Now I know that local
1940 governments will play an important role in bringing
1941 highspeed broadband service to the communities. While this
1942 hearing focuses on the deployment of broadband, these
1943 services will still be out of reach for families that can't
1944 afford them. The Affordable Connectivity Program, or ACP,
1945 is established by the bipartisan Infrastructure Law to
1946 provide assistance to eligible households to help them
1947 afford internet services.

1948 This program has already connected over 16 million
1949 Americans to internet services, including many, many
1950 families in my district. Unfortunately, funding for the ACP
1951 is set to run out without congressional action.

1952 Mr. O'Rielly, you briefly spoke about the importance of
1953 addressing broadband affordability. Can you elaborate on

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1954 why funding the ACP should be a high priority this Congress?

1955 *Mr. O'Rielly. So as I mentioned to the ranking member
1956 of the full committee, I do support ACP. I believe it's
1957 important to address affordability component. There are a
1958 number of families in America, certainly in New Hampshire,
1959 that won't be able to afford service without such a program.
1960 I think we crossed the 17-million threshold in terms of
1961 people -- families that are taking advantage of the funding.
1962 So I think it is something that has to be addressed if
1963 you're trying to figure out how to serve all Americans.

1964 If I could just return briefly to your previous
1965 question.

1966 *Ms. Kuster. Sure.

1967 *Mr. O'Rielly. I've spent a great deal of time in New
1968 Hampshire in a past life. I will tell you the local
1969 governments there are really sharp, and I don't know that
1970 they need necessarily the resources. It's really the areas,
1971 especially in the north country and the western part that
1972 you represent, that are -- that, you know, attracting --
1973 having the subsidy that's going to come forward to actually
1974 serve those areas throughout. That's probably more
1975 important to me in terms of New Hampshire, in terms of the

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1976 local governments who are actually pretty -- you know,
1977 they're very small, and they do represent the people very
1978 well.

1979 *Ms. Kuster. Well, we're lucky we have a lot of
1980 volunteers that get involved in these committees who are
1981 very knowledgeable.

1982 As co-chair of the Rural Broadband Caucus, I'm
1983 committed to ensuring that communities can connect to
1984 broadband services. It's critical that Congress not only
1985 address the challenges to deploying broadband but also work
1986 to make these services more affordable. The bipartisan
1987 Infrastructure Law set our country on a path to close the
1988 digital divide, and I look forward to working with my
1989 colleagues on both sides of the aisle to continue this work.

1990 And with that, Mr. Chair, I yield back with 49 seconds
1991 to go.

1992 *Mr. Latta. Would the gentlelady yield?

1993 *Ms. Kuster. I will yield.

1994 *Mr. Latta. Thanks very much. I'd like to go back
1995 with the 40 seconds that are remaining, a question -- just a
1996 quick question.

1997 Mr. Finkel, in your statement you mentioned that with

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1998 right-of-ways on federal lands that when you already have
1999 the lines up that you have to renegotiate for the broadband,
2000 and I assume you're deploying a line across it, and so
2001 what's the difference? You know, this is the commonsense
2002 question.

2003 *Mr. Finkel. Yes.

2004 *Mr. Latta. It's already there and you're putting
2005 another line up.

2006 *Mr. Finkel. So many rural electric cooperatives are
2007 either crisscrossing or abutting federal lands, whether it's
2008 U.S. Forest Service, BLM, and so we'll have existing
2009 electric infrastructure, and we'll have existing right-of-
2010 way and existing easement, and to put up broadband onto the
2011 same pole in the same right-of-way with the same easement
2012 requires a Greenfield review in many cases.

2013 *Mr. Latta. Okay. I just wanted to make sure I had
2014 that clarified. Thank you very much.

2015 And I appreciate the gentlelady yielding. The
2016 gentleman from Florida's Second District is recognized for
2017 five minutes.

2018 *Mr. Dunn. Thank you, Chairman Latta.

2019 So as he said, coming from the Second District of

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2020 Florida, we know how damaging natural disasters, such as
2021 hurricanes, can be to communications infrastructure when it
2022 matters the most. You know, communications facilities,
2023 including wireless and wired infrastructure and power
2024 sources, shelters, et cetera, they're all essential after a
2025 disaster and must be restored quickly, efficiently.

2026 That's why I plan on reintroducing my bill, the
2027 Connecting Communities Post Disasters Act of 2023. My bill
2028 provides that after a major disaster declared by the
2029 President, projects to replace and improve communications
2030 facilities will not be subject to the requirements to
2031 prepare environmental, historical preservation reviews which
2032 become massive obstructions. You know, this requirement
2033 leads to needless delays and it happens during a crisis when
2034 it's most essential to restore these services.

2035 You know, when your community is damaged by a natural
2036 disaster, and it's struggling for essential communications
2037 infrastructure, imagine the frustration that barriers such
2038 as a mandatory environmental preservation review, you know,
2039 can cause. These are reviews that were performed previously
2040 when the infrastructure was first built. I think it's
2041 nonsense red tape, we've addressed that earlier, that must

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2042 be corrected and for the good of relieving all Americans.

2043 Mr. Saperstein, in your testimony, you mentioned that
2044 Congress has made progress on removing barriers to the
2045 wireless infrastructure in the past, and yet broadband is
2046 still out of reach for far too many people. Do you agree
2047 that wireless connectivity is especially important during
2048 and immediately after natural disasters?

2049 *Mr. Saperstein. Thank you for the question,
2050 Congressman. Yes, I mean, I think the first place most
2051 people reach in order to get in touch with their loved ones
2052 is to their cell phone and so they can reach out and make
2053 that connection. So wireless connectivity is absolutely a
2054 key. And your bill makes very -- a number of commonsense
2055 points with respect to need and reform.

2056 *Mr. Dunn. I experienced that firsthand after
2057 Hurricane Michael. We went 13 days without our cell phones.
2058 You can imagine, you know, several counties like that. We
2059 were really wandering around lost. So both baseline
2060 connectivity and, of course, resilience and restoration
2061 after a disaster is very important.

2062 Are you familiar, sir, with any regulatory barriers to
2063 wireless deployment, specifically when recovering from

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2064 natural disasters?

2065 *Mr. Saperstein. So most of -- when it comes to
2066 natural disasters, the physical infrastructure is generally
2067 pretty resilient. What happens is we often lose power, and
2068 that's one of the key elements that we need to make the
2069 overall systems run. There's backup power, but that only
2070 exists so long and, you know, the providers themselves are
2071 not independent sources of commercial power. So that's one
2072 of the reforms that we really need to see overall.

2073 *Mr. Dunn. Yeah, our problem is we lost all our
2074 towers. I certainly agree with the need for resilient
2075 infrastructure, and I encourage all of my colleagues to
2076 support this legislation or to increase our nation's ability
2077 to respond and rebuild after disasters.

2078 Mr. Romano, as EVP of The Rural Broadband Association,
2079 I'm especially happy to see you here. Can you share with us
2080 what the biggest regulatory burdens, challenges, or
2081 inefficiencies are impacting wired connectivity in rural
2082 areas?

2083 *Mr. Romano. Thank you, Congressman, for the question.
2084 Yes. So fundamentally making the business case for
2085 investing in rural areas where distances are measured in

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2086 tens or hundreds of miles and densities are very low, that
2087 is a significant issue, and obtaining permits in order to
2088 deploy across those areas can be significant barriers I've
2089 talked about.

2090 In particular, I think things that we see frequently,
2091 and I had mentioned briefly on a question earlier, replacing
2092 -- so our members have been in these communities in many
2093 cases for decades -- or hundreds of years -- or a hundred
2094 years in some cases. And -- but the problem becomes
2095 replacing or upgrading networks in these existing facilities
2096 or restoring in the case of natural disasters. We have to
2097 go through, oftentimes, repeat reviews under the National
2098 Historic Preservation Act, Section 106, or NEPA.

2099 The ability to make sure we can upgrade these networks
2100 in an efficient fashion to get better broadband out there,
2101 more resilient broadband out there, bury the networks if we
2102 need to, that's a significant regulatory impediment today.

2103 *Mr. Dunn. Thank you very much for that. I'll take
2104 that as an endorsement of my bill. It's an important, you
2105 know, thing for us to streamline connectivity development
2106 and restoration in the United States. I just want us to
2107 stay out of our own way, you know, with excess permitting

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2108 needs, and so I think if we do that, we can help everyone in
2109 the United States.

2110 With that, Mr. Chairman, I yield back.

2111 *Mr. Latta. Thank you. The gentleman yields back, and
2112 at this time the chair recognizes the gentleman from
2113 California's Twenty-Ninth District for five minutes.

2114 *Mr. Cardenas. Thank you, Mr. Chairman, and also thank
2115 you, Ranking Member Matsui, for having this important
2116 hearing on broadband.

2117 As we all know, in November of 2021, President Biden
2118 signed the Infrastructure Investment and Jobs Act into law.
2119 Through this legislation, Congress made a 65-billion dollar
2120 investment towards eliminating the digital divide and
2121 delivering affordable, reliable, highspeed broadband to
2122 every American. In the next few months, the NTIA will begin
2123 providing grants to states and territories to deliver
2124 broadband access to underserved areas across our nation.

2125 While this is truly a historic investment in our
2126 country's infrastructure, Congress' work still is not done.
2127 Affordable broadband to every American is far from over. We
2128 have a lot of work to do.

2129 Specifically, there are various permitting application

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2130 and review processes that must take place before broadband
2131 can be deployed effectively. Some of my colleagues are
2132 highly skeptical of the value of these processes. I, on the
2133 other hand, believe that these processes are important to
2134 keeping communities safe, competition robust, and ensuring
2135 that important stakeholders are not ignored.

2136 That having been said, permitting should not be overly
2137 burdensome. Construction of these critical projects should
2138 not be delayed by endless reviews or unreasonable fees. We
2139 must strike a balance between protecting communities and
2140 expanding and improving broadband in an efficient and cost-
2141 effective manner.

2142 Mr. Falcon, in your testimony, you gave an example of
2143 how policies in New York yielded more equitable results and
2144 brought more fiber to homes, more than my little hamlet of
2145 Los Angeles in the 2000s. Using the quote from one of my
2146 colleagues as she described hamlets in her district, so I
2147 felt a little jealous. Can you provide -- it sounds cozy.
2148 Can you provide other more recent examples of state or local
2149 governments that can serve as models for expanding high
2150 quality, reliable broadband access to their residents?

2151 *Mr. Falcon. Certainly. So, as I mentioned before,

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2152 the -- you know, the local government is I would say a
2153 valuable partner to the industry because of the rights-of-
2154 way, the taxpayers funded the infrastructure that allows
2155 these networks to deploy. You know, I think one of the best
2156 examples from California is Brentwood, California. In
2157 Brentwood, California, the city required developers to build
2158 conduit and deed it to the city so a large underground
2159 conduit network was available for a competitive fiber
2160 provider called Sonic to deploy what I would say is probably
2161 the fastest, cheapest private internet: 40 dollars for one
2162 gigabyte, 50 dollars for ten gigabyte internet.

2163 That was, you know, really a product of smart local
2164 planning and coordination with the local government to
2165 really eliminate most -- the most expensive part of
2166 construction was the civil works in deployment. I think if
2167 more communities made their rights-of-way accessible and
2168 kind of preplanned for the -- you know, the advent of new
2169 entrants coming in, that pays itself off quit handsomely as
2170 these applicants are coming in.

2171 *Mr. Cardenas. Okay. Also, Mr. Falcon, a lot of your
2172 work and that of your organization is focused on connecting
2173 historically underserved and underprivileged communities

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2174 with modern highspeed broadband. Can you talk about the
2175 importance of the Affordable Connectivity Program now and
2176 into the future in meeting our goal of universal
2177 connectivity, and how would a permanent affordability
2178 program level the playing field between high and low-income
2179 communities competing for providers to serve them?

2180 *Mr. Falcon. Thank you for that question, Congressman.
2181 The ACP, if it were to be made permanent, I think would
2182 radically change the financial planning of many providers
2183 that are motivated to serve entire communities. One of the
2184 first things I started asking a lot of the people in the
2185 kind of the public and the private industry when ACP was
2186 first enacted is how much did that -- how much does this
2187 change the way you think about where you can deploy and
2188 finance it. And the answer was not enough because it was
2189 temporary.

2190 You know, we want to have, you know, ten to 30-year,
2191 maybe even 40-year plans, and if this money runs out within
2192 five to six years, we really don't make a plan around that.
2193 We don't really expect a revenue source from low-income
2194 subsidies as a means of helping finance the overall network.

2195 But if Congress were to make the ACP permanent, I think

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2196 you would see a lot more expansion of these networks, simply
2197 because the predictability and the dependability of the
2198 revenue and how you change the attractiveness of low-income
2199 users to many in the industry would be significant.

2200 *Mr. Cardenas. So are you describing that a longer
2201 plan would actually spur public/private participation to
2202 bring more accessibility to more Americans?

2203 *Mr. Falcon. A permanent ACP would I think expand
2204 private providers and public providers, and all players,
2205 cooperatives as well, their capacity to deploy fiber simply
2206 because the dependability of the revenue for parties who
2207 can't afford the internet will be there, and that changes a
2208 lot of financial models.

2209 *Mr. Cardenas. Thank you, Mr. Chairman, I yield back.

2210 *Mr. Latta. Thank you. The gentleman yields back, and
2211 the chair recognizes the gentleman from Utah for five
2212 minutes.

2213 *Mr. Curtis. Thank you, Mr. Chairman, Madam Ranking
2214 Member, thank you for holding this hearing.

2215 I find myself, as I'm listening to this thinking, I
2216 think we all agree on this. Like why can't we move forward,
2217 why can't we solve this? And I also feel like there's a

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2218 little bit of one upmanship, and I'm going to try to do one
2219 upmanship over all my colleagues today and see if anybody
2220 can beat me on this.

2221 Think about this scenario. My district is not only
2222 rural, half of it is classified as frontier. Now layer over
2223 top of that that the vast majority of it, 90 percent of the
2224 land is owned by the federal government. Now wrap your arms
2225 around that for a minute. When we talk about these delays,
2226 90 percent of this property, you -- it takes years and years
2227 and years to permit.

2228 A great story is one of my companies had to spend the
2229 money within five years. The permit took nine years to get.
2230 To go, Mr. Chairman, in an existing right-of-way down an
2231 existing road to lay that fiber. Nine years. And we want
2232 to solve this, you know, much quicker than that.

2233 So I have a bill out there, it's the Rural Broadband
2234 Permitting Efficiency Act, and what this basically does is
2235 it turns over NEPA to the states. We do this in
2236 transportation a lot where we let the states complete the
2237 NEPA process for the federal government. The federal
2238 government's backed up, we know it takes them years and
2239 years to get an answer. It's a great bill. It actually

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2240 passed on a bipartisan basis in the 115th Congress, and I'd
2241 to commend this bill to my colleagues as one possible
2242 solution to help us move through this.

2243 Mr. Finkel, just weigh in on the impact of nine years
2244 to permit. What is that costing us, right? What -- help us
2245 get our arms around that.

2246 *Mr. Finkel. Yeah, I mean, you're talking about,
2247 depending on the size and scale of the project, you know, I
2248 mean, 10, 20, 30 percent more. And especially in a time
2249 where we have a constrained supply chain. So you have
2250 federal dollars; the federal dollars are going to expire at
2251 some point. So you don't have BEAD out there yet, right?

2252 So if you have nine years to spend -- if you have nine
2253 years to permit the project, and the BEAD money is going to
2254 expire in nine years, you're not going to get the project
2255 built, and even if you do, it's going to push off five, six,
2256 seven years where your costs are going to go up. So your
2257 original cost estimates are going to be up considerably
2258 between now and then.

2259 *Mr. Curtis. And --

2260 *Mr. Finkel. And that's even when you try to do it in
2261 an existing right-of-way.

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2262 *Mr. Curtis. And so now we can understand that from a
2263 company's perspective. Imagine the constituents we're
2264 trying to serve and telling them you have to wait nine
2265 years, right, before you can have this.

2266 Mr. Saperstein, weigh in from your member's
2267 perspective, if we were able to fix this, what would your
2268 members be able to do differently, right, if they didn't
2269 have this -- that we're all talking about -- all of us are
2270 talking about the same problem here. Could you give us what
2271 that world looks like?

2272 *Mr. Saperstein. Well, the world is universal
2273 connectivity. I mean, I think that's the short answer.
2274 Where people can use their devices and be connected anywhere
2275 they go at any point, enabling the world economy to their
2276 homes and phones.

2277 *Mr. Curtis. So I've only got just a couple minutes,
2278 and so I'm going to direct this to you, and Mr. Romano, and
2279 Mr. O'Rielly. Last August, NTIA and Bureau of Indian
2280 Affairs announced an agreement to, among other things,
2281 streamline the NTIA and Bureau of Indian Affairs'
2282 Environmental Policy Act reviews for tribal broadband
2283 grants. In fact, Assistant Secretary Allen Davidson noted

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2284 pridefully that NITA is "streamlining the creating
2285 efficiencies within in the federal government to ensure
2286 tribal communities get the resources they need quickly to
2287 close the digital divide on tribal lands.''

2288 I believe a lot of the Republican-led legislation
2289 that's being discussed today would streamline the
2290 environmental review process, and I'm just wondering if -- I
2291 also think that's consistent with President Biden's
2292 approach. Can any of you describe the impact of this, and
2293 is this part of the answer?

2294 *Mr. Saperstein. So, yes. Thank you for the question.
2295 So streamlining and efficiency are two favorite words when
2296 it comes to permitting processes. And for too long, many
2297 things, particularly on federal lands, have been caught up
2298 in those.

2299 *Mr. Curtis. Yeah. Mr. --

2300 *Mr. Romano. And I would just say yes. Extending --
2301 or offering that up in that program is I think a good case
2302 study for why it makes sense in other programs. And I must
2303 tell you, one of the most frustrating things we see is when
2304 members get grant awards, announce that a grant award has
2305 been won, and the customer is still waiting years later for

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2306 that big news release they saw in the local paper that
2307 broadband's coming. So, yes, absolutely.

2308 *Mr. O'Rielly. So we used the word coordination. I
2309 would suggest that as nice as the presentation sounded, that
2310 Congress acting on the matters that are before it today, and
2311 others, including one that you mentioned, would be very
2312 helpful. The coordination is great, and the conversations
2313 will happen between different parties at NTIA and, you know,
2314 the Bureau of Indian Affairs, but actually getting progress
2315 is a different story.

2316 *Mr. Curtis. Yeah. I'm out of time, but I'd like to
2317 urge all of my colleagues and myself included to make this a
2318 priority and move these bills that we seem to all agree on,
2319 and let's see if we can't solve this.

2320 Mr. Chairman, I yield my time.

2321 *Mr. Latta. Well, thank you. The gentleman yields
2322 back, and at this time the chair recognizes the gentleman
2323 from Texas' Thirty-Third District for five minutes.

2324 *Mr. Veasey. Mr. Chairman, thank you. And I want to
2325 also say, you know, this is great, you know, the historic
2326 and bipartisan Infrastructure and Investment Job Acts we're
2327 delivering on a promise to create a more digitally-inclusive

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2328 and equal society. And I continue to hear stories all over
2329 Dallas-Fort Worth about helping to bridge the digital
2330 divide. We have neighborhoods now, lower income
2331 neighborhoods that have free access to Wi-Fi so kids can do
2332 homework and people can start businesses. And the
2333 Affordable Connectivity Program, or the ACP, is also another
2334 success story that highlights the benefits of making
2335 broadband internet affordable for low-income households.

2336 And after -- California, Texas, and Florida have the
2337 highest ACP enrollment rates in the country. And I think
2338 Commissioner O'Rielly put it well in his recent op-ed, and
2339 it said, "American poverty is not isolated to urban areas
2340 but distributed throughout our country. In blue areas, in
2341 red areas, the opportunity gap resulting from unequal
2342 broadband access really impacts all regions.'"

2343 American families from all walks of life are connecting
2344 to highspeed, reliable, and affordable broadband internet at
2345 unprecedented levels. And, for instance, in the chairman's
2346 district in Ohio, close to 50,000 households are enrolled in
2347 the ACP. The title of today's hearing "Breaking Barriers:
2348 Streamlining Permitting to Expedite Broadband Deployment,'"'
2349 but I would also urge my colleagues to engage in a

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2350 conversation about the sustainability of ACP, which is
2351 targeted to help eligible households afford broadband once
2352 it's deployed. And I hope this is an issue that we can work
2353 on together because it's obviously something that's helping
2354 all of our districts.

2355 My question, Commissioner O'Rielly, in the op-ed that
2356 you wrote, you said, "More broadband deployment does not
2357 necessarily equate to greater adoption. Broadband will
2358 remain inaccessible to poorer families if affordability is
2359 ignored.'" And I couldn't agree with you more. You urged
2360 Congress to prioritize extending ACP by adding additional
2361 funds.

2362 Can you elaborate on why you think it is so important
2363 for Congress to get to work on extending the program, which
2364 is likely to deplete mid next year, if not sooner?

2365 *Mr. O'Rielly. That's right, mid next year sounds
2366 about where the estimates are. And I just want to correct
2367 one point earlier. I think the program actually is
2368 authorized. It's -- you know, we talked about permanency.
2369 I think it exists. It's really a question of the funding.

2370 *Mr. Veasey. Right.

2371 *Voice. [Indiscernible] your mic.

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2372 *Mr. O'Rielly. Yes, sir. I think it's a question of
2373 funding.

2374 *Mr. Veasey. Funding. Right, exactly, yeah.

2375 *Mr. O'Rielly. And then that's something to be
2376 addressed. But to your point, I think there's a portion of
2377 American families that will all be challenged by the budgets
2378 that they face and the circumstances they face, and it's
2379 both in, you know, urban centers and also in very Rural
2380 America. The jobs and depending on the economic situations
2381 that they face, that they're going to, you know, not be able
2382 to afford broadband. And if we believe, and I do, and in my
2383 previous jobs, believe the benefits of broadband and should
2384 be available to all Americans, well then we have to address
2385 something on the affordability side.

2386 And I think ACP is structured the best that we've --
2387 that Congress and the government has created an affordable
2388 program. Others have had lacking -- there's still some
2389 improvements to be had here. We can address some waste,
2390 fraud, and abuse in the program. May look at eligibility.
2391 But overall, ACP is the best we've had, and I'd like to see
2392 Congress add some funds to it.

2393 *Mr. Veasey. Yeah. In your op-ed, you also talked

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2394 about the positive externalities of broadband adoption with
2395 respect to helping government operate more efficiently in
2396 generating economic activity. Can you expand on that and
2397 describe the negative impacts that the loss of ACP would
2398 have on families that rely on it and on businesses and local
2399 communities if families are suddenly no longer able to
2400 afford broadband service?

2401 *Mr. O'Rielly. Oh, absolutely. Broadband
2402 accessibility and affordability -- having broadband, you
2403 know, reduces the cost for government. There's just so many
2404 services that would no longer need to be in a paper form, it
2405 will be in -- you know, you can reduce populations in terms
2406 of in D.C. You can, you know, scatter offices. You can do
2407 all kinds of different things that are more efficient and
2408 can reduce the cost for government services. But it's on
2409 the small business side, it's in bringing, you know, options
2410 and, you know, opportunity to so many different families
2411 that don't have it today.

2412 In terms of services that they may have or to be able
2413 to, you know, have access to retail and so many different
2414 things that they just don't have in their local communities
2415 and the supplies and -- you know. And the job side to the

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2416 equation, I've been and sat in family's kitchens when
2417 they're trying to figure out how do they -- you know, their
2418 job is moving away, and the employer says I can -- you can
2419 work remotely, and they say I don't have broadband, what do
2420 I do?

2421 *Mr. Veasey. Yeah. Yeah. No, thank you very much.

2422 Mr. Chairman, I yield back.

2423 *Mr. Latta. Thank you. The gentleman yields back the
2424 balance of his time, and at this time, the chair recognizes
2425 the gentleman from Pennsylvania for five minutes.

2426 *Mr. Joyce. Thank you, Chairman Latta and Ranking
2427 Member Matsui, for holding today's hearing, and thanks to
2428 the witnesses for offering your time, your expertise, and
2429 your testimony.

2430 Americans have increasingly turned to the internet for
2431 work, for school, for agriculture, for socialization, and in
2432 telehealth. Virtually every facet of our daily lives
2433 requires fast and reliable access to this commodity. As
2434 members of this body, it is incumbent upon us to provide for
2435 our constituents and all Americans access to resources
2436 specific to this conversation, highspeed internet.

2437 However, something that seems so simple and fundamental

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2438 is often met with opposition and prolonged delays.
2439 Especially with regard to buildout and permitting for this
2440 necessary infrastructure. In an effort to bridge this
2441 digital divide, I've led legislation that would cut through
2442 the bureaucratic red tape and streamline the permitting
2443 process in order speed up the deployment of critical
2444 broadband infrastructure.

2445 As Chair McMorris Rodgers stated earlier in this
2446 hearing, Rural America cannot left behind. Rural America
2447 should not be left behind. In the 21st Century,
2448 connectivity is actually a key for success, and securing
2449 better access to broadband, especially in rural
2450 Pennsylvanian communities, will benefit students, small
2451 businesses, farmers, seniors, families.

2452 So let's start with our questions. Mr. Super -- Mr.
2453 Saperstein, when you've had positive interactions with state
2454 and local permitting office, what were those experiences
2455 like, and can other similar offices learn from your
2456 experiences?

2457 *Mr. Saperstein. Yes. And thank you for the question,
2458 Congressman. So many communities now represent -- recognize
2459 the intense value that comes with mobile connectivity and

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2460 wireless connectivity. And so many of the relationships
2461 that we have with our communities across the country are, in
2462 fact, positive.

2463 The reforms that we're seeking today are to make sure
2464 that those reforms stay in place nationwide. When we have
2465 positive interactions, we are respectful of the community,
2466 representing -- or recognizing their need to have a say in
2467 the siting process, but also recognizing that these
2468 facilities need to be built to ensure coverage everywhere.

2469 *Mr. Joyce. What specific state -- steps should we
2470 take, Mr. Saperstein, can Congress use to reduce cost to
2471 broadband providers when deploying new networks?

2472 *Mr. Saperstein. So co-location has been one of the
2473 biggest benefits of the overall congressional reforms. And
2474 the reforms that have streamlined that process have paid off
2475 by expedited siting and increased wireless coverage
2476 everywhere. Making permanent the FCC's interpretations of
2477 congressional acts are probably the single most important
2478 thing that you could do.

2479 *Mr. Joyce. So the permanency will lower cost?

2480 *Mr. Saperstein. Correct.

2481 *Mr. Joyce. Thank you.

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2482 Mr. Romano, in some regions of our country, in
2483 particularly in rural areas like I represent in
2484 Pennsylvania, construction can only occur when the weather
2485 permits. How have long application review wait times or
2486 environmental or historic preservation reviews delayed your
2487 ability to deploy broadband in areas where the construction
2488 period might only be five or six months out of 12?

2489 *Mr. Romano. Yeah. Thank you, Congressman, for that
2490 question. Yes, the frost belt can be a real concern for
2491 people, especially as you move further north, of course, it
2492 does get quite shorter. I'm headed to Minnesota in a few
2493 days, and they've got snow on the ground there still right
2494 now. It just came down; coming down again.

2495 I have an example of a provider in North Dakota who
2496 waited nine months to get through NEPA review of something
2497 that should have been categorically excluded, but just to
2498 get confirmation of that. And by the time they got that
2499 review, they had to sit because they had to wait for several
2500 months before they could start because it came right around
2501 to the November timeframe.

2502 So, yes, Congressman, it is a significant issue.
2503 Again, having shot clocks that are more concrete and

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2504 definitions that are more established will allow providers
2505 to have that predictability to deliver sooner on that
2506 promise.

2507 *Mr. Joyce. I think predictability is ultimate in
2508 being able to expand our broadband access. And building
2509 broadband in rural areas we recognize is challenging and
2510 it's expensive. Could you describe in more detail
2511 permitting regulations at the federal level that are
2512 impeding broadband deployment?

2513 *Mr. Romano. So the two that I think stick out most
2514 are the overarching sort of umbrella statutes of NEPA and
2515 National Historic Preservation Act. They're incredibly
2516 important, but there are circumstances in which -- we've
2517 talked about proportionality. Really proportionality is
2518 critical here to the application of those.

2519 If it's in a previously disturbed right-of-way, if it's
2520 in a critical circumstance of restoration of a network,
2521 those are circumstances that really contribute greatly to
2522 the cost of deploying a network in a place where it's
2523 already been deployed before. It's simply, in many cases,
2524 upgrading copper to fiber, for example.

2525 So, you know, those are two of the biggest, you know,

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2526 delays that we see, and in turn, they result in an increase
2527 with cost for reasons that others explained on this panel.
2528 That time delay leads to inflation, and the ability to
2529 procure supplies, and having to re-find contractors.

2530 *Mr. Joyce. And thank you for recognizing that those
2531 time delay recognizably increase the cost. I think that's
2532 an important takeaway message for all of us.

2533 Thank you, Mr. Chairman, again for this important
2534 hearing, and I yield the remainder of my time.

2535 *Mr. Latta. Thank you. The gentleman's time has
2536 expired, and he yields back, and at this time the chair
2537 recognizes the gentlelady from Texas for five minutes.

2538 *Mrs. Fletcher. Thank you so much, Chairman Latta.
2539 Thanks to you and Ranking Member Matsui for convening
2540 today's hearing to discuss the challenges we face in
2541 deploying next generation communications networks throughout
2542 the country, and thanks to the witnesses for taking the time
2543 to be here and share your expertise and testimony with us
2544 today.

2545 As we all know, broadband infrastructure is essential
2546 infrastructure. And like many of my colleagues here have
2547 already mentioned and talked about throughout this hearing,

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2548 I was very proud to support the Infrastructure Investment
2549 and Jobs Act, the largest long-term investment in our
2550 country's infrastructure in nearly a century.

2551 As we've discussed, the bill included almost 43 billion
2552 dollars for BEAD broadband expansion program. And while
2553 some of this money has already arrived for planning, the
2554 majority of it will soon be on its way to states,
2555 territories, and tribal governments. And with this funding
2556 will come a flood of applications to deploy infrastructure:
2557 the towers, fibers, small cells needed to provide these
2558 broadband connections. And local offices will be strained
2559 reviewing and processing these applications.

2560 Right now, we have a unique opportunity to capitalize
2561 on these federal investments and to close the digital
2562 divide. And that is why I am so pleased that in our hearing
2563 today, we are including my bill, the Broadband Incentives
2564 for Communities Act, which provides grants for local
2565 governments to hire and train employees, purchase software,
2566 upgrade capabilities so essential for permitting and for the
2567 effective deployment of these funds so that we can really
2568 close the digital divide.

2569 So I want to ask just a couple questions on that note.

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2570 Both Mr. Romano and Mr. Saperstein, both in your testimony
2571 and in response to Mr. Soto a little while ago, you
2572 described some of the challenges that your members have
2573 faced when obtaining authorizations and permits. That's
2574 been a theme throughout the day. Obviously, we also heard
2575 it from Representative Curtis as well.

2576 Can you talk about how legislation like the Broadband
2577 Incentives for Communities Act would help address those
2578 challenges and prevent bottlenecks at the local level?

2579 *Mr. Romano. Yes. Thank you, Congresswoman. Thank
2580 you for that question. Thank you for the legislation as
2581 well. I agree with you fully.

2582 One of the things we hear most of all is the procedures
2583 do need to be improved, and I think we support a lot of the
2584 measures here for that very reason, but we also then need to
2585 execute, and execution is going to be critical. And I think
2586 measures like yours that look at how do you make sure the
2587 offices are primed, the pump is primed for them to deliver
2588 on anything else we do in terms of streamlining permitting
2589 is going to be critical.

2590 So systems, training, online portals, getting better
2591 staffing, training people to respond to us, that will enable

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2592 better communication that ultimately delivers on all of
2593 these other things that we're talking about.

2594 *Mrs. Fletcher. Thank you.

2595 Mr. Saperstein?

2596 *Mr. Saperstein. Yes. Thank you for the question. I
2597 agree with Mr. Romano, and I -- it sounds from our
2598 discussion that we all agree that it's critical that local
2599 governments have the resources and expertise needed to
2600 review these projects quickly so we can get these services
2601 out there. Your help in focusing on being broadband ready
2602 is greatly appreciated. And I would also add that NTIA has
2603 recently emphasized the importance of being broadband ready,
2604 and we appreciate that focus there, too, so thank you.

2605 *Mrs. Fletcher. Well, terrific, and you actually
2606 anticipated my next question, which I was actually going to
2607 direct over to Mr. Falcon.

2608 But the bill does aim to address -- to bring
2609 stakeholders together through NTIA to establish a local
2610 broadband advisory council so that problems with deployment
2611 can be addressed in a collaborative manner or sharing
2612 experiences and other best practices. And so it's modeled
2613 after work that we've done in my city of Houston, which has

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2614 been a relator in broadband deployment, and 5G broadband
2615 deployment in particular.

2616 So a key factor to success has been the close
2617 relationship between all of those working to get it done,
2618 between city leaders, and the private sector, and others.
2619 And a city's technology investments in Houston, I know, will
2620 make a huge economic impact in our region for years to come.

2621 So, Mr. Falcon, with the time we have left, which is
2622 just a little over a minute, could you describe -- you
2623 described the bill as a win/win for communities and industry
2624 in your testimony, and I was just hoping you could take a
2625 few seconds to talk about the importance of that
2626 public/private cooperation and partnership, particularly in
2627 the early stages of these projects.

2628 *Mr. Falcon. Certainly. Thank you for that question.
2629 You know, I think the -- particularly for cities that have
2630 just as many needs in terms of the successful implementation
2631 of BEAD, the rights-of-way are crowded, and I think the need
2632 to explore alternative ways to deploy wires -- you know, one
2633 of the -- one of your provisions in your bill includes, you
2634 know, improving micro-trenching and, you know, expanding on
2635 that.

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2636 I think micro-trenching is a pretty key solution to
2637 deployment. It's cheaper to deploy. It allows new ways to
2638 reach different corridors, communities without trying to
2639 refigure out accessing crowded out rights-of-way. And I
2640 think there are even new forms of accessing city
2641 infrastructure to deploy the wires. I've heard ideas of
2642 using kind of the stormwater system which runs throughout a
2643 city, is another one that's under works today.

2644 So these types of collaborations are key, and everyone
2645 wins if we all work together.

2646 *Mrs. Fletcher. Thank you so much.

2647 I'm over my time, and so, Mr. Chairman, as I yield
2648 back, I would like to enter some documents for the record in
2649 support of the bill.

2650 *Mr. Latta. Without objection, so ordered.

2651 [The information follows:]

2652

2653 *****COMMITTEE INSERT*****

2654

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2655 *Mrs. Fletcher. Thank you so much, Chairman, and thank
2656 you all.

2657 *Mr. Latta. Thank you. The gentlelady yields back.
2658 At this time, the chair recognizes the gentleman from Texas'
2659 Fourteenth District for five minutes.

2660 *Mr. Weber. Thank you, Chairman, and thank you all for
2661 joining us today to discuss these much needed permitting
2662 reforms.

2663 This Congress I'm going to be leading the Cable
2664 Transparency Act. This bill will streamline the franchising
2665 process for cable operators and franchise authorities to
2666 make it less costly and burdensome, which currently deters
2667 new entrants. The Cable Transparency Act would help close
2668 the digital divide by encouraging new cable providers to
2669 enter markets and create more competition and therefore --
2670 and thereby lower consumer costs, which we're all in favor
2671 of.

2672 So question for you, Mr. O'Rielly. Cable providers are
2673 important players in the broadband marketplace, and I think
2674 we'd all agree and recognize that. What are some factors or
2675 barriers to entry that they face as they enter new markets
2676 or try to modify their franchises where they already

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2677 operate?

2678 *Mr. O'Rielly. So they -- you have a number of
2679 franchises that are aggressive in trying to extend some of
2680 the obligations that they would like to add when they
2681 actually don't have authority to do so. And so in terms of
2682 simplifying the franchise process, I think that's very
2683 important and the transparency is very important.

2684 But they face -- you know, poles is one of the biggest
2685 issues --

2686 *Mr. Weber. Poles?

2687 *Mr. O'Rielly. Pole attachments. The ability to get
2688 access to the infrastructure that they're going to need to
2689 attach fiber and coax to serve the communities that are
2690 unserved today, to do the grants that they will receive and
2691 expand. So poles is a very big issue. The whole permitting
2692 process that -- and the culmination of the legislation that
2693 the bills that are before the subcommittee would be very
2694 helpful, including yours especially.

2695 *Mr. Weber. Well, that's good to know. And the
2696 gentleman to your right there would be very interested in
2697 poles and the application of the system to -- but I have --
2698 still have a question for you. Maybe for the panel, too.

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2699 What other deterrents -- we really haven't discussed is
2700 access to capital, does that play in a part in any of this
2701 procedure? You're shaking your head why?

2702 *Mr. Romano. Because the business case for rural
2703 broadband can be incredibly challenging. I mean, we're
2704 talking distances and densities that don't present a
2705 business case. It's a market failure in some areas. And so
2706 the extent to which -- I've had members say before, you give
2707 me a hundred cents on the dollar and I still wouldn't build
2708 it to -- because the operating expenses and the ability to
2709 maintain affordable rates is difficult. So that is a
2710 barrier as well.

2711 *Mr. Weber. Is workforce availability a problem? Yes,
2712 sir.

2713 *Mr. Saperstein. Yes. Thank you for the question.
2714 That's one of the things that WIA has really leaned in on is
2715 making sure that we have the next generation technicians who
2716 are going to be out there propelling all of this
2717 infrastructure. And so we have not only our registered
2718 apprenticeship program but we're also working with states as
2719 part of the BEAD Program to be a registered intermediary.

2720 *Mr. Weber. Are you experiencing -- are we

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2721 experiencing supply chain issues? We'll go to you, Mr. --
2722 is it Finkel? I can't see that far.

2723 *Mr. Finkel. Yes, sir. Supply chain, as this Congress
2724 has talked about over the last three years, is a huge
2725 problem economy wide. But when you're talking about 65
2726 billion dollars' worth of buildout with federal dollars plus
2727 private investment plus upgrading existing infrastructure in
2728 well-served communities, I mean -- and it's not just
2729 domestic, it's a global supply chain that we're competing
2730 in, so without question, supply chain is a huge challenge.

2731 *Mr. Weber. Anybody else? Mr. -- is it Falcon or
2732 Falcon?

2733 *Mr. Falcon. Falcon. Yeah, you know, I would echo
2734 much of what was said here. I think the -- to the question
2735 of access to capital, I think there's also a need to look at
2736 alternative means of deploying the infrastructure, treating
2737 it as -- purely as an infrastructure I think changes some of
2738 the long-term investment strategies that are out there that
2739 BEAD has provided an opportunity for.

2740 I think there are ways we need to think about how to
2741 share the infrastructure, particularly for 5G in rural
2742 markets that we haven't really explored much today. But

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2743 there are going to be challenges that small providers can't
2744 shoulder the burden completely alone out there.

2745 *Mr. Weber. Were you the one that brought up micro-
2746 trenching?

2747 *Mr. Falcon. Yes.

2748 *Mr. Weber. That kind of got my attention. Describe
2749 that for us, please.

2750 *Mr. Falcon. Yeah. So it's basically -- the issue is
2751 a lot of the rights-of-way that exist are already crowded.
2752 They're already utilized by a number of providers or a
2753 number of other entities and, you know, sometimes a provider
2754 just needs to, you know, run their fiber down a -- you know,
2755 a handful of streets to get from one side of a community to
2756 another to connect their network, and they just need to
2757 trench through the street itself. So, you know, digging
2758 more in a shallow way, in an expedited way allows them to
2759 connect an area of that. They wouldn't be able to by
2760 running through traditional conduit or other means you would
2761 normally do it.

2762 *Mr. Weber. So in other words, in a yard, they put
2763 cable in your yard, because I have cable in my yard, and
2764 they bring a little trencher out there that makes a groove,

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2765 and they lay that cable down. I bet it's not four or five
2766 inches deep. Is that --

2767 *Mr. Falcon. Yeah, and I think -- and the challenge
2768 has been a lot of local communities are not familiar with
2769 this. One thing that California did was standardize kind of
2770 safety protocols around micro-trenching and then published
2771 that to local jurisdictions, so it kind of took some of the
2772 guesswork about what's the right way to do it.

2773 *Mr. Weber. Got you.

2774 Mr. Chairman, I appreciate the time, I yield back.

2775 *Mr. Latta. Thank you. The gentleman yields back the
2776 balance of his time. At this time, the chair recognizes the
2777 gentlelady from Illinois for five minutes.

2778 *Ms. Kelly. Thank you, Chair Latta and Ranking Member
2779 Matsui for holding this important hearing this morning. I
2780 also want to thank our witnesses for your testimony to help
2781 us understand how we in Congress may help reduce unnecessary
2782 barriers to broadband deployment.

2783 Although the last few years have been clouded with
2784 challenges like the COVID-19 pandemic and resulting in chips
2785 and supply chain shortages that hurt our economy, I was so
2786 very proud to stand with my colleagues last Congress as we

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2787 passed the bipartisan Infrastructure Investment and Jobs
2788 Act, or the IIJA. Watching it get signed into law was a
2789 historic day for our country and proved that we are working
2790 on behalf of the American people to deliver real results.

2791 Importantly, the bipartisan bill made a huge investment
2792 of 65 billion to expand broadband and help close the digital
2793 divide to ensure that every American has access to reliable
2794 highspeed internet. My district is urban, suburban, and
2795 rural, and I've seen the problem. Urban, suburban, and
2796 rural.

2797 Mr. Falcon, I was particularly moved by your written
2798 testimony where you said without 21st Century ready
2799 connectivity you are not a full participant in society. As
2800 we look to expand broadband deployment, I'm very concerned
2801 still that certain communities will be left behind as they
2802 have been with other emerging technologies and advancement.

2803 To ensure the promise of the Broadband Equity Access
2804 and Deployment BEAD Program can be fulfilled, what
2805 recommendations do you have for us as we look to ensure
2806 access is delivered to everyone?

2807 *Mr. Falcon. So thank you for that question. I think
2808 the fact that the Congress created the digital

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2809 discrimination rulemaking authority to the FCC is a
2810 recognition that there always has to be oversight to ensure
2811 equitable outcomes given historically that has not happened.
2812 So rigorous enforcement of that new authority to the FCC is
2813 going to be key.

2814 *Ms. Kelly. Okay. And also, what can the FCC do in
2815 its rulemaking to ensure that this practice ends for good
2816 and we get rid of this two-tiered broadband infrastructure?

2817 *Mr. Falcon. Thank you for that question. The big
2818 debate at the FCC between I would say the civil rights
2819 community and many in the consumer advocacy space with
2820 industry is when does liability trigger from the new digital
2821 discrimination rule.

2822 There -- the civil rights community argue, and in line
2823 of many other civil rights statutes, that it should be a
2824 disparate -- impact standard meaning, you know, what is the
2825 statistical information on the ground, what does the
2826 evidence show. And a number in industry are arguing it
2827 should be disparate treatment, which would raise the
2828 standard of liability to a point where you would be very
2829 difficult to actually prove.

2830 I think that actually contradicts what Congress

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2831 intended with the passage of the law because, you know, when
2832 you invest a lot of dollars in terms of BEAD, to
2833 simultaneously say, you know, ensure that all people receive
2834 the benefit. Equal access means equal for all people.

2835 *Ms. Kelly. Also, millions of Americans, many of whom
2836 are older or lower income, have access to broadband but do
2837 not adopt broadband because they don't understand how to use
2838 it or the value it can add to their lives. To address the
2839 adoption barrier, we need to promote digital equity, which,
2840 among other things, focuses on providing digital literacy
2841 and skill training for people who have not been afforded an
2842 opportunity to develop these skills.

2843 Mr. Falcon, can you speak about the challenges of
2844 broadband adoption, how we can best address these needs?
2845 And then, Commissioner O'Rielly, can you make comments if
2846 you have any?

2847 *Mr. Falcon. Thank you for that question. You know,
2848 the challenge of adoption is -- there has to be a lot of
2849 training and sensitivity to that. There's a lot of
2850 Americans who really -- don't really know how to use the
2851 internet fully, you know, need to be acclimated and helped,
2852 a lot in the senior citizen population, for example. And

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2853 it's a -- there's a value to getting everyone connected and
2854 everyone acclimated to the internet.

2855 You know, this is something that, you know, we're not
2856 reinventing the wheel here. South Korea did something
2857 similar to advance their economy, where they're at now, they
2858 gave people free computers and trained people how to use the
2859 internet.

2860 *Mr. O'Rielly. If you look to reasons why people
2861 haven't adopted -- why families haven't adopted, it's a long
2862 list. Affordability is one of them, and I've talked to --
2863 about that today and elsewhere. But digital literacy and
2864 the benefits and education on broadband benefits is
2865 important, and Congress has obviously made it so they can
2866 provide funding for that purpose for the first time. So
2867 there's other programs that have touched on it, but literacy
2868 and the value of it to individuals, we'll see what the
2869 result is from that.

2870 *Ms. Kelly. Thank you so much.

2871 And, Mr. Chair, I yield back.

2872 *Mr. Latta. Thank you. The gentlelady yields back,
2873 and at this time, the chair recognizes the gentleman from
2874 Georgia's Twelfth District for five minutes.

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2875 *Mr. Allen. Thank you, Chair Latta, and again, thank
2876 you to our witnesses for being with us today.

2877 Since I was first elected to Congress, expanding rural
2878 broadband, improving cellular service in my district has
2879 been one of my top priorities and it sounds like it's the
2880 priorities of every member that has asked questions today.
2881 It is frustrating when it seems that no matter how many
2882 billions of dollars we appropriate towards this mission, it
2883 just gets more complicated and it's incomplete. It's almost
2884 like we can't do big things in this country anymore.

2885 A top priority of mine last Congress was to reduce
2886 waste, fraud, and abuse by making sure that the federal
2887 broadband maps are as accurate as our broadband mapping is
2888 in the State of Georgia. Now I'm concerned about the fees
2889 some state and local governments charge for processing
2890 applications and using space in public right-of-ways. I'm
2891 concerned that these calls will only increase the cost of
2892 deployment and make it hard to provide service to those who
2893 need it.

2894 Mr. Saperstein and Mr. Romano, could you describe
2895 typical application fees association with building broadband
2896 infrastructure at the state and local level, and is there a

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2897 high level of variance between one state and one locality
2898 and another?

2899 *Mr. Saperstein. Well, thank you for the question.
2900 One of things that the FCC's reforms have done is help to
2901 standardize the FCC's fees and make them cost-based, and
2902 that's one of the things that we're seeking to be made
2903 permanent by Congress today is to eliminate some of those
2904 wild disparities that we used to see where fees were not
2905 cost-based.

2906 *Mr. Allen. Okay. Thank you. Given these fees, I'm
2907 concerned that we will not be maximizing the money we
2908 dedicated for broadband deployment. This money needs to go
2909 towards building new networks not helping local governments.
2910 This is especially true for the 42 billion that has been
2911 dedicated to the BEAD Program.

2912 Mr. O'Rielly, why is it necessary to cap fees to state
2913 and local governments -- that state and local governments
2914 charge for deployment under the BEAD Program?

2915 *Mr. O'Rielly. So you absolutely have it right, the
2916 money should go to the buildout. We have a number of
2917 locations that need to be addressed, households that don't
2918 have service, the unserved population needs to be addressed,

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2919 and that money needs to go for those, and we'll probably at
2920 the end of that still have a problem and still have a
2921 percentage. So you can't use up the dollars on other
2922 functions like permitting fees -- like -- or sorry,
2923 permitting applications and everything else that they're
2924 trying to overcharge the applicants.

2925 *Mr. Allen. Exactly. And that's why we're here today.
2926 We need legislation to correct that.

2927 Mr. O'Rielly, when you were on the FCC, you acted to
2928 prevent local and state governments from blanket banning the
2929 deployment of telecommunications services or facilities.
2930 From your perspective, have regions who have been unfriendly
2931 to the deployment of such facilities in the past been less
2932 responsive in processing permitting applications in a timely
2933 manner?

2934 *Mr. O'Rielly. Whenever there is a barrier in the
2935 past, whenever there was a problem, you saw the dollars and
2936 where the construction would go to somewhere else. The
2937 providers would shift dollars to somewhere else, and those
2938 communities would suffer, and this -- you know, what's left
2939 is what we're dealing with. The population that needs
2940 attention is, you know, both in economic reasons and some

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2941 because of the shifting of attention is really important.

2942 So you highlight the issue of how receptivity (sic) is
2943 the community, how receptivity -- how receptive, excuse me,
2944 is the application process, the permitting process is really
2945 important to how the dollars will flow.

2946 *Mr. Allen. Well, and would you all agree that, you
2947 know, when it comes to federal funding you're dealing with
2948 interstate commerce, so all things being equal, shouldn't it
2949 be standard reasonable fees across the country?

2950 *Mr. O'Rielly. I agree with that, and I've made that
2951 point a number of times, so I agree absolutely.

2952 *Mr. Allen. Okay. Anyone else object to that?

2953 *Mr. Romano. No, not object at all. I was going to
2954 say to the contrary, we were part of the Broadband
2955 Deployment Advisory Council -- or Committee at the FCC when
2956 then Commission O'Rielly was at the FCC as well, and I think
2957 that group, there were a number of us in that group,
2958 including NTCA, who supported cost-based fees, so the actual
2959 and direct costs. And I think several of the pieces of
2960 legislation here aim to do that at as well, and that's
2961 welcome.

2962 *Mr. Allen. Okay. Well, you know, you have my support

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2963 to provide legislation. Let's get this done and so America
2964 can do big things again.

2965 And with that, Mr. Chairman, I yield back.

2966 *Mr. Latta. Thank you. The gentleman yields back, and
2967 the chair recognizes the gentlelady from California's
2968 Sixteenth District for five minutes.

2969 *Ms. Eshoo. Thank you, Mr. Chairman, and for always
2970 being so specific about the number of my district.

2971 [Laughter.]

2972 *Ms. Eshoo. It's a --

2973 *Mr. Latta. If I could just interject, the gentlelady
2974 has informed me. I was wrong one time.

2975 *Ms. Eshoo. Well, thank you, and thank you to all of
2976 the witnesses.

2977 I served 10 wonderful years on the San Mateo County
2978 Board of Supervisors in California before I was elected to
2979 the House in 1992, and I hold a deep reverence for local
2980 government to this very day. Academicians, political
2981 leaders from both parties, industry groups, public interest
2982 groups all agree that universal highspeed internet is
2983 necessary for our country's competitiveness in the 21st
2984 Century. I mean, there just isn't a question about this.

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2985 This is accepted across the board.

2986 The pandemic made this need even more evident as so
2987 many had to transition to teleworking, schools operating
2988 through distanced learning, doctor visits via telehealth.
2989 It's currently estimated that 24 million Americans lack
2990 internet access, a problem that is far more acute in rural
2991 and tribal communities in our country. And this number is
2992 just those who lack access. Millions more simply can't even
2993 afford highspeed internet.

2994 Last Congress, Democrats made a generational investment
2995 to bridge the digital divide and bring reliable highspeed
2996 internet to every American household. That's the goal. 82
2997 billion, with a B, dollars for broadband affordability,
2998 equity, deployment.

2999 I think one of the most promising solutions to closing
3000 the digital divide that I've seen comes from local
3001 communities. That's why I started my comments out about
3002 serving in local government, county government in
3003 California. Over 900 counties, cities, local utilities,
3004 coops, neighborhood association, and tribes are taking on
3005 the digital divide into their own hands by building their
3006 own broadband networks. Community broadband systems expand

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3007 internet access to unserved and underserved areas and
3008 encourage competition across the country.

3009 And here's the thing about locally-owned networks:
3010 they work really well. In 2019 -- in a 2019 report, New
3011 America's Open Technology Institute called these networks,
3012 "the fast, affordable internet option that's flying under
3013 the radar.'" Unfortunately, 19 states have enacted --
3014 they're protectionist laws, I mean, that's what they are,
3015 that's what they deserve to be called, that restrict and, in
3016 some cases, ban community networks.

3017 This is -- I think it's wrong. You know, I mean, so
3018 many -- you know, we all espouse competitiveness in our
3019 country, but there are some outfits, when they say
3020 competition from 5,000 miles away, they go and squash it
3021 like a bug. So that's essentially what has happened here.

3022 So to solve this problem, I introduced the Community
3023 Broadband Act, which simply prohibits state laws that ban or
3024 restrict community broadband. There's always talk about the
3025 reverence we have for states and local governments except
3026 when it comes to legislating. So here's an opportunity I
3027 think for us to underscore that. I think every solution to
3028 bring reliable and affordable internet to Americans should

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3029 be available.

3030 Commissioner O'Rielly, thank you for the work that
3031 you've done at the FCC. We partnered on so many issues, and
3032 I think we're both legitimately proud of that. And I don't
3033 know whether you support my legislation or not, but let me
3034 ask Mr. Falcon and Mr. Saperstein, do you support the
3035 Community Broadband Act?

3036 *Mr. Falcon. 100 percent, absolutely. It is -- if we
3037 are serious about getting --

3038 *Ms. Eshoo. Music to my ears.

3039 *Mr. Falcon. If we are serious about getting everyone
3040 connected, every -- all hands have to be on deck.

3041 *Ms. Eshoo. Mm-hmm. Mr. Saperstein?

3042 *Mr. Saperstein. Yes, so as wireless infrastructure
3043 providers, we support communities providing service -- well,
3044 whatever service provider wants to serve any given area.

3045 *Ms. Eshoo. And, Commissioner O'Rielly, do you?

3046 *Mr. O'Rielly. Well --

3047 *Ms. Eshoo. And if not, how do we get your support?

3048 *Mr. O'Rielly. So I am more sympathetic on the ban
3049 side where there are limitations. And I've done a number of
3050 blogs on this topic; I've examined these issues. Things

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3051 like referendums, rights of first refusal, having a budget,
3052 that was a -- that's been pointed out as having a -- that's
3053 an objection and a barrier, and therefore, should be
3054 prohibited. A state shouldn't mandate that they're --
3055 actually have to have a budget from someone who's -- you
3056 know, a community that's going to, you know, offer this
3057 service.

3058 I think that our -- you know, so that's some of the
3059 states, that's some of the 19 you mentioned. There are a
3060 number, and I can't -- it used to be, you know, bigger.
3061 It's shrinking.

3062 *Ms. Eshoo. It's 19.

3063 *Mr. O'Rielly. Yeah, but I'm saying the number that
3064 actually have the ban, the straight up ban across the board,
3065 and that's a little different in my mind. I'd explore in
3066 terms of -- there are also a lot of advantages that I'd be -
3067 - I'm very worried come to the local community broadband
3068 network that wouldn't be available -- that are not
3069 available.

3070 *Ms. Eshoo. So you're squishy. You're squishy on it.

3071 [Laughter.]

3072 *Mr. O'Rielly. This issue is -- yeah, on this issue,

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3073 I'm a little squishy.

3074 *Ms. Eshoo. Yeah.

3075 *Mr. O'Rielly. I might lean more to the -- I might
3076 lean to the --

3077 *Ms. Eshoo. I just want you to know how fair I am in
3078 asking you when I know that you weren't a hundred percent --

3079 *Mr. O'Rielly. Probably less squishy and maybe lean no
3080 category.

3081 *Ms. Eshoo. Yeah, yeah, exactly. Maybe we got rid of
3082 some of the squishiness.

3083 Thank you, Mr. Chairman, and to our wonderful ranking
3084 member, Congresswoman Matsui. This is an important hearing,
3085 and I thank you for having it, and thank the witnesses.

3086 *Mr. Latta. Well, thank you very much. The
3087 gentlelady's time has expired, and the gentlelady from
3088 Tennessee is recognized for five minutes.

3089 *Mrs. Harshbarger. Thank you, Mr. Chairman, and thank
3090 you for the panelists that are here today.

3091 Mr. Saperstein, in your testimony you discussed the
3092 barriers to broadband caused by lengthy government reviews.
3093 Do you agree with me that the government's way too big and
3094 permitting is way too slow? You can say yes.

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3095 *Mr. Saperstein. Yes.

3096 *Mrs. Harshbarger. Okay, good deal. Well, under the
3097 Trump Administration, the FCC instituted a 60-day shot clock
3098 for making technology updates on existing cell towers. You
3099 know, that it's crucial that the telecommunications industry
3100 can make any updates to existing towers for the transition
3101 to 5G for future technologies. You know, it's common sense
3102 making a technological update on existing towers shouldn't
3103 be a tremendously controversial change. I mean, is
3104 attaching the equipment to a pole that difficult, or it's
3105 just the permitting, am I correct?

3106 *Mr. Saperstein. That's correct.

3107 *Mrs. Harshbarger. Okay. I'm leading the 5G Upgrade
3108 Act, which would codify this shot clock, so if a state or a
3109 local government takes too long approving a permit for
3110 adjusting technology on an existing tower, it's
3111 automatically approved. And I guess my question to you is,
3112 why is that important that the shot clock be codified as
3113 law?

3114 *Mr. Saperstein. Thank you for the question and for
3115 your support of the 5G Upgrade Act. Many of the reforms
3116 that were made recently in the FCC's 5G upgrade order are

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3117 currently under appeal, and we don't know how those are
3118 going to turn out. So being -- making sure that those are
3119 codified is essential so we can have commonsense reform so
3120 co-locations can have the streamline reviews, we can get 5G
3121 upgraded quickly everywhere.

3122 *Mrs. Harshbarger. Yeah, I have a rural district in
3123 East Tennessee, and it's imperative -- you know, there's so
3124 many things that we can do if we have that, so, you know,
3125 broadband and everything else. So there's much to do but
3126 dragging our feet is not the answer, so I think -- I
3127 appreciate your agreement with me that the government's too
3128 big and the permitting's too slow.

3129 And with that, Mr. Chairman, I yield back.

3130 *Mr. Latta. Well, thank you. The gentlelady yields
3131 back, and the chair recognizes the gentleman from Texas'
3132 Eleventh District for five minutes.

3133 *Mr. Pfluger. Thank you, Mr. Chairman.

3134 And, you know, I appreciate the leadership that Chair
3135 Rodgers has shown on this, and I love the discussion on
3136 permitting reform, whether it's energy, or
3137 telecommunications, broadband, electricity, it doesn't
3138 really matter. You know, this is a commitment that we made

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3139 to the American public to deliver at the speed of relevancy,
3140 and I think we're currently, you know, being inhibited in a
3141 lot of areas by government delays, inaction, and otherwise,
3142 so I appreciate the conversation.

3143 I just want to start with that because I think if we
3144 don't pay attention to that, inevitably we're going to lose.
3145 We've had this same discussion on satellites in this
3146 committee, and spectrum, and we're going to lose to China if
3147 we don't continue to move at the speed of relevancy.

3148 So, Commissioner O'Rielly, I'd kind of like to start by
3149 talking about, you know, the difficulty to track permitting
3150 applications once it's submitted to a federal agency.

3151 *Mr. O'Rielly. So depending on the agency, my
3152 experience is that different agencies are more receptive and
3153 more capable of handling the process and being favorable to
3154 the -- excuse me, apology for that, I'm the -- responsible
3155 for my kids, so anytime --

3156 *Mr. Pfluger. We understand.

3157 *Mr. O'Rielly. Anytime the local school calls I'm --
3158 so, yeah, so the application process and the actually
3159 approval process is extremely tough to follow, and the
3160 providers can highlight how it gets lost in the shuffle and

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3161 then go -- years can go before the action is actually taken
3162 much less know what's happening. And the Commission itself,
3163 as a former commissioner, we wouldn't be able to see any of
3164 that, you know, from other agencies. Ourselves, in the
3165 activity that we did, you know, was to move forward on all
3166 the balls that your colleague highlighted and really push
3167 the envelope as far as we could.

3168 *Mr. Pfluger. Mr. Romano or any others on the panel,
3169 your thoughts on how difficult it is to track?

3170 *Mr. Romano. Thank you for the question. Yes, I would
3171 agree, and I'll give you an example. I was talking to a
3172 member in Michigan just last night who applied for a permit
3173 in August of 2022. Despite repeated inquiries, couldn't get
3174 word back on where that stood until December of 2022, which
3175 then put their shot clock starting then, which pushed them
3176 into August of 2023 for their 270 days, which then becomes a
3177 problem because of frozen ground in Michigan when they want
3178 to start construction.

3179 So having greater transparency, greater responsiveness,
3180 greater levels of communication is going to be critically
3181 important. There are a lot of dedicated people working on
3182 these permitting issues, but having systems and processes in

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3183 place to provide greater transparency will be critical.

3184 *Mr. Pfluger. Well, thank you for that. That -- I'm
3185 proud to introduce the -- you know, a bill that will have a
3186 tracking mechanism, you know, to have the deployment
3187 tracking -- to understand what the facts are to better
3188 communicate between government and industry. You know, in a
3189 rural area like I represent in West Texas, you know, look,
3190 there's billions of dollars that have been spent on this,
3191 and we want to see the results. We want to see
3192 connectivity.

3193 And I'm just interested -- Mr. Finkel, I'm interested
3194 in your thoughts on this. Is there a -- an intentional
3195 delay towards rural areas?

3196 *Mr. Finkel. Well, look, I don't -- I'm not sure that
3197 there's an intentional delay, but I think that by nature a
3198 lot of these agencies just move real slow, they add a level
3199 of redundancy. There's agencies that are duplicative, that
3200 are tripping over each other when they're doing reviews.

3201 And one of the things that I -- that was in my
3202 testimony was that, you know, working across 48 states, our
3203 members, when we get aggregated stories from them, you'll
3204 have different field offices for different agencies which

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3205 have totally different and completely different approaches,
3206 different timelines. So they're all moving through the
3207 process at a different pace, so even when you get that
3208 transparency, you're going to see a great degree of
3209 discrepancy between the different offices within the same
3210 agency.

3211 *Mr. Pfluger. Well, I'm not a conspiracy theorist
3212 here, and I don't want to inject things that may not be
3213 happening, but I think it's clear that the inefficiencies,
3214 whether it's intentional or not, or the lack of tracking,
3215 whether it's intentional or not, you know, okay, let's fix
3216 the problem now, and let's deploy broadband into areas that
3217 need it.

3218 And for our area, this is energy. This is, you know
3219 the energy capitol of America, it's agriculture, it's the
3220 men and women who work in those industries. It's a safety
3221 issue, and as I mentioned earlier, I think that this is a
3222 national security issue with regards to competing with China
3223 every single day because they're doing this, and they're
3224 deploying it, and we need to get our act together.

3225 So thank you all for testifying and for your thoughts
3226 today, and I appreciate your professional expertise here.

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3227 I yield back.

3228 *Mr. Latta. Thank you. The gentleman yields back, and
3229 the chair now recognizes the gentleman from Ohio's Twelfth
3230 District for five minutes.

3231 *Mr. Balderson. Thank you much, Mr. Chairman, and
3232 thank you to the panel for being here.

3233 Too many people in my district and across Ohio, as I
3234 have three Ohioans here so they can all speak for the same,
3235 and often -- too often the buildout of new networks can be
3236 delayed or even sidelined completely due to lengthy
3237 applications for franchising or permitting zoning problems,
3238 issues with access to poles, and more. Congress needs to do
3239 something. The bills being discussed here today would do
3240 just that, and I applaud the chairman for hosting this
3241 committee.

3242 My bill, the Cable Leadership Act, puts a shot clock on
3243 franchising authorities to grant or deny franchise to
3244 providers. This is the only one of the many applications
3245 that need to be submitted and approved before providers can
3246 start building out new broadband networks.

3247 Mr. Romano, I know that you don't represent cable
3248 companies so you can't give input on that specific bill, but

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3249 could you give some great examples in your testimony about
3250 how your member's projects have been delayed? What tools,
3251 such as shot clock, can Congress employ to streamline the
3252 approval process and prevent such delays?

3253 *Mr. Romano. Thank you, Congressman, for that. And,
3254 in fact, it's interesting, we do have a handful of cable
3255 companies within our membership, so it -- there is some
3256 relevance there as well directly, too.

3257 Yes, I think the biggest things we see with -- and I
3258 think where these bills would help tremendously is
3259 certainty. Providing definitional certainty, knowing what
3260 it means for something to be complete, what it means for
3261 something to be received. Providing greater certainty and
3262 transparency into the process. The communicate -- lack of
3263 communication, as I mentioned earlier, is a real concern.
3264 The inability to see and predict what's going to be coming
3265 next.

3266 Our members are small companies. A lot of cable
3267 companies are small cable companies as well. Their ability
3268 to hire construction crews depends upon knowing when they're
3269 going to be able to hit the ground running; and if they
3270 don't have that, they can't line that up, which complicates

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3271 both the cost and the timing of keeping those crews busy.

3272 So all of those things are significant hurdles, and I
3273 think the measures before this committee would help to
3274 alleviate those, if not address them completely.

3275 *Mr. Balderson. All right, thank you. Sorry. Thank
3276 you.

3277 And, Mr. Romano, I'm going to include you on this next
3278 question, too, but also Michael Saperstein. I'm curious,
3279 where most of these delays occurs, as I've mentioned,
3280 various applications and approvals are needed from all
3281 levels of government before a provider can start building
3282 out a new network. Are your members -- both of you, are
3283 your members seeing these delays occur more often at the
3284 federal level or state and local level?

3285 *Mr. Romano. I think just by nature of the areas they
3286 serve, it tends to be more of a federal issue because,
3287 especially as you get out west, our members are serving a
3288 lot of federal lands for service BLM and the like. But
3289 state highways can be an issue as well, and I would be
3290 remiss if I did not mention railroads. Railroads are a
3291 significant issue in rural areas in terms of crossing.

3292 So I have examples in my testimony of people going 15

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3293 feet and paying significant sums for that. So -- but it is
3294 -- tends to be more of a federal end issue, but then that
3295 does bring in state historical preservation offices at times
3296 for some of those federal reviews, which again, is why these
3297 measures are so important.

3298 *Mr. Balderson. Thank you.

3299 *Mr. Saperstein. Yes. And thank you for the question.
3300 I would agree, due to congressional and FCC action that most
3301 of the delays we're seeing now is on the federal level. One
3302 thing I wanted to highlight is that one of the big
3303 challenges we're seeing now is that the FAA actually has to
3304 approve certain towers that are over a certain height, use
3305 certain frequencies, or in a certain proximity to airports.
3306 What was taking three weeks about a year ago is now taking
3307 nine months to a year. And so we are looking to -- for
3308 federal guidance to -- I believe it's a resource issue --
3309 how we can get that better resourced so we don't delay 5G
3310 rollout.

3311 *Mr. Balderson. Thank you.

3312 My last question is for Mr. O'Rielly. I can hardly
3313 see, but I see you through the thing here.

3314 *Voice. I'm with you.

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3315 *Mr. Balderson. Anyway, in your -- and I -- you know,
3316 I've been in and out and -- as you're well aware of, but in
3317 your testimony, you talked about the FCC, which I did read,
3318 and needed to take it upon ourself to alleviate barriers to
3319 broadband deployment, often pushing its statutory
3320 boundaries. Do you feel that the FCC should be granted more
3321 latitude to tackle barriers to deployment as they come up,
3322 and if so, in what areas? And you have 50 seconds.

3323 *Mr. O'Rielly. So I agree with the package of
3324 legislation, and there's probably some things I would do to
3325 make them stronger. I want -- I would believe the committee
3326 and the subcommittee should always limit and structure what
3327 the FCC -- what you ask out of the FCC. But in terms of
3328 aggressiveness and the need to act, I think the FCC can be
3329 very helpful in this case.

3330 It certainly needs to be talked about poles. I think
3331 the FCC can address all the poles nationwide. Don't have to
3332 have the exemption for certain municipal, or non-utilities,
3333 or coops. So I think that the Commission can handle those
3334 things and can handle other authority. They've done a very
3335 good job I think in this universe, and if you give them
3336 direction and limitations, they will follow closely. If you

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3337 give them broad authority, then you run into some issues
3338 sometimes.

3339 *Mr. Balderson. Thank you all very much.

3340 Mr. Chairman, I yield back.

3341 *Mr. Latta. Thank you. The gentleman yields back, and
3342 the chair now recognizes the gentlelady from Florida's Third
3343 District for five minutes.

3344 *Mrs. Cammack. Awesome. Well, thank you, Chairman
3345 Latta, for hosting this important hearing today.

3346 Thank you to our witnesses for appearing. I see you
3347 all have been bunched up real tight this entire hearing.
3348 I've been noticing the elbow room as I've been dipping in
3349 and out of the room, so we are near the end. Hang in there.

3350 This is such an important topic. I know we have
3351 chatted about this and how we can do this in a way that is
3352 efficient, responsible, and hits the mark. And every single
3353 person who serves today has a district that is impacted by
3354 broadband or lack thereof, and so I'm excited that we're
3355 starting to really address some of these issues.

3356 All of our witnesses here today I'm sure share the
3357 concerns of the process for permitting is too complicated,
3358 opaque, time consuming. I heard a little bit about some of

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3359 the delays that we're having. In your view, what is the
3360 single most urgent change needed to the permitting process
3361 in order to best deploy broadband across the country,
3362 especially in rural areas like Florida? And I would like to
3363 address this question to each of you, and we'll start down
3364 here and work our way down.

3365 *Mr. O'Rielly. So pole attachments, both access and
3366 rates, and I actually wrote a letter a number of years ago
3367 to the State House in Florida because they were looking to
3368 simplify that process there.

3369 *Mrs. Cammack. I'm shocked by your answer. That's my
3370 joke for the day.

3371 [Laughter.]

3372 *Mrs. Cammack. Mr. Finkel.

3373 *Mr. Finkel. Expediting the process on existing right-
3374 of-ways on existing poles to make sure that you don't have
3375 to go through an EIS for -- to put wire on existing
3376 infrastructure.

3377 *Mrs. Cammack. Okay.

3378 *Mr. Falcon. I think increasing the personnel
3379 resources available given the surge of projects that are
3380 coming in is key to shorten the review time.

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3381 *Mrs. Cammack. So at the agency level?

3382 *Mr. Falcon. Yes.

3383 *Mrs. Cammack. Okay.

3384 *Mr. Saperstein. Thank you for the question. For
3385 federal lands, it's adding clarity, accountability, and
3386 transparency to that process, in addition to looking at what
3387 more resources can be given to FAA to avoid a bottleneck
3388 there.

3389 *Mrs. Cammack. Okay.

3390 *Mr. Romano. And thank you, again, Congresswoman, for
3391 the question. So, yes, I think it's -- to echo some of the
3392 others, dealing with reviews for previously disturbed
3393 rights-of-way and previously disturbed earth, those -- the
3394 ability to upgrade networks quickly where especially we've
3395 already got networks in place is going to be critical to
3396 delivering on next general capabilities and capacity.

3397 *Mrs. Cammack. Excellent. Thank you, as we're
3398 considering a number of bills that are working to address
3399 some of these more nuanced issues. Myself, in particular,
3400 I'm really glad to lead the discussion draft for the Digital
3401 Applications Act, which would establish an online portal to
3402 accept, process, and dispose of the common form application

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3403 to deploy a communications facility on federal property.

3404 Mr. Finkel, can you discuss the current challenges with
3405 the common form application SF299, and how an online portal
3406 for permitting applications would benefit broadband
3407 deployment on federal property?

3408 *Mr. Finkel. It's just common sense.

3409 *Mrs. Cammack. Thank you. You know. And common sense
3410 is not common around here.

3411 *Mr. Finkel. I don't need to add much more.

3412 *Mrs. Cammack. You mentioned federal property?

3413 *Mr. Saperstein. Yeah, and thanks for the question.
3414 Actually, portals are one of the things we -- our members
3415 have talked about that is a simple fix that would add so
3416 much transparency into what's going on and allow more
3417 predictability in the overall build cycle.

3418 *Mrs. Cammack. Just going down the line, legislation
3419 like this to basically modernize the process and make it
3420 more transparent, you would fully support, and it would be
3421 silly for anyone to oppose this legislation, correct?

3422 *Mr. Romano. Yes.

3423 *Mrs. Cammack. Just go -- we'll start down here.

3424 *Mr. Romano. Gaps in -- yes, gaps in communication are

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3425 incredibly frustrating. At a time when we can track so many
3426 things in our daily lives online and check with -- on the
3427 status of different things from airline flights to train
3428 schedules, it is difficult to understand why we cannot keep
3429 track of these significant investments in our future. Yes.

3430 *Mrs. Cammack. Excellent.

3431 *Mr. Saperstein. I think Mr. Romano said that well.

3432 *Mrs. Cammack. Mr. Falcon.

3433 *Mr. Falcon. Yeah, no, I would agree, and I think the
3434 coordination amongst if there's several agencies involved is
3435 also key. Some sort of single point of contact may be a way
3436 to augment the value of a portal.

3437 *Mrs. Cammack. Excellent.

3438 *Mr. Finkel. And the portal, again, makes it so all
3439 agencies can see it. It creates transparency for the
3440 applicant. You have a clear picture of what your process
3441 is.

3442 *Mr. O'Rielly. I actually --

3443 *Mrs. Cammack. If you say -- if you don't saw ditto,
3444 I'm going to be disappointed.

3445 *Mr. O'Rielly. Ditto. I support -- I agree with the
3446 legislation. I may not use the word silly, only to -- but I

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3447 -- I'm hard pressed to come up with a reason to oppose it.

3448 *Mrs. Cammack. Excellent. Well, thank you guys for
3449 making the case for that wonderful piece of legislation.

3450 What expected risks and challenges in the absence of
3451 permitting reform, considering the massive amount of federal
3452 dollars dedicated to broadband deployment, do we face over
3453 the next few years? Just -- we've got 30 seconds. Give me
3454 your number one concern if we don't act. And we'll go down
3455 the line.

3456 *Mr. O'Rielly. I'm worried about overbuilding, and I'm
3457 worried about waste, fraud, and abuse.

3458 *Mrs. Cammack. Okay.

3459 *Mr. Finkel. I'm worried the money won't get out.

3460 *Mrs. Cammack. Ooh.

3461 *Mr. Falcon. I'd be worried about costs rising and
3462 minimizing the impact of the dollars invested.

3463 *Mr. Saperstein. Yeah, simply that we would fail our
3464 objective of universal connectivity.

3465 *Mr. Romano. A crush of applications leading to chaos
3466 and trying to sort through them all to get them done.

3467 *Mrs. Cammack. Excellent.

3468 With two seconds to spare, Mr. Chairman, my time has

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3469 expired. Thank you to our witnesses for appearing before us
3470 today, and with that I yield back.

3471 *Mr. Latta. Thank you. The gentlelady yields back,
3472 and the chair now recognizes the gentleman from Idaho for
3473 five minutes.

3474 *Mr. Fulcher. Thank you, Mr. Chairman, and for those
3475 on the panel willing to take the time and provide some input
3476 to us.

3477 We all want rural broadband, and the permitting
3478 process, as we've had many discussions on, sometimes slows
3479 things down and makes it tough. In the State of Idaho, we
3480 have a tremendous amount of federal land, nearly two-thirds
3481 of land mass there. And in my state, rural carriers and
3482 utilities struggle to get approvals to lay fiber lines, set
3483 up towers, construct buildings, and other infrastructure to
3484 ensure residents that are physically located in regions
3485 surrounded by federal lands, or in other words kind of
3486 landlocked that way, so they can get the same access and
3487 quality broadband as those in urban areas.

3488 And so by streamlining the federal side of the
3489 permitting, then that gives the access and the quality for
3490 broadband to those in rural areas and just makes it that

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3491 much more achievable. So one of the bills that I am
3492 introducing is -- it's called the Reducing Barriers to
3493 Broadband on Federal Lands Act, and this bill would remove
3494 the requirement to do a NEPA review for the deployment of
3495 broadband projects that are on previously disturbed land.
3496 And that previously disturbed basically to summarize means
3497 there's already been a NEPA process for other purposes.

3498 And so otherwise, these projects end up just not making
3499 it through the planning stage, and there's multiple examples
3500 right in my backyard where that's been the case.

3501 So, Mr. Chair, there is a report that I'd like to enter
3502 into the record. It's from the National Telecom and
3503 Information Administration. They published a report that
3504 provides recommendations on how federal agencies can improve
3505 or streamline their processes for reviewing broadband
3506 installation applications, and I would ask unanimous consent
3507 to enter that report into the record, please.

3508 *Mr. Latta. Without objection, so ordered.

3509 [The information follows:]

3510

3511 *****COMMITTEE INSERT*****

3512

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3513 *Mr. Fulcher. Thank you, Mr. Chairman.

3514 And basically my questions and my requests for
3515 interaction from you all is, first of all, do you see
3516 specific problems -- and I'll start with Mr. Romano and then
3517 Mr. Saperstein and Mr. Finkel. Do you see problems with
3518 that when we're looking to streamline by foregoing NEPA
3519 again when it comes to permitting for rural broadband? Mr.
3520 Romano.

3521 *Mr. Romano. Thank you, Congressman, for the question,
3522 and thank you for the discussion draft you put forward --
3523 the bill you've put forward.

3524 We support that bill. We think that it makes a ton of
3525 sense. The landlocked point you raise is a really good one,
3526 an interesting one, and I think it's one of these pieces
3527 that's hard to capture sometimes. But the puzzle pieces of
3528 putting together when you're going across federal land, and
3529 then you're in a private right-of-way, then you're going
3530 across a railroad, that can make it incredibly hard,
3531 especially for a smaller provider.

3532 So I think a bill like yours offers an opportunity to
3533 help put the puzzle pieces together better. I don't think
3534 when you're talking about previously disturbed earth,

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3535 previously disturbed rights-of-way, you're talking about
3536 upgrading existing networks, that hopefully is a
3537 proportional response that allows you to make sure that
3538 you're not presenting the kinds of concerns that would rise
3539 to a higher level of scrutiny or need a higher level of
3540 scrutiny with respect to environmental or historical
3541 preservation issues. So I think this bill makes a lot of
3542 sense. It's a good use of finding a way to make sure it's
3543 not considered a major federal action or an undertaking
3544 under those statutes.

3545 *Mr. Fulcher. Thank you for that.

3546 Mr. Saperstein?

3547 *Mr. Saperstein. Yes, and thank you for the question.
3548 So our view is that permitting processes should be
3549 predictable, proportionate, and timely; and I think your
3550 bill speaks specifically to the proportionality. In the
3551 types of circumstances that you're describing, do we really
3552 need the types of NEPA views -- NEPA reviews, or are we
3553 better off exempting them, and I think your bill goes a long
3554 towards that.

3555 *Mr. Fulcher. Thank you for that.

3556 Mr. Finkel?

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3557 *Mr. Finkel. As I shared with the chair earlier, the
3558 idea that you'd have to Greenfield existing right-of-way
3559 that you've already -- and existing infrastructure that's
3560 already been through the NEPA process just seems totally
3561 redundant and a waste of both time and federal resources.

3562 *Mr. Fulcher. Thank you.

3563 Mr. O'Rielly?

3564 *Mr. O'Rielly. I support your legislation. I think
3565 it's the direction to go, and the requirement is unnecessary
3566 in my mind.

3567 *Mr. Fulcher. Great.

3568 We'll ask Mr. Falcon, too.

3569 *Mr. Falcon. Thank you. I -- you know to the extent
3570 that many of the projects are transitioning legacy
3571 infrastructure to kind of 21st Century infrastructure in
3572 previously disturbed ground, I think there is -- it is right
3573 to think about how do you distinguish that from actual
3574 Greenfield projects.

3575 *Mr. Fulcher. Thank you for that.

3576 Mr. Chairman, I'm going to have 20 seconds to spare. I
3577 yield back.

3578 *Mr. Latta. Thank you. The gentleman yields back the

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3579 balance of his time, and the chair now recognizes the
3580 gentleman from California's Twenty-Third District for five
3581 minutes.

3582 *Mr. Obernolte. Well, thank you very much, Mr.
3583 Chairman.

3584 I represent an extremely rural district, and the
3585 problems that my constituents have in accessing broadband
3586 are exacerbated by the fact that over 90 percent of the land
3587 mass of my district is in public ownership in one form or
3588 another. So it's not enough to merely allocate grant
3589 funding to be able to create broadband infrastructure in
3590 these rural areas, then we'll have to manage this process of
3591 getting that infrastructure built through the privately held
3592 -- the publicly held land that separates the communications
3593 hubs from the places where my constituents live. I know
3594 that you're very familiar with that particular problem.

3595 So one of the bills that we are discussing today is my
3596 bill, the Granted Act, which aims to solve in some small
3597 part that problem. Congress has already directed the FCC to
3598 expedite the processing of those permits required to cross
3599 federal lands either through lands held by the BLM or
3600 sometimes the Department of Agriculture. We've directed a

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3601 common application for those permits, and we have put a shot
3602 clock of 270 days on the approval of the those permits.

3603 Unfortunately, what we are experiencing is that in many
3604 occurrences, the federal agencies involved take more than
3605 270 days to process those permits, and unfortunately, there
3606 are no penalties or consequences for them doing that. So my
3607 bill would deem approval for any application for broadband
3608 infrastructure across public lands that has been pending for
3609 more than 270 days, provided that application was full and
3610 complete when it was submitted. And I think that's a
3611 commonsense way of solving that problem.

3612 I'd be interested in your opinion on that concept. Are
3613 you a supporter of that kind of deemed approval after 270
3614 days as a -- let's start with the end of the table here, Mr.
3615 Romano.

3616 *Mr. Romano. Yes, Congressman, thank you for the
3617 question. Yes, we do. We think that that makes a lot of
3618 sense. And I think what this highlights, too -- one of the
3619 things I want to be clear about as well is a lot of the
3620 bills that are being presented here refer back to 6409, the
3621 section which is a wireless facilities deployment.

3622 So one of the things -- one of the other bills that's

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3623 present in this proceeding would attempt to stitch this
3624 together and make sure those also apply to wireline, and I
3625 think that's going to be critical. I think a lot of the
3626 concepts here that are presented make a ton of sense and
3627 would help to expedite deployment. I think it's going to be
3628 critical as well to make sure those dots connect to make
3629 sure they apply to wireless and wireline --

3630 *Mr. Obernolte. Sure.

3631 *Mr. Romano. -- facility deployment alike to the
3632 extent appropriate.

3633 *Mr. Obernolte. That's a good point.

3634 Mr. Saperstein?

3635 *Mr. Saperstein. Yes, thank you for the question. And
3636 yes, we support your bill, and we believe it would help
3637 adding accountability to the federal land process because
3638 currently, though Congress has set this 270-day shot clock,
3639 there is no accountability and there is no recourse if they
3640 fail to meet it.

3641 *Mr. Obernolte. Right. I hope so, too.

3642 Mr. Falcon?

3643 *Mr. Falcon. Thank you for that question. I think the
3644 -- if the staffing personnel is made available, permits can

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3645 be turned over faster. And a common issue I hear,
3646 particularly in California with rural carriers, is there's
3647 just not that many people there for reviewing permits. So,
3648 you know, I think it's a fixable problem that can bring it
3649 down to that number you're shooting for in terms of 270
3650 days.

3651 *Mr. Obernolte. Mr. Finkel?

3652 *Mr. Finkel. I'll associate myself with the comments
3653 of Mr. Romano on both -- including wireless and wireline.
3654 But let me also -- you noted and you used full and complete
3655 application, and that's when the shot clock would end. So
3656 just one thing to consider is oftentimes with agencies that
3657 have that -- have the time limitations, how they define full
3658 and complete and whether or not they restart the shot clock
3659 because they deem you to not have been full and complete,
3660 and how they communicate and how -- whether or not they're
3661 transparent about the full and complete is a really
3662 important factor to consider as well.

3663 *Mr. Obernolte. Yeah. I actually think that's an
3664 excellent point. We've tried to be very thoughtful and
3665 deliberate with our approach to that problem in the text of
3666 the bill, but we are certainly open to any suggestions that

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3667 you might have to differentiate perhaps between the shot
3668 clock for declaring an application complete and the 270 days
3669 required to review it, because what we don't want is to get
3670 to the end of 200 -- you know, Day 269 and have an agency
3671 come back and say, oh, you know what, you include -- you
3672 failed to include this piece of paper, we're starting over,
3673 you know, at Day Zero.

3674 Mr. O'Rielly?

3675 *Mr. O'Rielly. Yeah, I've got experience with that at
3676 the FCC. But to your point, I actually very much support
3677 your legislation. I think you're maybe being a little
3678 generous on 270 days.

3679 *Mr. Obernolte. Well, we'll have to think about that.
3680 Well, I thank you very much, and we'll continue to work with
3681 you as we work through the legislative process with this
3682 bill, but I think we're all unified in our desire to
3683 increase this access to rural -- access to broadband
3684 infrastructure and solve some of these systemic problems.

3685 I yield back.

3686 *Mr. Latta. Thank you. The gentleman yields back the
3687 balance of his time, and at this time, the chair recognizes
3688 the gentleman from Ohio's Sixth District for five minutes.

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3689 *Mr. Johnson. Thank you, Mr. Chairman. I'm really
3690 proud to once again this session be sponsoring the Wireless
3691 Broadband Competition and Efficient Deployment Act that
3692 would remove the requirement for environmental and historic
3693 preservation reviews in order to add or upgrade wireless
3694 facilities on existing infrastructure.

3695 This is common sense, and it would eliminate a
3696 tremendous burden with reviews that are often repetitive and
3697 that unnecessarily slow down broadband expansion. And I
3698 want to thank Chairman Latta for including my discussion
3699 draft in today's legislative hearing, and thank you to our
3700 witnesses for your insight. We really have to break down
3701 the barriers to deployment that are keeping folks like those
3702 I represent in rural Appalachia on the wrong side of the
3703 digital divide.

3704 Commissioner O'Rielly, you and I have worked together
3705 on this for a long time. It's so frustrating to me that
3706 here in 2023 we're talking about the same problems that we
3707 were talking about in January of 2011. We're just not
3708 making progress on rural broadband, and this is a common
3709 sense thing that can really make a difference.

3710 Mr. Romano, your testimony discussed the difficulties

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3711 and lengthy delays your members have experienced when
3712 obtaining permissions through environmental and historic
3713 preservation and consultation processes for broadband
3714 deployment. How often do you have to perform an
3715 environmental or historic preservation review for simply
3716 adding or upgrading wireless facilities on existing
3717 infrastructure?

3718 *Mr. Romano. So the way the NEPA and HPA work
3719 essentially is if we are deploying on federal lands or
3720 essentially using federal funds, those are going to trigger
3721 the kinds of --

3722 *Mr. Johnson. So anytime the federal government's
3723 involved, you have to do all that.

3724 *Mr. Romano. That essentially is correct. I mean,
3725 there may be -- there are categorical exclusions under NEPA
3726 that can apply that can take one out of that, but oftentimes
3727 they can't even take time to figure out whether one
3728 qualifies for a categorical exclusion and the number of the
3729 projects.

3730 *Mr. Johnson. Got you. In your view, does the amount
3731 of time, effort, and cost for these reviews detract from the
3732 incentive for providers to upgrade existing wireless

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3733 infrastructure, and what does this mean for consumers?

3734 *Mr. Romano. I think the -- and I'll pick up a point
3735 that Mr. Saperstein made earlier about the sort of
3736 transparency and the predictability of this. The inability
3737 to know for certain what -- how long this is going to take,
3738 what exactly is going to be required can be a deterrent to
3739 participation in some of these programs or otherwise to
3740 invest in these areas. I will say the incentive to invest,
3741 our members are based in the communities they serve, so
3742 they've got strong incentive to do it anyways. But
3743 particularly, participating in expansion programs, that can
3744 be a real deterrent.

3745 *Mr. Johnson. Got you.

3746 Mr. Saperstein, same question, in your view, does the
3747 amount of time, effort, and cost for these reviews detract
3748 from the incentive for providers to upgrade existing
3749 infrastructure?

3750 *Mr. Saperstein. Yeah, absolutely. I mean, co-
3751 location is one of the most efficient things we can do as a
3752 society to spread wireless deployments. It makes use of
3753 existing infrastructure, it allows multiple carriers to
3754 serve an existing area, and it reduces the overall effect on

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3755 the local community. So absolutely.

3756 *Mr. Johnson. Okay.

3757 Mr. O'Rielly? And again, it's good to see you. The
3758 last time I think I saw you maybe when you came out to see
3759 some of the rural aspects of my district and the struggles
3760 that we have there with broadband. In your testimony, you
3761 mentioned the importance of permitting reform for wireless
3762 connectivity, including for 6G. Can you expand on what
3763 reforms will be helpful for future 6G deployment?

3764 *Mr. O'Rielly. So 6G is expected, and it's still early
3765 in the discussion stage, but it's expected to use higher
3766 frequency, so both midbands and super high bands, and in
3767 doing that, you're going to have more towers, more
3768 infrastructure that's absolutely necessary. And so that
3769 means more co-location, that means more placement of towers,
3770 it means new construction of big towers, and small cells,
3771 and antennas, and all of that's going to need approval, and
3772 all of that's going to go through the molasses that we've
3773 been talking about today.

3774 *Mr. Johnson. Okay. Are there any particular reforms
3775 you would recommend to increase the efficiency of current 5G
3776 deployment?

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3777 *Mr. O'Rielly. Well, I -- permitting is at the top of
3778 my list. Permitting and pole attachment, both the rates and
3779 access are at the top of my list. I've talked about other
3780 aspects that the committee can focus on. I -- we talked
3781 about railroads briefly. I'd put railroads in that category
3782 as well.

3783 *Mr. Johnson. You know, we used to have an anti-drug
3784 campaign in America that the big byline was Just Say No.
3785 God, we need the federal government to just say yes to some
3786 of these things that are common sense. It -- this is
3787 mindboggling to me.

3788 Mr. Chairman, thanks again, I appreciate you letting me
3789 waive on the committee. Thank you.

3790 *Mr. Latta. Well, thank you very much. And seeing no
3791 other members wishing to ask questions, I want to thank our
3792 panel of witnesses today for your expertise and your time
3793 today, we greatly appreciate it. You can tell from the
3794 interest of the members that this is a very, very important
3795 topic that we're dealing with.

3796 I ask unanimous consent to insert in the record the
3797 documents included on the staff hearing documents list.

3798 Without objection, so ordered.

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3799 [The information follows:]

3800

3801 *****COMMITTEE INSERT*****

3802

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3803 *Mr. Latta. I remind members that they have 10
3804 business days to submit questions for the record, and I ask
3805 the witnesses to respond to the questions quickly. Members
3806 should submit their questions by the close of business on
3807 May the 3rd.

3808 And without objection, the subcommittee is adjourned.

3809 [Whereupon, at 1:30 p.m., the subcommittee was
3810 adjourned.]