



Written Statement of

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**Before the
United States House Committee on Natural Resources
Subcommittee on Federal Lands**

**Legislative Hearing on the *Apostle Islands National Park and Preserve Act*;
H.R. 2405, the *North Dakota Trust Lands Completion Act of 2023*;
H.R. 3293, the *Expediting Federal Broadband Deployment Reviews Act*;
H.R. 6210, to designate the General George C. Marshall House, in the Commonwealth of
Virginia, as an affiliated area of the National Park System, and for other purposes;
H.R. 8403, the *Benton MacKaye National Scenic Trail Feasibility Study Act of 2024*; and
H.R. 8603, the *Recreation and Outdoor Access Membership Act or the ROAM Act*.**

July 24, 2024

Chairman Tiffany, Ranking Member Neguse and members of the Subcommittee, thank you for the opportunity to testify at this legislative hearing, specifically in support of H.R. 3293, the *Expediting Federal Broadband Deployment Reviews Act*.

I am testifying on behalf of WTA – Advocates for Rural Broadband, which represents approximately 370 small broadband providers serving rural America with high-speed broadband, telephone, and other communications services. The typical company serves between 3,000-5,000 customers and has 20-30 employees. The networks these companies build predominantly consist of buried fiber. But at times, depending on terrain, cost, and other factors a company's network will consist of aerial fiber attached to poles as well as fixed and cellular wireless technology. Our members are primarily a mix of private, mostly family-owned, companies and cooperatives. They have been providing telecommunications services in these rural areas for decades and, in some cases, for over 100 years. These are small businesses based in the rural communities they serve, and they are committed to serving rural residents and businesses because that is where their owners and employees live.

Congress has embarked on a bipartisan goal of connecting every American to high-speed broadband, and WTA's members are playing an important part in this effort. They have long

made use of the Federal Communication Commission's Universal Service Fund – primarily the High Cost Program – and various telecom and broadband loan and grant programs administered by the U.S. Department of Agriculture's Rural Utilities Service (RUS), such as the ReConnect Program. Additionally, most likely early next year, \$42 billion will begin to be awarded through the National Telecommunications and Information Agency's (NTIA) Broadband Equity, Access and Deployment (BEAD) program. Our member companies are seriously considering this option as well.

While there are many challenges to serving rural areas including distance between customers, difficult terrain, socio-economic issues, constrained construction seasons, and severe weather, the obstacle of acquiring the necessary permits in a timely manner looms large. If all of the federal funding mentioned above is going to have the intended impact, we need to address the time-consuming and expensive permitting process, especially if awardees are going to meet the buildout deadlines contained in the law. Getting through the permitting process can add years to the time it takes to complete construction and can add tens of thousands of dollars to the cost of building even a relatively small, localized network. If federal agencies are having trouble approving broadband permits today, imagine what the backlog will look like when \$42 billion of BEAD funding is awarded over the next couple of years.

While the focus of today's hearing is federal lands, permitting is not just a federal lands problem. It's also a federal dollars problem. The delays and expenses crop up any time federal dollars are spent to construct communications networks whether they are on state, local, Tribal, or private lands. Any time a broadband provider accepts federal funding to assist in the buildout of its network, regardless of the jurisdiction, it triggers a possibly lengthy permitting review processes under federal laws like the National Environmental Protection Act (NEPA) and the National Historic Preservation Act (NHPA).

Whenever possible, rural broadband providers make use of existing rights-of-way along roads or where other utilities have already received permission to place infrastructure, or they collocate facilities with existing towers, buildings, and other structures. As small businesses with limited staff and resources, making use of existing rights-of-way is usually the most efficient way to get fiber from a central office to customers. Only on very rare occasions do they attempt to get permission to construct networks in or on completely undisturbed ground. It makes no sense, whether on or off federal land, if a broadband provider is simply digging up previously disturbed ground or making use of an existing rights-of-way that the process should take as long as it often does.

Some anecdotal examples of the problems faced by WTA's rural broadband providers include:

- A company that sought to bury fiber along an existing state highway that passed through federal land. It took two years and seven months to get final approval so this project could begin construction.

- A company that was awarded federal funding through RUS' ReConnect program in October of 2022 to build a network to residents unserved by fiber. The network is to be built in existing rights-of-way. The environmental review process is still ongoing.
- A provider burying fiber along a county right-of-way through federal land with ReConnect funding has been waiting since October 2023 to receive what's called an "Organic Permit," which merely allows their environmental consultant to begin the necessary environmental survey.
- A company applied to put a larger microwave antenna on an existing tower on federal land without changing the height or footprint of the tower. It took 12 months for the request to be approved.
- A provider has existing towers on federal land with permits that expired in 2019. The land management agency has yet to issue new permits.

The problem of broadband permitting delays and associated costs stems from many sources, and there is no one solution or quick fix. It is a problem that must be addressed from various points including NEPA and NHPA reform, making sure land management agencies have adequate staff and modern technological systems, better federal and state agency coordination, clarification of rights and responsibilities when it comes to railroad crossings, and more.

WTA and its member companies appreciate the attention the Subcommittee has given to the issue of broadband permitting and the various bills it has approved over the past several years. In that vein, the bipartisan *Expediting Federal Broadband Deployment Reviews Act*, H.R. 3293, is a proposal that will move us closer to the goal of expeditious review and approval of broadband projects on federal lands and ultimately getting every American connected to broadband. We appreciate Representatives Jeff Duncan and Angie Craig giving attention to this matter and introducing this legislation.

H.R. 3293 would create a "strikeforce" led by NTIA to prioritize broadband permit review through periodic consultations with the various federal agencies that manage federal land. NTIA has the expertise and the incentives to make sure that broadband buildout is not stymied by unnecessary delays.

As the leader of this strikeforce, NTIA could encourage the agencies processing permits to institute internal best practices for the tracking and processing of applications. A Government Accountability Report released in April of this year (*"Agencies Should Take Steps to Better Meet Deadline for Processing Permits," GAO-24-106157, April 2024*) found that the two federal agencies with the most communications use applications, the Forest Service and Bureau of Land Management, use data management systems that, either due to problems with the systems themselves or data entry errors, at times "lack sufficient information to determine processing times for all applications." According to GAO, 50 percent of the applications processed took

longer than 270 days (the standard set by the MOBILE NOW Act) or lacked data to analyze how long it took to process the applications.

But progress can be made. According to that same GAO report (for those applications where accurate data was kept) the two agencies shortened the processing time in recent years. But getting to where we want to be will require continued Congressional oversight, increased resources, modernization of internal agency processes and data processing, and reform of environmental and historic preservation laws so that there are fewer field surveys of previously surveyed ground and less paperwork to be processed in the first place.

We are hopeful that a concerted effort to expediate broadband projects will enable the network to reach the unconnected so that they may enjoy the economic, educational, health care, and social benefits of broadband. Coordination between federal land management agencies and broadband funding agencies and prioritization of broadband projects is an important part of the solution.

Thank you for this opportunity to testify at today's hearing. I am happy to answer any questions you may have.