



Statement by

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Legislative Hearing

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INTRODUCTION AND BACKGROUND

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to testify at this legislative hearing. My testimony today will focus on H.R. 5419, the “*Enhancing Administrative Reviews for Broadband Deployment Act*” introduced by Representative Kean.

I am Brian Ford, Vice President - Federal Regulatory at NTCA–The Rural Broadband Association. My responsibilities include advocating on behalf of NTCA’s small business members on a variety of regulatory issues in front of federal agencies, including the Federal Communications Commission, the United States Department of Agriculture (“USDA”), the Department of Interior, and the National Telecommunications and Information Administration. This advocacy includes addressing the processes through which NTCA’s Internet Service Provider (“ISP”) members and other network operators obtain permits and final authorizations to install communications use facilities on federal, state, or local lands or otherwise comply with environmental or historic preservation requirements where such are necessary.¹ My prior work experience and educational background are detailed in the resume provided to the Subcommittee.

My remarks today are on behalf of the NTCA membership, which consists of over 850 small community-based providers of telecommunications and broadband services in 44 states. These small ISPs have nearly 6,000 customers on average and typically operate with approximately 30 total employees. In building and operating voice and broadband networks in some of the hardest-to-reach, high-cost-to-serve areas of rural America they face many challenges, including typical densities of fewer than seven locations per mile, difficult terrain, weather-shortened construction seasons, and workforce shortages. Unfortunately, as we will discuss today, permitting is a “man-made” challenge that can substantially complicate, if not undermine entirely, broadband deployment in rural areas. Despite facing these challenges, NTCA members have worked hard to deploy advanced networks in deeply rural spaces due to their commitment to serving their neighbors, friends, and family and their strong entrepreneurial spirit. Effective governmental policies and programs that help make and sustain the business case for investing and continuing to operate networks in rural America have been critical to their success as well.

It is worth noting that despite NTCA members’ commendable progress in connecting rural consumers, more work remains. While nearly 90% of the locations in rural areas served by NTCA members can now receive services that rival those in many urban and suburban communities, that still leaves 10% without comparable access – and these are often the most

¹ It should be noted that ISPs must comply with the National Environmental Policy Act (“NEPA”) and the National Historic Preservation Act (“NHPA”) both when securing access to federal lands or property or when deploying broadband facilities pursuant to a federal grant. Use of a federal grant in the latter circumstance is classified as a “major federal action” under NEPA and a “federal undertaking” pursuant to NHPA. While H.R. 5419 contemplates identifying and mitigating permitting delays with respect to broadband facilities installation on federal lands, it is likely that enactment of the bill will bring to light the source of federal permitting delays across the board.

difficult 10% to reach. Moreover, in rural areas that have not historically been served by community-based providers like NTCA members, far more Americans are still awaiting the broadband connections they need to participate fully in our online world.

This backdrop brings us to this important hearing. NTCA members and providers like them have faced lengthy delays and incurred significant costs simply to access federal lands or property for the purpose of broadband infrastructure installation. The reality of building broadband networks in rural areas is that ISPs often have little choice but to cross federally-owned lands or install facilities on federal property at some point – these public lands are often critical corridors for broadband infrastructure, and re-routing even just a small portion of a project may be infeasible due to substantial distance, impassible terrain, or the inability to obtain easements on privately held land (if any is nearby). When permit reviews take months or even a year or more, projects are delayed, costs escalate, and deployment schedules slip. As a result, the effectiveness of public and private investment is undermined.

The United States is at a critical moment with respect to broadband availability. Private investment is accelerating to meet rising broadband demand, and the largest deployment funding effort in our nation’s history – the Broadband Equity, Access, and Deployment Program – is now underway. As noted below, members recount delays of up to a year or more in some cases to obtain permissions to access federal land or property. These ISPs are increasingly concerned that without proactive planning and concrete action to identify and mitigate these delays at federal agencies, projects to connect unserved or underserved consumers will be unreasonably delayed or even abandoned altogether.

EXAMPLES OF FEDERAL PERMITTING TIMELINES FOR THE INSTALLATION OF BROADBAND NETWORK INFRASTRUCTURE

NTCA members have noted that inefficient or ineffective federal permitting processes threaten to undermine our nation’s broadband availability goals. This concern is shared broadly across the industry, among providers large and small, rural and urban, wireline and wireless.

As just a few examples on the federal level to provide context for NTCA’s support of H.R. 5419:

- One NTCA member sought to place fiber under a road under the purview of the Bureau of Land Management (“BLM”). The project was part of a fiber ring meant to improve redundancy and reliability of the operator’s network, and the portion touching BLM land was a small percentage of the overall project. Among other costs dedicated to this small component, the provider incurred \$30,000 for an engineering and environmental study. Moreover, the initial permit application was not accepted as complete for nearly a year, during which time the provider received sequential requests for additional information.
- Another NTCA member utilized USDA ReConnect funding to connect consumers via fiber in a rural area. Although the entire project was in a previously disturbed right-of-

way and subject to a NEPA “Categorical Exclusion” (the most streamlined level of NEPA review), the provider was not granted final approval and release of funds to begin construction for 9 months. This resulted in an even greater delay, however, as the project is in an area of the country where frozen ground prevents construction for approximately 4 months of the year – meaning construction could not commence for another several months thereafter.

- A member reported attempting to deliver fiber connections to several schools on Tribal lands, but apparent staffing shortages in Tribal offices to complete NHPA consultation obligations have delayed this work.
- Another NTCA member just in the past several days reported that it has been over 300 days since it first applied for a U.S. Forest Service permit to serve 90 rural locations. A project that would take two to three months to complete now translates to 12 months of waiting – and counting.

I am grateful for the chance to share these experiences and to highlight how H.R. 5419 can identify common points of failure to ensure an updated and more streamlined permitting process is in effect.

H.R. 5419: THE ENHANCING ADMINISTRATIVE REVIEWS FOR BROADBAND DEPLOYMENT ACT

This brings us to the legislation under consideration today, H.R. 5419, *The Enhancing Administrative Reviews for Broadband Deployment Act*. NTCA is pleased to endorse H.R. 5419, as enactment of this legislation would represent a critical step towards streamlining the federal permitting processes discussed herein. Specifically, the bill would require the Secretaries of Agriculture and Interior to study their permitting processes and identify any “programmatic or administrative barriers to the timely review of requests for communications use authorizations,”² and identify any “rules or regulations that could be implemented to improve efficiency with respect to reviewing requests.”³ In other words, the bill would require these agencies to undertake a much-needed thorough review of how communications use authorizations are processed by agency staff, a review that will very likely identify “common points of failure” that are the source of excessive delays. Identification of these points of failure should, in turn, lead the agencies to amend rules and processes where they are identified as the source of delay and ultimately create a more efficient permitting process. This mitigation or elimination of such sources of delay will allow agency staff to review and approve communications authorization use permits at a much faster pace.

² *The Enhancing Administrative Reviews for Broadband Deployment Act*, HR 5419, 119th Cong. § 2(a)(1)(A) (2025).

³ *Id.*, § 2(a)(1)(B).

The report required by the legislation⁴ will also be a critical step towards transparency, allowing the committees of jurisdiction over federal agencies to determine the nature of reforms necessary and appropriate to streamline federal permitting. NTCA members, along with ISPs of all kinds, would welcome this review and the resulting report. NTCA members frequently report that they are unable to identify the source of delays and act accordingly to work around them if possible. Ultimately, H.R. 5419 would be an example of “good government” practices that ensure federal agencies work to benefit all Americans as efficiently and effectively as possible.

Timely permitting is not merely an administrative step; it is a foundational component of expanding modern communications networks and addressing the needs of unserved and underserved communities. NTCA commends Representative Kean for his introduction of this bill.

CLOSING

Thank you again for providing me with the opportunity to share these thoughts on behalf of NTCA’s rural community-based broadband providers. NTCA and its members look forward to working with this Subcommittee, and other members of Congress, federal agencies, and other stakeholders to find a more streamlined approach to the permitting process.

⁴ *Id.*, § 2(a)(2).