Written Statement of
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Subcommittee on Communications & Technology

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"Examining Solutions to Expedite Broadband Permitting."

Chairman Hudson, Chairman Guthrie, Ranking Member Matsui, Ranking Member Pallone, and Members of the Subcommittee.

My name is Drew Garner, and I am the director of policy engagement at the Benton Institute for Broadband & Society.[1] We are an independent non-profit that, for over forty years, has provided research, information, and expert analysis on broadband and telecommunications issues. Our goal is to ensure that every person in the United States has access to affordable, reliable, high-performance broadband.

Thank you for the opportunity to speak with you today.

Navigating a Wave of BEAD Permits

The United States is poised to make the single largest federal investment in broadband in our nation's history. This investment, the $42.45 billion Broadband, Equity, Access, and Deployment Program, or BEAD, was designed to bring reliable, affordable, high-speed internet service to our most disconnected communities. And with that service, enable prosperity.

[1] The Benton Institute for Broadband & Society (Benton), a non-profit, operating foundation. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.

BEAD's historic investment will drive historic levels of broadband construction. And this will put enormous pressure on federal, state, and local permitting authorities. This is especially true in rural areas, where municipal capacity is typically low and BEAD activity will be high. Slow permitting can delay deployment and increase project costs; rushed permitting, however, creates risk to public safety and existing infrastructure.

How, then, can we build efficient, effective permitting systems that will maximize the impact of BEAD?

That was the question at the heart of a permitting summit I helped to convene last year.[2] Stakeholders of all stripes—local governments, ISPs, engineering firms, state and federal officials, civil society organizations—came together to understand each other's goals and find areas of consensus. We shared an interesting day, as you might imagine.

A key theme from the summit was a lack of resources. Many suggestions to expedite permitting were met with support—expanding staff capacity, ensuring predictable turnaround times, developing best practices, increasing standardization, promoting transparency, creating online portals, improving data utilization, and coordinating services to locate underground utilities. These solutions, however, are not free. The time, people, and tools to safely expedite permitting come with a cost.

Fortunately, BEAD has the ability to address this issue. Congress designed BEAD to holistically address the digital divide. That means more than simply running wires and building towers. Yes, BEAD will prioritize the deployment of networks to connect every unserved location in the country. However, BEAD can also fund activities that *facilitate* deployment and ensure BEAD

[2] Garner, Drew, "Permitting Success: Closing the Digital Divide Through Local Broadband Permitting" Wilmette, IL: Benton Institute for Broadband & Society, September 2024. benton.org/publications/permittingsuccess

networks see maximum uptake. This category of activities is known as "non-deployment," and non-deployment activities are why BEAD has massive potential to improve permitting processes throughout the country.

Permitting is the Process; Connectivity is the Goal

Ultimately, we want to expedite permitting because we want to get more people online. Permitting is the process; connectivity is the goal. While a good process will enable effective and efficient deployments, it is the resulting connectivity that improves lives. So, as we discuss permitting reform in advance of BEAD deployments, we should first consider the type of connectivity BEAD will actually deliver.

BEAD Pre-Restructuring

Earlier this year, BEAD was poised to bring reliable, affordable, high-speed internet service to nearly 5 million locations.[3] Among the four states that had completed their plans, roughly 95% of locations would have been served by fiber-to-the-premise networks. The remaining locations—the hardest and most expensive to reach—would be served by wireless and low Earth orbit (LEO) satellite. A handful of states were even ready to begin construction. And many states were planning to use BEAD's non-deployment funds to expedite permitting processes.[4] [5]

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[3] Karras, Alex and Michael Santorelli. "BEAD Eligible Locations Drop 14% in New Benefit of the Bargain Lists, a Combined 65% Drop Since Dec. 2022 BEAD Allocations"Advanced Communications Law & Policy Institute (August 14, 2025) https://broadbandexpanded.com/posts/botblocations

[4] Garner, Drew. "What's Wrong with West Virginia's BEAD Proposal?" (June 2, 2025) https://www.benton.org/blog/whats-wrong-west-virginias-bead-proposal

[5] Varn, Jake "States Work to Address Barriers to Broadband Expansion" (April 3, 2024) https://www.pew.org/en/research-and-analysis/articles/2024/04/03/states-work-to-address-barriers-to-broadband-expansion

In June, the National Telecommunications and Information Administration (NTIA) hit the reset button. In its BEAD Restructuring Notice,[6] NTIA required states to rerun their bidding processes using new rules that prioritized cost-cutting over internet service quality and affordability. States were given three months to comply (a timeline that has since proven unworkable for many[7]) and ISPs had just weeks to revise and resubmit applications, an expensive process that led a sizable number to drop out.[8] For example, Arkansas saw a 25% reduction in applicants, and, in Minnesota, dropped applications left twenty thousand locations with no bids.[9]

BEAD Post-Restructuring

As of today, all 56 states and territories have discarded their original BEAD plans. Over forty have submitted restructured plans. None have been approved to begin construction. Preliminary results indicate that the mixture of technologies has shifted away from fiber and toward LEO satellite, with Amazon's Kuiper and SpaceX's Starlink ranking first and second in terms of locations won. While, on average, fiber remains the dominant technology, the variance between states is substantial, with some achieving over 90% fiber and others under 10% (these numbers are likely to drop as NTIA takes additional steps to cut fiber even further).

This shift away from fiber is troubling for three reasons:

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[6] National Telecommunications and Information Administration. "Broadband Equity, Access, and Deployment (BEAD) Program: BEAD Restructuring Policy Notice" (June 6, 2025) https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf

[7] 36 out of 56 states and territories failed to meet the September 4th 2025 deadline, per NTIA's dashboard [viewed September 15th, 2025].

[8] Marx, Cameron. "29% of Minnesota Locations Received No Bids For BEAD" (August 5, 2025) https://broadbandbreakfast.com/29-of-minnesota-locations-received-no-bids-for-bead/
Marx, Cameron. "Arkansas Experiences 25% Decline in Applicants for BEAD Funding."(August 5, 2025) https://broadbandbreakfast.com/arkansas-experiences-25-decline-in-applicants-for-bead-funding/

[9] Sohn, Gigi "From Crumbs to Connections: Minnesota's Broadband Future" (September 10, 2025) https://www.benton.org/blog/crumbs-connections-minnesota%E2%80%99s-broadband-future

1. **Fiber reliably delivers high-performance, affordable connectivity; LEO networks do not.** A well-designed fiber network will provide high-performance, affordable service for decades,[10] no matter the location or bandwidth required. A LEO network, by contrast, cannot guarantee service to locations that are forested, mountainous, populous, or have inclement weather.[11] A LEO network can struggle to meet high bandwidth requirements today, much less those of the future.[12] And subscription costs for LEO service are typically higher than those for fiber service.

2. **Fiber networks are an asset to their community; LEO networks are not.** Fiber networks are physically located within the communities they serve. Construction of these networks creates local jobs; network operation can generate local revenue. The ISP must engage with the local government, and if the provider leaves, the network will remain. LEO networks lack these qualities because their core infrastructure is in space, and satellites require regular replacement.

3. **Fiber drives economic growth and AI; LEO networks do not.** Communities with fiber are more likely to experience economic growth, entrepreneurship,[13] and increased property values[14] compared to communities served by different technologies. And only

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[10] Afflerbach, Andrew. "Fixed Wireless Technologies and Their Suitability for Broadband Delivery" (June 2022) https://www.benton.org/sites/default/files/FixedWireless.pdf

[11] Luening, J Randolph "LEO Satellites: ready for prime time" (March 29, 2025) https://cdn.shopify.com/s/files/1/0363/0392/9388/files/LEO_Satellite_Whitepaper.pdf?v=1743297202
Meinrath, Sascha, Karl Grindal, Glenn Fishbine, Nancy DeGidio. "Starlink Capacity Analysis v0.2" (July 18, 2025) https://thexlab.org/wp-content/uploads/2025/07/Starlink_Analysis_Working_Paper_v0.2-1.pdf
Ullah, Muhammad Asad, Antti Heikkinen, Mikko Uitto, Antti Anttonen, Konstantin Mikhaylov. "Impact of Weather on Satellite Communication: Evaluating Starlink Resilience" (May 2025) https://arxiv.org/html/2505.04772v1

[12] Marek, Sue. "Starlink's U.S. Performance is on the Rise, Making it a Viable Broadband Option in Some States" Ookla (June 10, 2025) https://www.ookla.com/articles/starlink-us-performance-2025

[13] Weinstein, Amanda, May Erouart, and Adam Dewbury. "Beyond Connectivity: The Role of Broadband in Rural Economic Growth and Resilience" Center for Rural Innovation (September 30, 2024) https://ruralinnovation.us/resources/reports/report-the-role-of-broadband-in-rural-economic-growth-and-resilience/

[14] Sanyal, Paroma, Coleman Bazelon, Yong Paek, and Dan Beemon. "Economic Benefits of Fiber Deployment" The Brattle Group (November 20, 2024) https://www.brattle.com/wp-content/uploads/2024/11/Economic-Benefits-of-Fiber-Deployment.pdf

fiber can guarantee the bandwidth, latency, and symmetrical speeds needed to reliably move the massive amounts of data necessary for AI's real-time decision-making. BEAD is the best and potentially last chance many communities will have for fiber, so those that miss out will fall behind as innovative technologies demand increasing amounts of bandwidth.

Affordability

Separate from shifts in technology, the restructured BEAD Program no longer addresses the primary cause of the digital divide—Americans' inability to afford internet service.[15] [16] [17] [18] In BEAD's original form, ISPs competed for awards by committing to offer the most affordable service, and winning ISPs would provide a plan specifically tailored for low-income households. These provisions, which would help Americans afford the networks their tax dollars built, were eliminated in BEAD's restructuring. Now, some low-income Americans will end up paying $80/month, if not more, for service that previously would have cost $30/month.[19]

Non-Deployment Funds

For a variety of reasons—fewer eligible locations, increased reliance on satellite, reduced project scope—states are on track to use roughly half of their BEAD allocations on infrastructure

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[15] John B. Horrigan, PhD, and Everyone On: Affordability and the Digital Divide (2021) https://static1.squarespace.com/static/5aa8af1fc3c16a54bcbb0415/t/61ad7722de56262d89e76c94/1638758180025/EveryoneOn+Report+on+Affordability+%26+the+Digital+Divide+2021.pdf

[16] Wert, Kelly. "Every State Identifies Broadband Affordability as Primary Barrier to Closing Digital Divide" Pew Chartitable Trusts (October 4, 2024) https://www.pew.org/en/research-and-analysis/articles/2024/10/04/every-state-identifies-broadband-affordability-as-primary-barrier-to-closing-digital-divide

[17] Consumer Reports Research Department "Broadband Survey: A Nationally Representative Multi-Mode Survey" (July 2021) https://advocacy.consumerreports.org/wp-content/uploads/2021/08/CR_Broadband-Survey_8_2021_VF.pdf

[18] John B. Horrigan, "Leaving Money on the Table: The ACP's Expiration Means Billions in Lost Savings" (July 2024) https://www.benton.org/sites/default/files/ACP-survey1.pdf

[19] Varn, Jake "The Affordability of BEAD: Low-Cost Options in Every State" (November 19, 2024) https://www.linkedin.com/pulse/affordability-bead-low-cost-options-every-state-jake-varn-iynye/.

deployment. This means that many states will have hundreds of millions of dollars available for "non-deployment" activities. Statute defines non-deployment activities to include things like wiring apartment buildings, promoting broadband adoption, and, critically, "any use determined necessary by the Assistant Secretary to facilitate the goals of the Program."[20] Under BEAD's original rules, those uses included permitting initiatives.

Prior to the June Restructuring Notice, states planned to use non-deployment funds to increase permitting staff, develop best practices, streamline pole attachments, convene coordinating committees, and increase the capacity of services to locate underground utilities. However, in the June 6 notice, NTIA paused these plans, indicating that new guidance would be forthcoming. That guidance has still not been produced.

BEAD: Looking Forward

NTIA is poised to restructure BEAD yet again. In the coming weeks, the agency will begin forcing states to rebid projects that exceed certain cost thresholds. This change would shift many additional locations to satellite and, for a second time, invalidate ISP applications.

Further, NTIA appears inclined to claw back non-deployment funds—even though the Infrastructure Investment and Jobs Act does not allow for that. Clawing back these funds would cut state BEAD budgets by, on average, over $350 million, gutting the potential for permitting improvements or other initiatives for telehealth, workforce development, and broadband adoption.

[20] IIJA 60102 (f)(6)

While NTIA has not publicly released new guidance, recent reporting[21] and public data[22] make it possible to estimate the impact of these upcoming changes. By way of example, if NTIA proceeds as expected, North Carolina would be forced to disrupt seventy-seven projects and put over 15,000 locations up for rebid. LEO providers would likely win the rebidding round, and this would shift the state's technology ratio from 68% fiber, 30% satellite, to nearly 50/50. One in three ISPs would lose over half their funding, and at least $100 million would be cut from the state's deployment plan. The funding from these cut projects would be added to North Carolina's current $1 billion non-deployment budget, increasing the amount vulnerable to clawbacks.

Conclusion

Secretary of Commerce Howard Lutnick has promised to get BEAD funding out the door quickly. Over 40 state plans currently await NTIA's approval. Rather than launch an additional round of changes to BEAD, Secretary Lutnick should approve these plans swiftly and get shovels in the ground. At this point, it is not permitting that is slowing BEAD down; it is NTIA.

Furthermore, NTIA should fulfill its commitment to release non-deployment guidance that is consistent with Congress's intention in establishing BEAD. Such guidance would allow states to increase permitting capacity in time for BEAD's upcoming wave of construction.

Together, these actions would not only expedite BEAD, they would expedite the permitting processes that will pave our way to universal broadband.

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[21] Neenan, Jake. "How NTIA is Asking States to Revise BEAD Plans" (September 12, 2025) https://broadbandbreakfast.com/how-ntia-is-asking-states-to-revise-bead-plans/

[22] North Carolina BEAD Final Proposal Data Uploads https://www.ncbroadband.gov/BEADFinalProposal (downloaded September 15, 2025)