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Statement by

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Subcommittee on Communications and Technology

"Examining Solutions to Expedite Broadband Permitting"

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Introduction and Background

Chairman Hudson, Ranking Member Matsui, and distinguished Members of the Subcommittee, thank you for the opportunity to submit this testimony on behalf of INCOMPAS and our members, competitive providers building the next generation of communications, broadband, artificial intelligence, and energy infrastructure across the country. My name is Staci Pies, and I am the Senior Vice President of Government Relations and Policy at INCOMPAS. I have the privilege of representing the creators, builders, and adopters of our digital ecosystem; together, we work to advance policies that turn investment into innovation and connect communities to the networks of the future.

Today, I want to focus on the builders: the companies making critical investments that enable innovation and bring advanced networks and technologies into everyday life. These builders need a permitting process that turns investment into progress, strengthens communities, and secures our nation's economic and national security future.

I have spent my career working with these companies and the policymakers who shape their operating environment. I have seen firsthand how outdated permitting rules can stall investment, frustrate communities, and leave families and businesses disconnected. Let me start with a simple truth: permitting delays are not just a bureaucratic inconvenience; they are a drag on our economy and a barrier to innovation. Every month lost to delay means fewer homes connected, fewer jobs created, and fewer businesses able to compete globally. The networks and facilities that power broadband and AI are the backbone of our economy and a cornerstone of national security. If network builders are forced to wait years for approvals or pay excessive fees to gain access to rights-of-way, American deployment will fall behind.

We commend this Committee for considering legislative solutions today that will address some of the most persistent barriers to investment and deployment. The bills before you represent precisely the type of leadership needed to ensure America's digital infrastructure keeps pace with innovation.

I also want to acknowledge my colleagues at WIA and U.S. Telecom. While we represent different parts of the industry, we share a common commitment to finding solutions that accelerate deployment. By working together, we can modernize permitting in ways that support investment, expand broadband access, and prepare the infrastructure necessary for future technologies, such as AI.

Why Permitting Reform Matters Now

We are at a pivotal moment. The U.S. government and the private sector are investing billions in broadband, energy, and AI infrastructure. Here's the reality: our builders are ready, our capital is waiting, but our permitting system is stuck in the past. The risk to broadband investment is not theoretical; we have heard concerns from builders that permitting delays and excessive fees could jeopardize the success of the BEAD and Middle Mile Grant programs, which are tied to strict federal deadlines. If states and communities are not broadband-ready, they forfeit the growth that comes from these new investment opportunities and miss the chance to connect their residents.

The proposals before this Committee today, including *the RAIL Act* and *the Broadband Incentives for Communities Act*, underscore a commitment to accelerating broadband deployment. These measures aim to eliminate unnecessary delays, enabling communities to access high-speed connectivity more quickly, thereby supporting education, healthcare, and

economic growth. At the same time, the reforms that speed broadband projects will also help prepare the infrastructure needed for emerging technologies like AI, which depend on robust networks, reliable power, and modern data center facilities. By advancing practical, balanced permitting solutions, Congress can ensure that broadband reaches every community, laying the groundwork for the next generation of innovation. This is not just about red tape; it is about America's competitive edge slipping away while other nations build faster.

That is why INCOMPAS strongly supports efforts such as the RAIL Act and FCC Chairman Carr's Build America agenda. These endeavors reflect what our members tell us every day: we are ready to build, but the permitting system is not equipped to support us.

The RAIL Act: A Critical Fix

Railroad crossings are among the most persistent and costly barriers to broadband deployment. While the permission and review process is regularly lengthy, in some cases, approvals take more than 22 months for a single crossing, while fees of up to $45,000 per crossing drive up costs and slow down construction. Without a fix, these barriers will keep entire communities from receiving broadband service.

The bipartisan, bicameral RAIL Act, led by Congressman John Joyce, provides a clear and balanced path forward. It establishes a straightforward process for providers to access railroad rights-of-way, sets reasonable timelines, limits fees to safety-related costs, and gives both parties a path to resolve disputes through the FCC. The RAIL Act respects local authority while ensuring providers are not forced to wait indefinitely or pay excessive charges. It is a practical reform that directly addresses one of the most damaging bottlenecks to broadband expansion. This is not just good policy; it is an economic necessity. INCOMPAS supports this

legislative solution, which directly addresses issues of timeliness and costs associated with railroad crossings.

Additional Federal Action: Streamlining the System

Today, providers still navigate a maze of duplicative reviews and varied, inconsistent standards that drive up costs and delay projects. These delays do more than frustrate builders; they jeopardize the timelines for connecting communities and threaten America's position in the global economy.

With that in mind, we commend NTIA for the progress it has made within the BEAD program. The adoption of categorical exclusions and programmatic tools to streamline environmental and historic reviews represents a meaningful step forward. These changes will help accelerate BEAD-funded projects and demonstrate that reform is possible without compromising environmental stewardship. However, these improvements should not be limited to BEAD. Broadband projects financed through private investment or other federal programs face the same permitting challenges and deserve the same level of efficiency. The reforms implemented by NTIA demonstrate what is possible. Extending these principles across all projects and agencies will ensure that the billions invested in broadband translate into timely connections for communities and a stronger foundation for America's competitiveness.

Congress now has an opportunity to build on this progress. Designating NTIA as the single federal lead for broadband permitting would replace today's patchwork of conflicting reviews with a coordinated process. A unified approach would reduce costly delays and provide clarity for applicants. At the same time, Congress should require agencies to adopt a "One Bite at the Apple" framework so that applications are reviewed *once,* in coordination, rather than

through repetitive and sequential steps. Finally, clear deadlines and accountability measures are essential to ensure that permitting does not become an open-ended process.

Congress must also require enforceable shot clocks for federal reviews. Approvals should proceed on a predictable timetable, with automatic approval if agencies fail to meet their deadlines. Without this accountability, projects will languish, and communities will fall behind. A number of the legislative solutions put forward today provide a clear path to these reforms, and their passage would be a critical step in ensuring that BEAD, Middle Mile Grant, and private sector investments do not become a missed opportunity.

Federal agencies must also do their part. They should adopt AI-enabled permitting tools that can automate reviews and provide transparency, coordinate closely with states and localities to align policies, and clearly establish that facilities such as data centers, edge computing, and fiber backhaul are essential components of critical digital infrastructure, entitled to streamlined treatment. Without this clarity, projects vital to economic and national security will remain vulnerable to delay.

While broadband remains the immediate focus, Congress and the Administration must also anticipate the infrastructure demands of artificial intelligence. AI workloads require fiber, energy generation and transmission, and data infrastructure that cannot wait on multi-year permitting cycles. In accordance with the administration's AI Action Plan, Congress should work across all levels of government to fast-track permitting for multistate fiber routes that connect AI and energy hubs. Without these actions, America risks ceding technological leadership to global competitors.

With these targeted steps, Congress and federal agencies can accelerate broadband deployment today while ensuring that our networks are prepared to power the AI economy of tomorrow.

FCC Leadership: Build America, Faster

We also commend Chairman Carr for his leadership on pole attachment reform and his recently announced efforts under Section 253 to examine deployment barriers. His Build America agenda demonstrates what is possible when regulators set clear timelines and bring transparency through one-stop shop portals.

But the work is not done. The FCC must establish strict shot clocks for federal and state reviews, ensure that right-of-way access fees accurately reflect actual costs rather than revenue opportunities, and streamline environmental and historic preservation reviews that often duplicate state processes. The Commission will consider items at its September meeting addressing precisely these issues. Additionally, the FCC must continue to improve the pole attachment process by clarifying cost allocation for pole replacements so that attachers are not burdened with disproportionate costs that deter investment. And the Commission's Office of Native Affairs and Policy should be fully engaged to provide technical assistance and mediate permitting challenges on Tribal lands, to better serve these communities.

Without these reforms, projects will continue to stall, costs will escalate, and communities will wait for networks that should already be in place.

State and Local Leadership: Broadband Ready, AI Ready

States and cities play a critical role in enabling the deployment of broadband and AI-supporting infrastructure. INCOMPAS has long supported local leadership, and we have worked

with mayors and state officials to promote best practices in permitting. We applaud states like Indiana, Wisconsin, and Tennessee, which have launched initiatives to certify communities that streamline the permitting process. These programs are a first step and demonstrate what is possible when local governments commit to deployment. But we need to go further. Broadband readiness must evolve into AI readiness, which means permitting not just for broadband, but also for the energy infrastructure and data centers that power AI workloads.

The challenge is that, with the anticipated surge in permit requests due to the flood of BEAD, Middle Mile Grant, and private sector funding, many local governments want to act quickly but may lack the resources and digital tools needed to process deployment requests swiftly. Paper files, unpredictable fees, and open-ended reviews can slow projects down, even when communities are eager for investment. Federal leadership is crucial to solving this issue. Congress and the NTIA should allow states to use BEAD non-deployment funds to help states and municipalities improve their permitting processes, including creating digital and AI-driven permitting portals, hiring trained staff, and establishing standardized timelines and cost-based fee structures. This approach aligns with the *Broadband Incentives for Communities Act*, introduced by Congresswoman Lizzie Fletcher.

Public-private collaboration is also essential. Working together, governments and providers can leverage AI and software solutions to identify and resolve bottlenecks in real time. By working hand in hand with state and local governments, we can create a permitting process that accelerates deployment, respects community priorities, and ensures every dollar delivers results. America's broadband future and the AI innovation it will enable depend on the infrastructure we build together today. Builders are ready. Permits should be, too.

Conclusion

The investments we unlock through smarter permitting fuel economic growth, strengthen national security, and secure America's technological edge. If we want to lead the world in broadband and AI, we must lead on deployment. Every Member of Congress represents communities that want better broadband, abundant energy, and the jobs that come with critical infrastructure investment. But our builders are stuck in line, waiting for approvals, paying excessive fees, and watching global competitors move faster.

We can fix this. The tools are available. The legislation considered today, as well as FCC and NTIA reforms, are smart, bipartisan steps forward. Let's take them and ensure that state and local governments have the capacity to keep up.

INCOMPAS members, including the creators, builders, and adopters of our digital and AI future, are committed to delivering the broadband infrastructure that America's economy and national security depend on. With the leadership of this Committee, and accelerated reforms at the federal, state, and local levels, we can ensure that our nation builds faster, competes harder, and leads globally in the technologies of the future. The bottom line? America can't afford to wait. We can either lead the world in deployment, or we can lead in excuses for why international competitors are moving faster in deploying emerging technologies.

INCOMPAS stands ready to work with Congress, the Administration, the FCC, state and local governments, and our industry partners to reform our permitting system so that it works for the economy, fosters innovation, and benefits every community in America.