

WRITTEN TESTIMONY OF JONATHAN SPALTER
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Chairman Hudson, Ranking Member Matsui, and distinguished Members of the Subcommittee, thank you for convening this important hearing.

My name is Jonathan Spalter, and I am the President and CEO of USTelecom – The Broadband Association. USTelecom is the national trade association representing network providers, innovators, suppliers, and manufacturers connecting the world through the power of broadband. Our membership ranges from local and regional companies and cooperatives that have roots in their communities going back a century or more to leading publicly traded companies, some of the largest investors and job creators in our country. We are united by our shared commitment to connect every community to opportunity and to serve as the strong, essential foundation to America's continued leadership of the global information economy, particularly now at the dawn of the AI era. Our nation has always led with vision, with determination and with expediency.

A CRITICAL MOMENT FOR U.S. GLOBAL LEADERSHIP

When Congress authorized the Interstate Highway System in 1956, it set a clear national course, provided the funding, and cut through red tape that could have slowed progress across 50 states. That leadership delivered 41,000 miles of interstate highways that knit our economy together. We saw the same lesson more recently in June 2023, when a tanker fire caused a section of I-95 in Philadelphia to collapse. That stretch carried more than 150,000 vehicles a day, including 14,000 trucks vital to commerce. Officials warned repairs could take months, but thanks to emergency funding, 24/7 construction, and expedited approvals, six lanes were reopened in just 12 days. This 12-day miracle shows that when government rolls up its sleeves with urgency, we can clear away bottlenecks and deliver critical infrastructure at the speed America needs.

At key turning points in the growth and evolution of this nation, each generation understood: when infrastructure is strategic, when competitiveness is on the line, government must clear the path. We meant business then. We must mean business now in today's complex and connected world.

Broadband permitting may not be the most attention-grabbing issue. But it is no exaggeration to say that it impacts every corner of America today – everything from America's leadership of the AI revolution to our ability to compete with global rivals, led by China, who are salivating at the thought of American bureaucracy gumming up the wheels of progress and putting U.S.

leadership in jeopardy. And, the stakes ripple all the way out to your constituents back home, and to the commitment we have made as a country to connect everyone, from the farmer in North Carolina to the student in rural California, and everywhere in between.

The broadband networks we build today – the reach they have into every community – will determine whether America leads or lags in the global race for artificial intelligence, advanced manufacturing, and the next wave of technological innovation. If our permitting is stuck in neutral, ultimately so are we as a connected nation.

PERMITTING HORROR STORIES

The stories of permitting delays are legion, and they could be told around a campfire with a flashlight under your chin:

- In Utah, one broadband provider had to wait three years to get permission to access federal land just to repair an existing fiber optic line. They spent so much time in the circular fray that they were forced to redo their environmental studies because the original data had expired — wasting time and money better spent on deploying broadband.
- In California and New Mexico, one of our member companies had \$11 million in fiber sidelined by federal permitting backlogs. Crews were hired, equipment staged. This is a common refrain.

- In the Rockies, a 360-mile broadband project was derailed over pine seedlings that had sprouted on the side of a road. One Forest Service employee proposed a common-sense mitigation plan. Another insisted the entire project undergo a full environmental assessment — threatening years of delay over less than two miles of right-of-way. It took thousands of pages of filings and significant, unrecoverable costs to unwind the knot.

In the beginning of my testimony, I talked about each generation rising to the challenge of connecting our country and moving our nation and its economy forward. One of the great ironies today is that our railroad system, like broadband, was a revolution in its time with the very same aim. Yet today, those same rights-of-way are too often cited as one of the biggest permitting roadblocks to deploying broadband at the speed America needs.

- Take Kansas, where broadband builders were forced to halt work for months because a railroad insisted on a permit that was not necessary and threatened legal action unless the provider paid tens of thousands in fees, hired unnecessary flag personnel, and agreed to annual renewals. After 60 days of delay and mounting costs, the provider finally had to bore 15 feet under the tracks just to move forward. A vital broadband project was slowed for months — not by technology, not by funding, but by outdated permitting practices on railroad rights-of-way.

And, the roadblocks are hardly limited to federal red tape. State and local requirements can also be counterproductive.

- The running joke in Minnesota is that there are two seasons: winter and construction. Because of the short construction season, even brief delays can set projects back an entire year. One rural broadband build has been forced to wait more than six months just for a soil testing permit. By the time overlapping federal and state reviews are complete, the project will have been delayed nearly two years — leaving entire rural communities without service while costs mounted and contractors sat idle.
- In Florida, one city still demands “hard copy” permit applications—in triplicate—and in specific non-standard paper sizes.
- In Illinois, fees run as high as \$100 per foot to deploy fiber in tunnels. That’s a big, round, arbitrary number – totally unrelated to the actual work.
- In multiple states, historical reviews have dragged projects out for years. Among the most notorious examples: A requirement that providers drill holes every 100 meters on historical streets to hunt for artifacts—often times, only to uncover beer bottles.
- In North Carolina, state law requires municipalities to review broadband permits within 30 days, yet some towns regularly take 90 days or longer.

I applaud Federal Communications Chairman Brendan Carr for announcing just last week that the FCC will be exploring actions to streamline this type of permitting red tape at the state and local levels. Chairman Carr has long made the case that “permitting reform is vital to the nation’s efforts to promote broadband builds and close the digital divide.” This work builds on the actions the FCC took several years ago to streamline small cell permitting. Just as that effort paved the way for our 5G future, streamlined permitting for wired broadband deployment will pave the way for our AI future.

I commend this subcommittee for leading on these issues. We need Congress to craft permanent solutions that allow appropriate reviews while reducing excessive red tape that immobilizes funding, stops work and obstructs needed progress. Otherwise, the real horror story is what we risk losing from lack of connectivity.

BEAD AND THE PERMITTING BOTTLENECK

As this committee well knows, BEAD presents our nation with a real shot at finishing the job of connecting America. Failure is not an option, and permitting is a clear and present risk to our success. Reflecting the urgency we feel as a nation, broadband companies have just four years to get every BEAD-funded network built and ready for service. Yet before they can lay a single strand of fiber, they must navigate NEPA environmental reviews, historic preservation reviews, endangered species consultations, and rights-of-way permits, to name just a few challenges.

Let me be clear: broadband providers are not asking to avoid all reviews and that's reflected in many of the legislative proposals we're discussing today. But the overwhelming majority of our real-world challenges are not about being rejected outright but rather disappearing into the bureaucracy with no resolution in sight.

We owe your constituents, our customers, better, and that means clear timelines that lead to efficient outcomes, so communities are not left waiting for the power and promise of high-speed connectivity. When the process goes off the rails — when permits drag on for years,

when duplicative reviews block projects that have already been vetted, when obstacles replace oversight — there has to be a release valve.

SOLUTIONS

What common-sense reform looks like:

1. Reviewers should expedite permitting in places where infrastructure already exists or in places that have been previously analyzed or approved.
2. Applications for permitting on federal lands should be reviewed by federal agencies within 30 days. In the absence of a decision, after an additional 30-day grace period — so 60 days total — that permit is deemed granted.
3. We need to find a clear approach to break the bottlenecks at the federal, state and local level. It is imperative that we as a nation set a federal baseline to ensure progress. Where there are intractable, unreasonable blockages that prevent Americans from getting the high-speed broadband they should expect, and we are ready to deliver, we need a federal framework that allows us to keep pressing forward. That's common-sense policymaking.

Are these goals achievable? We believe to our core the answer is yes. But we need a whole of government approach — legislative and executive, federal, state and local—and the same 'let's go' sense of urgency that has delivered for our nation through every major infrastructure milestone in our history.

I encourage all policymakers in Washington, including here in Congress, to do everything they can to address this problem and turbocharge the communications infrastructure deployment that is foundational for U.S. competitiveness and our innovation future.

When American communities can compete for the next chip fab, data center or advanced manufacturing facility, two of the factors that site selection teams look at are: whether the community has the broadband capacity, and whether they can get the infrastructure in the ground fast.

The good news: We have examples right here in this subcommittee, in your legislative drafts, that can help ensure your communities can compete for these opportunities.

I'm happy to discuss any and all of the proposals. Among the highlights:

- Rep. Joyce's Broadband and Telecommunications RAIL Act would put a spike in unreasonable costs and delays from the railroads by creating a path for the FCC to step in and alleviate log jams.
- Rep. Goldman's SPEED for Broadband Infrastructure Act gets under the hood on NEPA and historic preservation reviews. It keeps state and local zoning authority intact, while exempting reviews for projects substantially similar to existing facilities or where easements on federal property have already been granted to a provider or utility.
- Rep. Griffith's Broadband Leadership Act imposes shot clocks on approvals and restricts local fees to cost-based, transparent charges.

- Rep. Obernolte’s GRANTED Act tightens the “deemed granted” remedy for federal rights of way, easement and lease applications. An agency has 30 days to submit a written notice of what’s missing in an application – or the project advances.

CALL TO MINDSET SHIFT

These are great ideas, among many offered by this subcommittee. It presents us with a profound opportunity to press the reset button not just on statutory language, as these bills are proposing, but on mindsets. Already we are seeing the beginnings of this progress. NTIA’s Broadband Permitting Council, for example, has done a tremendous job identifying and recommending categorical exclusions for previously analyzed rights-of-way.

We can’t stop there. This is a call to practicality. Common sense. Growth. Real-world outcomes over process. At its heart, our shared effort to put in place smart permitting reforms is about whether America will lead or lag. Our global competitors — led by China — are not waiting. Neither can we.

For our part, the nation’s broadband providers are ready to go. Our fiber spools are forward deployed in warehouses and on fields across the country. Our trenchers, our engineers and technicians, our fiber splicers and linemen, our broadband workforce are all geared up. Let’s get them moving. And Congress can make that happen by helping to clear the path. Thank you for your leadership on these issues, and please, as always, consider USTelecom and our members as a resource and a partner as you continue your important work.