

Congress of the United States
Washington, DC 20510

September 30, 2022

The Honorable Alan Davidson
Assistant Secretary of Commerce for Communications and Information
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, DC 20230

Dear Assistant Secretary Davidson:

The Broadband Equity, Access, and Deployment (BEAD) program presents a historic opportunity to close the digital divide. Under this program, the National Telecommunications and Information Administration (NTIA) will award \$42.45 billion to eligible states and territories for broadband deployment. As NTIA begins working with these entities, we urge the agency to require states and territories to work with their local governments to streamline permitting processes to expedite and reduce barriers to deployment.

As you know, broadband providers must obtain permits to access the poles, rights-of-way, and appropriate infrastructure needed for deployment. Burdensome and costly permitting requirements, lengthy review timelines, insufficient staff to review and process permitting applications, and other regulatory red tape can drastically delay and even discourage deployment, which may foreclose access to affordable broadband services. Many of these barriers are established by local governments. With inflation already raising costs, we cannot afford to waste time and resources on needless bureaucracy when we should be building networks. Without action, we worry that deployments will take longer and be more expensive, leaving more Americans on the wrong side of the digital divide.

We are encouraged that BEAD's Notice of Funding Opportunity (NOFO) asks states to identify steps to "reduce costs and barriers to deployment, promote the use of existing infrastructure, promote and adopt dig-once policies, streamlined permitting processes and cost-effective access to poles, conduits, easements, and rights of way."¹ Likewise, the NOFO correctly encourages states and territories, and their subdivisions, to "remove time and cost barriers associated with BEAD projects, including by expediting permitting timelines and waiving fees where applicable, where doing so does not undermine other critical policy goals."² Merely encouraging and promoting these actions, however, is not enough. As NTIA reviews state plans, it should, consistent with its authority to "establish local coordination requirements,"³

¹ "Notice of Funding Opportunity, Broadband, Equity, Access, and Deployment Program," National Telecommunications and Information Administration at 32 (rel. May 13, 2022).

² *Id.*

³ Infrastructure Investment and Jobs Act, P.L. 117-58, Div. F, Title I § 60102(e)(3)(A)(ii).

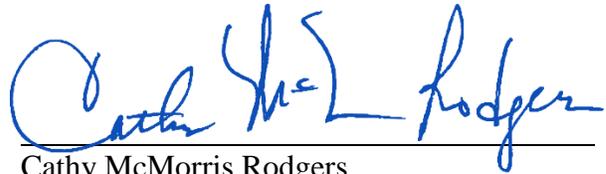
require states and territories to work with local governments to adopt streamlining policies that reduce the burdens associated with obtaining permits. This will ensure broadband projects are carried out in a timely manner, consistent with the Infrastructure Investment and Jobs Act. NTIA should also set a high bar for the “other critical policy goals” that states and localities can use to justify burdensome permitting regulations so that the exception does not become the rule.

This is an opportunity for our country to close the digital divide, but doing so will require cooperation from state and local governments. Removing unnecessary and costly barriers to deployment is key to the success of the BEAD program. Thank you for your attention to this important matter.

Sincerely,



Roger F. Wicker
Ranking Member
Committee on Commerce, Science
and Transportation
U.S. Senate



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives