

July 2, 2025

Ex Parte Notice

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, D.C., 20554

RE: *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79*

Dear Ms. Dortch:

On Monday, June 30, 2025, the undersigned and Brian Ford on behalf of NTCA–The Rural Broadband Association (“NTCA”),¹ as well as Bruce Moore and Laura Gower with Aspire Networks 1, LLC. dba Highline and Jason Hendricks with Range (hereinafter the “Rural Representatives”), met with Jodie May, Aurelie Mathieu, Elizabeth Drogula, and AJ Burton from the Federal Communications Commission’s (“Commission”) Wireline Competition Bureau. The parties discussed the often time-consuming and increasingly costly process of obtaining access to rights-of-way (“RoWs”) owned and/or managed by state and local governments for the purposes of installing or upgrading infrastructure to provide voice and broadband services.

As an initial matter, the Rural Representatives discussed the kinds of challenges NTCA members face as they build and upgrade or maintain their broadband networks in rural areas. These can include low densities, long distances from urban areas, mountainous and rocky terrain, workforce challenges, and weather-shortened construction seasons. These challenges are exacerbated by time-consuming and expensive permitting processes at the local, state, and federal levels that inhibit their ability to serve their rural communities. Although federal processes that were not the subject of this meeting often rank as a top concern in deeply rural areas,² state and local permitting processes can add separate layers of burden – both in terms of delay and cost – upon these small businesses working to overcome the challenges of serving rural communities. In addition, as part of many

¹ NTCA–The Rural Broadband Association represents approximately 850 community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

² NTCA members must obtain a permit when installing facilities on federal land or when a project is considered a “major federal action” under the National Environmental Policy Act and/or a “federal undertaking” pursuant to the National Historic Preservation Act. As NTCA has repeatedly noted, these processes are typically unclear, inconsistent across federal agencies or bureaus under the purview of an agency (or even among bureau offices within a state), inefficient, and highly unpredictable. See Statement by Michael Romano, Executive Vice President NTCA–The Rural Broadband Association, Before the United States House of Representatives Committee on Energy and Commerce Subcommittee on Communications and Technology “Breaking Barriers: Streamlining Permitting to Expedite Broadband Deployment” Washington, DC (April 19, 2023), available at:

<https://www.ntca.org/ruraliscool/newsroom/press-releases/2023/19/ntca-executive-vice-president-mikeromano-testifies>

rural deployment projects, these providers must overcome the time and expense of obtaining access to railroad crossings for the purposes of installing broadband-capable infrastructure.³

Based in or near the communities they serve, NTCA members typically have an effective working relationship with local and state permitting officials in these areas. The Highline representatives highlighted, for example, the company's extensive efforts to communicate with local and state permitting offices prior to and during the planning of network deployment and upgrade projects.

With that as the backdrop, the Rural Representatives stated that fees for access to state and local RoWs can be excessive; these include not only one-time application fees, but also recurring fees assessed on a per-linear-foot-of-fiber basis for fiber placed in a RoW, as well as surveys and other inspections that can cost several thousand dollars. Moreover, "in-kind" contributions unrelated to the cost a local or state government incurs to manage RoWs are at times assessed as well; one example discussed was a state transportation department seeking access to strands of fiber installed in the RoW as a condition for RoW access.⁴

In addition to excessive fees, the time to obtain permits from state and local governments for RoW access has steadily increased over time for most NTCA members. For NTCA members operating in areas of the country with weather-shortened construction seasons, these delays in processing permits can push much needed construction and maintenance into the next year. The delays, coupled with the uncertainty these processes create, also impedes providers' ability to retain construction crews (typically outside contractors). NTCA recognizes that many local and state governments may be short staffed, yet experience has shown that many of these delays are caused by a lack of any standardized process and/or timeline for reviewing permits.

Section 253 of the Communications Act of 1934, as amended (the "Act"), grants the Commission authority to address persistent barriers to network deployment created by state or local regulations or other legal requirements. In 2018, the Commission found that "even fees that might seem small in isolation have material and prohibitive effects on deployment, particularly when considered in

³ NTCA members report excessive fees for insurance premiums, railroad employees' presence during construction, fees for construction permits, and fees assessed on outside contractors performing infrastructure installation. Worse still, fees of thousands or even tens of thousands of dollars and delays of several weeks or even months can ensue for work (e.g., boring under a railroad crossing for the purpose of installing fiber) that is complete in a matter of hours. The Rural Representatives noted that the Commission can utilize its legal authority to address this issue as well. See Crown Castle, *ex parte* letter, Railroad Crossing Memorandum Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, WT Docket No. 17-79 (fil. Jun. 1, 2018), available at: <https://www.fcc.gov/ecfs/document/10601296124250/2>

⁴ As a recent filing in the record shows, these excessive fees that go above and beyond any reasonable approximation of a state or local government's costs to manage RoWs are assessed on providers of all kinds. See ACA Connects *ex parte* letter, WC Docket No. 17-84 (fil. Jun. 27, 2025), p. 2 ("Local governments often go to creative lengths to impose excessive fees, not only for permits or access fees themselves but for related inspections and for items entirely unrelated to the deployment, such as the repair of sidewalks outside the deployment area.").

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the aggregate given the nature and volume of anticipated Small Wireless Facility deployment.”⁵ While this finding was made in the “small wireless facility” context, Section 253 is technology agnostic, and the factual circumstances, legal conclusions and negative impact on deployment that underpinned this prior Commission application of its legal authority (as upheld in federal court⁶) can apply with equal force to barriers that have the effect of prohibiting the provision of service in the wireline context. The Rural Representatives therefore urged the Commission to consider how the 2018 limits on fees that state and local governments can assess in the context of wireless deployments can be extended and applied to wired network deployments in state and local RoWs as well.⁷

In addition to the impacts of fees, the Rural Representatives noted that the delays in obtaining a permit can have material and prohibitive effects on wireline broadband deployment, and Section 253 of the Act grants the Commission the authority to address these as well. Thus, the Commission should extend “shot clocks” and limits on “tolling” any timelines included therein as adopted in 2018⁸ to all network facilities.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.



By: /s/ Michael R. Romano
Michael R. Romano
Executive Vice President

cc: Jodie May
Aurelie Mathieu
Elizabeth Drogula
AJ Burton

⁵ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (rel. Sep. 27, 2018) (“*Third Report and Order*”), ¶ 53.

⁶ *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020).

⁷ *Third Report and Order*, ¶ 80 (setting presumptive limits for application as well as recurring fees and stating that “a locality could prevail in charging fees that are above this level by showing that such fees nonetheless comply with the limits imposed by Section 253—that is, that they are (1) a reasonable approximation of costs, (2) those costs themselves are reasonable, and (3) are non-discriminatory. Allowing localities to charge fees above these levels upon this showing recognizes local variances in costs.”).

⁸ *Id.*, ¶¶ 103-148.