



November 17, 2025

Ms. Maureen H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

VIA ELECTRONIC SUBMISSION

Re: Notice of Inquiry on Broadband Deployment Impediments¹

Dear Ms. Dortch:

The U.S. Chamber of Commerce (“Chamber”) appreciates the opportunity to provide comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Inquiry (“NOI”) regarding impediments to broadband deployment. Eliminating barriers to *all* forms of connectivity technology whether they are wireline or wireless will be essential to improving the lives of all Americans and making the United States more competitive. The Chamber strongly supports the Commission’s efforts to identify and address barriers to broadband deployment, particularly as the Broadband Equity, Access, and Deployment (“BEAD”) program progresses. We offer our recommendations to ensure that broadband deployment is efficient, cost-effective, and capable of meeting the needs of all Americans.

I. State and Local Impediments to Broadband Deployment

State and local restrictions and requirements often present significant challenges to broadband deployment. These impediments take various forms, including:

- **Right-of-Way Access and Permitting Processes:** Slow, inefficient, and costly processes to gain access to rights-of-way and to obtain permits delay deployment and increase costs.
- **Construction Restrictions:** Arbitrary restrictions on construction activities hinder progress.

¹ See Notice of Inquiry—Build America: Eliminating Barriers to Wireline Deployments, WC Docket No. 25-253 (September 9, 2025) available at <https://docs.fcc.gov/public/attachments/DOC-414410A1.pdf>.

- **Unrelated Requirements:** State-imposed requirements unrelated to the proposed construction create unnecessary barriers.
- **Access to Municipal Poles:** Lack of reasonable and cost-efficient access to municipal poles limits deployment opportunities. Municipalities often deny access outright and even where allowed not always on a reasonable and cost-efficient basis.
- **Access to Private Easements:** Restrictions on accessing private easements further complicate deployment efforts.
- **Varying Fees Unrelated to Costs:** Permitting and rights-of-way access fees that are unrelated to costs of rights-of-way administration

The Commission should take decisive action to eliminate such barriers. Specifically, the FCC should preempt unreasonable fees and undue restrictions on right-of-way, pole, and easement access as well as arbitrary requirements and construction restrictions. The FCC should likewise prohibit any form of rate regulation or other utility-style regulations for broadband and other compatible services. These steps will ensure that deployment efforts are not unnecessarily delayed or burdened by excessive costs.

II. Addressing Infrastructure-Related Barriers

The FCC has a critical role to play in identifying and eliminating infrastructure-related impediments to broadband deployment. As the BEAD program is implemented, addressing these barriers will be essential to ensuring that projects meet their requirements and connect Americans to broadband quickly and efficiently. While seeking information through this NOI is a helpful first step, the Commission must act expeditiously to provide relief that will produce meaningful results for BEAD and other ongoing deployment efforts.

A. Leveraging Section 253 for Preemptive Actions

The Commission should use its authority under Section 253 of the Communications Act to preempt state and local actions that inhibit broadband deployment. Importantly, the FCC should re-affirm that Section 253's pro-deployment protections also apply to infrastructure that *is capable of* delivering both telecommunications and other services on a commingled basis. This interpretation aligns with the statute's plain text that "[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting *the ability of* any entity to provide any interstate or intrastate telecommunications

service”² as well as the intent to promote broadband deployment and ensure that Americans have access to high-speed internet.

B. Specific Recommendations

To address the barriers outlined above, the Commission should adopt the following measures:

1. **Shot Clocks for Right-of-Way Access and Permit Approvals:** The FCC should establish shot clocks requiring state and local authorities to approve or deny broadband-related requests for access to rights-of-way and any associated permits within a reasonable timeframe, similar to the shot clocks adopted in the 2018 Wireless Infrastructure Order³. Additionally, the Commission should require authorities to process batches of broadband-related franchise or permit applications for substantially similar projects by the same applicant or allow providers to follow an express process for substantially similar projects in adjacent areas after obtaining an initial franchise or permit.
2. **Prohibition of Unrelated Requirements:** The Commission should prohibit state and local authorities from imposing requirements through the franchising or permitting process that are unrelated to the requested construction, such as overbroad repaving requirements and other tangential in-kind requirements. This will ensure that deployment efforts are not hindered by extraneous and unnecessary conditions.
3. **Reasonable Fees:** The FCC should limit franchise and permitting fees to amounts no greater than the reasonable costs incurred by authorities in processing franchises/permits. Furthermore, the Commission should prohibit recurring fees, such as quarterly or annual fees, in connection with such franchises or permits.

III. Concerns About State and Local AI Regulation Impacting Broadband Deployment

The Chamber is increasingly concerned about the potential negative impacts of state and local artificial intelligence (AI) regulations on broadband deployment. State-level AI regulations often create a fragmented and inconsistent regulatory environment that increases compliance costs and delays deployment efforts. These

² 47 U.S.C. § 253(a) (emphasis added).

³ See e.g. 83 Fed. Reg. 19440 (May 3, 2018).

regulations can stifle innovation and deter investment in critical technologies, including AI-driven tools that are essential for modern broadband networks.

For example, state regulations may impose requirements that are duplicative or inconsistent with federal policies, creating significant compliance burdens for broadband providers. These challenges are compounded by the fact that both generative and agentic AI technologies, such as those used for network management and optimization, resiliency and troubleshooting, self-healing, and customer service, are critical to ensuring efficient and effective broadband deployment. A patchwork of state laws could limit the use of these technologies, hindering the ability of providers to deploy broadband infrastructure effectively. A consistent federal framework is essential to fostering innovation, reducing compliance burdens, and ensuring that broadband deployment efforts are not unnecessarily impeded.

In particular, the Chamber is concerned about the impact of sweeping or comprehensive AI laws having a negative impact on investment in cutting-edge technologies and broadband generally. One such example is SB-205 in Colorado, which was enacted into law in 2024 and will go into effect next year. The Common Sense Institute has estimated that the law in 2030 will cause the state to forgo \$5.5 billion in GDP on the technology development side and a loss of \$7 billion in economic output from the impact on deployers.⁴ AI, which promises to drive economic growth across the economy, particularly for smaller businesses, will require substantial investments in core infrastructure like data centers and resilient broadband networks.

A patchwork of state AI-specific regulations jeopardizes continued technology development and adoption. Laws such as Colorado's SB-205, as well as rate regulations or other utility-style regulations of broadband, will have a significant downstream impact on core infrastructure investment. For this reason, the FCC should preempt these types of sweeping laws and regulations because they frustrate the federal government's core objective to deploy advanced technology and robust connectivity for all Americans.

IV. Conclusion

The Chamber commends the Commission for its efforts to address barriers to broadband deployment and urges the FCC to implement the recommendations outlined above in a timely manner. By eliminating state and local impediments, leveraging Section 253, and adopting targeted reforms, the Commission can help

⁴ See Common Sense Institute, "Unintended Costs: The Economic Impact of Colorado's AI Policy" (August 20, 2025) available at <https://www.commonsenseinstituteus.org/colorado/research/jobs-and-our-economy/unintended-costs-the-economic-impact-of-colorados-ai-policy>.

ensure that broadband deployment efforts are successful and that all Americans have access not only to high-speed internet services, but also to advanced AI technologies.

We look forward to engaging with the Commission on this important initiative. Should you have any questions, please do not hesitate to contact jcrenshaw@uschamber.com.

Sincerely,

A handwritten signature in black ink that reads "Jordan Crenshaw". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jordan Crenshaw
Senior Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce