



June 3, 2025

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
45 L Street, NE  
Washington, D.C. 20054

**In the Matter of CTIA Petition for Rulemaking on the Commission's National Environmental Policy Act Rules (GN RM-12003).**

Dear Ms. Dortch:

The U.S. Chamber of Commerce (“Chamber”) appreciates the opportunity to submit ex parte comments to the Federal Communications Commission’s (“FCC” or “Commission”) on the petition for rulemaking (“Rulemaking Petition”) filed by to modify the Commission’s rules implementing the National Environmental Policy Act (“NEPA”).<sup>1</sup> The Rulemaking Petition seeks to streamline the Commission’s NEPA regulations to facilitate the deployment of wireless infrastructure. The Chamber supports streamlining of regulations to facilitate the efficient and timely deployment of communications infrastructure. Accordingly, the Chamber supports the Rulemaking Petition and believes the Commission should move to the next phase of the process.

The Chamber backs the goals of NEPA to better inform agency decision-making and the public about the potential environmental impacts of federal actions. A federal permitting system that is focused and aligned with these goals is needed for timely investment in new and more resilient infrastructure.<sup>2</sup> Accordingly, all infrastructure projects, including broadband, are often subject to endless delays and litigation. Unfortunately, the permitting process is hindered by numerous roadblocks, lack timely reviews, and repeated opportunities for project opponents seeking to end projects through costly delays. Consequently, these delaying tactics harm consumers and widens the digital divide by making it more costly for the private sector to dedicate capital to infrastructure projects.

---

<sup>1</sup> CTIA, Petition for Rulemaking, RM-12003 (Mar. 27, 2025) (“Rulemaking Petition”); see Public Notice, *Wireless Telecommunications Bureau Seeks Comment on CTIA Petition for Rulemaking*, DA 25-290 (rel. Mar. 31, 2025).

<sup>2</sup> Chamber of Com. of the U.S. et al., Comment Letter on the Interim Final Rule on the Removal of National Environmental Policy Act Implementing Regulations (Mar. 27, 2025), available at [https://www.uschamber.com/assets/documents/USChamber-Led-Coalition-NEPA-IFR-Comments-3\\_27\\_2025-002.pdf](https://www.uschamber.com/assets/documents/USChamber-Led-Coalition-NEPA-IFR-Comments-3_27_2025-002.pdf).

Moving forward with the Rulemaking Petition would further the Trump Administration's and Congress' goals to expedite investments in advanced infrastructure. With the passage of the Fiscal Responsibility Act of 2023 ("FRA"), Congress took several steps to update and streamline NEPA by explicitly narrowing the scope of "major federal actions" that would require a review.<sup>3</sup> Also, President Trump signed an Executive Order aimed at further improving the NEPA process. Among other things, the Executive Order directed agencies to revise their agency-specific NEPA rules and directed the Council on Environmental Quality ("CEQ") to propose rescinding CEQ's longstanding general NEPA regulations and to provide new guidance on implementing NEPA. In implementing the Executive Order, CEQ has already issued an important guidance memorandum to agencies and has published an Interim Final Rule that rescinds the previous CEQ regulations.<sup>4</sup>

Further supporting the Rulemaking Petition is the Supreme Court's recent decision holding that in preparing NEPA environmental impact analyses of proposed projects, agencies are not required to analyze the effects of "projects separate in time or place" from the project under review.<sup>5</sup> Our broken permitting system has long been a national embarrassment, delaying and sometimes blocking investment and economic development in everything from broadband to roads, bridges, energy systems, and other critical infrastructure. As the Court correctly recognized, NEPA is a "purely procedural" law, and was never intended to be weaponized as "a blunt and haphazard tool" against infrastructure and construction projects. Better permitting processes will benefit businesses and the public by ensuring timely upgrades to essential infrastructure. The Chamber supports the Rulemaking Petition's objective of enhancing deployment of wireless broadband networks. The Petition proposes that wireless facility deployments pursuant to a geographic area license that does not require antenna structure registration ("geographic area deployments") are explicitly not a major federal action under NEPA. Geographic area licenses are granted by the Commission for a wireless provider to utilize certain frequencies.<sup>6</sup> While the Commission is responsible for granting and overseeing a license, that responsibility alone should not make an ensuing geographic area deployment into a major federal action. The issuance of a license is not directly connected to the construction of a specific facility and the construction of physical infrastructure can occur over many years after the license is issued.<sup>7</sup> All of these considerations support the Rulemaking

---

<sup>3</sup> See Fiscal Responsibility Act of 2023, Pub. L. No. 118-5, § 321, 137 Stat. 10, 38-46 ("FRA") (codified at 42 U.S.C. §§ 4321-47).

<sup>4</sup> See Exec. Order No. 14154 (Jan. 20, 2025), 90 Fed. Reg. 8353, §§ 5-6(a) (Jan. 29, 2025); *see also* Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10610 (Feb. 25, 2025) ("CEQ Interim Final Rule"); CEQ, Memorandum for Heads of Federal Departments and Agencies, Implementation of NEPA (Feb. 19, 2025) ("Guidance Memorandum").

<sup>5</sup> *Seven County Infrastructure Coalition v. Eagle County*, No. 23-975 (May 29, 2025).

<sup>6</sup> Rulemaking Petition at 13.

<sup>7</sup> Rulemaking Petition at 16-17.

Petition's well-reasoned conclusion that geographic area deployments should not be considered a major federal action under NEPA.

The Rulemaking Petition also proposes that the Commission streamline NEPA review to ensure it remains consistent with the NEPA amendments passed as part of the FRA and recent Executive Branch actions. This includes considering reasonably foreseeable environmental effects, adopting a reasonableness standard in evaluating environmental assessments ("EAs"), meeting shot clock deadlines to complete environment reviews, and implementing other commonsense procedural updates.<sup>8</sup> The Chamber believes the Rulemaking Petition's proposed revisions will give consumers state of the art communications, by providing certainty to industry and will reduce the costs of broadband infrastructure deployment.

Finally, by modernizing the NEPA permitting process, including for EAs, the Commission will further an important public policy objective of closing the digital divide and providing universal service. EAs can take anywhere from three to six months and even a year to approve with EA preparation costs as high as \$60,000 per deployment.<sup>9</sup> NEPA permitting is of course only one aspect of the permitting process as wireless providers must also account for permitting rules of other federal agencies as well as state and local governments.

The Chamber supports the Commission's efforts to update the NEPA process for wireless broadband deployments to benefit consumers and keep America as the global communications leader through a streamlined permitting process that will drive better, more efficient decision-making. We look forward to working with the Commission to achieve this goal, as well as any others that promote efficient and timely deployment of communications infrastructure. For any questions, please reach out to [mfurlow@uschamber.com](mailto:mfurlow@uschamber.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Furlow', with a long horizontal line extending to the right.

Matt Furlow  
Senior Director and Policy Counsel  
U.S. Chamber of Commerce

---

<sup>8</sup> Rulemaking Petition at 22-28.

<sup>9</sup> Rulemaking Petition at 21.