

**Before the  
National Telecommunications and Information Administration  
Washington, D.C. 20230**

In the Matter of:  
NTIA Listening Session on the Use of BEAD Funds Saved Through the  
Trump Administration's Benefit of the Bargain Reforms

SUPPLEMENTAL SUBMISSION OF INCOMPAS  
Proposed Permitting Reform Mechanisms

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## **INTRODUCTION**

INCOMPAS appreciates the opportunity to provide supplemental information following our meeting with NTIA staff regarding the February 18, 2026, INCOMPAS submission on the BEAD Benefit of the Bargain (BoB) savings framework. In that filing, INCOMPAS documented how permitting delays, inconsistent local requirements, and other administrative barriers materially increase broadband deployment costs and threaten the timely and effective use of BEAD funding, undermining the program's core objective of closing the digital divide.

In response to NTIA staff's request for additional operational details, this supplemental filing highlights practical mechanisms that states can use to help reduce their own and local permitting barriers. These include model templates, coordination checklists, and intergovernmental tools designed to help state broadband offices achieve more predictable and efficient outcomes when working with local governments. INCOMPAS believes that states should have the flexibility to allocate funding to localities that commit to and effectively use such resources to implement transparent, timely, and cost-based permitting practices. These practices should align with and support federal policy goals and regulations. This targeted support will help ensure that participating localities actively promote deployment and follow fair and nondiscriminatory permitting procedures.

### **THE PROBLEM: State and Local Permitting Is Where Broadband Deployment Stalls**

Federal broadband permitting reforms have seen some progress, particularly for BEAD-funded projects, but state and municipal permitting remains the final obstacle, often causing delays and high costs for broadband projects. Inconsistent application requirements, manual and paper-based processes, unpredictable review timelines, and limited local staff capacity all add costs that no federal funding can fully cover.

The core challenge is that BEAD funding flows from NTIA to the states, while many bottlenecks slowing deployment occur at the local level, such as city halls, county offices, and right-of-way departments, which operate outside the direct influence of federal program requirements. BoB savings are a practical, underused resource that states can use not to replace local authority but to create the coordination structures needed to ensure state and local permitting happens quickly, transparently, predictably, and on an actual-cost basis. States can also design financial incentives to support local governments that take on the costs of modernizing their permitting systems, helping municipalities adopt practices aligned with federal expectations and better facilitate broadband deployment.

### **Legal and Practical Assessment of the Proposed Framework**

NTIA has clear statutory authority under the Infrastructure Investment and Jobs Act (IIJA) to condition the administration of BEAD subgrants on the state's compliance with program requirements. The tiered structure proposed here, along with mandatory state MOUs with the Permitting Council and voluntary municipal commitments, is incentivized through BoB fund prioritization and threads the needle between federal accountability and constitutional limits.

By using municipal commitments as the basis for BoB fund prioritization rather than baseline eligibility, states retain full flexibility in program design while offering meaningful incentives to localities to modernize their permitting processes.

In addition, the FAST-41 framework on which the MOUs are based is well established. These processes have been validated at the federal level and have led to measurable improvements in review timelines and interagency coordination. The MOUs with Alaska, Tennessee, and Idaho provide [ready-made state-level templates](#) that significantly ease implementation and enable states to adopt proven structures instead of starting from scratch. The framework also fully aligns with the Administration's AI Executive Order, which directs the use of BEAD levers to minimize friction in deploying broadband and AI infrastructure.

### **State Subgrantee Obligations Under Section 13(D)**

States receiving BEAD subgrants have clear obligations under Section 13(D) of the NTIA General Terms and Conditions for the BEAD Program (Updated November 2025), which directly influence the proposed permitting reform mechanisms. Section 13(D) mandates that subgrantees ensure BEAD-funded projects are deployed quickly and efficiently, without administrative processes that unnecessarily delay deployment. These obligations make states responsible not only for disbursing funds but also for actively managing the permitting environment in which their subgrantees operate.

The three-part framework below: state application completeness review, state-agency permitting reform, and municipal permitting modernization, illustrates what meaningful compliance with those obligations looks like in practice. Each component is designed to provide states with the tools and incentives to meet their Section 13(D) duties while maintaining local flexibility in program design and execution.

## **INCOMPAS'S PROPOSED STRUCTURE: STATE MOUs AND MUNICIPAL COMMITMENTS**

### **State Obligations: Application Completeness Review and Approval Timelines**

States must serve as active aggregators of broadband deployment applications, not passive conduits. As the BEAD subgrantees responsible for program compliance under Section 13(D), states are in the best position to ensure that applications are complete, that documentation requirements are met across all applicable federal and state standards, and that providers are not subjected to duplicative or inconsistent review processes across multiple permitting authorities.

Specifically, states should establish a structured completeness review process that includes the following elements:

- **Completeness and compliance review:** States must review each broadband provider application to confirm it is complete and that it demonstrates compliance with all

applicable federal and state requirements before routing the application to any downstream permitting authority.

- **Centralized aggregation:** States must serve as the central coordination point, consolidating documentation across agencies and ensuring that providers are not required to submit duplicative materials to multiple entities.
- **90-day approval or denial requirement:** States must approve or deny applications within 90 days of a completeness determination. Any denial must include a written explanation of deficiencies and a defined cure period, after which the application may be resubmitted without restarting the review clock.
- **Technology investment to support review:** To the extent practicable, states should invest BoB savings in technology infrastructure, including intake portals, document management systems, and automated completeness-check tools, to support efficient, consistent, and auditable application review. Investing in technology at this stage creates lasting benefits by reducing manual processing and speeding up future approvals.

#### What State MOUs Should Look Like

States should execute MOUs with the Permitting Council that incorporate best practices modeled on the FAST-41 program. Each MOU should include:

- **Designated lead agency for coordination and contact:** A single point of accountability within the state broadband office for permitting-related coordination.
- **Commitment to conduct concurrent reviews:** Conducting parallel review processes across state agencies instead of sequential ones to reduce overall timelines.
- **Public timetables:** Transparent, published schedules for permit review and decision milestones.
- **Defined roles and responsibilities:** Clear delineation of each party's obligations and decision-making authority.
- **Change-control procedures:** Clearly defined processes for managing scope changes or timeline adjustments without restarting reviews.

The [Alaska](#), [Tennessee](#), and [Idaho](#) MOUs entered into with the Permitting Council are ready-made templates. INCOMPAS recommends that the NTIA formally designate these as model instruments and make them available to all state broadband offices as part of the BEAD BoB guidance.

#### State-Agency Permitting Reform

Beyond their role as application aggregators, states must also address permitting bottlenecks within their own agencies. State departments of transportation, environmental and water resource agencies, public utility commissions, and other bodies with jurisdiction over rights-of-way and

infrastructure deployment, including railways, each represent independent permitting choke points that can delay BEAD-funded projects even after local approvals are secured.

States should take the following steps to address intra-state permitting friction:

- **Internal permitting audit:** States should conduct a systematic review of state-agency permitting processes affecting broadband deployment, with particular attention to Department of Transportation rights-of-way permitting, water, utility, and railroad crossing approvals, environmental review processes, and any other state-agency touchpoints that affect deployment timelines.
- **Intra-agency concurrent review protocols:** Modeled on the FAST-41 framework, states should establish coordination protocols ensuring that approvals from multiple state agencies run in parallel rather than sequentially, with a designated lead agency responsible for managing the consolidated review timeline.
- **90-day shot clock for state-agency permits:** The same 90-day approval standard applicable to application completeness review should apply to state-agency permits affecting BEAD-funded deployments, with clearly defined escalation procedures if deadlines are at risk.
- **State-agency capacity investment:** BoB savings may be used to fund staffing, training, and technology improvements within state agencies where resource constraints are contributing to permitting delays. Investment in shared data systems across state agencies, particularly GIS and rights-of-way management platforms, can reduce redundant processes and improve coordination across agency lines.

### **Municipal Permitting Modernization**

Municipalities are the frontline of permitting for most broadband deployment activity, and their ability to process applications efficiently directly impacts BEAD deployment timelines. States should design BoB fund eligibility criteria to encourage municipalities to modernize their permitting processes, with technology investment as a key component. Besides the operational commitments outlined below, states should promote municipalities to invest in online permitting management systems, digital workflow tools, and interoperability with state-level platforms so that modernization remains sustainable rather than temporary.

#### **What Municipal Commitment Should Look Like**

States should establish eligibility preferences for municipalities that commit to specific operational reforms. These commitments should stay voluntary and flexible, allowing municipalities to choose how to implement them based on local conditions and provider needs. Municipalities may use available resources, including technology investments, to support adopting these practices.

- **Shot Clocks and Completeness Checklists:** Municipalities should publish clear review deadlines and standardized application requirements to reduce uncertainty and avoid indefinite delays. States may prioritize support for jurisdictions that implement systems capable of consistently managing and tracking these commitments.
- **E-Permitting Portals:** States may provide shared e-permitting platforms for smaller and resource-constrained municipalities to standardize submissions and lessen administrative burdens. Municipalities participating in these platforms or acquiring compatible tools can use available funding to support implementation.
- **Open Data Dashboards:** Public dashboards showing permit status, timelines, and outcomes strengthen transparency and improve deployment planning. Municipalities may use eligible funds to procure or update tools necessary to report data reliably into state-level or shared dashboards. The [Federal Infrastructure Projects Permitting Dashboard](#) and Arizona’s Broadband Development Grant Program [Dashboard](#) and [website](#) serve as models for state-level adoption.
- **GIS-Based Utility Mapping:** Shared mapping and location-based data improve coordination and support dig-once strategies. States may offer incentives to municipalities that commit to participating in these efforts and need technology or data-management tools to do so effectively.
- **Additional Staff and Training:** BoB resources may support staffing and training to help permitting offices to handle the expected BEAD-related workload. Technology that helps these offices improve permitting practices might also be supported when connected to municipal commitments. This is especially important in rural and small-town municipalities, where permitting offices might be understaffed relative to expected BEAD deployment volumes.

## WHY THIS APPROACH WORKS

- Fully voluntary and incentive-based.
- Directly advances BoB’s concrete restructuring goals: lower costs, faster deployment, and efficient use of federal dollars.
- Consistent with the AI Executive Order’s directive to use BEAD levers to reduce permitting friction on broadband and AI infrastructure.
- Builds on FAST-41 principles that have demonstrated measurable improvements in coordination and transparency.

- Ensures municipalities have both flexibility and access to resources, including modern permitting tools, to implement best practices effectively.
- Grounded in Section 13(D) obligations that make state-level permitting stewardship a legal responsibility, not merely a policy preference.

### **Additional Actions NTIA Can Implement in Cooperation with the States**

Beyond the MOU and municipal commitment framework, NTIA should consider the following additional program mechanisms:

- **Local Permitting Coordination Plans:** NTIA may require states to include a Local Permitting Coordination Plan detailing key bottlenecks, priority municipalities, and proposed BoB-supported reforms. Plans may also identify necessary technology investments to support municipal participation.
- **Model Municipal Agreement Template:** NTIA could publish a voluntary model municipal agreement parallel to the state-level MOU, offering municipalities a clear and accessible entry point. The template may include optional language supporting the use of funds for technology that facilitates compliance with agreed-upon best practices.
- **National Permitting Performance Clearinghouse:** Building on the Federal Infrastructure Projects Permitting Dashboard, NTIA could establish a national clearinghouse that tracks permitting timelines and outcomes across BEAD-funded states. Municipalities contributing to this system may utilize eligible resources to support data submission and reporting.
- **BoB Savings Reporting Requirements:** NTIA could work with participating states to measure outcomes, including average permit timelines, municipal participation rates, and deployment enabled, and may incorporate reporting on technology or capacity investments supported through BoB funds.

### **CONCLUSION**

INCOMPAS values NTIA’s ongoing engagement with stakeholders on implementing the BEAD program efficiently. By encouraging states to adopt transparent permitting processes, fostering interagency coordination, and working collaboratively with local governments, NTIA can help ensure that BEAD funds are deployed quickly and effectively. Additionally, through an incentive-based approach, NTIA can empower municipalities to use BoB Savings for modernizing permitting infrastructure and building sufficient local capacity to support broadband deployment.

The three-part framework proposed here: state application completeness review with a 90-day approval requirement, state-agency permitting reform, and municipal permitting modernization,

provides NTIA with concrete, actionable mechanisms to enforce Section 13(D) obligations while preserving state and local flexibility.

INCOMPAS looks forward to continuing to work with NTIA and state broadband offices to identify practical solutions that reduce deployment barriers and accelerate broadband availability for unserved and underserved communities across the United States.

Respectfully submitted,

**INCOMPAS**

March 12, 2026

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