

**BEFORE THE  
Federal Communications Commission  
Washington, D.C.**

In the Matter of )  
 )  
CTIA Petition for Rulemaking ) RM-12003  
 )  
 )

Comments of

Thomas A. Schatz  
President  
Citizens Against Government Waste

April 29, 2025

Citizens Against Government Waste (CAGW) is a private, nonprofit, nonpartisan organization dedicated to educating the American public about waste, fraud, abuse, mismanagement, and inefficiency in government. On behalf of the more than 1 million members and supporters of CAGW, I offer the following comments regarding CTIA – The Wireless Association’s (CTIA) petition for the commission to update and streamline National Environmental Protection Agency (NEPA) rules to facilitate wireless broadband deployment.

Accepting the petition would be consistent with President Trump’s January 31, 2025, Executive Order (EO) 14192, Unleashing Prosperity Through Deregulation, and April 9, 2025, EO 14267, Reducing Anti-Competitive Regulatory Barriers.<sup>1</sup> By updating NEPA requirements, the FCC can reduce the regulatory burdens for permitting and streamline broadband deployment.

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<sup>1</sup> Executive Order 14192, January 31, 2025, “Unleashing Prosperity Through Deregulation,” <https://www.federalregister.gov/documents/2025/02/06/2025-02345/unleashing-prosperity-through-deregulation>; Executive Order 14267, “Reducing Anti-Competitive Regulatory Barriers,” April 9, 2025, <https://www.federalregister.gov/documents/2025/04/15/2025-06463/reducing-anti-competitive-regulatory-barriers>.

Outdated rules have long been a cause of delays in permitting for infrastructure improvements, especially broadband and wireless communications deployments. On January 13, 2023, CAGW responded to questions from Sen. John Thune (R-S.D.) regarding the Broadband Equity, Access, and Deployment (BEAD) program. The comments noted the adoption on September 26, 2018, of a Declaratory Ruling and Third Report and Order on accelerating wireless and wireline deployment that included exemptions from environmental impact and historic preservation reviews that had often imposed undue delays to deployment.<sup>2</sup> However, this ruling was vacated in part by the U.S. District Court of Appeals for the District of Columbia in *United Keetoowah Band of Cherokee Indians in Oklahoma, et al., v. the FCC* (No. 18-119).<sup>3</sup> CAGW recommended to Sen. Thune that “Congress review the impact of laws like the National Environment Protection Act and the National Historic Preservation Act on broadband deployment and where feasible, amend the laws so that the siting of new broadband infrastructure will not endanger sites of cultural or religious significance, while still promoting the public good.”<sup>4</sup>

Title III of the Fiscal Responsibility Act of 2023 limited the scope of a NEPA Environmental Impact Statement (EIS) to review “reasonably foreseeable environmental effects of a proposed agency action.” Alternatives included in the EIS must be technically and economically feasible. In addition, the Council of Environmental Quality (CEQ) was required to

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<sup>2</sup> Federal Communications Commission (FCC), “FCC Facilitates Wireless Infrastructure Deployment for 5G,” September 26, 2018, <https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g>.

<sup>3</sup> United States Court of Appeals for the District of Columbia Circuit, *United Keetoowah Band of Cherokee Indians in Oklahoma, Individually and on Behalf of All Other Native American Indian Tribes and Tribal Organizations, et al., v. the Federal Communications Commission and United States of America*, No. 18-1129, Decided August 9, 2019, [https://www.cadc.uscourts.gov/internet/opinions.nsf/4001BED4E8A6A29685258451005085C7/\\$file/18-1129-1801375.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/4001BED4E8A6A29685258451005085C7/$file/18-1129-1801375.pdf).

<sup>4</sup> CAGW, “CAGW Responds to Senator Thune on Broadband Funding,” January 13, 2023, <https://www.cagw.org/cagw-responds-to-sen-thunes-broadband-questions/>.

study and report on the potential for online and digital technologies to address delays in reviews and improve public accessibility and transparency related to NEPA requirements.<sup>5</sup>

On March 10, 2020, CAGW joined a coalition of organizations in a letter to the CEQ’s proposed update of the NEPA procedures. The final guidance issued by the CEQ should “spell out those implications, which add up to a clear rejection of NEPA’s use as a climate policy framework.”<sup>6</sup>

During a February 19, 2025, Senate Environment and Public Works Committee oversight hearing on Improving the Federal Environmental Review and Permitting Processes, Associated General Contractors of America General Counsel Liah Pilconis noted that, “delays and environmental approvals don’t just hold up projects, they cause workforce instability, drive up costs, and jeopardize investments in critical infrastructure. These delays also impact the communities that rely on these projects for jobs, economic growth, and modern safe infrastructure.”<sup>7</sup> Her testimony shows how NEPA reviews cause delays in infrastructure investments across many industries.

On February 25, 2025, the CEQ issued an interim final rule and request for comments, which would remove regulations implementing NEPA from the U.S. Code of Federal Regulations in response to EO 14154, Unleashing American Energy, which rescinded EO 11991.<sup>8</sup>

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<sup>5</sup> Fiscal Responsibility Act of 2023, Pub. L. No. 118-5 (H.R. 3746), June 3, 2023, <https://www.congress.gov/bill/118th-congress/house-bill/3746>.

<sup>6</sup> Coalition Letter regarding Docket ID No. CEQ-2019-0003-0001, “Update to the Regulations Implementing the Procedural Provision of the National Environmental Policy Act, Notice of Proposed Rulemaking,” Competitive Enterprise Institute, March 10, 2023, <https://cei.org/sites/default/files/Comments20SubmittedbyFreeMarket202020.pdf>.

<sup>7</sup> Senate Committee on Environment & Public Works, Hearing on Improving the Federal Environmental Review and Permitting Processes, February 19, 2025, <https://www.epw.senate.gov/public/index.cfm/hearings?ID=124ED6A8-CC4F-4798-B317-348208881E87&ref=broadbandbreakfast.com>.

<sup>8</sup> Council on Environmental Quality, Interim final rule; request for comments, “Removal of National Environmental Policy Act Implementing Regulations,” Docket Number CEQ-2025-0002, February 25, 2025, <https://www.federalregister.gov/documents/2025/02/25/2025-03014/removal-of-national-environmental-policy-act-implementing-regulations>.

CAGW urges the FCC to consider and accept CTIA's petition and ensure that the agency's regulations are consistent with the requirements of the Fiscal Responsibility Act of 2023, CEQ's action relative to NEPA requirements, and President Trump's executive orders streamlining permitting processes and further deregulating infrastructure investments. By doing so, the FCC will better align telecommunications permitting with other federal agencies and help to streamline permitting processes for all broadband and wireless deployments.