

Responses to Additional Questions for the Record
Hearing Entitled, "Closing the Digital Divide: Broadband Infrastructure Solutions."
Submitted by Scott Slesinger

The Honorable Yvette Clarke

1. I have learned by representing the 9111 Congressional District of New York and the Smart Cities Caucus that cities are eager to bring high-speed broadband and SG technology to their constituents. I am concerned, however, by the recent adversarial tone between industry and cities. I think it is wrong to characterize cities and industry as adversaries and not partners.
 - a. Can you all commit to helping reach a good faith consensus on how to bring high-speed broadband and SG technology to cities aiming to deploy smart technology for their constituents? What are your plans for this commitment and engagement?

RESPONSE: NRDC is not directly involved in deployment of broadband. Our issue is that for all major federal actions the public's right to comment and participate on the economic and environmental impacts should not be emasculated because some groups see only benefits to the proposed project. For instance, if a community has a plan for deployment that allows communications companies to avoid low income communities, it is possible that the National Environmental Policy Act is the only opportunity for adversely affected communities and individuals to comment on such decisions. This becomes a bigger problem as bills are introduced to preempt local governments from regulating deployment.

- b. Will you commit to working with my office to resolve some of these disputes, and find a path forward that works for all consumers, cities, and the industry?

RESPONSE: Yes

The Honorable Anna G. Eshoo

1. Many of the majority bills slash environmental regulations, preempt state and local governments, and limit federal oversight, all under the theory that at some point, there will be enough incentive provided for providers to build to areas where so far they have not. But the legislation provide no guarantees or requirements that providers will actually do so.
 - a. Is there any actual data out there to back up the false choice that relinquishing environmental protections or local autonomy is necessary or helpful to spur broadband deployment?

RESPONSE: We are not aware of such data. We find that many industries claim that their projects are being unnecessarily slowed by the environmental review and permitting process. However, in the vast majority of cases, NEPA is a scapegoat when the real problem is money. The Army Corps of Engineers has \$97 billion in projects that have

*cleared all environmental **reviews** but remain stuck because of a lack of funding.¹ Currently, the Corps' budget is \$5 billion a year. The problem clearly is money, not environmental reviews. A recent Treasury study looked at 40 projects to determine why they were delayed. In 39 of 40 projects, the main cause was lack of funding. The other cause of some delay was local opposition and local zoning.*

Testimony seems to indicate the major problem of broadband deployment, particularly in rural and poor areas, is the lack of high return for the broadband companies not the requirement to hear from the affected communities and citizens.

- b. What are some real guarantees these companies have to offer the American people, and would you support in legislative language, to ensure that consumers get something in return for everything these bills give away? What meaningful requirements should providers agree to in exchange for these favors?

RESPONSE: NRDC has no views on this.

¹ “However, according to the Corps, there is a current backlog of projects valued at \$96 billion (\$75 billion in project construction and \$21 billion for dam safety and operations and maintenance). In comparison, Corps funding between FY2004-FY2018 has only averaged just over \$5 billion (in nominal terms) annually” Republican staff memo for hearing on Infrastructure Delays: https://transportation.house.gov/uploadedfiles/2018-01-18_-_water_ssm_final.pdf