Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Modernizing the Commission's National Environmental Policy Act Rules	))))))	WT Docket No. 25-217

REPLY COMMENTS OF THE WIRELESS INFRASTRUCTURE ASSOCIATION

The Wireless Infrastructure Association ("WIA")[1] is pleased to submit these reply comments to highlight and respond to certain comments received in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking ("NPRM") to modernize its review process for communications deployments under the National Environmental Policy Act ("NEPA") and National Historic Preservation Act ("NHPA").[2] As recognized by numerous commenters, the policy and legal landscape for environmental and historic reviews has recently and significantly changed, supporting the Commission's initiation of this review.[3] Further as many commenters provide, the proposed changes would materially improve the deployment landscape by removing potentially onerous and lengthy delays from permitting reviews for needed communications infrastructure.[4] WIA also highlights that the

[1] The Wireless Infrastructure Association ("WIA") represents the businesses that build, develop, own, and operate the nation's wireless infrastructure. Members include infrastructure providers, wireless carriers, and professional services firms that are responsible for telecommunications facilities around the globe.

[2] *Modernizing the Commission's National Environmental Policy Act Rules*, Notice of Proposed Rulemaking, WT Docket No. 25-217, FED. COMMC'NS. COMM'S. (rel. Aug. 14, 2025) ["*NEPA NPRM*"].

[3] *See, e.g.*, Comments of CTIA, WT Docket No. 25-217 (Sept. 18, 2025); Comments of the Power & Communications Contractors Association (PCCA), WT Docket No. 25-217 (Sept. 18, 2025); Comments of T-Mobile, WT Docket No. 25-217 (Sept. 18, 2025); Comments of U.S. Chamber of Commerce, WT Docket No. 25-217 (Sept. 18, 2025); Comments of SBA Office of Advocacy, WT Docket No. 25-217 (Sept. 18, 2025).

[4] Comments of CTIA at 12-13 (discussing the delays caused by NEPA reviews), Comments of the Competitive Carriers Association (CCA), WT Docket No. 25-217 at 1 (Sept. 18, 2025) ("For CCA's members, many of whom

changes proposed in the NRPM would, importantly, streamline and improve the process for deployments still required to undergo these review processes—ensuring the Commission satisfies its obligations to consider environmental and historic impacts of major actions while right-sizing these reviews to comport with recent Congressional direction.[5]

WIA respectfully disagrees with the comments in the record that argue the Commission lacks the authority to adopt its proposed changes to either its NEPA or NHPA reviews.[6] Certainly the recent decision from the Supreme Court provides that agencies are to carefully contour its environmental reviews based on that agency's expertise to ensure they are not creating unnecessary obstacles to deployment, and that this contouring should be provided substantial deference in judicial review.[7] Similarly, if the Commission finds it does not have the requisite nexus of control over a project for it to qualify as a Major Federal Action ("MFA") it is likely also appropriate to determine that action is also not a "federal undertaking" for NHPA.[8]

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are small and rural providers, those burdens can make the difference between deploying new service and leaving communities unserved.").

[5] *Modernizing the Commission's National Environmental Policy Act Rules*, Notice of Proposed Rulemaking, WT Docket No. 25-217, at paras. 84-97, FED. COMMC'NS. COMM'S. (rel. Aug. 14, 2025) (providing changes to EA and EIS process). *See* Comments of WISPA- Association for Broadband Without Borders, WT Docket No. 25-217 at 14-16 (Sept. 18, 2025) (supporting proposed changes to projects still subject to the environmental review process).

[6] *See, e.g.*, Comments of Public Employees for Environmental Responsibility (PEER), WT Docket No. 25-217 (Sept. 18, 2025); Comments of State Attorneys General, WT Docket No. 25-217 (Sept. 18, 2025) (opposing the Commission's proposed change to its definition of MFA).

[7] *See Seven County Infrastructure Coal. v. Eagle County, CO*, 145 S. Ct. 1497 (2024). *See also* Comments of CTIA at 7-8 (providing background on recent Supreme Court guidance on NEPA reviews).

[8] *See* Comments of CTIA at 15-16 (citing *Sac and Fox Nation of Mo. v. Norton*, 240 F.3d 1250 (10th Cir. 2001); *Sugarloaf Citizens Ass'n v. FERC*, 959 F.2d 508, 515 (4th Cir. 1992) and *Ringsred v. City of Duluth*, 828 F.2d 1305, 1309 (8th Cir. 1987)).

Finally, some commenters suggest that the Commission use this proceeding to expand the scope of its environmental review and make it more difficult to deploy wireless infrastructure.[9] WIA strongly disagrees. This proceeding should not be derailed to add new barriers and delays to deploying this needed infrastructure—a proposition antithetical to the Commission's long history of encouraging deployment and bringing down the cost of broadband for consumers through smart infrastructure policy.

I. The Commission's Proposal Enjoys Broad Support from Organizations Working to Deploy Communications Networks.

There is broad consensus among the companies that are actively deploying communications networks, and the organizations that represent them, that the Commission should adopt its proposed reforms for NEPA and NHPA reviews.[10] While the Commission's siting reforms to date have been instrumental in ensuring the ubiquitous deployment of these networks across America, as we look to the next generation of communications systems—supporting more devices and more bandwidth-intensive applications—it is critical that the Commission remove and streamline remaining barriers to deployment. The Chairman put it well in his remarks announcing the "Build America" agenda: the FCC must do its part to unleash high-speed infrastructure builds to communities all across the country—including by modernizing the regulations that have been driving up costs and holding back deployments.[11] WIA believes the NPRM would do just that.

[9] *See generally*, Comments of PEER; Comments of Wired Broadband, Inc., WT Docket No. 25-217 (Sept. 18, 2025) (recommending the Commission expand its environmental review to include more far-removed impacts and increasing opportunities for public comment and complaints).

[10] *See* Comments of CTIA; Comments of PCCA; Comments of NATE, WT Docket No. 25-217 (Sept. 18, 2025); Comments of Electric Utilities Coalition, WT Docket No. 25-217 (Sept. 18, 2025).

[11] Brendan Carr, Chairman, FCC, Remarks on "A Build Agenda for America" (July 2, 2025), https://docs.fcc.gov/public/attachments/DOC-412663A1.pdf.

In response to the NPRM, the Commission received comments that reflect the views of infrastructure providers,[12] network providers,[13] electric utilities,[14] and the broader business ecosystems.[15] Among this diverse host of commenters is a common thread of support; the Commission should take this opportunity to right-size its environmental and historic reviews in order to expedite the deployment of communications networks. These comments all generally support the Commission's tentative conclusion that deployments pursuant to geographic area licenses, along with mixed licenses on neutral host infrastructure, are not MFAs which trigger NEPA where the facility does not require registration in the ASR system.[16] Commenters further support the proposed changes to Environmental Assessments ("EA") and Environmental Impact Statements ("EIS")—including proscribing page limits and timelines—consistent with Congressional guidance in the Fiscal Responsibility Act ("FRA").[17]

Commenters also offer several helpful recommendations that WIA supports the Commission considering in this rulemaking. For example, providing clarity that the new rules would apply to a structure that contains both geographic and site-based licenses or other colocated structures would ensure that industry and government both have the same expectations for the type

[12] Comments of NATE (representing businesses that build and maintain broadband infrastructure); Comments of PCCA (representing contractors, manufacturers, and suppliers who build and repair America's power and communication infrastructure).

[13] *See* Comments of CTIA, Comments of CCA, Comments of T-Mobile, Comments of WISPA (representing and providing wireless broadband services).

[14] *See* Comments of the Electric Utilities Coalition, WT Docket No. 25-217 (Sept. 18, 2025); Comments of Utilities Technology Council (UTC), WT Docket No. 25-217 (Sept. 18, 2025).

[15] *See* Comments of U.S. Chamber of Commerce; Comments of SBA Office of Advocacy.

[16] *See, e.g.*, Comments of CCA; Comments of NATE; Comments of PCCA; Comments of Electric Utilities Coalition (all supporting the NPRM's tentative conclusion that geographic area license deployments are not MFAs).

[17] Fiscal Responsibility Act of 2023, Pub. L. No. 118-5, 137 Stat. 10 (2023) (directing a review of rules for environmental and historic reviews of infrastructure) ["FRA"].

of review needed.[18] This recommendation is particularly relevant to WIA's members who provision neutral-host infrastructure. The neutral-host model has been a boon for communities and industry alike because it consolidates needed communications infrastructure into a single site that is less environmentally and visually impactful while freeing up capital for service providers to invest in their networks. The Commission's rules have generally supported this infrastructure model and any changes to its rules should maintain support for neutral-host deployments.

In addition to the stated support for reforms to the Commission's NEPA process, these commenters also generally support the proposed changes to NHPA, including exempting certain projects from the definition of federal undertaking where the Commission lacks the requisite control of the deployment.[19] Many commenters agree that, where a project would not qualify as an MFA under the updated rules, it should also not qualify as a federal undertaking triggering NHPA.[20] This realignment would ensure that the Commission's traditionally intermingled environmental and historic reviews are maintained in parity and not create disparate obligations for a particular deployment.

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[18] *See, e.g.*, Comments of CTIA at 20 (urging the Commission to find that facilities deployed to support geographic area licenses but will also support the use of spectrum under site-based licenses are not MFAs); Comments of WISPA at 10 (supporting CTIA's proposal that mixed-use wireless facilities should not be a MFA or federal undertaking). *See also id.* at 20 ("The same policy should apply to modifications to increase, strengthen, or harden the underlying tower or pole, and at the same time alter any geographic area or site-based antennas on the structure . . . ."); Comments of UTC (requesting the Commission clarify that colocations on existing utility structures do not qualify as MFAs).

[19] *See* Comments of CTIA at 15-19 (discussing reasons why the Commission should modify its NHPA procedures as part of this rulemaking); Comments of CCA at 4 (recommending the Commission harmonize NEPA and NHPA threshold triggers to ensure consistency); Comments of T-Mobile at 5 ("We therefore support the NPRM goals of updating the NEPA and NHPA rules to better align them with the law and reduce their complexity and the burdens they impose."); Comments of WISPA at 8 (agreeing with comments of CTIA that the Commission does not exercise the requisite control over certain deployments to qualify as an MFA or federal undertaking).

[20] Comments of CTIA at 6 ("If a project is not deemed a major federal action under NEPA due to minimal federal involvement, it likewise should not be treated as a "federal undertaking" for NHPA purposes."); Comments of CCA at 6 ("If a project is not deemed a major federal action under NEPA due to minimal federal involvement, it likewise should not be treated as a "federal undertaking" for NHPA purposes.").

II. The Commission Should Reject Calls to Expand its Environmental and Historic Reviews.

Despite the broad support from the entities that grapple with the Commission's rules every day to deploy communications networks, some commenters suggest the Commission use this rulemaking to expand the scope of required environmental and historic reviews.[21] WIA urges the Commission to reject these calls as they are beyond the scope of the NPRM and would add unnecessary delay and costs to proposed deployments, leaving Americans in a worse position to receive modern communications services—where services are deployed at all.[22]

The Commission has long sought to ensure permitting requirements are commensurate with the potential impact of the proposed deployments.[23] While the changes proposed in the NPRM are welcome improvements to the Commission's permitting procedures, it should, at a minimum, maintain the current level of review and obligation and not seek to expand their scope.

III. Conclusion.

WIA appreciates the Commission taking this fresh look at its rules and procedures for NEPA and NHPA reviews. Consistent with Chairman Carr's Build America Agenda, the NPRM proposes an effective framework that will ensure critical wireless deployments are not subject to

[21] *See, e.g.*, Comments of the Environmental Health Trust (EHT), WT Docket No. 25-217 (Sept. 18, 2025) at 3-5 (recommending strengthening compliance standards to include third-party verification, routine audits, and incorporating consideration of cumulative impacts from a variety of sources); Comments of PEER at 4 ("the FCC should strengthen its public participation rules, maintain actions it considers MFAs, consider more of its actions as NEPA-triggering MFAs, raise the bar for categorical exclusions determinations. . . .); Comments of Wired Broadband, Inc. at 2 (encouraging the Commission to mandate consideration of radiofrequency emissions on any plant, animal, or microbe as part of environmental reviews).

[22] *Accord* Comments of CCA at 1 ("For CCA's members, many of whom are small and rural providers, those burdens can make the difference between deploying new service and leaving communities unserved.").

[23] *See, e.g.*, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment,* Third Report and Order and Declaratory Ruling, 33 FCC Rcd. 7705 (2018) (streamlining review for certain small wireless deployments) ["Small Cell Order"]; *Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12865 (2014) (implementing Section 6409 of the 2012 Spectrum Act to improve siting for Eligible Facilities Requests).

unnecessary and burdensome reviews—a view supported by many commenters in the record. If adopted, the changes proposed in the NPRM will take an important step for the Commission in removing outdated and unnecessary rules. These changes will further spur key wireless network deployments, including densification, that will help deliver 5G—and soon 6G—services to all Americans. Building on the existing robust and effective permitting framework will allow the Commission to remove lingering barriers and ensure all Americans can quickly receive the benefits of mobile connectivity.

Respectfully submitted,

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