

United States Senate  
WASHINGTON, DC 20510-4105

December 13, 2022

The Honorable Lloyd J. Austin III  
Secretary  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, D.C. 20310

Dear Secretary Austin:

As you know, Congress has allocated billions of dollars to expand fixed and mobile broadband services. The deployment of these services can be unnecessarily burdensome and lengthy with multiple series of approvals. In an effort to boost the development and deployment of next-generation broadband services, I authored the MOBILE NOW Act, which was signed into law in 2018.

In MOBILE NOW, Congress instructed federal agencies, within 270 days of receiving an application, to grant or deny easements, rights-of-way, or leases on federal property to install, construct, modify, or maintain a communications facility installation.

With billions of dollars set to be disbursed to deploy broadband services, it is imperative that federal agencies do not hinder the deployment of this infrastructure. Therefore, I write today to seek additional information about the Department of Defense's implementation of MOBILE NOW. Please provide responses to the following questions no later than Friday, January 13, 2023:

- 1) Has the department adopted and been using the master common application for installing, constructing, modifying, or maintaining (i.e., siting) communications facilities on department property or the master contract for the same as called for by Section 606 of MOBILE NOW? If not, what is used in its place for applications or contracts for siting communications facilities on department property?
- 2) How many applications for siting did the department receive in FY20, FY21, and thus far in FY22?
- 3) How many master contracts for siting communications facilities on department property did the department execute in FY20, FY21, and thus far in FY22? How many such contracts are currently pending with the department?
- 4) What policies, whether formal or informal or written or unwritten, does the department follow for accepting an application for siting?

- 5) What instructions does the department publish for the public on the application and the procedures for submitting applications? How does the department make the public aware of the applications and the procedures for submitting applications? What information does the department make publicly available about the application and procedures for submitting applications?
- 6) Does the department have a single point of contact for gathering application information, requesting an application, or for submitting applications?
- 7) How does the department process applications? Does the department receive digital applications, i.e., using electronic systems? Does the department use electronic systems to process, record, or otherwise manage applications? Does the department process applications in parallel or sequentially?
- 8) Does the department impose conditions on the submission of an application in order to deem it as “received” to begin counting the 270-day processing period set forth in Section 606? When does the department interpret an application as “duly filed” under Section 606 and for what reasons might the department consider an application not “duly filed?”
- 9) When does the department begin counting days for the 270-day processing period for applications set forth in Section 606? Please list all the reasons the department might not start counting the 270-day processing period immediately upon receiving an application. What was the average number of days for the department to begin counting days for the 270-day processing period from the day upon which an applicant delivered its initial application for a site to the department in FY20, FY21, and thus far in FY22.
- 10) How many and what percentage of siting applications received by the department in FY20, FY21, and thus far in FY22 were processed within 270 days of the department receiving the application as imposed by Section 606?
- 11) What was the average number of days for the department to process siting applications in FY20, FY21, and thus far in FY22.
- 12) For any siting applications that were not processed within 270 days, what were the reasons for the delays?
- 13) Does the department impose conditions or requirements when negotiating a siting contract before negotiating and processing a siting contract, including but not limited to any not expressly set forth in the master contract, spectrum utilization studies, or other reviews or clearances? If so, please describe all potential conditions or requirements the department has required an applicant to satisfy before executing a siting contract.
- 14) Are resource or staffing constraints of the department a cause for delays with processing siting applications and contracts?

- 15) Do communications siting applications or any other permit applications received by the department receive priority for processing over others? If so, which take priority and why? How does the department prioritize applications that it receives?
- 16) How has the department been implementing the fee provisions of Section 606 of MOBILE NOW, including the fee waiver process?
- 17) How are you ensuring that the fees under Section 606 are cost based?
- 18) How many fee waiver requests have you received and how many have been granted?

Thank you for your attention to this important issue. I look forward to learning what progress has been made and your input regarding any additional actions that may be necessary to promote the deployment of broadband infrastructure.

Sincerely,

A handwritten signature in blue ink that reads "John Thune". The signature is fluid and cursive, with the first name "John" and the last name "Thune" clearly distinguishable.

JOHN THUNE  
United States Senator