

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY _____**

At the end of subtitle D, add the following new chapter:

1 CHAPTER 4—OTHER MATTER

2 SEC. 3331. REQUEST FOR NEW FRANCHISE.

3 Section 621 of the Communications Act of 1934 (47
4 U.S.C. 541) is amended by adding at the end the fol-
5 lowing:

6 “(g) TIMING OF DECISION ON REQUEST FOR FRAN-
7 CHISE.—

8 “(1) IN GENERAL.—Not later than 120 days
9 after the date on which a franchising authority re-
10 ceives a complete request for the grant of a fran-
11 chise (other than a renewal thereof), the franchising
12 authority shall approve or deny such request.

13 “(2) DEEMED GRANT OF NEW FRANCHISE.—If
14 the franchising authority does not approve or deny
15 a request under paragraph (1) by the day after the
16 date on which the time period ends under such para-
17 graph, such request shall be deemed granted on such
18 day.

1 “(3) APPLICABILITY.—Notwithstanding any
2 provision of this title, the timeframe under para-
3 graph (1) shall apply collectively to all proceedings
4 required by a franchising authority for the approval
5 of the request.

6 “(4) NO TOLLING.—A timeframe under para-
7 graph (1) may not be tolled by any moratorium,
8 whether express or de facto, imposed by a fran-
9 chising authority on the consideration of any request
10 for a franchise.

11 “(5) WRITTEN DECISION AND RECORD.—Any
12 decision by a franchising authority to deny a com-
13 plete request for a franchise shall be—

14 “(A) in writing;

15 “(B) supported by substantial evidence
16 contained in a written record; and

17 “(C) publicly released, contemporaneously
18 with the decision.

19 “(6) WHEN REQUEST CONSIDERED COMPLETE;
20 RECEIVED.—

21 “(A) WHEN REQUEST CONSIDERED COM-
22 PLETE.—

23 “(i) IN GENERAL.—For the purposes
24 of this subsection, a request to a fran-
25 chising authority shall be considered com-

1 plete if the requesting party has not re-
2 ceived a written notice from the fran-
3 chising authority within 10 business days
4 after the date on which the request is re-
5 ceived by the franchising authority—

6 “(I) stating that all the informa-
7 tion (including any form or other doc-
8 ument) required by the franchising
9 authority to be submitted for the re-
10 quest to be considered complete has
11 not been submitted; and

12 “(II) identifying the information
13 required to be submitted that was not
14 submitted.

15 “(ii) DEFINITION.—In this paragraph,
16 the term ‘received by the franchising au-
17 thority’ means—

18 “(I) in the case of a request sub-
19 mitted electronically, on the date on
20 which the request is transmitted;

21 “(II) in the case of a request
22 submitted in person, on the date on
23 which the request is delivered to the
24 individual or at the location specified

1 by franchising authority for in-person
2 submission; and

3 “(III) in the case of a request
4 submitted in any other manner, on
5 the date determined under regulations
6 promulgated by the Commission for
7 the manner in which the request is
8 submitted.

9 “(B) WHEN COMPLETE REQUEST CONSID-
10 ERED RECEIVED.—For the purposes of this
11 subsection, a complete request shall be consid-
12 ered received on the date on which the request-
13 ing party submits to the franchising authority
14 all information (including any form or other
15 document) required by the franchising authority
16 to be submitted for the request to be considered
17 complete.”.

