

**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. CABLE FRANCHISE TERM AND TERMINATION.

3 (a) IN GENERAL.—Section 626 of the Communica-
4 tions Act of 1934 (47 U.S.C. 546) is amended to read
5 as follows:

6 “SEC. 626. FRANCHISE TERM AND TERMINATION.

7 “(a) FRANCHISE TERM.—A franchise shall continue
8 in effect (without any requirement for renewal) until the
9 date on which the franchise is revoked or terminated in
10 accordance with subsection (b).

11 “(b) LIMITS.—

12 “(1) PROHIBITION AGAINST REVOCATION; TER-
13 MINATION.—Except as provided in paragraph (2), a
14 franchise may not be—

15 “(A) revoked by a franchising authority;

16 “(B) terminated by a cable operator; or

17 “(C) revoked or terminated by operation of
18 law, including by a term in a franchise that re-

1 vokes or terminates such franchise on a specific
2 date, after a period of time, or upon the occur-
3 rence of an event.

4 “(2) WHEN TERMINATION OR REVOCATION OF
5 FRANCHISE PERMITTED.—

6 “(A) TERMINATION BY CABLE OPER-
7 ATOR.—

8 “(i) IN GENERAL.—A cable operator
9 may terminate a franchise by submitting
10 to the franchising authority a written re-
11 quest for the franchising authority to re-
12 voke such franchise.

13 “(ii) TIME OF REVOCATION.—If the
14 cable operator submits a complete request
15 under clause (i), the franchising authority
16 shall revoke the franchise on the date that
17 is 90 days after the franchising authority
18 receives such request.

19 “(iii) DEEMED TO BE REVOKED.—If a
20 franchising authority does not approve a
21 request by the date required under clause
22 (ii), the franchise is deemed revoked on the
23 day after such date.

1 “(B) TERMINATION BY FRANCHISING AU-
2 THORITY.—A franchising authority may revoke
3 a franchise if the franchising authority—

4 “(i) finds that the cable operator has
5 knowingly and willfully failed to substan-
6 tially meet a material requirement imposed
7 by the franchise;

8 “(ii) provides the cable operator a rea-
9 sonable opportunity to cure such failure,
10 after which the cable operator fails to cure
11 such failure; and

12 “(iii) does not waive the material re-
13 quirement or acquiesce with the failure to
14 substantially meet such requirement.

15 “(C) WHEN REQUEST CONSIDERED COM-
16 PLETE; RECEIVED.—

17 “(i) WHEN REQUEST CONSIDERED
18 COMPLETE.—

19 “(I) IN GENERAL.—For the pur-
20 poses of this paragraph, a request to
21 a franchising authority shall be con-
22 sidered complete if the cable operator
23 has not received a written notice from
24 the franchising authority within 10
25 business days after the date on which

1 the request is received by the fran-
2 chising authority—

3 “(aa) stating that all the in-
4 formation (including any form or
5 other document) required by the
6 franchising authority to be sub-
7 mitted for the request to be con-
8 sidered complete has not been
9 submitted; and

10 “(bb) identifying the infor-
11 mation required to be submitted
12 that was not submitted.

13 “(II) DEFINITION.—In this
14 clause, the term ‘received by the fran-
15 chising authority’ means—

16 “(aa) in the case of a re-
17 quest submitted electronically, on
18 the date on which the request is
19 transmitted;

20 “(bb) in the case of a re-
21 quest submitted in person, on the
22 date on which the request is de-
23 livered to the individual or at the
24 location specified by the fran-

1 chising authority for in-person
2 submission; and

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

10 “(ii) WHEN COMPLETE REQUEST CON-
11 SIDERED RECEIVED.—For the purposes of
12 this paragraph, a complete request shall be
13 considered received on the date on which
14 the cable operator submits to the fran-
15 chising authority all information (including
16 any form or other document) required by
17 the franchising authority to be submitted
18 for the request to be considered complete.

19 “(c) REVIEW BY COMMISSION.—

20 “(1) PETITION.—A cable operator may petition
21 the Commission for review of a determination by a
22 franchising authority to revoke a franchise under
23 subsection (b)(2)(B).

24 “(2) REVIEW.—The Commission shall review
25 the determination de novo.

1 “(3) ORDER.—If, based on the evidence pre-
2 sented during the review, the Commission deter-
3 mines that the franchising authority has not dem-
4 onstrated by a preponderance of the evidence that
5 the franchising authority revoked the franchise in
6 accordance with subsection (b)(2)(B), the Commis-
7 sion shall order the franchising authority to rein-
8 state the franchise.”.

9 (b) **ELIMINATION OR MODIFICATION OF REQUIRE-**
10 **MENT IN FRANCHISE.**—Section 625 of the Communica-
11 tions Act of 1934 (47 U.S.C. 545) is amended to read
12 as follows:

13 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**
14 **MENT IN FRANCHISE.**

15 “(a) **IN GENERAL.**—During the period in which a
16 franchise is in effect, the cable operator may obtain the
17 elimination or modification of any requirement in the fran-
18 chise by submitting to the franchising authority a request
19 for the elimination or modification of such requirement.

20 “(b) **ELIMINATION OR MODIFICATION OF REQUIRE-**
21 **MENT IN FRANCHISE.**—The franchising authority shall
22 eliminate or modify a requirement in accordance with a
23 complete request submitted under subsection (a) not later
24 than 120 days after receiving such request if the cable
25 operator demonstrates in the request—

1 “(1) good cause for the elimination or modifica-
2 tion of the requirement; and

3 “(2) that the mix, quality, and level of services
4 required by the franchise at the time the franchise
5 was granted will be maintained after the elimination
6 or modification of the requirement.

7 “(c) DEEMED ELIMINATION OR MODIFICATION.—
8 Except in the case of a request for the elimination or
9 modification of a requirement for services relating to pub-
10 lic, educational, or governmental access, if the franchising
11 authority fails to approve or deny the complete request
12 submitted under subsection (a) by the date described
13 under subsection (b), the requirement shall be deemed
14 eliminated or modified in accordance with the request on
15 the day after such date.

16 “(d) APPEAL.—

17 “(1) IN GENERAL.—Any cable operator whose
18 request for elimination or modification of a require-
19 ment in a franchise under subsection (a) has been
20 denied by a final decision of a franchising authority
21 may obtain the elimination or modification of such
22 franchise requirements pursuant to the provisions of
23 section 635.

24 “(2) GRANT OF REQUEST.—In the case of any
25 proposed elimination or modification of a require-

1 ment in a franchise under subsection (a), the court
2 shall grant such elimination or modification only if
3 the cable operator demonstrates to the court—

4 “(A) good cause for the elimination or
5 modification of the requirement; and

6 “(B) that the mix, quality, and level of
7 services required by the franchise at the time
8 the franchise was granted will be maintained
9 after the elimination or modification of the re-
10 quirement.

11 “(e) WHEN REQUEST CONSIDERED COMPLETE; RE-
12 CEIVED.—

13 “(1) WHEN REQUEST CONSIDERED COM-
14 plete.—

15 “(A) IN GENERAL.—For the purposes of
16 this section, a request to a franchising author-
17 ity shall be considered complete if the cable op-
18 erator has not received a written notice from
19 the franchising authority within 10 business
20 days after the date on which the request is re-
21 ceived by the franchising authority—

22 “(i) stating that all the information
23 (including any form or other document) re-
24 quired by the franchising authority to be

1 submitted for the request to be considered
2 complete has not been submitted; and

3 “(ii) identifying the information re-
4 quired to be submitted that was not sub-
5 mitted.

6 “(B) DEFINITION.—In this paragraph, the
7 term ‘received by the franchising authority’
8 means—

9 “(i) in the case of a request submitted
10 electronically, on the date on which the re-
11 quest is transmitted;

12 “(ii) in the case of a request sub-
13 mitted in person, on the date on which the
14 request is delivered to the individual or at
15 the location specified by the franchising
16 authority for in-person submission; and

17 “(iii) in the case of a request sub-
18 mitted in any other manner, on the date
19 determined under regulations promulgated
20 by the Commission for the manner in
21 which the request is submitted.

22 “(2) WHEN COMPLETE REQUEST CONSIDERED
23 RECEIVED.—For the purposes of this section, a com-
24 plete request shall be considered received on the date
25 on which the cable operator submits to the fran-

1 chising authority all information (including any form
2 or other document) required by the franchising au-
3 thority to be submitted for the request to be consid-
4 ered complete.”.

5 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
6 The Communications Act of 1934 (47 U.S.C. 151 et seq.)
7 is amended—

8 (1) in section 601—

9 (A) in paragraph (4), by striking the semi-
10 colon at the end and inserting “; and”;

11 (B) by striking paragraph (5); and

12 (C) by redesignating paragraph (6) as
13 paragraph (5);

14 (2) in section 602(9)—

15 (A) by striking “initial”; and

16 (B) by striking “, or renewal thereof (in-
17 cluding a renewal of an authorization which has
18 been granted subject to section 626),”;

19 (3) in section 611(b), by striking “and may re-
20 quire as part of a cable operator’s proposal for a
21 franchise renewal, subject to section 626”;

22 (4) in section 612(b)(3)—

23 (A) by striking “or as part of a proposal
24 for renewal, subject to section 626,”; and

1 (B) by striking “, or proposal for renewal
2 thereof,”;

3 (5) in section 621(b)(3)—

4 (A) in subparagraph (C)(ii), by striking
5 “or franchise renewal”; and

6 (B) in subparagraph (D)—

7 (i) by striking “initial”; and

8 (ii) by striking “, a franchise re-
9 newal,”;

10 (6) in section 624—

11 (A) in subsection (b)(1), by striking “(in-
12 cluding requests for renewal proposals, subject
13 to section 626)”;

14 (B) in subsection (d)(1), by striking “or
15 renewal thereof”;

16 (7) in section 627—

17 (A) by striking subsection (a);

18 (B) in subsection (b), by inserting “, as de-
19 scribed in section 626(b)(2)(B),” after “for
20 cause”;

21 (C) by striking “(b) If” and inserting “If”;

22 and

23 (8) in section 635A(a), by striking “renewal,”.

24 (d) EFFECTIVE DATE; APPLICATION.—

1 (1) EFFECTIVE DATE.—This section, and the
2 amendments made by this section, shall take effect
3 6 months after the date of the enactment of this
4 Act.

5 (2) APPLICATION.—This section, and the
6 amendments made by this section, shall apply to a
7 franchise granted—

8 (A) on or after the effective date estab-
9 lished by paragraph (1); or

10 (B) before such date, if such franchise (in-
11 cluding, notwithstanding the amendment made
12 by subsection (c)(2)(B), any renewal thereof) is
13 in effect on such date.

