

**AMENDMENT TO SUBTITLE L**  
**OFFERED BY \_\_\_\_\_**

Add at the end the following:

1 **SEC. 3\_\_\_. REQUEST REGARDING PLACEMENT, CONSTRUC-**  
2 **TION, OR MODIFICATION OF CERTAIN FACILI-**  
3 **TIES.**

4 Section 624 of the Communications Act of 1934 (47  
5 U.S.C. 544) is amended by adding at the end the fol-  
6 lowing:

7 “(j) REQUEST REGARDING PLACEMENT, CONSTRUC-  
8 TION, OR MODIFICATION OF CERTAIN FACILITIES.—

9 “(1) NO AFFECT ON AUTHORITY OF FRAN-  
10 CHISING AUTHORITY.—Except as provided in para-  
11 graph (2), and notwithstanding any other provision  
12 of this section, nothing in this title shall limit or af-  
13 fect the authority of a franchising authority over de-  
14 cisions regarding the placement, construction, and  
15 modification of a covered facility within the jurisdic-  
16 tion of such franchising authority.

17 “(2) LIMITATIONS.—

18 “(A) ABILITY TO PROVIDE OR ENHANCE  
19 CABLE SERVICE.—The regulation of the place-  
20 ment, construction, or modification of a covered

1 facility by a franchising authority shall not pro-  
2 hibit or have the effect of prohibiting the ability  
3 of a cable operator to provide cable service, or  
4 enhance cable service provided, under a fran-  
5 chise granted by such franchising authority.

6 “(B) TIMING OF DECISIONS ON REQUESTS  
7 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,  
8 OR MODIFY FACILITY.—

9 “(i) REQUEST FOR AUTHORIZATION  
10 TO PLACE, CONSTRUCT, OR MODIFY FACIL-  
11 ITY.—

12 “(I) TIMEFRAME.—A franchising  
13 authority shall approve or deny a  
14 complete request for authorization to  
15 place, construct, or modify a covered  
16 facility not later than—

17 “(aa) if the request is for  
18 authorization to place, construct,  
19 or modify a covered facility in or  
20 on an eligible support infrastruc-  
21 ture, 90 days after the date on  
22 which the franchising authority  
23 receives the request; and

24 “(bb) if the request is not  
25 for authorization to place, con-

1                   struct modify a covered facility in  
2                   or on an eligible support infra-  
3                   structure, 150 days after the  
4                   date on which franchising author-  
5                   ity receives the request.

6                   “(II) APPLICABILITY.—Notwith-  
7                   standing any provision of this title,  
8                   the applicable timeframe under sub-  
9                   paragraph (A) shall apply collectively  
10                  to all proceedings required by a fran-  
11                  chising authority for the approval of  
12                  the request.

13                  “(III) NO TOLLING.—A time-  
14                  frame under subparagraph (A) may  
15                  not be tolled by any moratorium,  
16                  whether express or de facto, imposed  
17                  by a franchising authority on the con-  
18                  sideration of any request for author-  
19                  ization to place, construct, or modify  
20                  a facility for the provision of cable  
21                  service.

22                  “(IV) WRITTEN DECISION AND  
23                  RECORD.—Any decision by a fran-  
24                  chising authority to deny a complete  
25                  request for authorization to place,

1 construct, or modify a covered facility  
2 shall be—

3 “(aa) in writing;

4 “(bb) supported by substan-  
5 tial evidence contained in a writ-  
6 ten record; and

7 “(cc) publicly released, con-  
8 temporaneously with the decision.

9 “(C) WHEN REQUEST CONSIDERED COM-  
10 PLETE; RECEIVED.—

11 “(i) WHEN REQUEST CONSIDERED  
12 COMPLETE.—

13 “(I) IN GENERAL.—For the pur-  
14 poses of this subparagraph (B), a re-  
15 quest to a franchising authority shall  
16 be considered complete if the request-  
17 ing party has not received a written  
18 notice from the franchising authority  
19 within 10 business days after the date  
20 on which the request is received by  
21 the franchising authority—

22 “(aa) stating that all the in-  
23 formation (including any form or  
24 other document) required by the  
25 franchising authority to be sub-

1                   mitted for the request to be con-  
2                   sidered complete has not been  
3                   submitted; and

4                   “(bb) identifying the infor-  
5                   mation required to be submitted  
6                   that was not submitted.

7                   “(II) DEFINITION.—In this  
8                   clause, the term ‘received by the fran-  
9                   chising authority’ means—

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

14                   “(bb) in the case of a re-  
15                   quest submitted in person, on the  
16                   date on which the request is de-  
17                   livered to the individual or at the  
18                   location specified by the fran-  
19                   chising authority for in-person  
20                   submission; and

21                   “(cc) in the case of a re-  
22                   quest submitted in any other  
23                   manner, on the date determined  
24                   under regulations promulgated by  
25                   the Commission for the manner

1 in which the request is sub-  
2 mitted.

3 “(ii) WHEN COMPLETE REQUEST CON-  
4 SIDERED RECEIVED.—For the purposes of  
5 subparagraph (B), a complete request shall  
6 be considered received on the date on  
7 which the requesting party submits to the  
8 franchising authority all information (in-  
9 cluding any form or other document) re-  
10 quired by the franchising authority to be  
11 submitted for the request to be considered  
12 complete.

13 “(D) DEFINITIONS.—In this subsection:

14 “(i) ELIGIBLE SUPPORT INFRASTRUC-  
15 TURE.—The term ‘eligible support infra-  
16 structure’ means infrastructure that sup-  
17 ports or houses a facility for communica-  
18 tion by wire (or is designed to and capable  
19 of supporting or housing such facility) at  
20 the time when a complete request to a  
21 franchising authority for authorization to  
22 place, construct, or modify a covered facil-  
23 ity in or on the infrastructure is received  
24 by the franchising authority.

1                   “(ii) COVERED FACILITY.—The term  
2                   ‘covered facility’ means a facility—  
3                   “(I) for the provision of cable  
4                   service; and  
5                   “(II) that serves subscribers  
6                   using an easement or public right-of-  
7                   way.”.

