

AMENDMENT TO SUBTITLE L

OFFERED BY _____

Add at the end the following:

1 **SEC. 3___. CABLE FRANCHISE TERM AND TERMINATION.**

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

5 **“SEC. 626. FRANCHISE TERM AND TERMINATION.**

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

10 “(b) LIMITS.—

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

14 “(A) revoked by a franchising authority;

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

16 “(C) revoked or terminated by operation of
17 law, including by a term in a franchise that re-
18 vokes or terminates such franchise on a specific
19 date, after a period of time, or upon the occur-
20 rence of an event.

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

3 “(A) TERMINATION BY CABLE OPER-
4 ATOR.—

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

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

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

21 “(B) TERMINATION BY FRANCHISING AU-
22 THORITY.—A franchising authority may revoke
23 a franchise if the franchising authority—

24 “(i) finds that the cable operator has
25 knowingly and willfully failed to substan-

1 tially meet a material requirement imposed
2 by the franchise;

3 “(ii) provides the cable operator a rea-
4 sonable opportunity to cure such failure,
5 after which the cable operator fails to cure
6 such failure; and

7 “(iii) does not waive the material re-
8 quirement or acquiesce with the failure to
9 substantially meet such requirement.

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

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

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

23 “(aa) stating that all the in-
24 formation (including any form or
25 other document) required by the

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

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

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

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

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

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

1 the Commission for the manner
2 in which the request is sub-
3 mitted.

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

13 “(c) REVIEW BY COMMISSION.—

14 “(1) PETITION.—A cable operator may petition
15 the Commission for review of a determination by a
16 franchising authority to revoke a franchise under
17 subsection (b)(2)(B).

18 “(2) REVIEW.—The Commission shall review
19 the determination de novo.

20 “(3) ORDER.—If, based on the evidence pre-
21 sented during the review, the Commission deter-
22 mines that the franchising authority has not dem-
23 onstrated by a preponderance of the evidence that
24 the franchising authority revoked the franchise in
25 accordance with subsection (b)(2)(B), the Commis-

1 sion shall order the franchising authority to rein-
2 state the franchise.”.

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

7 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**
8 **MENT IN FRANCHISE.**

9 “(a) **IN GENERAL.**—During the period in which a
10 franchise is in effect, the cable operator may obtain the
11 elimination or modification of any requirement in the fran-
12 chise by submitting to the franchising authority a request
13 for the elimination or modification of such requirement.

14 “(b) **ELIMINATION OR MODIFICATION OF REQUIRE-**
15 **MENT IN FRANCHISE.**—The franchising authority shall
16 eliminate or modify a requirement in accordance with a
17 complete request submitted under subsection (a) not later
18 than 120 days after receiving such request if the cable
19 operator demonstrates in the request—

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

22 “(2) that the mix, quality, and level of services
23 required by the franchise at the time the franchise
24 was granted will be maintained after the elimination
25 or modification of the requirement.

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

10 “(d) APPEAL.—

11 “(1) IN GENERAL.—Any cable operator whose
12 request for elimination or modification of a require-
13 ment in a franchise under subsection (a) has been
14 denied by a final decision of a franchising authority
15 may obtain the elimination or modification of such
16 franchise requirements pursuant to the provisions of
17 section 635.

18 “(2) GRANT OF REQUEST.—In the case of any
19 proposed elimination or modification of a require-
20 ment in a franchise under subsection (a), the court
21 shall grant such elimination or modification only if
22 the cable operator demonstrates to the court—

23 “(A) good cause for the elimination or
24 modification of the requirement; and

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

6 “(e) WHEN REQUEST CONSIDERED COMPLETE; RE-
7 CEIVED.—

8 “(1) WHEN REQUEST CONSIDERED COM-
9 plete.—

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

17 “(i) stating that all the information
18 (including any form or other document) re-
19 quired by the franchising authority to be
20 submitted for the request to be considered
21 complete has not been submitted; and

22 “(ii) identifying the information re-
23 quired to be submitted that was not sub-
24 mitted.

1 “(B) DEFINITION.—In this paragraph, the
2 term ‘received by the franchising authority’
3 means—

4 “(i) in the case of a request submitted
5 electronically, on the date on which the re-
6 quest is transmitted;

7 “(ii) in the case of a request sub-
8 mitted in person, on the date on which the
9 request is delivered to the individual or at
10 the location specified by the franchising
11 authority for in-person submission; and

12 “(iii) in the case of a request sub-
13 mitted in any other manner, on the date
14 determined under regulations promulgated
15 by the Commission for the manner in
16 which the request is submitted.

17 “(2) WHEN COMPLETE REQUEST CONSIDERED
18 RECEIVED.—For the purposes of this section, a com-
19 plete request shall be considered received on the date
20 on which the cable operator submits to the fran-
21 chising authority all information (including any form
22 or other document) required by the franchising au-
23 thority to be submitted for the request to be consid-
24 ered complete.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

2 The Communications Act of 1934 (47 U.S.C. 151 et seq.)

3 is amended—

4 (1) in section 601—

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

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

8 (C) by redesignating paragraph (6) as
9 paragraph (5);

10 (2) in section 602(9)—

11 (A) by striking “initial”; and

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

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

18 (4) in section 612(b)(3)—

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

21 (B) by striking “, or proposal for renewal
22 thereof,”;

23 (5) in section 621(b)(3)—

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

1 (B) in subparagraph (D)—

2 (i) by striking “initial”; and

3 (ii) by striking “, a franchise re-
4 newal,”;

5 (6) in section 624—

6 (A) in subsection (b)(1), by striking “(in-
7 cluding requests for renewal proposals, subject
8 to section 626)”;

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

11 (7) in section 627—

12 (A) by striking subsection (a);

13 (B) in subsection (b), by inserting “, as de-
14 scribed in section 626(b)(2)(B),” after “for
15 cause”;

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

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

19 (d) EFFECTIVE DATE; APPLICATION.—

20 (1) EFFECTIVE DATE.—This section, and the
21 amendments made by this section, shall take effect
22 6 months after the date of the enactment of this
23 Act.

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

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

6 (B) before such date, if such franchise (in-
7 cluding, notwithstanding the amendment made
8 by subsection (c)(2)(B), any renewal thereof) is
9 in effect on such date.

