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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Communications Act of 1934 to preserve cable franchising authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Communications Act of 1934 to preserve cable franchising authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Connecting And Build-
5 ing Lines for Expedited Expansion Act” or the “CABLE
6 Expansion Act”.

1 **SEC. 2. REQUEST REGARDING PLACEMENT, CONSTRUC-**
2 **TION, OR MODIFICATION OF CABLE 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 FACILITIES.—

9 “(1) NO EFFECT ON AUTHORITY OF FRAN-
10 CHISING AUTHORITY.—Except as provided in this
11 subsection, 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
21 facility by a franchising authority shall not pro-
22 hibit or have the effect of prohibiting the ability
23 of a cable operator to provide cable service, or
24 enhance cable service provided, under a fran-
25 chise granted by such franchising authority.

1 “(B) TIMING OF DECISIONS ON REQUESTS
2 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,
3 OR MODIFY FACILITY.—

4 “(i) TIMEFRAME.—A franchising au-
5 thority shall approve or deny a complete
6 request for authorization to place, con-
7 struct, or modify a covered facility not
8 later than—

9 “(I) if the request is for author-
10 ization to place, construct, or modify
11 a covered facility in or on eligible sup-
12 port infrastructure, 90 days after the
13 date on which the franchising author-
14 ity receives the request; and

15 “(II) if the request is not for au-
16 thorization to place, construct, or
17 modify a covered facility in or on eli-
18 gible support infrastructure, 150 days
19 after the date on which the fran-
20 chising authority receives the request.

21 “(ii) APPLICABILITY.—Notwith-
22 standing any provision of this title, the ap-
23 plicable timeframe under clause (i) shall
24 apply collectively to all proceedings re-

1 required by a franchising authority for the
2 approval of the request.

3 “(iii) NO TOLLING.—A timeframe
4 under clause (i) may not be tolled by any
5 moratorium, whether express or de facto,
6 imposed by a franchising authority on the
7 consideration of any request for authoriza-
8 tion to place, construct, or modify a cov-
9 ered facility.

10 “(C) WRITTEN DECISION AND RECORD.—
11 Any decision by a franchising authority to deny
12 a complete request for authorization to place,
13 construct, or modify a covered facility shall
14 be—

15 “(i) in writing;

16 “(ii) supported by substantial evidence
17 contained in a written record; and

18 “(iii) publicly released, contempora-
19 neously with the decision.

20 “(3) WHEN REQUEST CONSIDERED COMPLETE;
21 RECEIVED.—

22 “(A) WHEN REQUEST CONSIDERED COM-
23 plete.—

24 “(i) IN GENERAL.—For the purposes
25 of this subsection, a request to a fran-

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

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

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

16 “(ii) DEFINITION.—In this subpara-
17 graph, the term ‘the date on which the re-
18 quest is received by the franchising author-
19 ity’ means—

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

23 “(II) in the case of a request
24 submitted in person, the date on
25 which the request is delivered to the

1 individual or at the location specified
2 by the franchising authority for in-
3 person submission; and

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

10 “(B) WHEN COMPLETE REQUEST CONSID-
11 ERED RECEIVED.—For the purposes of this
12 subsection, a complete request shall be consid-
13 ered received—

14 “(i) except as provided in clause (ii),
15 on the date on which the requesting party
16 submits to the franchising authority all in-
17 formation (including any form or other
18 document) required by the franchising au-
19 thority to be submitted for the request to
20 be considered complete; or

21 “(ii) in the case of a request with re-
22 spect to which all such information is not
23 submitted and that is considered complete
24 under subparagraph (A)(i) because the re-
25 questing party has not received a written

1 notice from the franchising authority with-
2 in the period described in such subpara-
3 graph, on the day after the last day of
4 such period.

5 “(4) DEFINITIONS.—In this subsection:

6 “(A) COVERED FACILITY.—The term ‘cov-
7 ered facility’ means a facility used in a cable
8 system.

9 “(B) ELIGIBLE SUPPORT INFRASTRUC-
10 TURE.—The term ‘eligible support infrastruc-
11 ture’ means infrastructure that supports or
12 houses a facility for communication by wire (or
13 is designed to and capable of supporting or
14 housing such facility) at the time when a com-
15 plete request to a franchising authority for au-
16 thorization to place, construct, or modify a cov-
17 ered facility in or on the infrastructure is re-
18 ceived by the franchising authority.”.