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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, provide for faster deployment of cable and other services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. LESKO 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, provide for faster deployment of cable and other services, 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, CONSTRUCTION,**
2 **OR MODIFICATION OF CABLE EQUIP-**
3 **MENT.**

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, CONSTRUCTION,
8 OR MODIFICATION OF FACILITIES.—

9 “(1) NO EFFECT ON AUTHORITY OF CERTAIN
10 ENTITIES.—Except as provided in this subsection,
11 nothing in this title shall limit or affect the author-
12 ity of a covered entity over—

13 “(A) decisions regarding the placement,
14 construction, or modification of a covered
15 equipment within the jurisdiction of such cov-
16 ered entity; or

17 “(B) safety standards for the placement,
18 construction, or modification of such a covered
19 equipment.

20 “(2) LIMITATIONS.—

21 “(A) ABILITY TO PROVIDE OR ENHANCE
22 CABLE SERVICE.—With respect to the regula-
23 tion by a covered entity of the placement, con-
24 struction, or modification of a covered equip-
25 ment, the covered entity shall not prohibit or
26 have the effect of prohibiting the ability of a

1 cable operator to provide, improve, or enhance
2 the provision of service using a covered equip-
3 ment under a franchise granted by such covered
4 entity, or within the jurisdiction of such covered
5 entity, as so may be the case.

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

9 “(i) TIMEFRAME.—A covered entity
10 shall approve or deny a complete request
11 for authorization to place, construct, or
12 modify a covered equipment not later
13 than—

14 “(I) if the request is for author-
15 ization to place, construct, or modify
16 a covered equipment in or on eligible
17 support infrastructure, 90 days after
18 the date on which the covered entity
19 receives the request; and

20 “(II) if the request is not for au-
21 thorization to place, construct, or
22 modify a covered equipment in or on
23 eligible support infrastructure, 150
24 days after the date on which the cov-
25 ered entity receives the request.

1 “(ii) APPLICABILITY.—Notwith-
2 standing any provision of this title, the ap-
3 plicable timeframe under clause (i) shall
4 apply collectively to all proceedings re-
5 quired by a covered entity for the approval
6 of the request.

7 “(iii) NO TOLLING.—A timeframe
8 under clause (i) may not be tolled by any
9 moratorium, whether express or de facto,
10 imposed by the covered entity on the con-
11 sideration of any request for authorization
12 to place, construct, or modify a covered
13 equipment .

14 “(iv) WRITTEN DECISION AND
15 RECORD.—Any decision by a covered entity
16 to deny a complete request for authoriza-
17 tion to place, construct, or modify covered
18 equipment shall be—

19 “(I) in writing;

20 “(II) supported by substantial
21 evidence contained in a written
22 record; and

23 “(III) publicly released, and pro-
24 vided to the requesting party, on the
25 same day such decision is made.

1 “(v) DEEMED GRANTED.—If a cov-
2 ered entity fails to grant or deny a com-
3 plete request by the applicable deadline
4 under subparagraph (A)(i), the request
5 shall be deemed granted and authorized on
6 the date on which the covered entity re-
7 ceives written notice of the failure from the
8 requesting party.

9 “(3) WHEN REQUEST CONSIDERED COMPLETE;
10 RECEIVED.—

11 “(A) WHEN REQUEST CONSIDERED COM-
12 plete.—

13 “(i) IN GENERAL.—For the purposes
14 of this subsection, a request to a covered
15 entity shall be considered complete if the
16 requesting party—

17 “(I) has taken the first proce-
18 dural step within the control of the re-
19 questing party—

20 “(aa) that the covered entity
21 requires as part of the process
22 for reviewing such requests; or

23 “(bb) to submit the type of
24 filing that is typically required to
25 initiate a standard review for a

1 similar request in a jurisdiction
2 that has not established specific
3 procedures for the relevant re-
4 view and approval of such a re-
5 quest; and

6 “(II) has not received a written
7 notice from the covered entity within
8 30 days after the date on which the
9 request is received by the covered en-
10 tity—

11 “(aa) stating that all the in-
12 formation (including any form or
13 other document) required by the
14 covered entity to be submitted for
15 the request to be considered com-
16 plete has not been submitted;

17 “(bb) identifying informa-
18 tion required to be submitted
19 that was not submitted; and

20 “(cc) that includes a citation
21 to a specific provision of a pub-
22 licly available rule, regulation, or
23 standard issued by the govern-
24 ment requiring that the informa-

1 tion be submitted with such a re-
2 quest.

3 “(ii) DEFINITION.—In this subpara-
4 graph, the term ‘the date on which the re-
5 quest is received by the covered entity’
6 means—

7 “(I) in the case of a request sub-
8 mitted electronically, the date on
9 which the request is transmitted;

10 “(II) in the case of a request
11 submitted in person, the date on
12 which the request is delivered to the
13 individual or at the location specified
14 by the covered entity or in-person sub-
15 mission; and

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

22 “(B) WHEN COMPLETE REQUEST CONSID-
23 ERED RECEIVED.—For the purposes of this
24 subsection, a complete request shall be consid-
25 ered received—

1 “(i) except as provided in clause (ii),
2 on the date on which the requesting party
3 submits to the covered entity all informa-
4 tion (including any form or other docu-
5 ment) required by the covered entity to be
6 submitted for the request to be considered
7 complete; or

8 “(ii) in the case of a request with re-
9 spect to which all such information is not
10 submitted and that is considered complete
11 under subparagraph (A)(i) because the re-
12 questing party has not received a written
13 notice from the covered entity within the
14 period described in such subparagraph, on
15 the day after the last day of such period.

16 “(4) FEES.—

17 “(A) IN GENERAL.—A covered entity may
18 charge a fee that meets the requirements under
19 subparagraph (B) to consider a request for au-
20 thorization to place, construct, or modify cov-
21 ered equipment.

22 “(B) REQUIREMENTS.—A fee charged
23 under subparagraph (A) shall be—

24 “(i) competitively neutral, technology
25 neutral, and nondiscriminatory;

1 “(ii) publicly disclosed in advance;

2 “(iii) calculated—

3 “(I) based on actual and direct
4 costs for—

5 “(aa) review and processing
6 of requests; and

7 “(bb) repairs and replace-
8 ment of—

9 “(AA) components and
10 materials resulting from and
11 affected by the placement,
12 construction, or modification
13 (including the installation or
14 improvement) of covered
15 equipment; or

16 “(BB) the modification
17 (including the improvement)
18 of eligible support infra-
19 structure, or repairs and re-
20 placement of equipment that
21 facilitates the placement,
22 construction, or modification
23 (including the installation or
24 improvement) of such facili-
25 ties or the modification (in-

1 including the improvement) of
2 such structures; and

3 “(II) using, for purposes of sub-
4 clause (I), only costs that are objec-
5 tively reasonable; and

6 “(III) described to a requesting
7 party in a manner that distinguishes
8 between nonrecurring fees and recur-
9 ring fees.

10 “(C) NO RELATION TO FRANCHISE
11 FEES.—A fee charged under this paragraph to
12 consider a request for authorization to place,
13 construct, or modify covered equipment may
14 not be considered a franchise fee under section
15 622.

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

17 “(A) COVERED EQUIPMENT.—The term
18 ‘covered equipment’ means equipment used in
19 or attached to a cable system.

20 “(B) COVERED ENTITY.—The term ‘cov-
21 ered entity’ means:

22 “(i) A State.

23 “(ii) A local government.

24 “(iii) An instrumentality of a State or
25 a local government.

1 “(iv) A franchising authority.

2 “(C) ELIGIBLE SUPPORT INFRASTRUC-
3 TURE.—The term ‘eligible support infrastruc-
4 ture’ means infrastructure that supports or
5 houses a facility for communication by wire (or
6 is designed to and capable of supporting or
7 housing such facility) at the time when a com-
8 plete request to a covered entity for authoriza-
9 tion to place, construct, or modify covered
10 equipment in or on the infrastructure is re-
11 ceived by the covered entity.”.

12 **SEC. 3. ACTION ON PENDING REQUESTS.**

13 (a) APPLICATION.—Paragraphs (2)(B) and (4) of
14 section 624(j) of the Communications Act of 1934 (47
15 U.S.C. 544(j)), as added by section 2, shall apply to a—

16 (1) request received by a covered entity (as
17 such term is defined in section 624(j) of the Com-
18 munications Act of 1934)—

19 (A) before the date of the enactment of
20 this Act; and

21 (B) has not been approved or denied by
22 the covered entity on or before such date; and

23 (2) a request received by a covered entity on or
24 after the date of the enactment of this Act.

1 (b) DATE OF RECEIPT.—The date of receipt by a cov-
2 ered entity of a request described under subsection (a)(1)
3 shall be deemed to be the date of the enactment of this
4 Act.