

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE  
OFFERED BY M . \_\_\_\_\_**

At the end of subtitle D, add the following new chapter:

1                   **CHAPTER 4—OTHER MATTER**  
2   **SEC. 3331. REQUEST REGARDING PLACEMENT, CONSTRUC-**  
3                   **TION, OR MODIFICATION OF CERTAIN FACILI-**  
4                   **TIES.**

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

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

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

18           “(2) LIMITATIONS.—

1           “(A) ABILITY TO PROVIDE OR ENHANCE  
2 CABLE SERVICE.—The regulation of the place-  
3 ment, construction, or modification of a covered  
4 facility by a franchising authority shall not pro-  
5 hibit or have the effect of prohibiting the ability  
6 of a cable operator to provide cable service, or  
7 enhance cable service provided, under a fran-  
8 chise granted by such franchising authority.

9           “(B) TIMING OF DECISIONS ON REQUESTS  
10 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,  
11 OR MODIFY FACILITY.—

12           “(i) REQUEST FOR AUTHORIZATION  
13 TO PLACE, CONSTRUCT, OR MODIFY FACIL-  
14 ITY.—

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

20           “(aa) if the request is for  
21 authorization to place, construct,  
22 or modify a covered facility in or  
23 on an eligible support infrastruc-  
24 ture, 90 days after the date on

1 which the franchising authority  
2 receives the request; and

3 “(bb) if the request is not  
4 for authorization to place, con-  
5 struct modify a covered facility in  
6 or on an eligible support infra-  
7 structure, 150 days after the  
8 date on which franchising author-  
9 ity receives the request.

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

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

1                   “(IV) WRITTEN DECISION AND  
2                   RECORD.—Any decision by a fran-  
3                   chising authority to deny a complete  
4                   request for authorization to place,  
5                   construct, or modify a covered facility  
6                   shall be—

7                                 “(aa) in writing;

8                                 “(bb) supported by substan-  
9                                 tial evidence contained in a writ-  
10                                ten record; and

11                               “(cc) publicly released, con-  
12                               temporaneously with the decision.

13                   “(C) WHEN REQUEST CONSIDERED COM-  
14                   plete; RECEIVED.—

15                               “(i) WHEN REQUEST CONSIDERED  
16                               complete.—

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

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

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

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

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

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

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

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

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

19                  “(i) ELIGIBLE SUPPORT INFRASTRUC-  
20                  TURE.—The term ‘eligible support infra-  
21                  structure’ means infrastructure that sup-  
22                  ports or houses a facility for communica-  
23                  tion by wire (or is designed to and capable  
24                  of supporting or housing such facility) at  
25                  the time when a complete request to a

1 franchising authority for authorization to  
2 place, construct, or modify a covered facil-  
3 ity in or on the infrastructure is received  
4 by the franchising authority.

5 “(ii) COVERED FACILITY.—The term  
6 ‘covered facility’ means a facility—

7 “(I) for the provision of cable  
8 service; and

9 “(II) that serves subscribers  
10 using an easement or public right-of-  
11 way.”.

