

AMENDMENT TO SUBTITLE L
OFFERED BY _____

Add at the end the following:

1 **SEC. 3___. REQUEST FOR NEW FRANCHISE.**

2 Section 621 of the Communications Act of 1934 (47
3 U.S.C. 541) is amended by adding at the end the fol-
4 lowing:

5 “(g) **TIMING OF DECISION ON REQUEST FOR FRAN-**
6 **CHISE.—**

7 “(1) **IN GENERAL.—**Not later than 120 days
8 after the date on which a franchising authority re-
9 ceives a complete request for the grant of a fran-
10 chise (other than a renewal thereof), the franchising
11 authority shall approve or deny such request.

12 “(2) **DEEMED GRANT OF NEW FRANCHISE.—**If
13 the franchising authority does not approve or deny
14 a request under paragraph (1) by the day after the
15 date on which the time period ends under such para-
16 graph, such request shall be deemed granted on such
17 day.

18 “(3) **APPLICABILITY.—**Notwithstanding any
19 provision of this title, the timeframe under para-
20 graph (1) shall apply collectively to all proceedings

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

3 “(4) NO TOLLING.—A timeframe under para-
4 graph (1) may not be tolled by any moratorium,
5 whether express or de facto, imposed by a fran-
6 chising authority on the consideration of any request
7 for a franchise.

8 “(5) WRITTEN DECISION AND RECORD.—Any
9 decision by a franchising authority to deny a com-
10 plete request for a franchise shall be—

11 “(A) in writing;

12 “(B) supported by substantial evidence
13 contained in a written record; and

14 “(C) publicly released, contemporaneously
15 with the decision.

16 “(6) WHEN REQUEST CONSIDERED COMPLETE;
17 RECEIVED.—

18 “(A) WHEN REQUEST CONSIDERED COM-
19 PLETE.—

20 “(i) IN GENERAL.—For the purposes
21 of this subsection, a request to a fran-
22 chising authority shall be considered com-
23 plete if the requesting party has not re-
24 ceived a written notice from the fran-
25 chising authority within 10 business days

1 after the date on which the request is re-
2 ceived by the franchising authority—

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

9 “(II) identifying the information
10 required to be submitted that was not
11 submitted.

12 “(ii) DEFINITION.—In this paragraph,
13 the term ‘received by the franchising au-
14 thority’ means—

15 “(I) in the case of a request sub-
16 mitted electronically, on the date on
17 which the request is transmitted;

18 “(II) in the case of a request
19 submitted in person, on the date on
20 which the request is delivered to the
21 individual or at the location specified
22 by franchising authority for in-person
23 submission; and

24 “(III) in the case of a request
25 submitted in any other manner, on

1 the date determined under regulations
2 promulgated by the Commission for
3 the manner in which the request is
4 submitted.

5 “(B) WHEN COMPLETE REQUEST CONSID-
6 ERED RECEIVED.—For the purposes of this
7 subsection, a complete request shall be consid-
8 ered received on the date on which the request-
9 ing party submits to the franchising authority
10 all information (including any form or other
11 document) required by the franchising authority
12 to be submitted for the request to be considered
13 complete.”

