

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2289  
OFFERED BY MR. CARTER OF GEORGIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “American Broadband Deployment Act of 2025”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATE AND LOCAL SITING PROCESSES

Sec. 101. Preservation of local zoning authority.

Sec. 102. Removal of barriers to entry.

Sec. 103. Requests for modification of certain existing wireless and wireline communications facilities.

TITLE II—CABLE

Sec. 201. Request for new franchise.

Sec. 202. Request regarding placement, construction, or modification of cable equipment.

Sec. 203. Cable franchise term and termination.

Sec. 204. Sales of cable systems.

TITLE III—ENVIRONMENTAL AND HISTORIC PRESERVATION  
REVIEWS

Sec. 301. Application of NEPA and NHPA to certain communications projects.

Sec. 302. Presumption with respect to certain complete FCC forms.

Sec. 303. Rule of construction.

Sec. 304. Definitions.

TITLE IV—OTHER MATTERS

Sec. 401. Timely consideration of applications for Federal easements, rights-of-way, and leases.

Sec. 402. Report on fees.

1           **TITLE I—STATE AND LOCAL**  
2                           **SITING PROCESSES**

3   **SEC. 101. PRESERVATION OF LOCAL ZONING AUTHORITY.**

4           Section 332(c) of the Communications Act of 1934  
5 (47 U.S.C. 332(c)) is amended by striking paragraph (7)  
6 and inserting the following:

7                   “(7) PRESERVATION OF LOCAL ZONING AU-  
8 THORITY.—

9                   “(A) GENERAL AUTHORITY.—Except as  
10                   provided in this paragraph, nothing in this Act  
11                   shall limit or affect the authority of a State or  
12                   local government or instrumentality thereof over  
13                   decisions regarding the placement, construction,  
14                   or modification of personal wireless service fa-  
15                   cilities.

16                   “(B) LIMITATIONS.—

17                   “(i) IN GENERAL.—The regulation of  
18                   the placement, construction, or modifica-  
19                   tion of a personal wireless service facility  
20                   by any State or local government or instru-  
21                   mentality thereof—

22                   “(I) shall not discriminate among  
23                   personal wireless service facilities or  
24                   providers of communications service,  
25                   including by providing exclusive or

1 preferential use of facilities to a par-  
2 ticular provider or class of providers  
3 of personal wireless service; and

4 “(II) shall not prohibit or have  
5 the effect of prohibiting the provision,  
6 improvement, or enhancement of per-  
7 sonal wireless service.

8 “(ii) ENGINEERING STANDARDS; AES-  
9 THETIC REQUIREMENTS.—It is not a viola-  
10 tion of clause (i) for a State or local gov-  
11 ernment or instrumentality thereof to es-  
12 tablish for personal wireless service facili-  
13 ties, or structures that support such facili-  
14 ties, objective, reasonable, and nondiscrim-  
15 inatory—

16 “(I) structural engineering stand-  
17 ards based on generally applicable  
18 codes;

19 “(II) safety requirements (sub-  
20 ject to clause (vi)); or

21 “(III) aesthetic or concealment  
22 requirements, unless such require-  
23 ments prohibit or have the effect of  
24 prohibiting the installation or modi-

1                   fication of such facilities or struc-  
2                   tures.

3                   “(iii) TIMEFRAMES.—

4                   “ (I) IN GENERAL.—A State or  
5                   local government or instrumentality  
6                   thereof shall grant or deny a request  
7                   for authorization to place, construct,  
8                   or modify a personal wireless service  
9                   facility not later than—

10                   “(aa) in the case of a re-  
11                   quest for authorization to place,  
12                   construct, or modify a personal  
13                   wireless service facility that is  
14                   not a small personal wireless  
15                   service facility—

16                   “(AA) if the request is  
17                   for authorization to place,  
18                   construct, or modify such fa-  
19                   cility using an existing  
20                   structure, including with re-  
21                   spect to an area that has  
22                   not previously been zoned  
23                   for personal wireless service  
24                   facilities (other than small  
25                   personal wireless service fa-

1 cilities), 90 days after the  
2 date on which the request is  
3 submitted by the requesting  
4 party to the government or  
5 instrumentality; or

6 “(BB) if the request is  
7 for any other action relating  
8 to such facility, 150 days  
9 after the date on which the  
10 request is submitted by the  
11 requesting party to the gov-  
12 ernment or instrumentality;  
13 and

14 “(bb) in the case of a re-  
15 quest for authorization to place,  
16 construct, or modify a small per-  
17 sonal wireless service facility—

18 “(AA) if the request is  
19 for authorization to place,  
20 construct, or modify such fa-  
21 cility using an existing  
22 structure, including with re-  
23 spect to an area that has  
24 not previously been zoned  
25 for personal wireless service

1 facilities, 60 days after the  
2 date on which the request is  
3 submitted by the requesting  
4 party to the government or  
5 instrumentality; or

6 “(BB) if the request is  
7 for any other action relating  
8 to such facility, 90 days  
9 after the date on which the  
10 request is submitted by the  
11 requesting party to the gov-  
12 ernment or instrumentality.

13 “(II) TREATMENT OF BATCHED  
14 REQUESTS.—In the case of requests  
15 described in subclause (I) that are  
16 submitted as part of a single batch by  
17 the requesting party to the govern-  
18 ment or instrumentality on the same  
19 day, the applicable timeframe under  
20 such subclause for each request in the  
21 batch shall be the longest timeframe  
22 under such subclause that would be  
23 applicable to any request in the batch  
24 if such requests were submitted sepa-  
25 rately.

1                   “(III) APPLICABILITY.—The ap-  
2                   plicable timeframe under subclause (I)  
3                   shall apply collectively to all pro-  
4                   ceedings, including related permits  
5                   and authorizations, required by a  
6                   State or local government or instru-  
7                   mentality thereof for the approval of  
8                   the request.

9                   “(IV) NO MORATORIA.—A time-  
10                  frame under subclause (I) may not be  
11                  tolled by any moratorium, whether ex-  
12                  press or de facto, imposed by a State  
13                  or local government or instrumentality  
14                  thereof on the submission, acceptance,  
15                  or consideration of any request for au-  
16                  thorization to place, construct, or  
17                  modify a personal wireless service fa-  
18                  cility.

19                  “(V) TOLLING DUE TO INCOM-  
20                  PLETENESS.—

21                               “(aa) INITIAL REQUEST IN-  
22                               COMPLETE.—

23                                       “(AA) SMALL PER-  
24                                       SONAL WIRELESS SERVICE  
25                                       FACILITIES.—If, not later

1 than 10 days after the date  
2 on which a requesting party  
3 submits to a State or local  
4 government or instrumen-  
5 tality thereof a request for  
6 authorization to place, con-  
7 struct, or modify a small  
8 personal wireless service fa-  
9 cility, the government or in-  
10 strumentality provides to the  
11 requesting party a written  
12 notice described in item (cc)  
13 with respect to the request,  
14 the timeframe described in  
15 subclause (I) is tolled with  
16 respect to the request and  
17 shall restart at zero on the  
18 date on which the requesting  
19 party submits to the govern-  
20 ment or instrumentality a  
21 supplemental submission in  
22 response to the notice.

23 “(BB) OTHER PER-  
24 SONAL WIRELESS SERVICE  
25 FACILITIES.—If, not later

1 than 30 days after the date  
2 on which a requesting party  
3 submits to a State or local  
4 government or instrumen-  
5 tality thereof a request for  
6 authorization to place, con-  
7 struct, or modify a personal  
8 wireless service facility that  
9 is not a small personal wire-  
10 less service facility, the gov-  
11 ernment or instrumentality  
12 provides to the requesting  
13 party a written notice de-  
14 scribed in item (cc) with re-  
15 spect to the request, the  
16 timeframe described in sub-  
17 clause (I) is tolled with re-  
18 spect to the request until the  
19 date on which the requesting  
20 party submits to the govern-  
21 ment or instrumentality a  
22 supplemental submission in  
23 response to the notice.

24 “(bb) SUPPLEMENTAL SUB-  
25 MISSION INCOMPLETE.—If, not

1 later than 10 days after the date  
2 on which a requesting party sub-  
3 mits to a State or local govern-  
4 ment or instrumentality thereof a  
5 supplemental submission in re-  
6 sponse to a written notice de-  
7 scribed in item (cc), the govern-  
8 ment or instrumentality provides  
9 to the requesting party a written  
10 notice described in item (cc) with  
11 respect to the supplemental sub-  
12 mission, the timeframe under  
13 subclause (I) is further tolled  
14 until the date on which the re-  
15 questing party submits to the  
16 government or instrumentality a  
17 subsequent supplemental submis-  
18 sion in response to the notice.

19 “(cc) WRITTEN NOTICE DE-  
20 SCRIBED.—The written notice de-  
21 scribed in this item is, with re-  
22 spect to a request described in  
23 subclause (I) or a supplemental  
24 submission described in item (aa)  
25 or (bb) submitted to a State or

1 local government or instrumen-  
2 tality thereof by a requesting  
3 party, a written notice from the  
4 government or instrumentality to  
5 the requesting party—

6 “(AA) stating that all  
7 of the information (including  
8 any form or other docu-  
9 ment) required by the gov-  
10 ernment or instrumentality  
11 to be submitted for the re-  
12 quest to be considered com-  
13 plete has not been sub-  
14 mitted;

15 “(BB) identifying the  
16 information described in  
17 subitem (AA) that was not  
18 submitted; and

19 “(CC) including a cita-  
20 tion to a specific provision of  
21 a publicly available rule, reg-  
22 ulation, or standard issued  
23 by the government or instru-  
24 mentality requiring that

1                   such information be sub-  
2                   mitted with such a request.

3                   “(dd) LIMITATION ON SUB-  
4                   SEQUENT WRITTEN NOTICE.—If  
5                   a written notice provided by a  
6                   State or local government or in-  
7                   strumentality thereof to a re-  
8                   questing party under item (bb)  
9                   with respect to a supplemental  
10                  submission identifies as not hav-  
11                  ing been submitted any informa-  
12                  tion that was not identified as  
13                  not having been submitted in the  
14                  prior written notice under this  
15                  subclause in response to which  
16                  the supplemental submission was  
17                  submitted, the subsequent writ-  
18                  ten notice shall be treated as not  
19                  having been provided to the re-  
20                  questing party.

21                  “(VI) TOLLING BY MUTUAL  
22                  AGREEMENT.—The timeframe under  
23                  subclause (I) may be tolled once, for  
24                  a period of not more than 30 days, by  
25                  mutual agreement between the State

1 or local government or instrumentality  
2 thereof and the requesting party.

3 “(iv) DEEMED GRANTED.—

4 “(I) IN GENERAL.—If a State or  
5 local government or instrumentality  
6 thereof fails to take final action to  
7 grant or deny a request within the ap-  
8 plicable timeframe under subclause (I)  
9 of clause (iii), the request shall be  
10 deemed granted on the date on which  
11 the government or instrumentality re-  
12 ceives a written notice of the failure  
13 from the requesting party.

14 “(II) RULE OF CONSTRUC-  
15 TION.—In the case of a request that  
16 is deemed granted under subclause  
17 (I), the placement, construction, or  
18 modification requested in the request  
19 shall be considered to be authorized,  
20 without any further action by the gov-  
21 ernment or instrumentality, beginning  
22 on the date on which the request is  
23 deemed granted under such subclause.

24 “(v) WRITTEN DECISION AND  
25 RECORD.—Any decision by a State or local

1 government or instrumentality thereof to  
2 deny a request for authorization to place,  
3 construct, or modify a personal wireless  
4 service facility shall be—

5 “(I) in writing;

6 “(II) supported by substantial  
7 evidence contained in a written  
8 record; and

9 “(III) publicly released, and pro-  
10 vided to the requesting party, on the  
11 same day such decision is made.

12 “(vi) ENVIRONMENTAL EFFECTS OF  
13 RADIO FREQUENCY EMISSIONS.—No State  
14 or local government or instrumentality  
15 thereof may regulate the operation, place-  
16 ment, construction, or modification of per-  
17 sonal wireless service facilities on the basis  
18 of the environmental effects of radio fre-  
19 quency emissions to the extent that such  
20 facilities or structures comply with the  
21 Commission’s regulations concerning such  
22 emissions.

23 “(vii) FEES.—To the extent permitted  
24 by law, a State or local government or in-  
25 strumentality thereof may charge a fee to

1 consider a request for authorization to  
2 place, construct, or modify a personal wire-  
3 less service facility or a fee for use of a  
4 right-of-way or a facility in a right-of-way  
5 owned or managed by the government or  
6 instrumentality for the placement, con-  
7 struction, or modification of a personal  
8 wireless service facility, if the fee is—

9 “(I) competitively neutral, tech-  
10 nology neutral, and nondiscrim-  
11 inatory;

12 “(II) established in advance and  
13 publicly disclosed;

14 “(III) calculated—

15 “(aa) based on actual and  
16 direct costs for—

17 “(AA) review and proc-  
18 essing of requests; and

19 “(BB) repairs and re-  
20 placement of components  
21 and materials directly result-  
22 ing from and affected by the  
23 placement, construction, or  
24 modification (including the  
25 installation or improvement)

1 of personal wireless service  
2 facilities or repairs and re-  
3 placement of equipment that  
4 facilitates the placement,  
5 construction, or modification  
6 (including the installation or  
7 improvement) of such facili-  
8 ties; and

9 “(bb) using, for purposes of  
10 item (aa), only costs that are ob-  
11 jectively reasonable; and

12 “(IV) described to a requesting  
13 party in a manner that distinguishes  
14 between—

15 “(aa) nonrecurring fees and  
16 recurring fees; and

17 “(bb) the use of facilities on  
18 which personal wireless service  
19 facilities are already located and  
20 facilities on which there are no  
21 personal wireless service facilities  
22 as of the date on which the re-  
23 quest is submitted by the re-  
24 questing party to the government  
25 or instrumentality.

1           “(C) JUDICIAL REVIEW.—Any person ad-  
2           versely affected by any final action or failure to  
3           act by a State or local government or any in-  
4           strumentality thereof that is inconsistent with  
5           this paragraph may, within 30 days after the  
6           action or failure to act, commence an action in  
7           any court of competent jurisdiction, which shall  
8           hear and decide the action on an expedited  
9           basis.

10           “(D) WHEN REQUEST CONSIDERED SUB-  
11           MITTED.—For the purposes of this paragraph,  
12           a request to a State or local government or in-  
13           strumentality thereof shall be considered sub-  
14           mitted on the date on which the requesting  
15           party takes the first procedural step within the  
16           control of the requesting party—

17           “(i) to submit such request in accord-  
18           ance with the procedures established by the  
19           government or instrumentality for the re-  
20           view and approval of such a request; or

21           “(ii) in the case of a government or  
22           instrumentality that has not established  
23           specific procedures for the review and ap-  
24           proval of such a request, to submit to the  
25           government or instrumentality the type of

1 filing that is typically required to initiate a  
2 standard review for a similar facility or  
3 structure.

4 “(E) RULE OF CONSTRUCTION.—Nothing  
5 in this paragraph may be construed to affect  
6 section 6409(a) of the Middle Class Tax Relief  
7 and Job Creation Act of 2012 (47 U.S.C.  
8 1455(a)).

9 “(F) EFFECT OF REGULATIONS.—Any reg-  
10 ulation promulgated by the Commission to im-  
11 plement this paragraph (including any interpre-  
12 tation of the requirements of and terms used in  
13 this paragraph contained in any such regula-  
14 tion) shall be binding on a court in any action  
15 under subparagraph (C).

16 “(G) DEFINITIONS.—In this paragraph:

17 “(i) ANTENNA.—The term ‘antenna’  
18 means an apparatus designed for the pur-  
19 pose of emitting radiofrequency radiation,  
20 to be operated or operating from a fixed  
21 location for the transmission of writing,  
22 signs, signals, data, images, pictures, and  
23 sounds of all kinds.

24 “(ii) COMMUNICATIONS NETWORK.—  
25 The term ‘communications network’ means

1 a network used to provide a communica-  
2 tions service.

3 “(iii) COMMUNICATIONS SERVICE.—

4 The term ‘communications service’ means  
5 each of—

6 “(I) cable service, as defined in  
7 section 602;

8 “(II) information service;

9 “(III) telecommunications serv-  
10 ice; and

11 “(IV) personal wireless service.

12 “(iv) GENERALLY APPLICABLE  
13 CODE.—The term ‘generally applicable  
14 code’ means a uniform building, fire, elec-  
15 trical, plumbing, or mechanical code adopt-  
16 ed by a national code organization, or a  
17 local amendment to such a code, to the ex-  
18 tent not inconsistent with this Act.

19 “(v) NETWORK INTERFACE DEVICE.—

20 The term ‘network interface device’ means  
21 a telecommunications demarcation device  
22 and cross-connect point that—

23 “(I) is adjacent or proximate  
24 to—

1 “(aa) a small personal wire-  
2 less service facility; or

3 “(bb) a structure supporting  
4 a small personal wireless service  
5 facility; and

6 “(II) demarcates the boundary  
7 with any wireline backhaul facility.

8 “(vi) PERSONAL WIRELESS SERV-  
9 ICE.—The term ‘personal wireless service’  
10 means any fixed or mobile service (other  
11 than a broadcasting service) provided via  
12 licensed or unlicensed frequencies, includ-  
13 ing—

14 “(I) commercial mobile service;

15 “(II) commercial mobile data  
16 service (as defined in section 6001 of  
17 the Middle Class Tax Relief and Job  
18 Creation Act of 2012 (47 U.S.C.  
19 1401));

20 “(III) unlicensed wireless service;  
21 and

22 “(IV) common carrier wireless  
23 exchange access service.

24 “(vii) PERSONAL WIRELESS SERVICE  
25 FACILITY.—The term ‘personal wireless

1 service facility’ means a facility used to  
2 provide or support the provision of per-  
3 sonal wireless service.

4 “(viii) SMALL PERSONAL WIRELESS  
5 SERVICE FACILITY.—The term ‘small per-  
6 sonal wireless service facility’ means a per-  
7 sonal wireless service facility—

8 “(I) that is mounted—

9 “(aa) on a structure 50 feet  
10 or less in height (including any  
11 antenna); or

12 “(bb) on a structure not  
13 more than 10 percent taller than  
14 other adjacent structures;

15 “(II) that does not extend the  
16 structure on which such facility is  
17 mounted to a height of more than 50  
18 feet or by more than 10 percent,  
19 whichever is greater; and

20 “(III) in which each antenna is  
21 not more than 3 cubic feet in volume  
22 (excluding a wireline backhaul facility  
23 connected to such personal wireless  
24 service facility).

1                   “(ix) UNLICENSED WIRELESS SERV-  
2                   ICE.—The term ‘unlicensed wireless serv-  
3                   ice’—

4                   “(I) means the offering of tele-  
5                   communications service or information  
6                   service using a duly authorized device  
7                   that does not require an individual li-  
8                   cense; and

9                   “(II) does not include the provi-  
10                  sion of direct-to-home satellite serv-  
11                  ices, as defined in section 303(v).

12                  “(x) WIRELINE BACKHAUL FACIL-  
13                  ITY.—The term ‘wireline backhaul facility’  
14                  means an above-ground or underground  
15                  wireline facility used to transport commu-  
16                  nications service or other electronic com-  
17                  munications from a small personal wireless  
18                  service facility or the adjacent network  
19                  interface device of such facility to a com-  
20                  munications network.”.

21 **SEC. 102. REMOVAL OF BARRIERS TO ENTRY.**

22                  Section 253 of the Communications Act of 1934 (47  
23                  U.S.C. 253) is amended to read as follows:

1 **“SEC. 253. REMOVAL OF BARRIERS TO ENTRY.**

2 “(a) IN GENERAL.—No State or local statute or reg-  
3 ulation, or other State or local legal requirement, may pro-  
4 hibit or have the effect of prohibiting the ability of any  
5 entity to provide, improve, or enhance the provision of any  
6 interstate or intrastate telecommunications service.

7 “(b) PLACEMENT, CONSTRUCTION, OR MODIFICA-  
8 TION OF TELECOMMUNICATIONS SERVICE FACILITIES.—

9 “(1) PROHIBITION ON DISCRIMINATION.—The  
10 regulation of the placement, construction, or modi-  
11 fication of a telecommunications service facility by a  
12 State or local government or instrumentality thereof  
13 may not discriminate—

14 “(A) among telecommunications service fa-  
15 cilities—

16 “(i) based on the technology used to  
17 provide services; or

18 “(ii) based on the services provided;  
19 or

20 “(B) against telecommunications service  
21 facilities, as compared to the regulation of the  
22 placement, construction, or modification of  
23 other facilities.

24 “(2) TIMEFRAME TO GRANT OR DENY RE-  
25 QUESTS.—

1           “(A) IN GENERAL.—A State or local gov-  
2           ernment or instrumentality thereof shall grant  
3           or deny a request for authorization to place,  
4           construct, or modify a telecommunications serv-  
5           ice facility not later than—

6                   “(i) if the request is for authorization  
7                   to place, construct, or modify such facility  
8                   in or on eligible support infrastructure, 90  
9                   days after the date on which the request is  
10                  submitted by the requesting party to the  
11                  government or instrumentality; or

12                   “(ii) for any other action relating to  
13                   such facility, 150 days after the date on  
14                   which the request is submitted by the re-  
15                   questing party to the government or in-  
16                   strumentality.

17           “(B) APPLICABILITY.—The applicable  
18           timeframe under subparagraph (A) shall apply  
19           collectively to all proceedings, including related  
20           permits and authorizations, required by a State  
21           or local government or instrumentality thereof  
22           for the approval of the request.

23           “(C) NO MORATORIA.—A timeframe under  
24           subparagraph (A) may not be tolled by any  
25           moratorium, whether express or de facto, im-

1           posed by a State or local government or instru-  
2           mentality thereof on the submission, accept-  
3           ance, or consideration of requests for authoriza-  
4           tion to place, construct, or modify a tele-  
5           communications service facility.

6           “(D) TOLLING DUE TO INCOMPLETE-  
7           NESS.—

8           “(i) INITIAL REQUEST INCOM-  
9           plete.—If, not later than 30 days after  
10          the date on which a requesting party sub-  
11          mits to a State or local government or in-  
12          strumentality thereof a request for author-  
13          ization to place, construct, or modify a  
14          telecommunications service facility, the  
15          government or instrumentality provides to  
16          the requesting party a written notice de-  
17          scribed in clause (iii) with respect to the  
18          request, the timeframe described in sub-  
19          paragraph (A) is tolled with respect to the  
20          request until the date on which the re-  
21          questing party submits to the government  
22          or instrumentality a supplemental submis-  
23          sion in response to the notice.

24          “(ii) SUPPLEMENTAL SUBMISSION IN-  
25          COMPLETE.—If, not later than 10 days

1 after the date on which a requesting party  
2 submits to a State or local government or  
3 instrumentality thereof a supplemental  
4 submission in response to a written notice  
5 described in clause (iii), the government or  
6 instrumentality provides to the requesting  
7 party a written notice described in clause  
8 (iii) with respect to the supplemental sub-  
9 mission, the timeframe under subpara-  
10 graph (A) is further tolled until the date  
11 on which the requesting party submits to  
12 the government or instrumentality a subse-  
13 quent supplemental submission in response  
14 to the notice.

15 “(iii) WRITTEN NOTICE DE-  
16 SCRIBED.—The written notice described in  
17 this clause is, with respect to a request de-  
18 scribed in subparagraph (A) or a supple-  
19 mental submission described in clause (i)  
20 or (ii) submitted to a State or local govern-  
21 ment or instrumentality thereof by a re-  
22 questing party, a written notice from the  
23 government or instrumentality to the re-  
24 questing party—

1                   “(I) stating that all of the infor-  
2                   mation (including any form or other  
3                   document) required by the govern-  
4                   ment or instrumentality to be sub-  
5                   mitted for the request to be consid-  
6                   ered complete has not been submitted;

7                   “(II) identifying the information  
8                   described in subclause (I) that was  
9                   not submitted; and

10                   “(III) including a citation to a  
11                   specific provision of a publicly avail-  
12                   able rule, regulation, or standard  
13                   issued by the government or instru-  
14                   mentality requiring that such informa-  
15                   tion be submitted with such a request.

16                   “(iv) LIMITATION ON SUBSEQUENT  
17                   WRITTEN NOTICE.—If a written notice pro-  
18                   vided by a State or local government or in-  
19                   strumentality thereof to a requesting party  
20                   under clause (ii) with respect to a supple-  
21                   mental submission identifies as not having  
22                   been submitted any information that was  
23                   not identified as not having been submitted  
24                   in the prior written notice under this sub-  
25                   paragraph in response to which the supple-

1           mental submission was submitted, the sub-  
2           sequent written notice shall be treated as  
3           not having been provided to the requesting  
4           party.

5           “(E) TOLLING BY MUTUAL AGREEMENT.—  
6           The timeframe under subparagraph (A) may be  
7           tolled once, for a period of not more than 30  
8           days, by mutual agreement between the State  
9           or local government or instrumentality thereof  
10          and the requesting party.

11          “(3) DEEMED GRANTED.—

12           “(A) IN GENERAL.—If a State or local  
13           government or instrumentality thereof has nei-  
14           ther granted nor denied a request within the  
15           applicable timeframe under paragraph (2), the  
16           request shall be deemed granted on the date on  
17           which the government or instrumentality re-  
18           ceives a written notice of the failure to grant or  
19           deny from the requesting party.

20           “(B) RULE OF CONSTRUCTION.—In the  
21           case of a request that is deemed granted under  
22           subparagraph (A), the placement, construction,  
23           or modification requested in such request shall  
24           be considered to be authorized, without any fur-  
25           ther action by the government or instrumen-

1           tality, beginning on the date on which such re-  
2           quest is deemed granted under such subpara-  
3           graph.

4           “(4) WRITTEN DECISION AND RECORD.—A de-  
5           cision by a State or local government or instrumen-  
6           tality thereof to deny a request to place, construct,  
7           or modify a telecommunications service facility shall  
8           be—

9                   “(A) in writing;

10                   “(B) supported by substantial evidence  
11           contained in a written record; and

12                   “(C) publicly released, and provided to the  
13           requesting party, on the same day such decision  
14           is made.

15           “(5) FEES.—

16                   “(A) IN GENERAL.—To the extent per-  
17           mitted by law, a State or local government or  
18           instrumentality thereof may charge a fee that  
19           meets the requirements under subparagraph  
20           (B)—

21                   “(i) to consider a request for author-  
22           ization to place, construct, or modify a  
23           telecommunications service facility; or

24                   “(ii) for use of a right-of-way or a fa-  
25           cility in a right-of-way owned or managed

1 by the government or instrumentality for  
2 the placement, construction, or modifica-  
3 tion of a telecommunications service facil-  
4 ity.

5 “(B) REQUIREMENTS.—A fee charged  
6 under subparagraph (A) shall be—

7 “(i) competitively neutral, technology  
8 neutral, and nondiscriminatory;

9 “(ii) established in advance and pub-  
10 licly disclosed;

11 “(iii) calculated—

12 “(I) based on actual and direct  
13 costs for—

14 “(aa) review and processing  
15 of requests; and

16 “(bb) repairs and replace-  
17 ment of—

18 “(AA) components and  
19 materials directly resulting  
20 from and affected by the  
21 placement, construction, or  
22 modification (including the  
23 installation or improvement)  
24 of telecommunications serv-  
25 ice facilities; or

1 “(BB) equipment that  
2 facilitates the placement,  
3 construction, or modification  
4 (including the installation or  
5 improvement) of such facili-  
6 ties; and

7 “(II) using, for purposes of sub-  
8 clause (I), only costs that are objec-  
9 tively reasonable; and

10 “(iv) described to a requesting party  
11 in a manner that distinguishes between—

12 “(I) nonrecurring fees and recur-  
13 ring fees; and

14 “(II) the use of facilities on  
15 which telecommunications service fa-  
16 cilities or infrastructure for compat-  
17 ible uses are already located and fa-  
18 cilities on which there are no tele-  
19 communications service facilities or  
20 infrastructure for compatible uses as  
21 of the date on which the request is  
22 submitted by the requesting party to  
23 the government or instrumentality.

24 “(c) JUDICIAL REVIEW.—

1           “(1) IN GENERAL.—A person adversely affected  
2           by a State or local statute, regulation, or other legal  
3           requirement, or by a final action or failure to act by  
4           a State or local government or instrumentality there-  
5           of, that is inconsistent with this section may com-  
6           mence an action in any court of competent jurisdic-  
7           tion.

8           “(2) TIMING.—

9                   “(A) EXPEDITED BASIS.—A court shall  
10                  hear and decide an action commenced under  
11                  paragraph (1) on an expedited basis.

12                  “(B) FINAL ACTION OR FAILURE TO  
13                  ACT.—An action may only be commenced under  
14                  paragraph (1) on the basis of a final action or  
15                  failure to act by a State or local government or  
16                  instrumentality thereof, if commenced not later  
17                  than 30 days after such action or failure to act.

18           “(d) PRESERVATION OF STATE REGULATORY AU-  
19           THORITY.—Nothing in this section shall affect the ability  
20           of a State to impose, on a competitively neutral and non-  
21           discriminatory basis and consistent with section 254, re-  
22           quirements necessary to preserve and advance universal  
23           service, protect the public safety and welfare, ensure the  
24           continued quality of telecommunications services, and  
25           safeguard the rights of consumers.

1           “(e) PRESERVATION OF STATE AND LOCAL GOVERN-  
2   MENT AUTHORITY.—Except as explicitly set forth in this  
3   section, nothing in this section affects the authority of a  
4   State or local government or instrumentality thereof to  
5   manage, on a competitively neutral and nondiscriminatory  
6   basis, the public rights-of-way or to require, on a competi-  
7   tively neutral and nondiscriminatory basis, fair and rea-  
8   sonable compensation from telecommunications providers  
9   for use of public rights-of-way, if the compensation re-  
10   quired meets the requirements of subsection (b)(5).

11           “(f) PREEMPTION.—

12           “(1) IN GENERAL.—If, after notice and an op-  
13   portunity for public comment, the Commission deter-  
14   mines that a State or local government or instru-  
15   mentality thereof has permitted or imposed a stat-  
16   ute, regulation, or legal requirement that violates or  
17   is inconsistent with this section, the Commission  
18   shall preempt the enforcement of such statute, regu-  
19   lation, or legal requirement to the extent necessary  
20   to correct such violation or inconsistency.

21           “(2) TIMING.—Not later than 120 days after  
22   receiving a petition for preemption of the enforce-  
23   ment of a statute, regulation, or legal requirement  
24   as described in paragraph (1), the Commission shall  
25   grant or deny the petition.

1           “(g) COMMERCIAL MOBILE SERVICE PROVIDERS;  
2 CABLE OPERATORS.—Nothing in this section shall affect  
3 the application of section 332(c)(3) to commercial mobile  
4 service providers or section 621 to cable operators.

5           “(h) RURAL MARKETS.—It shall not be a violation  
6 of this section for a State to require a telecommunications  
7 carrier that seeks to provide telephone exchange service  
8 or exchange access in a service area served by a rural tele-  
9 phone company to meet the requirements in section  
10 214(e)(1) for designation as an eligible telecommuni-  
11 cations carrier for that area before being permitted to pro-  
12 vide such service. This subsection shall not apply—

13                 “(1) to a service area served by a rural tele-  
14 phone company that has obtained an exemption, sus-  
15 pension, or modification of section 251(c)(4) that ef-  
16 fectively prevents a competitor from meeting the re-  
17 quirements of section 214(e)(1); and

18                 “(2) to a provider of commercial mobile serv-  
19 ices.

20           “(i) WHEN REQUEST CONSIDERED SUBMITTED.—  
21 For the purposes of this section, a request to a State or  
22 local government or instrumentality thereof shall be con-  
23 sidered submitted on the date on which the requesting  
24 party takes the first procedural step within the control of  
25 the requesting party—

1           “(1) to submit such request in accordance with  
2           the procedures established by the government or in-  
3           strumentality for the review and approval of such a  
4           request; or

5           “(2) in the case of a government or instrumen-  
6           tality that has not established specific procedures for  
7           the review and approval of such a request, to submit  
8           to the government or instrumentality the type of fil-  
9           ing that is typically required to initiate a standard  
10          review for a similar facility or structure.

11          “(j) EFFECT OF REGULATIONS.—Any regulation pro-  
12          mulgated by the Commission to implement this section  
13          (including any interpretation of the requirements of and  
14          terms used in this section contained in any such regula-  
15          tion) shall be binding on a court in any action under sub-  
16          section (c).

17          “(k) DEFINITIONS.—In this section:

18                 “(1) ELIGIBLE SUPPORT INFRASTRUCTURE.—  
19                 The term ‘eligible support infrastructure’ means in-  
20                 frastructure that supports or houses a telecommuni-  
21                 cations service facility (or that is designed for or ca-  
22                 pable of supporting or housing such a facility) at the  
23                 time when a request to a State or local government  
24                 or instrumentality thereof for authorization to place,  
25                 construct, or modify a telecommunications service

1 facility in or on the infrastructure is submitted by  
2 the requesting party to the government or instru-  
3 mentality.

4 “(2) TELECOMMUNICATIONS SERVICE FACIL-  
5 ITY.—The term ‘telecommunications service facil-  
6 ity’—

7 “(A) means a facility that is designed or  
8 used to provide or facilitate the provision of any  
9 interstate or intrastate telecommunications  
10 service; and

11 “(B) includes a facility described in sub-  
12 paragraph (A) that is used to provide other  
13 services.”.

14 **SEC. 103. REQUESTS FOR MODIFICATION OF CERTAIN EX-**  
15 **ISTING WIRELESS AND WIRELINE COMMU-**  
16 **NICATIONS FACILITIES.**

17 (a) IN GENERAL.—Section 6409 of the Middle Class  
18 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
19 1455) is amended—

20 (1) in the heading, by striking “**WIRELESS**”  
21 and inserting “**COMMUNICATIONS**”; and

22 (2) in subsection (a)—

23 (A) in paragraph (1), by striking “a State  
24 or local government” and all that follows and  
25 inserting the following: “a State or local gov-

1           ernment or instrumentality thereof may not  
2           deny, and shall approve—

3           “(A) any eligible facilities request for a  
4           modification of an existing wireless tower, base  
5           station, or eligible support structure that does  
6           not substantially change the physical dimen-  
7           sions of such wireless tower, base station, or eli-  
8           gible support structure; and

9           “(B) any eligible wireline communications  
10          facilities request for a modification of an exist-  
11          ing wireline communications facility that does  
12          not substantially change the physical dimen-  
13          sions of such facility.”;

14          (B) by amending paragraph (2) to read as  
15          follows:

16          “(2) TIMEFRAME.—

17                 “(A) DEEMED APPROVAL.—

18                         “(i) IN GENERAL.—If a State or local  
19                         government or instrumentality thereof does  
20                         not, before or on the date that is 60 days  
21                         after the date on which a requesting party  
22                         submits to the government or instrumen-  
23                         tality a request as an eligible facilities re-  
24                         quest or an eligible wireline communica-  
25                         tions facilities request (as the case may

1 be), approve the request or make the deter-  
2 mination and provide the written notice de-  
3 scribed in subparagraph (B) with respect  
4 to the request, the request is deemed ap-  
5 proved on the day after the date that is 60  
6 days after the date on which the request-  
7 ing party submits the request.

8 “(ii) RULE OF CONSTRUCTION.—In  
9 the case of a request that is deemed ap-  
10 proved under clause (i), the modification  
11 requested in the request shall be author-  
12 ized, without any further action by the  
13 government or instrumentality, beginning  
14 on the date on which the request is deemed  
15 approved under such clause.

16 “(B) DETERMINATION REQUEST IS NOT  
17 AN ELIGIBLE REQUEST.—

18 “(i) DETERMINATION DESCRIBED.—  
19 The determination described in this sub-  
20 paragraph is a determination by a State or  
21 local government or instrumentality thereof  
22 that a request described in subparagraph  
23 (A)(i) is not an eligible facilities request or  
24 an eligible wireline communications facili-  
25 ties request (as the case may be).

1                   “(ii) WRITTEN NOTICE DESCRIBED.—

2                   The written notice described in this sub-  
3                   paragraph is a written notice of the deter-  
4                   mination described in clause (i) provided  
5                   by the government or instrumentality to  
6                   the requesting party that clearly describes  
7                   the reasons why the request is not an eligi-  
8                   ble facilities request or an eligible wireline  
9                   communications facilities request (as the  
10                  case may be) and includes a citation to a  
11                  specific provision of this subsection or the  
12                  regulations promulgated under this sub-  
13                  section relied upon for the determination.

14                  “(C) TOLLING DUE TO INCOMPLETE-  
15                  NESS.—

16                  “(i) INITIAL REQUEST INCOM-  
17                  plete.—If, not later than 30 days after  
18                  the date on which a requesting party sub-  
19                  mits to a State or local government or in-  
20                  strumentality thereof a request described  
21                  in subparagraph (A)(i), the government or  
22                  instrumentality provides to the requesting  
23                  party a written notice described in clause  
24                  (iii) with respect to the request, the 60-day  
25                  timeframe under subparagraph (A)(i) is

1 tolled until the date on which the request-  
2 ing party submits to the government or in-  
3 strumentality a supplemental submission in  
4 response to the notice.

5 “(ii) SUPPLEMENTAL SUBMISSION IN-  
6 COMPLETE.—If, not later than 10 days  
7 after the date on which a requesting party  
8 submits to a State or local government or  
9 instrumentality thereof a supplemental  
10 submission in response to a written notice  
11 described in clause (iii), the government or  
12 instrumentality provides to the requesting  
13 party a written notice described in clause  
14 (iii) with respect to the supplemental sub-  
15 mission, the 60-day timeframe under sub-  
16 paragraph (A)(i) is further tolled until the  
17 date on which the requesting party submits  
18 to the government or instrumentality a  
19 subsequent supplemental submission in re-  
20 sponse to the notice.

21 “(iii) WRITTEN NOTICE DE-  
22 SCRIBED.—The written notice described in  
23 this clause is, with respect to a request de-  
24 scribed in subparagraph (A)(i) or a supple-  
25 mental submission described in clause (i)

1 or (ii) submitted to a State or local govern-  
2 ment or instrumentality thereof by a re-  
3 questing party, a written notice from the  
4 government or instrumentality to the re-  
5 questing party—

6 “(I) stating that all of the infor-  
7 mation (including any form or other  
8 document) required by the govern-  
9 ment or instrumentality to be sub-  
10 mitted for the request to be consid-  
11 ered complete has not been submitted;

12 “(II) identifying the information  
13 described in subclause (I) that was  
14 not submitted; and

15 “(III) including a citation to a  
16 specific provision of a publicly avail-  
17 able rule, regulation, or standard  
18 issued by the government or instru-  
19 mentality requiring that such informa-  
20 tion be submitted with such a request.

21 “(iv) LIMITATION.—

22 “(I) INITIAL WRITTEN NOTICE.—  
23 If a written notice provided by a State  
24 or local government or instrumentality  
25 thereof to a requesting party under

1 clause (i) with respect to a request de-  
2 scribed in subparagraph (A)(i) identi-  
3 fies as not having been submitted any  
4 information that the government or  
5 instrumentality is prohibited by para-  
6 graph (5) from requiring to be sub-  
7 mitted, such notice shall be treated as  
8 not having been provided to the re-  
9 questing party.

10 “(II) SUBSEQUENT WRITTEN NO-  
11 TICE.—If a written notice provided by  
12 a State or local government or instru-  
13 mentality thereof to a requesting  
14 party under clause (ii) with respect to  
15 a supplemental submission identifies  
16 as not having been submitted any in-  
17 formation that was not identified as  
18 not having been submitted in the prior  
19 written notice under this subpara-  
20 graph in response to which the sup-  
21 plemental submission was submitted,  
22 the subsequent written notice shall be  
23 treated as not having been provided to  
24 the requesting party.

1           “(D) TOLLING BY MUTUAL AGREEMENT.—  
2           The 60-day timeframe under subparagraph  
3           (A)(i) may be tolled once, for a period of not  
4           more than 30 days, by mutual agreement be-  
5           tween the State or local government or instru-  
6           mentality thereof and the requesting party.”;  
7           and

8           (C) by adding at the end the following:

9           “(4) WHEN REQUEST CONSIDERED SUB-  
10          MITTED.—

11           “(A) IN GENERAL.—For the purposes of  
12           this subsection, a request described in para-  
13           graph (2)(A)(i) shall be considered submitted  
14           on the date on which the requesting party takes  
15           the first procedural step within the control of  
16           the requesting party—

17           “(i) to submit such request in accord-  
18           ance with the procedures established by the  
19           government or instrumentality for the re-  
20           view and approval of such a request; or

21           “(ii) in the case of a government or  
22           instrumentality that has not established  
23           specific procedures for the review and ap-  
24           proval of such a request, to submit to the  
25           government or instrumentality the type of

1 filing that is typically required to initiate a  
2 standard review for a similar facility or  
3 structure.

4 “(B) NO PRE-APPLICATION REQUIRE-  
5 MENTS.—A State or local government or instru-  
6 mentality thereof may not require a requesting  
7 party to undertake any process, meeting, or  
8 other step prior to or as a prerequisite to a re-  
9 quest being considered submitted.

10 “(5) LIMITATION ON REQUIRED DOCUMENTA-  
11 TION.—A State or local government or instrumen-  
12 tality thereof may require a requesting party submit-  
13 ting a request as an eligible facilities request or an  
14 eligible wireline communications facilities request to  
15 submit information (including a form or other docu-  
16 ment) with such request only to the extent that such  
17 information is reasonably related to determining  
18 whether such request is an eligible facilities request  
19 or an eligible wireline communications facilities re-  
20 quest (as the case may be) and is identified in a  
21 publicly available rule, regulation, or standard issued  
22 by the government or instrumentality requiring that  
23 such information be submitted with such a request.  
24 A State or local government or instrumentality  
25 thereof may not require a requesting party to submit

1 any other documentation or information with such a  
2 request.

3 “(6) ENFORCEMENT.—

4 “(A) IN GENERAL.—A requesting party  
5 may bring an action in any district court of the  
6 United States to enforce the provisions of this  
7 subsection.

8 “(B) EXPEDITED REVIEW.—A district  
9 court of the United States shall consider an ac-  
10 tion under subparagraph (A) on an expedited  
11 basis.

12 “(7) EFFECT OF REGULATIONS.—Any regula-  
13 tion promulgated by the Commission to implement  
14 this subsection (including any interpretation of the  
15 requirements of and terms used in this subsection  
16 contained in any such regulation) shall be binding  
17 on a court in any action under paragraph (6).

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

19 “(A) ELIGIBLE FACILITIES REQUEST.—  
20 The term ‘eligible facilities request’ means any  
21 request for a modification of an existing wire-  
22 less tower, base station, or eligible support  
23 structure that does not substantially change the  
24 physical dimensions of such wireless tower, base

1 station, or eligible support structure and that  
2 involves—

3 “(i) collocation of new transmission  
4 equipment;

5 “(ii) removal of transmission equip-  
6 ment;

7 “(iii) replacement of transmission  
8 equipment; or

9 “(iv) placement, construction, or  
10 modification of equipment that—

11 “(I) improves the resiliency of  
12 the wireless tower, base station, or eli-  
13 gible support structure; and

14 “(II) provides a direct benefit to  
15 public safety, such as—

16 “(aa) providing backup  
17 power for the wireless tower, base  
18 station, or eligible support struc-  
19 ture;

20 “(bb) hardening the wireless  
21 tower, base station, or eligible  
22 support structure; or

23 “(cc) providing more reliable  
24 connection capability using the

1 wireless tower, base station, or  
2 eligible support structure.

3 “(B) ELIGIBLE SUPPORT STRUCTURE.—

4 The term ‘eligible support structure’ means a  
5 structure that, at the time when an eligible fa-  
6 cilities request for a modification of such struc-  
7 ture is submitted to a State or local government  
8 or instrumentality thereof, supports or could  
9 support transmission equipment.

10 “(C) ELIGIBLE WIRELINE COMMUNICA-

11 TIONS FACILITIES REQUEST.—The term ‘eligi-  
12 ble wireline communications facilities request’  
13 means any request for a modification of an ex-  
14 isting wireline communications facility that does  
15 not substantially change the physical dimen-  
16 sions of such facility and that involves—

17 “(i) collocation of new wireline com-  
18 munications facility equipment;

19 “(ii) removal of wireline communica-  
20 tions facility equipment; or

21 “(iii) replacement of wireline commu-  
22 nications facility equipment.

23 “(D) TRANSMISSION EQUIPMENT.—The

24 term ‘transmission equipment’ has the meaning  
25 given such term in section 1.6100(b)(8) of title



1           “(g) TIMING OF DECISION ON REQUEST FOR FRAN-  
2 CHISE.—

3           “(1) IN GENERAL.—Not later than 120 days  
4 after the date on which a requesting party submits  
5 to a franchising authority a request for the grant of  
6 a franchise, the franchising authority shall approve  
7 or deny such request.

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

14           “(3) APPLICABILITY.—Notwithstanding any  
15 provision of this title, the timeframe under para-  
16 graph (1) shall apply collectively to all proceedings  
17 required by a franchising authority for the approval  
18 of the request.

19           “(4) NO MORATORIA.—A timeframe under  
20 paragraph (1) may not be tolled by any moratorium,  
21 whether express or de facto, imposed by a fran-  
22 chising authority on the consideration of any request  
23 for a franchise.

24           “(5) TOLLING DUE TO INCOMPLETENESS.—

1           “(A) INITIAL REQUEST INCOMPLETE.—If,  
2           not later than 30 days after the date on which  
3           a franchising authority provides to a requesting  
4           party a written notice described in subpara-  
5           graph (C) with respect to a request described in  
6           paragraph (1), the timeframe described in such  
7           paragraph is tolled with respect to the request  
8           until the date on which the requesting party  
9           submits to the franchising authority a supple-  
10          mental submission in response to the notice.

11          “(B) SUPPLEMENTAL SUBMISSION INCOM-  
12          plete.—If, not later than 10 days after the  
13          date on which a requesting party submits to the  
14          franchising authority a supplemental submis-  
15          sion in response to a written notice described in  
16          subparagraph (A), the franchising authority  
17          provides to the requesting party a written no-  
18          tice described in subparagraph (A) with respect  
19          to the supplemental submission, the timeframe  
20          under paragraph (1) is further tolled until the  
21          date on which the requesting party submits to  
22          the franchising authority a subsequent supple-  
23          mental submission in response to the notice.

24          “(C) WRITTEN NOTICE DESCRIBED.—The  
25          written notice described in this subparagraph

1 is, with respect to a request described in para-  
2 graph (1) or a supplemental submission de-  
3 scribed in subparagraph (A) or (B) submitted  
4 to a franchising authority by a requesting  
5 party, a written notice from the franchising au-  
6 thority to the requesting party—

7 “(i) stating that all of the information  
8 (including any form or other document) re-  
9 quired by the franchising authority to be  
10 submitted for the request to be considered  
11 complete has not been submitted;

12 “(ii) identifying the information de-  
13 scribed in clause (i) that was not sub-  
14 mitted;

15 “(iii) demonstrating that such infor-  
16 mation is reasonable and directly related to  
17 determining the qualifications of the re-  
18 questing party to operate the cable system;  
19 and

20 “(iv) including a citation to a specific  
21 provision of a publicly available rule, regu-  
22 lation, or standard issued by the fran-  
23 chising authority requiring that such infor-  
24 mation be submitted with such a request.

1           “(D) LIMITATION ON SUBSEQUENT WRIT-  
2           TEN NOTICE.—If a written notice provided by a  
3           franchising authority to a requesting party  
4           under subparagraph (A) with respect to a sup-  
5           plemental submission identifies as not having  
6           been submitted any information that was not  
7           identified as not having been submitted in the  
8           prior written notice under this subparagraph in  
9           response to which the supplemental submission  
10          was submitted, the subsequent written notice  
11          shall be treated as not having been provided to  
12          the requesting party.

13          “(6) TOLLING BY MUTUAL AGREEMENT.—The  
14          timeframe under paragraph (1) may be tolled once,  
15          for a period of not more than 30 days, by mutual  
16          agreement between the franchising authority and the  
17          requesting party.

18          “(7) WRITTEN DECISION AND RECORD.—Any  
19          decision by a franchising authority to deny a request  
20          for a franchise shall be—

21                 “(A) in writing;

22                 “(B) supported by substantial evidence  
23                 contained in a written record; and

1           “(C) publicly released, and provided to the  
2           requesting party, on the same day such decision  
3           is made.

4           “(8) WHEN REQUEST CONSIDERED SUB-  
5           MITTED.—For the purposes of this subsection, a re-  
6           quest to a franchising authority shall be considered  
7           submitted on the date on which the requesting party  
8           takes the first procedural step within the control of  
9           the requesting party—

10           “(A) to submit such request in accordance  
11           with the procedures established by the fran-  
12           chising authority for the review and approval of  
13           such a request; or

14           “(B) in the case of a franchising authority  
15           that has not established specific procedures for  
16           the review and approval of such a request, to  
17           submit to the franchising authority the type of  
18           filing that is typically required of a cable oper-  
19           ator to initiate a standard review for a request  
20           related to a franchise.”.

1 **SEC. 202. REQUEST REGARDING PLACEMENT, CONSTRUC-**  
2 **TION, OR MODIFICATION OF CABLE EQUIP-**  
3 **MENT.**

4 (a) IN GENERAL.—Section 624 of the Communica-  
5 tions Act of 1934 (47 U.S.C. 544) is amended by adding  
6 at the end the following:

7 “(j) REQUEST REGARDING PLACEMENT, CONSTRUC-  
8 TION, 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 covered equip-  
15 ment within the jurisdiction of such covered en-  
16 tity; or

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

20 “(2) LIMITATIONS.—

21 “(A) ABILITY TO PROVIDE OR ENHANCE  
22 SERVICE.—With respect to the regulation by a  
23 covered entity for the placement, construction,  
24 or modification of covered equipment, the cov-  
25 ered entity shall not prohibit or have the effect  
26 of prohibiting the ability of a cable operator to

1 provide, improve, or enhance the provision of  
2 service using covered equipment under a fran-  
3 chise granted by such covered entity, or within  
4 the jurisdiction of such covered entity, as so  
5 may be the case.

6 “(B) NO IMPOSITION OF CERTAIN CONDI-  
7 TIONS.—A covered entity shall not, in connec-  
8 tion with a request for authorization to place,  
9 construct, or modify covered equipment made  
10 after the date of the enactment of this sub-  
11 section, impose on the requesting party—

12 “(i) any requirement that the request-  
13 ing party, as a condition of obtaining such  
14 authorization, install, or pay for the instal-  
15 lation of, any conduit or fiber for use by  
16 the covered entity or any person other than  
17 the requesting party;

18 “(ii) any requirement that the re-  
19 questing party prepare or pay for the prep-  
20 aration of any environmental, engineering,  
21 network design, mapping, or other survey  
22 or study unrelated to the request; or

23 “(iii) any other condition for obtain-  
24 ing such authorization, unless such condi-  
25 tion is specific to the precise geographic lo-

1 cation at which the covered equipment is  
2 being placed, constructed, or modified.

3 “(C) TIMING OF DECISIONS ON REQUESTS  
4 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,  
5 OR MODIFY FACILITY.—

6 “(i) TIMEFRAME.—A covered entity  
7 shall approve or deny a request for author-  
8 ization to place, construct, or modify cov-  
9 ered equipment not later than—

10 “(I) if the request is for author-  
11 ization to place, construct, or modify  
12 covered equipment in or on a covered  
13 easement or eligible support infra-  
14 structure, 90 days after the date on  
15 which requesting party submits the  
16 request to the covered entity; or

17 “(II) if the request is not for au-  
18 thorization to place, construct, or  
19 modify covered equipment in or on a  
20 covered easement or eligible support  
21 infrastructure, 150 days after the  
22 date on which the requesting party  
23 submits the request to the covered en-  
24 tity.

1                   “(ii) DEEMED GRANTED.—If a cov-  
2                   ered entity fails to grant or deny a request  
3                   by the applicable timeframe under clause  
4                   (i), the request shall be deemed granted  
5                   and authorized on the date on which the  
6                   covered entity receives written notice of the  
7                   failure from the requesting party.

8                   “(iii)        APPLICABILITY.—Notwith-  
9                   standing any provision of this title, the ap-  
10                  plicable timeframe under clause (i) shall  
11                  apply collectively to all proceedings, includ-  
12                  ing related permits and authorizations, re-  
13                  quired by a covered entity for the approval  
14                  of the request.

15                  “(iv) NO MORATORIA.—A timeframe  
16                  under clause (i) may not be tolled by any  
17                  moratorium, whether express or de facto,  
18                  imposed by a covered entity on the consid-  
19                  eration of any request for authorization to  
20                  place, construct, or modify covered equip-  
21                  ment.

22                  “(v) TOLLING DUE TO INCOMPLETE-  
23                  NESS.—

24                               “(I) INITIAL REQUEST INCOM-  
25                               plete.—If, not later than 30 days

1 after the date on which a requesting  
2 party submits to a covered entity a re-  
3 quest for authorization to place, con-  
4 struct, or modify covered equipment,  
5 the covered entity provides to the re-  
6 questing party a written notice de-  
7 scribed in subclause (III) with respect  
8 to the request, the timeframe de-  
9 scribed in clause (i) is tolled with re-  
10 spect to the request until the date on  
11 which the requesting party submits to  
12 the covered entity a supplemental sub-  
13 mission in response to the notice.

14 “(II) SUPPLEMENTAL SUBMIS-  
15 SION INCOMPLETE.—If, not later than  
16 10 days after the date on which a re-  
17 questing party submits to the covered  
18 entity a supplemental submission in  
19 response to a written notice described  
20 in subclause (III), the covered entity  
21 provides to the requesting party a  
22 written notice described in subclause  
23 (III) with respect to the supplemental  
24 submission, the timeframe under  
25 clause (i) is further tolled until the

1 date on which the requesting party  
2 submits to the covered entity a subse-  
3 quent supplemental submission in re-  
4 sponse to the notice.

5 “(III) WRITTEN NOTICE DE-  
6 SCRIBED.—The written notice de-  
7 scribed in this subclause is, with re-  
8 spect to a request described in clause  
9 (i) or a supplemental submission de-  
10 scribed in subclause (I) or (II) sub-  
11 mitted to a covered entity by a re-  
12 questing party, a written notice from  
13 the requesting party to the covered  
14 entity—

15 “(aa) stating that all of the  
16 information (including any form  
17 or other document) required by  
18 the covered entity to be sub-  
19 mitted for the request to be con-  
20 sidered complete has not been  
21 submitted;

22 “(bb) identifying the infor-  
23 mation described in item (aa)  
24 that was not submitted; and

1                   “(cc) including a citation to  
2                   a specific provision of a publicly  
3                   available rule, regulation, or  
4                   standard issued by the covered  
5                   entity requiring that such infor-  
6                   mation be submitted with such a  
7                   request.

8                   “(IV) LIMITATION ON SUBSE-  
9                   QUENT WRITTEN NOTICE.—If a writ-  
10                  ten notice provided by covered entity  
11                  to a requesting party under subclause  
12                  (I) with respect to a supplemental  
13                  submission identifies as not having  
14                  been submitted any information that  
15                  was not identified as not having been  
16                  submitted in the prior written notice  
17                  under this subparagraph in response  
18                  to which the supplemental submission  
19                  was submitted, the subsequent written  
20                  notice shall be treated as not having  
21                  been provided to the requesting party.

22                  “(vi) TOLLING BY MUTUAL AGREE-  
23                  MENT.—The timeframe under clause (i)  
24                  may be tolled once, for a period of not  
25                  more than 30 days, by mutual agreement

1 between the covered entity and the re-  
2 questing party.

3 “(vii) WRITTEN DECISION AND  
4 RECORD.—Any decision by a covered entity  
5 to deny a request for authorization to  
6 place, construct, or modify covered equip-  
7 ment shall be—

8 “(I) in writing;

9 “(II) supported by substantial  
10 evidence contained in a written  
11 record; and

12 “(III) publicly released, and pro-  
13 vided to the requesting party, on the  
14 same day such decision is made.

15 “(viii) WHEN REQUEST CONSIDERED  
16 SUBMITTED.—For the purposes of this  
17 subparagraph, a request to a covered enti-  
18 ty shall be considered submitted on the  
19 date on which the requesting party takes  
20 the first procedural step within the control  
21 of the requesting party—

22 “(I) to submit such request in  
23 accordance with the procedures estab-  
24 lished by the covered entity for the re-

1 view and approval of such a request;  
2 or

3 “(II) in the case of a covered en-  
4 tity that has not established specific  
5 procedures for the review and ap-  
6 proval of such a request, to submit to  
7 the covered entity the type of filing  
8 that is typically required of a cable  
9 operator to initiate a standard review  
10 for a similar request in a jurisdiction  
11 that has not established specific pro-  
12 cedures for the relevant review and  
13 approval of such a request.

14 “(ix) EMERGENCY WORK.—

15 “(I) LIMITATION.—A covered en-  
16 tity shall not require a cable operator  
17 to request or obtain authorization for  
18 the placement, construction, or modi-  
19 fication of covered equipment in or on  
20 a covered easement before such cable  
21 operator performs, with respect to  
22 such equipment, work to repair a sys-  
23 tem damaged due to forces outside  
24 the control of such cable operator.

1                   “(II) NOTIFICATION.—A cable  
2                   operator shall promptly notify the af-  
3                   fected covered entity of any such work  
4                   before performing any such work.

5                   “(3) FEES.—

6                   “(A) IN GENERAL.—A covered entity may  
7                   charge a fee that meets the requirements under  
8                   subparagraph (B) to consider a request for au-  
9                   thorization to place, construct, or modify cov-  
10                  ered equipment.

11                  “(B) REQUIREMENTS.—A fee charged  
12                  under subparagraph (A) shall be—

13                   “(i) competitively neutral, technology  
14                   neutral, and nondiscriminatory;

15                   “(ii) established and publicly disclosed  
16                   in advance;

17                   “(iii) calculated—

18                   “(I) based on actual and direct  
19                   costs for—

20                   “(aa) review and processing  
21                   of requests; and

22                   “(bb) repairs and replace-  
23                   ment of—

24                   “(AA) components and  
25                   materials directly resulting

1 from and affected by the  
2 placement, construction, or  
3 modification of the covered  
4 equipment (including compo-  
5 nents and materials directly  
6 resulting from and affected  
7 by the installation of covered  
8 equipment or, with respect  
9 to the placement, construc-  
10 tion, or modification of the  
11 covered equipment, the im-  
12 provement of an eligible sup-  
13 port infrastructure); or

14 “(BB) equipment that  
15 facilitates the repair and re-  
16 placement of such compo-  
17 nents and materials;

18 “(II) using, for purposes of sub-  
19 clause (I), only costs that are objec-  
20 tively reasonable; and

21 “(III) described to a requesting  
22 party in a manner that distinguishes  
23 between nonrecurring fees and recur-  
24 ring fees.

1           “(C) NO RELATION TO FRANCHISE  
2 FEES.—A fee charged under this paragraph to  
3 consider a request for authorization to place,  
4 construct, or modify covered equipment may  
5 not be considered a franchise fee under section  
6 622.

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

8           “(A) COVERED EASEMENT.—The term  
9 ‘covered easement’ means an easement or public  
10 right-of-way that exists at the time when a re-  
11 quest to a covered entity for authorization to  
12 place, construct, or modify the covered equip-  
13 ment in or on the easement or public right-of-  
14 way is submitted to the covered entity.

15           “(B) COVERED EQUIPMENT.—The term  
16 ‘covered equipment’ means equipment or mate-  
17 rials (including any cable, fiber, conduit, or  
18 electronics) used in or attached to a cable sys-  
19 tem to provide any service through such system.

20           “(C) 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 “(D) ELIGIBLE SUPPORT INFRASTRUC-  
3 TURE.—The term ‘eligible support infrastruc-  
4 ture’ means infrastructure that—

5 “(i) is located within a public right-of-  
6 way or easement that—

7 “(I) is within the area served by  
8 the cable system; and

9 “(II) has been dedicated for com-  
10 patible uses; and

11 “(ii) supports or houses a facility for  
12 communication by wire (or that is designed  
13 for or capable of supporting or housing  
14 such a facility) at the time when a request  
15 to a covered entity for authorization to  
16 place, construct, or modify covered equip-  
17 ment in or on the infrastructure is sub-  
18 mitted to the covered entity.”.

19 (b) ACTION ON PENDING REQUESTS.—

20 (1) APPLICATION.—Paragraphs (2)(B) and (4)  
21 of section 624(j) of the Communications Act of 1934  
22 (47 U.S.C. 544(j)), as added by subsection (a), shall  
23 apply to a—

1 (A) request submitted to a covered entity  
2 (as such term is defined in section 624(j) of the  
3 Communications Act of 1934)—

4 (i) before the date of the enactment of  
5 this Act; and

6 (ii) has not been approved or denied  
7 by the covered entity on or before such  
8 date; and

9 (B) a request submitted to a covered entity  
10 on or after the date of the enactment of this  
11 Act.

12 (2) DATE OF RECEIPT.—The date of receipt by  
13 a covered entity of a request described under sub-  
14 section (a)(1) shall be deemed to be the date of the  
15 enactment of this Act.

16 **SEC. 203. CABLE FRANCHISE TERM AND TERMINATION.**

17 (a) **ELIMINATION OR MODIFICATION OF REQUIRE-**  
18 **MENT IN FRANCHISE.**—Section 625 of the Communica-  
19 tions Act of 1934 (47 U.S.C. 545) is amended to read  
20 as follows:

21 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**  
22 **MENT IN FRANCHISE.**

23 “(a) **IN GENERAL.**—During the period in which a  
24 franchise is in effect, the cable operator may obtain the  
25 elimination or modification of any requirement in the fran-

1 chise by submitting to the franchising authority a request  
2 for the elimination or modification of such requirement.

3 “(b) ELIMINATION OR MODIFICATION OF REQUIRE-  
4 MENT IN FRANCHISE.—The franchising authority shall  
5 eliminate or modify a requirement in accordance with a  
6 request submitted under subsection (a) not later than 120  
7 days after the cable operator submits the request to the  
8 franchising authority if the cable operator demonstrates  
9 in the request good cause for the elimination or modifica-  
10 tion of the requirement, including the need to eliminate  
11 or modify the requirement—

12 “(1) to conform to an applicable Federal or  
13 State law;

14 “(2) to address changes in technology;

15 “(3) to address competitive disparities; or

16 “(4) in the case of a requirement applicable to  
17 the cable operator, due to commercial imprac-  
18 ticability.

19 “(c) DEEMED ELIMINATION OR MODIFICATION.—  
20 Except in the case of a request for the elimination or  
21 modification of a requirement for services relating to pub-  
22 lic, educational, or governmental access, if the franchising  
23 authority fails to approve or deny the request submitted  
24 under subsection (a) by the date described under sub-  
25 section (b), the requirement shall be deemed eliminated

1 or modified in accordance with the request on the day  
2 after such date.

3 “(d) APPEAL.—

4 “(1) IN GENERAL.—Any cable operator whose  
5 request for elimination or modification of a require-  
6 ment in a franchise under subsection (a) has been  
7 denied by a final decision of a franchising authority  
8 may seek judicial review of the decision pursuant to  
9 the provisions of section 635.

10 “(2) GRANT OF REQUEST.—In the case of any  
11 proposed elimination or modification of a require-  
12 ment in a franchise under subsection (a), the court  
13 shall grant such elimination or modification only if  
14 the cable operator demonstrates to the court that  
15 the standards in subsection (b) have been met.

16 “(e) WHEN REQUEST CONSIDERED SUBMITTED.—  
17 For the purposes of this section, a request to a franchising  
18 authority shall be considered submitted on the date on  
19 which the requesting party takes the first procedural step  
20 within the control of the requesting party—

21 “(1) to submit such request in accordance with  
22 the procedures established by the franchising au-  
23 thority for the review and approval of such a re-  
24 quest; or

1           “(2) in the case of a franchising authority that  
2           has not established specific procedures for the review  
3           and approval of such a request, to submit to the  
4           franchising authority the type of filing that is typi-  
5           cally required to initiate a standard review for a re-  
6           quest related to a franchise.”.

7           (b) IN GENERAL.—Section 626 of the Communica-  
8           tions Act of 1934 (47 U.S.C. 546) is amended to read  
9           as follows:

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

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

15           “(b) LIMITS.—

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

19                           “(A) revoked by a franchising authority;

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

21                           “(C) revoked or terminated by operation of  
22                   law, including by a term in a franchise that re-  
23                   vokes or terminates such franchise on a specific  
24                   date, after a period of time, or upon the occur-  
25                   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 to terminate such franchise.

9           “(ii) TIME OF TERMINATION.—If the  
10          cable operator submits a written request  
11          under clause (i), the franchising authority  
12          shall revoke the franchise on the date that  
13          is 90 days after the request is submitted to  
14          the franchising authority.

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

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

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) REVIEW OF REVOCATION OF FRANCHISE BY  
11 FRANCHISING AUTHORITY.—

12 “(1) ADMINISTRATIVE OR JUDICIAL REVIEW.—

13 With respect to a determination by a franchising au-  
14 thority to revoke a franchise for cause under sub-  
15 section (b)(2)(B), a cable operator may—

16 “(A) petition the Commission for review of  
17 such determination; or

18 “(B) seek judicial review of such deter-  
19 mination pursuant to the provisions of section  
20 635.

21 “(2) COMMISSION REVIEW.—With respect to a  
22 petition for the review of a determination brought  
23 under paragraph (1)(A), the Commission shall—

24 “(A) review the determination de novo; and

1           “(B) invalidate the determination if, based  
2           on the evidence presented during the review, the  
3           Commission determines that the franchising au-  
4           thority has not demonstrated by a preponder-  
5           ance of the evidence that the franchising au-  
6           thority revoked the franchise for cause in ac-  
7           cordance with subsection (b)(2)(B).

8           “(3) STAY OF DETERMINATION TO REVOKE  
9           FRANCHISE.—A revocation of a franchise for cause  
10          under subsection (b)(2)(B) may be stayed—

11           “(A) in the case the cable operator peti-  
12           tions the Commission for review of the deter-  
13           mination on which such revocation is based, by  
14           the Commission; and

15           “(B) in the case the cable operator seeks  
16           judicial review of the determination on which  
17           such revocation is based, by the court in which  
18           the cable operator seeks judicial review of the  
19           determination.”.

20          (c) TECHNICAL AND CONFORMING AMENDMENTS.—  
21          The Communications Act of 1934 (47 U.S.C. 151 et seq.)  
22          is amended—

23           (1) in section 601—

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

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

2 (C) by redesignating paragraph (6) as  
3 paragraph (5);

4 (2) in section 602(9)—

5 (A) by striking “initial”; and

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

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

12 (4) in section 612(b)(3)—

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

15 (B) by striking “, or proposal for renewal  
16 thereof,”;

17 (5) in section 621(b)(3)—

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

20 (B) in subparagraph (D)—

21 (i) by striking “initial”; and

22 (ii) by striking “, a franchise re-  
23 newal,”;

24 (6) in section 624—

1 (A) in subsection (b)(1), by striking “(in-  
2 cluding requests for renewal proposals, subject  
3 to section 626)”; and

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

6 (7) in section 635A(a), by striking “renewal,”.

7 (d) EFFECTIVE DATE; APPLICATION.—

8 (1) EFFECTIVE DATE.—This section, and the  
9 amendments made by this section, shall take effect  
10 6 months after the date of the enactment of this  
11 Act.

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

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

17 (B) before such date, if—

18 (i) such franchise (including, any re-  
19 newal thereof before the date of the enact-  
20 ment of this Act) is in effect on such date;

21 or

22 (ii) such franchise is expired and the  
23 cable operator has continued to perform  
24 under the provisions of such franchise as if  
25 such franchise were not expired.

1 **SEC. 204. SALES OF CABLE SYSTEMS.**

2 (a) IN GENERAL.—Section 627 of the Communica-  
3 tions Act of 1934 (47 U.S.C. 547) is amended to read  
4 as follows:

5 **“SEC. 627. CONDITIONS OF SALE OR TRANSFER.**

6 “(a) VALUE OF CABLE SYSTEM AFTER REVOCATION  
7 OF FRANCHISE.—If a franchise held by a cable operator  
8 is revoked for cause under section 626(b)(2)(B) and the  
9 franchising authority acquires ownership of the cable sys-  
10 tem or effects a transfer of ownership of the system to  
11 another person, any such acquisition or transfer shall be  
12 at fair market value.

13 “(b) LIMITATIONS ON AUTHORITY OF FRANCHISING  
14 AUTHORITY WITH RESPECT TO TRANSFER OF FRAN-  
15 CHISE.—

16 “(1) IN GENERAL.—A franchising authority  
17 may not preclude a cable operator from transferring  
18 a franchise to any person—

19 “(A) to which such franchise was not ini-  
20 tially granted; and

21 “(B) with respect to the terms of the fran-  
22 chise that apply to the cable operator, who  
23 agrees to accept all such terms in effect at the  
24 time of the transfer.

25 “(2) NOTIFICATION.—In the case of the trans-  
26 fer of a franchise to a person to which such fran-

1       chise was not originally granted, a franchising au-  
2       thority may require a cable operator to which a fran-  
3       chise was initially granted to, not later than 15 days  
4       before the transfer of the franchise, notify the fran-  
5       chising authority in writing of such transfer.

6       “(c) TRANSFER OF A FRANCHISE DEFINED.—In this  
7       section, the term ‘transfer of a franchise’ means the trans-  
8       fer or assignment of any rights under a franchise through  
9       any transaction, including through—

10           “(1) a merger involving the cable operator or  
11           cable system;

12           “(2) a sale of the cable operator or cable sys-  
13           tem;

14           “(3) an assignment of the cable operator or a  
15           cable system;

16           “(4) a restructuring of a cable operator or a  
17           cable system; or

18           “(5) the transfer of control of a cable operator  
19           or a cable system.”.

20       (b) EFFECTIVE DATE.—This section, and the amend-  
21       ment made by subsection (a), shall take effect 6 months  
22       after the date of the enactment of this Act.

23       (c) APPLICATION.—This section, and the amendment  
24       made by subsection (a), shall apply to a franchise grant-  
25       ed—

1 (1) on or after the effective date established by  
2 subsection (b); or

3 (2) before such date, if—

4 (A) such franchise (including any renewal  
5 term thereof) is in effect on such date; or

6 (B) such franchise is expired and cable op-  
7 erator has continued to perform under the pro-  
8 visions of such franchise as if such franchise  
9 were not expired.

10 **TITLE III—ENVIRONMENTAL**  
11 **AND HISTORIC PRESERVA-**  
12 **TION REVIEWS**

13 **SEC. 301. APPLICATION OF NEPA AND NHPA TO CERTAIN**  
14 **COMMUNICATIONS PROJECTS.**

15 (a) IN GENERAL.—

16 (1) NEPA EXEMPTION.—A Federal authoriza-  
17 tion with respect to a covered project may not be  
18 considered a major Federal action under section  
19 102(2)(C) of the National Environmental Policy Act  
20 of 1969 (42 U.S.C. 4332(2)(C)).

21 (2) NATIONAL HISTORIC PRESERVATION ACT  
22 EXEMPTION.—A covered project may not be consid-  
23 ered an undertaking under section 300320 of title  
24 54, United States Code.

1 (b) GRANT OF EASEMENT ON FEDERAL PROP-  
2 ERTY.—

3 (1) NEPA EXEMPTION.—A Federal authoriza-  
4 tion with respect to a covered easement for a com-  
5 munications facility may not be considered a major  
6 Federal action under section 102(2)(C) of the Na-  
7 tional Environmental Policy Act of 1969 (42 U.S.C.  
8 4332(2)(C)), if—

9 (A) a covered easement has previously been  
10 granted for another communications facility or  
11 a utility facility with respect to the same build-  
12 ing or other property owned by the Federal  
13 Government; or

14 (B) the covered easement is for a commu-  
15 nications facility in a public right-of-way.

16 (2) NATIONAL HISTORIC PRESERVATION ACT  
17 EXEMPTION.—A covered easement for a communica-  
18 tions facility may not be considered an undertaking  
19 under section 300320 of title 54, United States  
20 Code, if—

21 (A) a covered easement has previously been  
22 granted for another communications facility or  
23 a utility facility with respect to the same build-  
24 ing or other property owned by the Federal  
25 Government; or

1 (B) the covered easement is for a commu-  
2 nications facility in a public right-of-way.

3 (c) REQUESTS FOR MODIFICATION OF CERTAIN EX-  
4 ISTING WIRELESS AND WIRELINE COMMUNICATIONS FA-  
5 CILITIES.—Section 6409(a)(3) of the Middle Class Tax  
6 Relief and Job Creation Act of 2012 (47 U.S.C.  
7 1455(a)(3)) is amended to read as follows:

8 “(3) APPLICATION OF NEPA; NHPA.—

9 “(A) NEPA EXEMPTION.—A Federal au-  
10 thorization with respect to an eligible facilities  
11 request or an eligible wireline communications  
12 facilities request may not be considered a major  
13 Federal action under section 102(2)(C) of the  
14 National Environmental Policy Act of 1969 (42  
15 U.S.C. 4332(2)(C)).

16 “(B) NATIONAL HISTORIC PRESERVATION  
17 ACT EXEMPTION.—An eligible facilities request  
18 or an eligible wireline communications facilities  
19 request may not be considered an undertaking  
20 under section 300320 of title 54, United States  
21 Code.

22 “(C) FEDERAL AUTHORIZATION DE-  
23 FINED.—In this paragraph, the term ‘Federal  
24 authorization’—

1                   “(i) means any authorization required  
2                   under Federal law with respect to an eligi-  
3                   ble facilities request or an eligible wireline  
4                   communications facilities request; and

5                   “(ii) includes any permits, special use  
6                   authorizations, certifications, opinions, or  
7                   other approvals as may be required under  
8                   Federal law with respect to an eligible fa-  
9                   cilities request or an eligible wireline com-  
10                  munications facilities request.”.

11 **SEC. 302. PRESUMPTION WITH RESPECT TO CERTAIN COM-**  
12 **PLETE FCC FORMS.**

13           (a) PRESUMPTION.—With respect to a project that  
14 is an undertaking under section 300320 of title 54, United  
15 States Code, as determined by the Commission, if an In-  
16 dian Tribe is shown to have received a complete FCC  
17 Form 620 or FCC Form 621 (or any successor form), or  
18 can be reasonably expected to have received a complete  
19 FCC Form 620 or FCC Form 621 (or any successor  
20 form), and has not acted on a request contained in such  
21 complete form by the date that is 45 days after the date  
22 of such receipt or reasonably expected receipt—

23                   (1) the Commission and a court of competent  
24                   jurisdiction (as the case may be) shall presume the  
25                   applicant with respect to such complete form has

1       made a good faith effort to provide the information  
2       reasonably necessary for such Indian Tribe to ascer-  
3       tain whether historic properties of religious or cul-  
4       tural significance to such Indian Tribe may be af-  
5       fected by the undertaking related to such complete  
6       form; and

7               (2) such Indian Tribe shall be presumed to  
8       have disclaimed interest in such undertaking.

9       (b) OVERCOMING PRESUMPTION.—

10              (1) IN GENERAL.—An Indian Tribe may over-  
11       come a presumption under subsection (a) upon mak-  
12       ing, to the Commission or a court of competent ju-  
13       risdiction, a favorable demonstration with respect to  
14       1 or more of the factors described in paragraph (2).

15              (2) FACTORS CONSIDERED.—In making a de-  
16       termination regarding a presumption under sub-  
17       section (a), the Commission or court of competent  
18       jurisdiction shall give substantial weight to—

19              (A) whether the applicant with respect to  
20       the relevant complete form failed to make a  
21       reasonable attempt to follow up with the appli-  
22       cable Indian Tribe not earlier than 30 days,  
23       and not later than 50 days, after the applicant  
24       submitted a complete FCC Form 620 or FCC

1 Form 621 (as the case may be) to such Indian  
2 Tribe; and

3 (B) whether the regulations of the Com-  
4 mission, or FCC Form 620 or FCC Form 621,  
5 are found to be in violation of a Nationwide  
6 Programmatic Agreement of the Commission.

7 **SEC. 303. RULE OF CONSTRUCTION.**

8 Nothing in this title or any amendment made by this  
9 title may be construed to affect the obligation of the Com-  
10 mission to evaluate radiofrequency exposure under the Na-  
11 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
12 et seq.).

13 **SEC. 304. DEFINITIONS.**

14 In this title:

15 (1) **CHIEF EXECUTIVE.**—The term “Chief Ex-  
16 ecutive” means the person who is the Chief, Chair-  
17 man, Governor, President, or similar executive offi-  
18 cial of an Indian tribal government.

19 (2) **COMMISSION.**—The term “Commission”  
20 means the Federal Communications Commission.

21 (3) **COMMUNICATIONS FACILITY.**—The term  
22 “communications facility” has the meaning given the  
23 term “communications facility installation” in sec-  
24 tion 6409(d) of the Middle Class Tax Relief and Job  
25 Creation Act of 2012 (47 U.S.C. 1455(d)).

1           (4) COVERED EASEMENT.—The term “covered  
2           easement” means an easement, right-of-way, or lease  
3           with respect to a building or other property owned  
4           by the Federal Government, excluding Tribal land  
5           held in trust by the Federal Government (unless the  
6           Indian tribal government with respect to such land  
7           requests that the Commission not exclude the land  
8           for purposes of this definition), for the right to in-  
9           stall, construct, modify, or maintain a communica-  
10          tions facility or a utility facility.

11          (5) COVERED PROJECT.—The term “covered  
12          project” means any of the following:

13                 (A) A project—

14                         (i) for—

15                                 (I) the mounting or installation  
16                                 of a personal wireless service facility  
17                                 with another personal wireless service  
18                                 facility that exists at the time at  
19                                 which a request for authorization of  
20                                 such mounting or installation is sub-  
21                                 mitted to a State or local government  
22                                 or instrumentality thereof or to an In-  
23                                 dian tribal government; or

24                                 (II) the modification of a per-  
25                                 sonal wireless service facility; and

1 (ii) for which a permit, license, or ap-  
2 proval from the Commission is required or  
3 that is otherwise subject to the jurisdiction  
4 of the Commission.

5 (B) A project—

6 (i) for the placement, construction, or  
7 modification of a facility for communica-  
8 tion by wire in or on eligible support infra-  
9 structure; and

10 (ii) for which a permit, license, or ap-  
11 proval from the Commission is required or  
12 that is otherwise subject to the jurisdiction  
13 of the Commission.

14 (C) A project to deploy a small personal  
15 wireless service facility.

16 (D) A project—

17 (i) for the deployment or modification  
18 of a communications facility that is to be  
19 carried out entirely within a floodplain (as  
20 defined in section 9.4 of title 44, Code of  
21 Federal Regulations, as in effect on the  
22 date of the enactment of this Act); and

23 (ii) for which a permit, license, or ap-  
24 proval from the Commission is required or

1 that is otherwise subject to the jurisdiction  
2 of the Commission.

3 (E) A project—

4 (i) for the deployment or modification  
5 of a communications facility that is to be  
6 carried out entirely within a brownfield site  
7 (as defined in section 101 of the Com-  
8 prehensive Environmental Response, Com-  
9 pensation, and Liability Act of 1980 (42  
10 U.S.C. 9601)); and

11 (ii) for which a permit, license, or ap-  
12 proval from the Commission is required or  
13 that is otherwise subject to the jurisdiction  
14 of the Commission.

15 (F) A project to permanently remove cov-  
16 ered communications equipment or services (as  
17 defined in section 9 of the Secure and Trusted  
18 Communications Networks Act of 2019 (47  
19 U.S.C. 1608)) and to replace such covered com-  
20 munications equipment or services with commu-  
21 nications equipment or services (as defined in  
22 such section) that are not covered communica-  
23 tions equipment or services (as so defined).

24 (G) A project that—

1 (i) is to be carried out entirely within  
2 an area for which the President, the Gov-  
3 ernor of a State, or the Chief Executive of  
4 an Indian tribal government has declared a  
5 major disaster or an emergency;

6 (ii) is to be carried out not later than  
7 5 years after the date on which the Presi-  
8 dent, Governor, or Chief Executive made  
9 such declaration; and

10 (iii) replaces a communications facility  
11 damaged by such disaster or emergency or  
12 makes improvements to a communications  
13 facility in such area that could reasonably  
14 be considered as necessary for recovery  
15 from such disaster or emergency or to pre-  
16 vent or mitigate any future disaster or  
17 emergency.

18 (H) A project for the placement and instal-  
19 lation of a new communications facility if—

20 (i) such new facility—

21 (I) will be located within a public  
22 right-of-way; and

23 (II) is not more than 50 feet tall  
24 or 10 feet taller than any existing

1 structure in the public right-of-way,  
2 whichever is higher;

3 (ii) such new facility is—

4 (I) a replacement for an existing  
5 communications facility; and

6 (II) the same as, or substantially  
7 similar to (as such term is defined by  
8 the Commission by regulation), the  
9 existing communications facility that  
10 such new communications facility is  
11 replacing;

12 (iii) such new facility is a type of com-  
13 munications facility that—

14 (I) is described in section  
15 6409(d)(1)(B) of the Middle Class  
16 Tax Relief and Job Creation Act of  
17 2012 (47 U.S.C. 1455(d)(1)(B)); and

18 (II) meets the size limitation of a  
19 small antenna established by the Com-  
20 mission; or

21 (iv) the placement and installation of  
22 such new facility involves the expansion of  
23 the site of an existing communications fa-  
24 cility not more than 30 feet in any direc-  
25 tion.

1 (I) A project for the placement, construc-  
2 tion, or modification of a personal wireless serv-  
3 ice facility on an existing tower, building, or  
4 structure.

5 (J) A project for the placement, construc-  
6 tion, or modification of a communications facil-  
7 ity—

8 (i) for which the placement, construc-  
9 tion, or modification is undertaken pursu-  
10 ant to a geographic area license that has  
11 been issued by the Commission or is sub-  
12 ject to licensing by rule; and

13 (ii) with respect to which filing in the  
14 antenna structure registration system of  
15 the Commission is not required.

16 (6) ELIGIBLE SUPPORT INFRASTRUCTURE.—  
17 The term “eligible support infrastructure” means in-  
18 frastructure that supports or houses a facility for  
19 communication by wire (or that is designed for or  
20 capable of supporting or housing such a facility) at  
21 the time when a request to a State or local govern-  
22 ment or instrumentality thereof, or to an Indian  
23 tribal government, for authorization to place, con-  
24 struct, or modify a facility for communication by

1 wire in or on the infrastructure is submitted to the  
2 government or instrumentality.

3 (7) EMERGENCY.—The term “emergency”  
4 means—

5 (A) in the case of an emergency declared  
6 by the President, an emergency declared by the  
7 President under section 501 of the Robert T.  
8 Stafford Disaster Relief and Emergency Assist-  
9 ance Act (42 U.S.C. 5191); and

10 (B) in the case of an emergency declared  
11 by the Governor of a State or the Chief Execu-  
12 tive of an Indian tribal government, any occa-  
13 sion or instance with respect to which the Gov-  
14 ernor or Chief Executive declares that an emer-  
15 gency exists (or makes a similar declaration)  
16 under State or Tribal law (as the case may be).

17 (8) FEDERAL AUTHORIZATION.—The term  
18 “Federal authorization”—

19 (A) means any authorization required  
20 under Federal law with respect to a covered  
21 project or a covered easement; and

22 (B) includes any permits, special use au-  
23 thorizations, certifications, opinions, or other  
24 approvals as may be required under Federal law

1 with respect to a covered project or a covered  
2 easement.

3 (9) GOVERNOR.—The term “Governor” means  
4 the chief executive of any State.

5 (10) INDIAN TRIBAL GOVERNMENT.—The term  
6 “Indian tribal government” means the governing  
7 body of an Indian Tribe.

8 (11) INDIAN TRIBE.—The term “Indian Tribe”  
9 has the meaning given the term “Indian tribe”  
10 under section 102 of the Federally Recognized In-  
11 dian Tribe List Act of 1994 (25 U.S.C. 5130).

12 (12) MAJOR DISASTER.—The term “major dis-  
13 aster” means—

14 (A) in the case of a major disaster de-  
15 clared by the President, a major disaster de-  
16 clared by the President under section 401 of  
17 the Robert T. Stafford Disaster Relief and  
18 Emergency Assistance Act (42 U.S.C. 5170);  
19 and

20 (B) in the case of a major disaster de-  
21 clared by the Governor of a State or the Chief  
22 Executive of an Indian tribal government, any  
23 occasion or instance with respect to which the  
24 Governor or Chief Executive declares that a dis-

1            aster exists (or makes a similar declaration)  
2            under State or Tribal law (as the case may be).

3            (13) PERSONAL WIRELESS SERVICE FACIL-  
4            ITY.—The term “personal wireless service facility”  
5            has the meaning given such term in subparagraph  
6            (G) of section 332(c)(7) of the Communications Act  
7            of 1934 (47 U.S.C. 332(c)(7)), as amended by this  
8            Act.

9            (14) PUBLIC RIGHT-OF-WAY.—The term “pub-  
10            lic right-of-way”—

11            (A) means—

12            (i) the area on, below, or above a pub-  
13            lic roadway, highway, street, sidewalk,  
14            alley, or similar property (whether cur-  
15            rently or previously used in such manner);  
16            and

17            (ii) any land immediately adjacent to  
18            and contiguous with property described in  
19            clause (i) that is within the right-of-way  
20            grant; and

21            (B) does not include a portion of the Inter-  
22            state System (as such term is defined in section  
23            101(a) of title 23, United States Code).

24            (15) SMALL PERSONAL WIRELESS SERVICE FA-  
25            CILITY.—The term “small personal wireless service

1 facility” has the meaning given such term in sub-  
2 paragraph (G) of section 332(c)(7) of the Commu-  
3 nications Act of 1934 (47 U.S.C. 332(c)(7)), as  
4 amended by this Act.

5 (16) STATE.—The term “State” means each  
6 State of the United States, the District of Columbia,  
7 and each territory or possession of the United  
8 States.

9 (17) UTILITY FACILITY.—The term “utility fa-  
10 cility” means any privately, publicly, or cooperatively  
11 owned line, facility, or system for producing, trans-  
12 mitting, or distributing power, electricity, light, heat,  
13 gas, oil, crude products, water, steam, waste, storm  
14 water not connected with highway drainage, or any  
15 other similar commodity, including any fire or police  
16 signal system or street lighting system, that directly  
17 or indirectly serves the public.

## 18 **TITLE IV—OTHER MATTERS**

### 19 **SEC. 401. TIMELY CONSIDERATION OF APPLICATIONS FOR** 20 **FEDERAL EASEMENTS, RIGHTS-OF-WAY, AND** 21 **LEASES.**

22 (a) IN GENERAL.—Section 6409(b)(3) of the Middle  
23 Class Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
24 1455(b)(3)) is amended—

1           (1) in subparagraph (A), by striking “an execu-  
2           tive agency receives a duly filed application” and in-  
3           serting “an application is submitted to an executive  
4           agency”; and

5           (2) by adding at the end the following:

6                   “(E) DEEMED GRANTED.—If an executive  
7                   agency fails to grant or deny an application  
8                   under subparagraph (A) within the timeframe  
9                   under such subparagraph, the application shall  
10                  be deemed granted on the day after the last day  
11                  of such timeframe.

12                   “(F) TOLLING DUE TO INCOMPLETE-  
13                  NESS.—

14                           “(i) INITIAL APPLICATION INCOM-  
15                           plete.—If, not later than 30 days after  
16                           the date on which an applicant submits to  
17                           an executive agency an application under  
18                           subparagraph (A), the executive agency  
19                           provides to the applicant a written notice  
20                           described in clause (iii) with respect to the  
21                           application, the timeframe described in  
22                           subparagraph (A) is tolled with respect to  
23                           the application until the date on which the  
24                           applicant submits to the executive agency a

1 supplemental submission in response to the  
2 notice.

3 “(ii) SUPPLEMENTAL SUBMISSION IN-  
4 COMPLETE.—If, not later than 10 days  
5 after the date on which an applicant sub-  
6 mits to an executive agency a supplemental  
7 submission in response to a written notice  
8 described in clause (iii), the executive  
9 agency provides to the applicant a written  
10 notice described in clause (iii) with respect  
11 to the supplemental submission, the time-  
12 frame under subparagraph (A) is further  
13 tolled until the date on which the applicant  
14 submits to the executive agency a subse-  
15 quent supplemental submission in response  
16 to the notice.

17 “(iii) WRITTEN NOTICE DE-  
18 SCRIBED.—The written notice described in  
19 this clause is, with respect to an applica-  
20 tion under subparagraph (A) or a supple-  
21 mental submission described in clause (i)  
22 or (ii) submitted to an executive agency by  
23 an applicant, a written notice from the ex-  
24 ecutive agency to the applicant—

1                   “(I) stating that all of the infor-  
2                   mation (including any form or other  
3                   document) required by the executive  
4                   agency to be submitted for the appli-  
5                   cation to be considered complete has  
6                   not been submitted;

7                   “(II) identifying the information  
8                   described in subclause (I) that was  
9                   not submitted; and

10                   “(III) including a citation to a  
11                   specific provision of a publicly avail-  
12                   able rule, regulation, or standard  
13                   issued by the executive agency requir-  
14                   ing that such information be sub-  
15                   mitted with such an application.

16                   “(iv) LIMITATION ON SUBSEQUENT  
17                   WRITTEN NOTICE.—If a written notice pro-  
18                   vided by an executive agency to an appli-  
19                   cant under clause (ii) with respect to a  
20                   supplemental submission identifies as not  
21                   having been submitted any information  
22                   that was not identified as not having been  
23                   submitted in the prior written notice under  
24                   this subparagraph in response to which the  
25                   supplemental submission was submitted,

1           the subsequent written notice shall be  
2           treated as not having been provided to the  
3           applicant.

4           “(G) TOLLING BY MUTUAL AGREEMENT.—  
5           The timeframe under subparagraph (A) may be  
6           tolled once, for a period of not more than 30  
7           days, by mutual agreement between the execu-  
8           tive agency and the applicant.

9           “(H) WHEN APPLICATION CONSIDERED  
10          SUBMITTED.—For the purposes of this para-  
11          graph, an application shall be considered sub-  
12          mitted to an executive agency on the date on  
13          which the applicant takes the first procedural  
14          step within the control of the applicant to sub-  
15          mit such application in accordance with the pro-  
16          cedures established by the executive agency for  
17          the review and approval of such an applica-  
18          tion.”.

19          (b) APPLICABILITY.—The amendments made by sub-  
20          section (a) shall apply with respect to any application  
21          under subsection (b) of section 6409 of the Middle Class  
22          Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
23          1455) that is submitted (as determined under subsection  
24          (b)(3)(H) of such section) to an executive agency (as de-

1 fined in subsection (d) of such section) on or after the  
2 date of the enactment of this Act.

3 **SEC. 402. REPORT ON FEES.**

4 Section 60102 of the Infrastructure Investment and  
5 Jobs Act (47 U.S.C. 1702) is amended by adding at the  
6 end the following:

7 “(p) REPORT ON FEES.—Not later than 180 days  
8 after the date of the enactment of this subsection, the As-  
9 sistant Secretary shall submit to Congress a report—

10 “(1) detailing the fees charged by each eligible  
11 entity (or any political subdivision thereof)—

12 “(A) to consider a request for authoriza-  
13 tion to place, construct, or modify, using (in  
14 whole or in part) grant funds received under  
15 this section, infrastructure for the provision of  
16 broadband service; or

17 “(B) to use a right-of-way or infrastruc-  
18 ture in a right-of-way owned or managed by the  
19 entity or political subdivision for the placement,  
20 construction, or modification, using (in whole or  
21 in part) grant funds received under this section,  
22 of infrastructure for the provision of broadband  
23 service; and

1           “(2) that identifies, with respect to any fee de-  
2           tailed pursuant to paragraph (1), any such fee that  
3           is not—

4                   “(A) competitively neutral, technology neu-  
5                   tral, and nondiscriminatory;

6                   “(B) established in advance and publicly  
7                   disclosed;

8                   “(C) calculated—

9                           “(i) based on actual and direct costs,  
10                   such as costs for—

11                                   “(I) review and processing of re-  
12                                   quests; and

13                                   “(II) repairs and replacement  
14                                   of—

15   “(aa) components and mate-  
16   rials directly resulting from and  
17   affected by the placement, con-  
18   struction, or modification (includ-  
19   ing the installation or improve-  
20   ment) of infrastructure for the  
21   provision of broadband service; or

22   “(bb) equipment that facili-  
23   tates the placement, construction,  
24   or modification (including the in-

1                   stallation or improvement) of  
2                   such infrastructure; and

3                   “(ii) using, for purposes of clause (i),  
4                   only costs that are objectively reasonable;  
5                   or

6                   “(D) described to a requesting party in a  
7                   manner that distinguishes between—

8                   “(i) nonrecurring fees and recurring  
9                   fees; and

10                   “(ii) the use of infrastructure on  
11                   which infrastructure for the provision of  
12                   broadband service is already located and  
13                   infrastructure on which there is no infra-  
14                   structure for the provision of broadband  
15                   service as of the date on which the request  
16                   is submitted to the eligible entity or polit-  
17                   ical subdivision.”.

Amend the title so as to read: “A bill to streamline Federal, State, and local permitting and regulatory reviews to expedite the deployment of communications facilities, and for other purposes.”.

