

[118H3287]

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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cable Access for
5 Broadband and Local Economic Leadership Act” or the
6 “CABLE Leadership Act”.

1 **SEC. 2. REQUEST FOR NEW FRANCHISE.**

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

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

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

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

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

23 “(4) **NO TOLLING.**—The timeframe under para-
24 graph (1) may not be tolled by any moratorium,
25 whether express or de facto, imposed by a fran-

1 chising authority on the consideration of any request
2 for a franchise.

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

6 “(A) in writing;

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

9 “(C) publicly released, and provided to the
10 requesting party, on the same day such decision
11 is made.

12 “(6) WHEN REQUEST CONSIDERED COMPLETE;
13 RECEIVED.—

14 “(A) WHEN REQUEST CONSIDERED COM-
15 PLETE.—

16 “(i) IN GENERAL.—For the purposes
17 of this subsection, a request to a fran-
18 chising authority shall be considered com-
19 plete if the requesting party—

20 “(I) has taken the first proce-
21 dural step within the control of the re-
22 questing party that the franchising
23 authority requires as part of the proc-
24 ess of the franchising authority for re-

1 viewing requests related to franchises;
2 and

3 “(II) has not received a written
4 notice from the franchising authority
5 within 30 days after the date on
6 which the request is received by the
7 franchising authority—

8 “(aa) stating that all the in-
9 formation (including any form or
10 other document) required by the
11 franchising authority to be sub-
12 mitted for the request to be con-
13 sidered complete, has not been
14 submitted;

15 “(bb) identifying the infor-
16 mation required to be submitted
17 that was not submitted; and

18 “(cc) that includes a citation
19 to a specific provision of a pub-
20 licly available rule, regulation, or
21 standard issued by the fran-
22 chising authority requiring that
23 the information be submitted
24 with such a request.

1 “(ii) DEFINITION.—In this subpara-
2 graph, the term ‘the date on which the re-
3 quest is received by the franchising author-
4 ity’ means—

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

8 “(II) in the case of a request
9 submitted in person, the date on
10 which the request is delivered to the
11 individual or at the location specified
12 by franchising authority for in-person
13 submission; and

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

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

24 “(i) except as provided in clause (ii),
25 on the date on which the requesting party

1 submits to the franchising authority all in-
2 formation (including any form or other
3 document) required by the franchising au-
4 thority to be submitted for the request to
5 be considered complete; or

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