

116TH CONGRESS
2D SESSION

H. R. 7369

To amend the Communications Act of 1934 to amend provisions relating to franchise term and termination and provisions relating to the elimination or modification of requirements in franchises, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. MULLIN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to amend provisions relating to franchise term and termination and provisions relating to the elimination or modification of requirements in franchises, 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 Transparency
5 Act”.

1 **SEC. 2. CABLE FRANCHISE TERM AND TERMINATION.**

2 (a) IN GENERAL.—Section 626 of the Communica-
3 tions Act of 1934 (47 U.S.C. 546) is amended to read
4 as follows:

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

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

10 “(b) LIMITS.—

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

14 “(A) revoked by a franchising authority;

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

16 “(C) revoked or terminated by operation of
17 law, including by a term in a franchise that re-
18 vokes or terminates such franchise on a specific
19 date, after a period of time, or upon the occur-
20 rence of an event.

21 “(2) WHEN TERMINATION OR REVOCATION OF
22 FRANCHISE PERMITTED.—

23 “(A) TERMINATION BY CABLE OPER-
24 ATOR.—

25 “(i) IN GENERAL.—A cable operator
26 may terminate a franchise by submitting

1 to the franchising authority a written re-
2 quest for the franchising authority to re-
3 voke such franchise.

4 “(ii) TIME OF REVOCATION.—If the
5 cable operator submits a complete request
6 under clause (i), the franchising authority
7 shall revoke the franchise on the date that
8 is 90 days after the franchising authority
9 receives such request.

10 “(iii) DEEMED TO BE REVOKED.—If a
11 franchising authority does not approve a
12 request by the date required under clause
13 (ii), the franchise is deemed revoked on the
14 day after such date.

15 “(B) TERMINATION BY FRANCHISING AU-
16 THORITY.—A franchising authority may revoke
17 a franchise if the franchising authority—

18 “(i) finds that the cable operator has
19 knowingly and willfully failed to substan-
20 tially meet a material requirement imposed
21 by the franchise;

22 “(ii) provides the cable operator a rea-
23 sonable opportunity to cure such failure,
24 after which the cable operator fails to cure
25 such failure; and

1 “(iii) does not waive the material re-
2 quirement or acquiesce with the failure to
3 substantially meet such requirement.

4 “(3) WHEN REQUEST CONSIDERED COMPLETE;
5 RECEIVED.—

6 “(A) IN GENERAL.—For the purposes of
7 this subsection, a request shall be considered—

8 “(i) complete if—

9 “(I) the cable operator makes the
10 request by submitting to the fran-
11 chising authority the form required to
12 be used for making the request;

13 “(II) the form submitted con-
14 tains all of the information specified
15 by the form as being required to be
16 included in form; and

17 “(III) the cable operator has not
18 received a written notice from the
19 franchising authority within 10 busi-
20 ness days after the date on which the
21 request is received by the franchising
22 authority—

23 “(aa) stating that the form
24 does not contain all of the infor-

1 mation required to be included in
2 the form; and

3 “(bb) identifying the infor-
4 mation required to be included in
5 the form that was not included;
6 and

7 “(ii) received by franchising author-
8 ity—

9 “(I) in the case of a request sub-
10 mitted electronically, on the date on
11 which the form required to be used
12 for making the request is transmitted;

13 “(II) in the case of a request
14 submitted in person, on the date on
15 which the form required to be used
16 for making the request is delivered to
17 the individual or at the location speci-
18 fied in the form for in-person submis-
19 sion; or

20 “(III) in the case of a request
21 submitted in any other manner, on
22 the date determined by the fran-
23 chising authority for the manner in
24 which the request is made.

1 “(B) TREATMENT OF MULTIPLE FORMS.—

2 If a franchising authority requires the use of
3 multiple forms for making a request under this
4 subsection, such forms shall be treated as a sin-
5 gle form for purposes of subparagraph (A).

6 “(c) REVIEW BY COMMISSION.—

7 “(1) PETITION.—A cable operator may petition
8 the Commission for review of a determination by a
9 franchising authority to revoke a franchise under
10 subsection (b)(2)(B).

11 “(2) REVIEW.—The Commission shall review
12 the determination de novo.

13 “(3) ORDER.—If, based on the evidence pre-
14 sented during the review, the Commission deter-
15 mines that the franchising authority has not dem-
16 onstrated by a preponderance of the evidence that
17 the franchising authority revoked the franchise in
18 accordance with subsection (b)(2)(B), the Commis-
19 sion shall order the franchising authority to rein-
20 state the franchise.”.

21 (b) ELIMINATION OR MODIFICATION OF REQUIRE-
22 MENT IN FRANCHISE.—Section 625 of the Communica-
23 tions Act of 1934 (47 U.S.C. 545) is amended to read
24 as follows:

1 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**
2 **MENT IN FRANCHISE.**

3 “(a) IN GENERAL.—During the period in which a
4 franchise is in effect, the cable operator may obtain the
5 elimination or modification of any requirement in the fran-
6 chise by submitting to the franchising authority a request
7 for the elimination or modification of such requirement.

8 “(b) ELIMINATION OR MODIFICATION OF REQUIRE-
9 MENT IN FRANCHISE.—The franchising authority shall
10 eliminate or modify a requirement in accordance with a
11 complete request submitted under subsection (a) not later
12 than 120 days after receiving such request if the cable
13 operator demonstrates in the request—

14 “(1) good cause for the elimination or modifica-
15 tion of the requirement; and

16 “(2) that the mix, quality, and level of services
17 required by the franchise at the time the franchise
18 was granted will be maintained after the elimination
19 or modification of the requirement.

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

1 eliminated or modified in accordance with the request on
2 the day 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 obtain the elimination or modification of such
9 franchise requirements pursuant to the provisions of
10 section 635.

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

16 “(A) good cause for the elimination or
17 modification of the requirement; and

18 “(B) that the mix, quality, and level of
19 services required by the franchise at the time
20 the franchise was granted will be maintained
21 after the elimination or modification of the re-
22 quirement.

23 “(e) WHEN REQUEST CONSIDERED COMPLETE; RE-
24 CEIVED.—

1 “(1) IN GENERAL.—For the purposes of this
2 section, a request shall be considered—

3 “(A) complete if—

4 “(i) the cable operator makes the re-
5 quest by submitting to the franchising au-
6 thority the form required to be used for
7 making the request;

8 “(ii) the form submitted contains all
9 of the information specified by the form as
10 being required to be included in form; and

11 “(iii) the cable operator has not re-
12 ceived a written notice from the fran-
13 chising authority within 10 business days
14 after the date on which the request is re-
15 ceived by the franchising authority—

16 “(I) stating that the form does
17 not contain all of the information re-
18 quired to be included in the form; and

19 “(II) identifying the information
20 required to be included in the form
21 that was not included; and

22 “(B) received by franchising authority—

23 “(i) in the case of a request submitted
24 electronically, on the date on which the

1 form required to be used for making the
2 request is transmitted;

3 “(ii) in the case of a request sub-
4 mitted in person, on the date on which the
5 form required to be used for making the
6 request is delivered to the individual or at
7 the location specified in the form for in-
8 person submission; or

9 “(iii) in the case of a request sub-
10 mitted in any other manner, on the date
11 determined by the franchising authority for
12 the manner in which the request is made.

13 “(2) TREATMENT OF MULTIPLE FORMS.—If a
14 franchising authority requires the use of multiple
15 forms for making a request under this section, such
16 forms shall be treated as a single form for purposes
17 of paragraph (1).”.

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

21 (1) in section 601—

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

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

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

3 (2) in section 602(9)—

4 (A) by striking “initial”; and

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

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

11 (4) in section 612(b)(3)—

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

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

16 (5) in section 621(b)(3)—

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

19 (B) in subparagraph (D)—

20 (i) by striking “initial”; and

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

23 (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 627—

7 (A) by striking subsection (a);

8 (B) in subsection (b), by inserting “, as de-
9 scribed in section 626(b)(2)(B),” after “for
10 cause”; and

11 (C) by striking “(b) If” and inserting “If”;
12 and

13 (8) in section 635A(a), by striking “renewal.”.

14 (d) EFFECTIVE DATE; APPLICATION.—

15 (1) EFFECTIVE DATE.—This section, and the
16 amendments made by this section, shall take effect
17 6 months after the date of the enactment of this
18 Act.

19 (2) APPLICATION.—This section, and the
20 amendments made by this section, shall apply to a
21 franchise granted—

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

24 (B) before such date, if such franchise (in-
25 cluding, notwithstanding the amendment made

1 by subsection (c)(2)(B), any renewal thereof) is
2 in effect on such date.

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