

118TH CONGRESS
1ST SESSION

H. R. 3287

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

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2023

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

A BILL

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

9 “(g) TIMING OF DECISION ON REQUEST FOR FRAN-
10 CHISE.—

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

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

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

17 “(4) NO TOLLING.—The timeframe under para-
18 graph (1) may not be tolled by any moratorium,
19 whether express or de facto, imposed by a fran-
20 chising authority on the consideration of any request
21 for a franchise.

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

25 “(A) in writing;

1 “(B) supported by substantial evidence
2 contained in a written record; and

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

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

8 “(A) WHEN REQUEST CONSIDERED COM-
9 PLETE.—

10 “(i) IN GENERAL.—For the purposes
11 of this subsection, a request to a fran-
12 chising authority shall be considered com-
13 plete if the requesting party—

14 “(I) has taken the first proce-
15 dural step within the control of the re-
16 questing party that the franchising
17 authority requires as part of the proc-
18 ess of the franchising authority for re-
19 viewing requests related to franchises;
20 and

21 “(II) has not received a written
22 notice from the franchising authority
23 within 30 days after the date on
24 which the request is received by the
25 franchising authority—

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

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

11 “(cc) that includes a citation
12 to a specific provision of a pub-
13 licly available rule, regulation, or
14 standard issued by the fran-
15 chising authority requiring that
16 the information be submitted
17 with such a request.

18 “(ii) DEFINITION.—In this subpara-
19 graph, the term ‘the date on which the re-
20 quest is received by the franchising author-
21 ity’ means—

22 “(I) in the case of a request sub-
23 mitted electronically, the date on
24 which the request is transmitted;

1 “(II) in the case of a request
2 submitted in person, the date on
3 which the request is delivered to the
4 individual or at the location specified
5 by franchising authority for in-person
6 submission; and

7 “(III) in the case of a request
8 submitted in any other manner, the
9 date determined under regulations
10 promulgated by the Commission for
11 the manner in which the request is
12 submitted.

13 “(B) WHEN COMPLETE REQUEST CONSID-
14 ERED RECEIVED.—For the purposes of this
15 subsection, a complete request shall be consid-
16 ered received—

17 “(i) except as provided in clause (ii),
18 on the date on which the requesting party
19 submits to the franchising authority all in-
20 formation (including any form or other
21 document) required by the franchising au-
22 thority to be submitted for the request to
23 be considered complete; or

24 “(ii) in the case of a request with re-
25 spect to which all such information is not

1 submitted and that is considered complete
2 under subparagraph (A)(i) because the re-
3 questing party has not received a written
4 notice from the franchising authority with-
5 in the period described in such subpara-
6 graph, on the day after the last day of
7 such period.”.

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