

117TH CONGRESS
1ST SESSION

H. R. 1061

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2021

Mrs. LESKO 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 *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 “Connecting And Build-
5 ing Lines for Expedited Expansion Act” or the “CABLE
6 Expansion Act”.

1 **SEC. 2. REQUEST REGARDING PLACEMENT, CONSTRUC-**
2 **TION, OR MODIFICATION OF CERTAIN FACILI-**
3 **TIES.**

4 Section 624 of the Communications Act of 1934 (47
5 U.S.C. 544) is amended by adding at the end the fol-
6 lowing:

7 “(j) REQUEST REGARDING PLACEMENT, CONSTRUC-
8 TION, OR MODIFICATION OF CERTAIN FACILITIES.—

9 “(1) NO AFFECT ON AUTHORITY OF FRAN-
10 CHISING AUTHORITY.—Except as provided in para-
11 graph (2), and notwithstanding any other provision
12 of this section, nothing in this title shall limit or af-
13 fect the authority of a franchising authority over de-
14 cisions regarding the placement, construction, and
15 modification of a covered facility within the jurisdic-
16 tion of such franchising authority.

17 “(2) LIMITATIONS.—

18 “(A) ABILITY TO PROVIDE OR ENHANCE
19 CABLE SERVICE.—The regulation of the place-
20 ment, construction, or modification of a covered
21 facility by a franchising authority shall not pro-
22 hibit or have the effect of prohibiting the ability
23 of a cable operator to provide cable service, or
24 enhance cable service provided, under a fran-
25 chise granted by such franchising authority.

1 “(B) TIMING OF DECISIONS ON REQUESTS
2 FOR AUTHORIZATIONS TO PLACE, CONSTRUCT,
3 OR MODIFY FACILITY.—

4 “(i) REQUEST FOR AUTHORIZATION
5 TO PLACE, CONSTRUCT, OR MODIFY FACIL-
6 ITY.—

7 “(I) TIMEFRAME.—A franchising
8 authority shall approve or deny a
9 complete request for authorization to
10 place, construct, or modify a covered
11 facility not later than—

12 “(aa) if the request is for
13 authorization to place, construct,
14 or modify a covered facility in or
15 on an eligible support infrastruc-
16 ture, 90 days after the date on
17 which the franchising authority
18 receives the request; and

19 “(bb) if the request is not
20 for authorization to place, con-
21 struct modify a covered facility in
22 or on an eligible support infra-
23 structure, 150 days after the
24 date on which franchising author-
25 ity receives the request.

1 “(II) APPLICABILITY.—Notwith-
2 standing any provision of this title,
3 the applicable timeframe under sub-
4 paragraph (A) shall apply collectively
5 to all proceedings required by a fran-
6 chising authority for the approval of
7 the request.

8 “(III) NO TOLLING.—A time-
9 frame under subparagraph (A) may
10 not be tolled by any moratorium,
11 whether express or de facto, imposed
12 by a franchising authority on the con-
13 sideration of any request for author-
14 ization to place, construct, or modify
15 a facility for the provision of cable
16 service.

17 “(IV) WRITTEN DECISION AND
18 RECORD.—Any decision by a fran-
19 chising authority to deny a complete
20 request for authorization to place,
21 construct, or modify a covered facility
22 shall be—

23 “(aa) in writing;

1 “(bb) supported by substan-
2 tial evidence contained in a writ-
3 ten record; and

4 “(cc) publicly released, con-
5 temporaneously with the decision.

6 “(C) WHEN REQUEST CONSIDERED COM-
7 PLETE; RECEIVED.—

8 “(i) WHEN REQUEST CONSIDERED
9 COMPLETE.—

10 “(I) IN GENERAL.—For the pur-
11 poses of this subparagraph (B), a re-
12 quest to a franchising authority shall
13 be considered complete if the request-
14 ing party has not received a written
15 notice from the franchising authority
16 within 10 business days after the date
17 on which the request is received by
18 the franchising authority—

19 “(aa) stating that all the in-
20 formation (including any form or
21 other document) required by the
22 franchising authority to be sub-
23 mitted for the request to be con-
24 sidered complete has not been
25 submitted; and

1 “(bb) identifying the infor-
2 mation required to be submitted
3 that was not submitted.

4 “(II) DEFINITION.—In this
5 clause, the term ‘received by the fran-
6 chising authority’ means—

7 “(aa) in the case of a re-
8 quest submitted electronically, on
9 the date on which the request is
10 transmitted;

11 “(bb) in the case of a re-
12 quest submitted in person, on the
13 date on which the request is de-
14 livered to the individual or at the
15 location specified by the fran-
16 chising authority for in-person
17 submission; and

18 “(cc) in the case of a re-
19 quest submitted in any other
20 manner, on the date determined
21 under regulations promulgated by
22 the Commission for the manner
23 in which the request is sub-
24 mitted.

1 “(ii) WHEN COMPLETE REQUEST CON-
2 SIDERED RECEIVED.—For the purposes of
3 subparagraph (B), a complete request shall
4 be considered received on the date on
5 which the requesting party submits to the
6 franchising authority all information (in-
7 cluding any form or other document) re-
8 quired by the franchising authority to be
9 submitted for the request to be considered
10 complete.

11 “(D) DEFINITIONS.—In this subsection:

12 “(i) ELIGIBLE SUPPORT INFRASTRUC-
13 TURE.—The term ‘eligible support infra-
14 structure’ means infrastructure that sup-
15 ports or houses a facility for communica-
16 tion by wire (or is designed to and capable
17 of supporting or housing such facility) at
18 the time when a complete request to a
19 franchising authority for authorization to
20 place, construct, or modify a covered facil-
21 ity in or on the infrastructure is received
22 by the franchising authority.

23 “(ii) COVERED FACILITY.—The term
24 ‘covered facility’ means a facility—

1 “(I) for the provision of cable
2 service; and

3 “(II) that serves subscribers
4 using an easement or public right-of-
5 way.”.

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