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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

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

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 “(C) WHEN REQUEST CONSIDERED COM-
5 plete; RECEIVED.—

6 “(i) WHEN REQUEST CONSIDERED
7 COMPLETE.—

8 “(I) IN GENERAL.—For the pur-
9 poses of this paragraph, a request to
10 a franchising authority shall be con-
11 sidered complete if the cable operator
12 has not received a written notice from
13 the franchising authority within 10
14 business days after the date on which
15 the request is received by the fran-
16 chising authority—

17 “(aa) stating that all the in-
18 formation (including any form or
19 other document) required by the
20 franchising authority to be sub-
21 mitted for the request to be con-
22 sidered complete has not been
23 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 this paragraph, a complete request shall be
4 considered received on the date on which
5 the cable operator submits to the fran-
6 chising authority all information (including
7 any form or other document) required by
8 the franchising authority to be submitted
9 for the request to be considered complete.

10 “(c) REVIEW BY COMMISSION.—

11 “(1) PETITION.—A cable operator may petition
12 the Commission for review of a determination by a
13 franchising authority to revoke a franchise under
14 subsection (b)(2)(B).

15 “(2) REVIEW.—The Commission shall review
16 the determination de novo.

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

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

5 **“SEC. 625. ELIMINATION OR MODIFICATION OF REQUIRE-**
6 **MENT IN FRANCHISE.**

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

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

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

20 “(2) that the mix, quality, and level of services
21 required by the franchise at the time the franchise
22 was granted will be maintained after the elimination
23 or modification of the requirement.

24 “(c) DEEMED ELIMINATION OR MODIFICATION.—
25 Except in the case of a request for the elimination or

1 modification of a requirement for services relating to pub-
2 lic, educational, or governmental access, if the franchising
3 authority fails to approve or deny the complete request
4 submitted under subsection (a) by the date described
5 under subsection (b), the requirement shall be deemed
6 eliminated or modified in accordance with the request on
7 the day after such date.

8 “(d) APPEAL.—

9 “(1) IN GENERAL.—Any cable operator whose
10 request for elimination or modification of a require-
11 ment in a franchise under subsection (a) has been
12 denied by a final decision of a franchising authority
13 may obtain the elimination or modification of such
14 franchise requirements pursuant to the provisions of
15 section 635.

16 “(2) GRANT OF REQUEST.—In the case of any
17 proposed elimination or modification of a require-
18 ment in a franchise under subsection (a), the court
19 shall grant such elimination or modification only if
20 the cable operator demonstrates to the court—

21 “(A) good cause for the elimination or
22 modification of the requirement; and

23 “(B) that the mix, quality, and level of
24 services required by the franchise at the time
25 the franchise was granted will be maintained

1 after the elimination or modification of the re-
2 quirement.

3 “(e) WHEN REQUEST CONSIDERED COMPLETE; RE-
4 CEIVED.—

5 “(1) WHEN REQUEST CONSIDERED COM-
6 PLETE.—

7 “(A) IN GENERAL.—For the purposes of
8 this section, a request to a franchising author-
9 ity shall be considered complete if the cable op-
10 erator has not received a written notice from
11 the franchising authority within 10 business
12 days after the date on which the request is re-
13 ceived by the franchising authority—

14 “(i) stating that all the information
15 (including any form or other document) re-
16 quired by the franchising authority to be
17 submitted for the request to be considered
18 complete has not been submitted; and

19 “(ii) identifying the information re-
20 quired to be submitted that was not sub-
21 mitted.

22 “(B) DEFINITION.—In this paragraph, the
23 term ‘received by the franchising authority’
24 means—

1 “(i) in the case of a request submitted
2 electronically, on the date on which the re-
3 quest is transmitted;

4 “(ii) in the case of a request sub-
5 mitted in person, on the date on which the
6 request is delivered to the individual or at
7 the location specified by the franchising
8 authority for in-person submission; and

9 “(iii) in the case of a request sub-
10 mitted in any other manner, on the date
11 determined under regulations promulgated
12 by the Commission for the manner in
13 which the request is submitted.

14 “(2) WHEN COMPLETE REQUEST CONSIDERED
15 RECEIVED.—For the purposes of this section, a com-
16 plete request shall be considered received on the date
17 on which the cable operator submits to the fran-
18 chising authority all information (including any form
19 or other document) required by the franchising au-
20 thority to be submitted for the request to be consid-
21 ered complete.”.

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

25 (1) in section 601—

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

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

4 (C) by redesignating paragraph (6) as
5 paragraph (5);

6 (2) in section 602(9)—

7 (A) by striking “initial”; and

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

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

14 (4) in section 612(b)(3)—

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

17 (B) by striking “, or proposal for renewal
18 thereof,”;

19 (5) in section 621(b)(3)—

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

22 (B) in subparagraph (D)—

23 (i) by striking “initial”; and

24 (ii) by striking “, a franchise re-
25 newal,”;

1 (6) in section 624—

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

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

7 (7) in section 627—

8 (A) by striking subsection (a);

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

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

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

15 (d) EFFECTIVE DATE; APPLICATION.—

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

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

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

1 (B) before such date, if such franchise (in-
2 cluding, notwithstanding the amendment made
3 by subsection (c)(2)(B), any renewal thereof) is
4 in effect on such date.