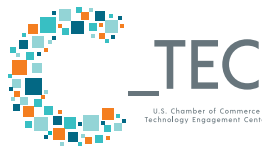


# CHAMBER'S RECOMMENDED WIRELINE BROADBAND PERMITTING CHANGES



## CABLE SYSTEM TRANSFERS

Section 617 of the Communications Act of 1934 (47 U.S.C. 537) is amended to read as follows:

### *Sec. 617. Sales of Cable Systems:*

- A cable franchise is fully transferable to any successor in interest to the operator to which it is initially granted, whether such successor-in-interest arises through merger, sale, assignment, restructuring, transfer of control, or any other type of transaction. A notice of transfer shall be filed with the franchising authority within 15 days of the completion of the transfer.”

## CABLE FRANCHISE TERM AND TERMINATION

Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended to read as follows:

### *Sec. 626. Term and Termination:*

- (a) Term. A cable franchise remains in place until terminated by either the cable operator or the franchising authority.
- (b) Elimination or Amendment of Specific Franchise Provisions.--A cable operator may petition for the elimination or amendment of any franchise provision based on a showing of good cause, which shall be granted by the franchising authority or otherwise deemed approved after 60 days.
- (c) Termination by Cable Operator. A cable franchise may be terminated by the cable operator at any time by giving ninety (90) days’ notice to the franchising authority.
- (d) Termination by Franchising Authority.
- (1) A cable franchise may be terminated by the franchising authority only when—

- » (A) the franchising authority has made a finding that the cable operator has knowingly and willfully failed to substantially meet a material requirement imposed by the franchise;
- » (B) the cable operator has been afforded a reasonable opportunity to cure any alleged violation and failed to do so; and
- » (C) the franchising authority has not waived or otherwise acquiesced in the franchisee’s noncompliance.
  - › (2) (A) A franchisee may appeal the termination of a franchise by a franchising authority pursuant to the provisions of section 635, in which case the franchising authority shall have the burden of proof.
  - › (B) The court shall have de novo review of the appeal and shall order the franchising authority to reinstate the franchise if the franchising authority fails to demonstrate by a preponderance of evidence that termination was authorized under paragraph (1).”

## NOTIFICATION OF ROAD CHANGES

Section 224 of the Communications Act of 1934 (47 U.S.C. 224) is amended by adding at the end the following new subsection:

- (j) Modification or alteration of State or local right-of-way Whenever a State intends to modify or alter a pole, duct, conduit or right-of-way, the State shall provide prior written notification of such action to any entity that has obtained an attachment to a pole, duct, or conduit, or right-of-way that may be affected, so that such entity may have a reasonable opportunity to add to or modify its existing attachment.”

## POLE ATTACHMENT RATES, TERMS AND CONDITIONS

Section 224(a)(1) of the Communications Act (47 U.S.C. 224(a)(1)) is amended by striking “Such term” through “any State.”

## SHOTCLOCK ON REQUESTS FOR ACCESS

Section 621 of the Communications Act of 1934 (47 U.S.C. 541) is amended by adding at the end the following new subsection:

- (g) Timing of Decisions on Requests for Franchises and Other Authorizations.
  - » (1) A franchising authority or State shall act on a request for a new franchise not later than 120 days after the date on which the request is duly filed with the franchising authority or State.
  - » (2) A franchising authority or State shall act on a non-emergency request for authorization to place, construct, or modify a cable system or facilities not later than 30 days after the date on which the request is duly filed with the government or instrumentality.
  - » (3) If the franchising authority or State fails to act on a request for authorization under paragraphs (1) or (2) within such period, or denies such a request but fails to contemporaneously and publicly release a written decision setting forth the reasons for the denial as required under paragraph (4), the request shall be deemed to be granted.
  - » (4) Any decision by a franchising authority or State to deny a request for authorization to place, construct, or modify a service facility shall be in writing and supported by substantial evidence contained in a written record, and written grounds for the denial shall be publicly released contemporaneously with the denial.
  - » (5) No permit or other authorization shall be required for emergency work performed in the rights-of-way as long as the cable operator notifies the franchising authority or State promptly of the emergency and the associated work.