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.