

**AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. BARTON OF TEXAS**

Manager's amendments to title I

Page 2, beginning on line 9, strike paragraph (1)
and insert the following:

1 “(1) ELECTION.—A person or group that is eli-
2 gible under subsection (d) may elect to obtain a na-
3 tional franchise under this section as authority to
4 provide cable service in a franchise area in lieu of
5 any other authority under Federal, State, or local
6 law to provide cable service in such franchise area.
7 A person or group may not provide cable service
8 under the authority of this section in a franchise
9 area unless such person or group has a franchise
10 under this section that is effective with respect to
11 such franchise area. A franchising authority may not
12 require any person or group that has a national
13 franchise under this section in effect with respect to
14 a franchise area to obtain a franchise under section
15 621 or any other law to provide cable service in such
16 franchise area.

Page 3, line 17, strike “operator” and insert “per-
son or group”.



Page 3, beginning on line 19, strike paragraph (3)
and insert the following:

1 “(3) CONTENTS OF CERTIFICATION.—Such cer-
2 tification shall be in such form as the Commission
3 shall require by regulation and shall contain—

4 “(A) the name under which such person or
5 group is offering or intends to offer cable serv-
6 ice;

7 “(B) the names and business addresses of
8 the directors and principal executive officers, or
9 the persons performing similar functions, of
10 such person or group;

11 “(C) the location of such person or group’s
12 principal business office;

13 “(D) the name, business address, elec-
14 tronic mail address, and telephone and fax
15 number of such person or group’s local agent;

16 “(E) a declaration by such person or group
17 that such person or group is eligible under sub-
18 section (d) to obtain a national franchise under
19 this section;

20 “(F) an identification of each franchise
21 area in which such person or group intends to
22 offer cable service pursuant to such certification



1 under this section, which franchise area shall
2 be—

3 “(i) the entirety of a franchise area in
4 which a cable operator is, on the date of
5 the filing of such certification, authorized
6 to provide cable service under section 621
7 or any other law (including this section);
8 or

9 “(ii) a contiguous geographic area
10 that covers the entirety of the jurisdiction
11 of a unit of general local government, ex-
12 cept that—

13 “(I) if the geographic area within
14 the jurisdiction of such unit of general
15 local government contains a franchise
16 area in which a cable operator is, on
17 such date, authorized to provide cable
18 service under section 621 or any other
19 law, the contiguous geographic area
20 specified in the certification under
21 this clause as a franchise area shall
22 not include the area contained in the
23 franchise area of such cable operator;
24 and



1 “(II) if such contiguous geo-
2 graphic area includes areas that are,
3 respectively, within the jurisdiction of
4 different franchising authorities, the
5 certification shall specify each such
6 area as a separate franchise area; and
7 “(G) a declaration that such person or
8 group transmitted, or will transmit on the day
9 of filing such declaration, a copy of such certifi-
10 cation to the franchising authority for each
11 franchise area for which such person or group
12 is filing a certification to offer cable service
13 under this section.

Page 5, line 4, strike “cable operator” and insert
“person or group”.

Page 5, beginning on line 10, strike “local franchise
agreement with a local franchising authority under sec-
tion 621” and insert “franchise agreement or any other
authority to provide cable service in a franchise area
under section 621 or any other law”.

Page 5, beginning on line 17, strike “cable oper-
ator” and insert “person or group”.



Page 6, beginning on line 17, strike “local franchise under section 621” and insert “authority (under section 621 or any other law)”.

Page 7, line 7, after “cable operator” insert “authorized under this section to provide cable service in a franchise area”.

Page 10, strike lines 4 through 6 and insert “new authority under this section, section 621, or any other law, if and when eligible.”.

Page 11, line 25, strike “commences” and insert “intends to commence”.

Page 12, beginning on line 5, strike paragraph (2) and insert the following:

1 “(2) EXISTING PROVIDERS OF CABLE SERV-
2 ICE.—A person or group that is providing cable
3 service in a franchise area under section 621 or any
4 other law on the date of enactment of this section
5 (referred to in this paragraph as an ‘existing pro-
6 vider’) may provide cable service pursuant to a na-
7 tional franchise under this section in such franchise
8 area if—
9 “(A) another cable operator commences
10 providing cable service pursuant to a national



1 franchise under this section in such franchise
2 area after such date of enactment; or

3 “(B) such existing provider and another
4 cable operator are providing cable service in
5 such franchise area on such date of enactment,
6 and one of them is an incumbent local exchange
7 carrier (as such term is defined in section
8 251(h)) or its affiliate, and—

9 “(i) the authority of such existing pro-
10 vider (under section 621 or any other law)
11 to provide cable service in such franchise
12 area ceases to be in effect; and

13 “(ii) the other cable operator is still
14 providing cable service in such franchise
15 area on the date that the national fran-
16 chise of such existing provider becomes ef-
17 fective.

Page 14, beginning on line 5, strike “A cable oper-
ator” and all that follows through line 13 and insert the
following: “A cable operator that provided cable service in
a franchise area on the date of enactment of this section
and that obtains a national franchise under this section
shall continue to provide any institutional network that
it was required to provide in such franchise area under
section 621 or any other law. Notwithstanding section



621(b)(3)(D), a franchising authority may not require a cable operator franchised under this section to construct a new institutional network.”.

Page 17, beginning on line 24, strike “Nothing in this section” and all that follows through “non-discriminatory basis.” on page 18, line 4, and insert the following: “Nothing in this Act affects the authority of a State or local government (including a franchising authority) over a person or group in their capacity as a cable operator with a franchise under this section, to manage, on a reasonable, competitively neutral, and non-discriminatory basis, the public rights-of-way, and easements that have been dedicated for compatible uses.”.

Page 18, line 10, after “require compliance with” insert “such management, such charges, and”.

Page 20, line 17, after “under this section” insert “to provide cable service in a franchise area”.

Page 20, line 19, after “cable service subscribers” insert “in such franchise area”.

Page 23, line 6, after “that a cable operator” insert “with a franchise under this section to provide cable service in a franchise area”.



Page 23, line 8, after “subscribers” insert “in such franchise area”.

Page 24, beginning on line 14, strike “to cable operators franchised under this section” and insert “in a franchise area to a person or group franchised under this section in such franchise area”.

Page 24, line 16, strike “cable operators” and insert “person or group”.

Page 27, line 24, strike “without limitation”.

Page 28, line 20, after “gramming” insert “or other programming service”.

Page 28, beginning on line 23, strike “attributable to the local franchise area”.

Page 29, line 19, strike “information service,” and insert “Internet access service,”.

Page 31, line 24, strike the close quotation marks and following period, and after such line insert the following new subsection:

1 “(p) ADDITIONAL DEFINITIONS.—For purposes of
2 this section:

3 “(1) CABLE OPERATOR.—The term ‘cable oper-
4 ator’ has the meaning provided in section 602(5) ex-



1 cept that such term also includes a person or group
2 with a national franchise under this section.

3 “(2) FRANCHISE FEE.—

4 “(A) The term ‘franchise fee’ includes any
5 fee or assessment of any kind imposed by a
6 franchising authority or other governmental en-
7 tity on a person or group providing cable serv-
8 ice in a franchise area under this section, or on
9 a subscriber of such person or group, or both,
10 solely because of their status as such.

11 “(B) The term ‘franchise fee’ does not
12 include—

13 “(i) any tax, fee, or assessment of
14 general applicability (including any such
15 tax, fee, or assessment imposed on both
16 utilities and a person or group providing
17 cable service in a franchise area under this
18 section (or the services of such person or
19 group) but not including a fee or assess-
20 ment which is unduly discriminatory
21 against such person or group or the sub-
22 scribers of such person or group);

23 “(ii) any fee assessed under sub-
24 section (e)(2) for support of public, edu-
25 cational, and governmental use and



1 institutional networks (as such term is de-
2 fined in section 611(f));

3 “(iii) requirements or charges under
4 subsection (f)(2) for the management of
5 public rights-of-way, including payments
6 for bonds, security funds, letters of credit,
7 insurance, indemnification, penalties, or
8 liquidated damages; or

9 “(iv) any fee imposed under title 17,
10 United States Code.

11 “(3) INTERNET ACCESS SERVICE.—The term
12 ‘Internet access service’ means a service that enables
13 users to access content, information, electronic mail,
14 or other services offered over the Internet.

15 “(4) UNIT OF GENERAL LOCAL GOVERN-
16 MENT.—The term ‘unit of general local government’
17 means—

18 “(A) a county, township, city, or political
19 subdivision of a county, township, or city;

20 “(B) the District of Columbia; or

21 “(C) the recognized governing body of an
22 Indian tribe or Alaskan Native village that car-
23 ries out substantial governmental duties and
24 powers.”.



Page 33, beginning on line 1, strike subparagraph
(B) and insert the following:

1 “(B) the transmission to subscribers of
2 video programming or other programming serv-
3 ice provided through wireline facilities located
4 at least in part in the public rights-of-way,
5 without regard to delivery technology, including
6 Internet protocol technology, except to the ex-
7 tent that such video programming or other pro-
8 gramming service is provided as part of—

9 “(i) a commercial mobile service (as
10 such term is defined in section 332(d)); or

11 “(ii) an Internet access service (as
12 such term is defined in section 630(p)).”.

