

1 **SEC. 1. HARMONIZING SHOT CLOCKS; REASONABLE RATES.**

2 (a) HARMONIZING SHOT CLOCKS.—Section
3 332(c)(7)(B) of the Communications Act of 1934 (47
4 U.S.C. 332(c)(7)(B)) is amended—

5 (1) in clause (i)(I), by inserting “the same serv-
6 ice or of” after “of”;

7 (2) by striking clause (ii) and inserting the fol-
8 lowing:

9 “(ii) Regulation by a State or local
10 government or instrumentality thereof
11 shall be deemed to prohibit or have the ef-
12 fect of prohibiting the provision of wireless
13 services for purposes of clause (i)(II) if the
14 regulation consists of an action that—

15 “(I) restricts access to a pole,
16 right-of-way, or other facility owned
17 by the State or local government or
18 instrumentality to support equipment
19 for use by providers of wireless serv-
20 ices except in the case of insufficient
21 capacity, or for reasons of—

22 “(aa) safety;

23 “(bb) reliability; or

24 “(cc) generally applicable—

1 “(AA) engineering pur-
2 poses;

3 “(BB) objective design
4 standards for decorative
5 utility poles; or

6 “(CC) reasonable con-
7 cealment requirements;

8 “(II) grants exclusive or pref-
9 erential use to a pole, right-of-way, or
10 other property owned or managed by
11 the State or local government or in-
12 strumentality to—

13 “(aa) a particular provider
14 of wireless service;

15 “(bb) a class of providers of
16 wireless service; or

17 “(cc) any entity or class of
18 entity to which access is provided
19 under section 224(f)(1);

20 “(III) requires a demonstration
21 of need for a wireless service facility,
22 or otherwise evaluates radio frequency
23 signal strength or existence, the ade-
24 quacy of or demand for service cov-
25 erage, capacity, or quality, or an ap-

1 plicant’s business decision on the
2 technical or operational characteris-
3 tics, type, and location of wireless
4 service facilities, support structures,
5 poles, or technology deployed;

6 “(IV) limits the ability of a pro-
7 vider of wireless service to make tech-
8 nology or capacity upgrades, updates,
9 or enhancements to its existing wire-
10 less service, unless those limitations
11 are consistent with this subsection;

12 “(V) imposes an express or de
13 facto moratorium on the acceptance
14 or processing of permits or other per-
15 missions to deploy wireless service fa-
16 cilities;

17 “(VI) grants the State or local
18 government or instrumentality discre-
19 tion to approve or deny permits or
20 other permissions to deploy wireless
21 service facilities without reasonable,
22 objective, and non-discriminatory
23 guidelines regarding the approval or
24 denial;

1 “(VII) requires removal or re-
2 placement of a wireless service facility
3 due to the passage of time or the
4 availability of alternative technology
5 or design, if the wireless service facil-
6 ity continues to be used by a provider
7 of wireless service for non-de minimis
8 purposes;

9 “(VIII) prohibits the placement
10 of an emergency backup power system
11 that otherwise complies with Federal
12 and State—

13 “(aa) environmental regula-
14 tions;

15 “(bb) safety regulations; and

16 “(cc) generally applicable—

17 “(AA) engineering
18 standards;

19 “(BB) objective design
20 standards; and

21 “(CC) reasonable con-
22 cealment requirements; or

23 “(IX) requires wireless service
24 providers to demonstrate an actual
25 prohibition of service.”;

1 (3) by redesignating clauses (iii) through (v) as
2 clauses (vi) through (viii), respectively;

3 (4) by inserting after clause (ii) the following:

4 “(iii) The actions described in sub-
5 clauses (I) through (IX) of clause (ii) shall
6 not be construed to be an exhaustive list of
7 regulations by a State or local government
8 or instrumentality thereof that prohibit or
9 have the effect of prohibiting the provision
10 of wireless services for purposes of clause
11 (i)(II) of this subparagraph.

12 “(iv)(I) A State or local government
13 or instrumentality thereof shall act on any
14 request for authorization to place, con-
15 struct, or modify wireless service facilities
16 after the request is duly filed with the gov-
17 ernment or instrumentality, taking into ac-
18 count the nature and scope of such re-
19 quest, in accordance with this clause.

20 “(II) A State or local government or
21 instrumentality thereof shall act on any re-
22 quest described in subclause (I) that con-
23 stitutes collocation of wireless service facili-
24 ties, as that term is defined by the Com-

1 mission, not later than 60 days after the
2 date on which the request is duly filed.

3 “(III) A State or local government or
4 instrumentality thereof shall act on any
5 other request described in subclause (I)
6 that is not described in subclause (II) not
7 later than 90 days after the date on which
8 the request is duly filed.

9 “(IV) The timeframes specified under
10 subclauses (II) and (III) shall apply collec-
11 tively to all proceedings required by a
12 State or local government or instrumen-
13 tality thereof for the approval of the re-
14 quest.

15 “(V) The timeframes specified under
16 subclauses (II) and (III) may not be tolled
17 by any moratorium, whether express or de
18 facto, imposed by a State or local govern-
19 ment or instrumentality thereof on the
20 consideration of any request for authoriza-
21 tion to place, construct, or modify wireless
22 service facilities.

23 “(v) If a State or local government or
24 instrumentality thereof fails to act on a re-
25 quest to place, construct, or modify wire-

1 less service facilities within the applicable
2 period of time under clause (iv), or denies
3 such a request in a manner inconsistent
4 with clause (vi), and the applicant provides
5 written notice of the failure or denial to
6 the government or instrumentality after
7 the expiration of the applicable period—

8 “(I) the request shall be deemed
9 granted on the date that is 31 days
10 after the date on which the govern-
11 ment or instrumentality receives the
12 written notice; and

13 “(II) any additional rights an ap-
14 plicant may have under this section or
15 otherwise based on the failure or de-
16 nial shall be preserved.”;

17 (5) in clause (vi), as so redesignated, by insert-
18 ing before the period the following: “that is publicly
19 released contemporaneously with the denial” and

20 (6) by adding at the end the following:

21 “(ix) Nothing in this subparagraph
22 shall be construed to affect the authority
23 of a State or local government or instru-
24 mentality thereof to—

1 “(I) manage access to and use of
2 poles, rights-of-way, or other property
3 owned or managed by the State or
4 local government or instrumentality
5 for wireless service facilities or to re-
6 quire fair and reasonable compensa-
7 tion for that access or use if—

8 “(aa) the compensation is
9 competitively neutral, technology
10 neutral, and nondiscriminatory;

11 “(bb) the government or in-
12 strumentality publicly discloses
13 the compensation;

14 “(cc) the compensation is
15 based on actual and direct costs,
16 except for compensation for a
17 pole attachment provided under
18 section 224, which shall be cal-
19 culated in accordance with that
20 section; and

21 “(dd) the management and
22 access, including the requirement
23 of fair and reasonable compensa-
24 tion, is not inconsistent with
25 State law; or

1 “(II) charge a fee to consider a
2 request for the placement, construc-
3 tion, or modification of wireless serv-
4 ice facilities within the jurisdiction of
5 the State or local government or in-
6 strumentality thereof if the fee is
7 based on actual and direct costs of—

8 “(aa) issuing and processing
9 permits;

10 “(bb) reviewing plans; and

11 “(cc) conducting physical in-
12 spections related to issuing and
13 processing permits.”.

14 (b) DEFINITION OF WIRELESS SERVICE.—Section
15 332(c)(7) of the Communications Act of 1934 (47 U.S.C.
16 332(c)(7) is amended—

17 (1) by striking “personal” each place that term
18 appears; and

19 (2) in subparagraph (C)—

20 (A) by striking clause (i) and inserting the
21 following:

22 “(i) the term ‘wireless service’ means
23 the transmission by radio communication
24 of voice, video, or data communications
25 services, including Internet Protocol or any

1 successor protocol-enabled services, or any
2 combination of those services, including
3 unlicensed wireless services;”;

4 (B) in clause (ii), by striking “and” at the
5 end;

6 (C) by redesignating clause (iii) as clause
7 (iv); and

8 (D) by inserting after clause (ii) the fol-
9 lowing:

10 “(iii) the term ‘regulation’ includes a
11 law, ordinance, rule, decision, policy, prac-
12 tice, franchising requirement, contract, re-
13 striction, or impediment, including the fail-
14 ure to act, or other legal requirement;
15 and”.

16 (c) REMOVAL OF BARRIERS TO ENTRY.—Section 253
17 of the Communications Act of 1934 (47 U.S.C. 253) is
18 amended—

19 (1) by striking subsection (c);

20 (2) by redesignating subsections (b), (d), (e),
21 and (f) as subsections (c), (e), (f), and (g);

22 (3) by inserting after subsection (a) the fol-
23 lowing:

24 “(b) STATE OR LOCAL REQUIREMENTS IDENTI-
25 FIED.—

1 “(1) IN GENERAL.—For purposes of subsection
2 (a)—

3 “(A) the term ‘State or local legal require-
4 ment’ includes any law, regulation, decision,
5 policy, practice, franchising requirement, con-
6 tract, restriction, or impediment, including the
7 failure to act, of any State or local government
8 or instrumentality thereof related to the use of
9 or access to a pole, right-of-way, or other prop-
10 erty owned by the State or local government or
11 instrumentality, by a provider of telecommuni-
12 cations service, including a provider of wireless
13 service; and

14 “(B) a State or local legal requirement
15 shall be deemed to prohibit or have the effect
16 of prohibiting the ability of an entity to provide
17 any interstate or intrastate telecommunications
18 service if the legal requirement constitutes an
19 action that would be described in section
20 332(c)(7)(B)(ii) if that section were applied by
21 substituting ‘interstate or intrastate tele-
22 communications service’ for ‘wireless service’.

23 “(2) LIST NOT EXHAUSTIVE.—For purposes of
24 paragraph (1)(B), the actions described in sub-
25 clauses (I) through (IX) of section 332(c)(7)(B)(ii)

1 shall not be construed to be an exhaustive list of ac-
2 tions that prohibit or have the effect of prohibiting
3 the provision of interstate or intrastate telecommuni-
4 cations service.”;

5 (4) by inserting after subsection (c), as so re-
6 designated, the following:

7 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to affect the authority of a State
9 or a local government or instrumentality thereof to—

10 “(1) apply and enforce its zoning and other
11 land use regulations to the extent consistent with
12 this section and section 332(c)(7);

13 “(2) manage access to and use of poles, rights-
14 of-way, or other property owned or managed by the
15 State or local government or instrumentality, for
16 telecommunications service facilities, including wire-
17 less service facilities; or

18 “(3) require fair and reasonable compensation
19 for access or use described in paragraph (2), con-
20 sistent with section 332(c)(7)(B)(ix).”;

21 (5) in subsection (e), as so redesignated, by
22 striking “subsection (a) or (b)” and inserting “sub-
23 section (a), (b), (c), or (d) of this section or section
24 332(c)(7)(B)(i)(II)”;

25 (6) by adding at the end the following:

1 “(h) DEFINITIONS.—In this section—

2 “(1) the term ‘pole’ means an upright pole or
3 structure, used or capable of being used in whole or
4 in part to provide electric distribution, lighting, traf-
5 fic control, signage, or a similar function;

6 “(2) the term ‘telecommunications service pro-
7 vider’ includes a provider of wireless service;

8 “(3) the term ‘wireless service’ means the
9 transmission by radio communication of voice, video,
10 or data communications services, including Internet
11 Protocol or any successor protocol-enabled services,
12 or any combination of those services, including unli-
13 censed wireless service (as that term is defined in
14 section 332(c)(7)(C)(iii)); and

15 “(4) the term ‘wireless service facility’ means a
16 facility for the provision of wireless service.”.

17 **SEC. 2. GAO STUDY OF BROADBAND DEPLOYMENT ON**
18 **TRIBAL LAND.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Comptroller General of the United States
21 shall—

22 (1) study the process for obtaining a grant of
23 a right-of-way from the Bureau of Indian Affairs to
24 deploy broadband infrastructure on tribal land;

1 (2) in conducting the study under paragraph
2 (1), consider the unique challenges involved in
3 broadband deployment on tribal land; and

4 (3) submit to Congress a report on the study
5 conducted under paragraph (1).

6 **SEC. 3. PROMOTING DEPLOYMENT OF BROADBAND INFRA-**
7 **STRUCTURE.**

8 It is the sense of Congress that State and local gov-
9 ernments should consult with local and national tele-
10 communications providers, including telecommunications
11 service and equipment providers, and other stakeholders
12 before beginning a highway construction project to deter-
13 mine whether to install broadband conduit under hard sur-
14 faces as part of the highway construction project.

15 **SEC. 4. ENSURING A LEVEL PLAYING FIELD FOR CABLE**
16 **FRANCHISES.**

17 (a) GENERAL FRANCHISE REQUIREMENTS.—Section
18 621 of the Communications Act of 1934 (47 U.S.C. 541)
19 is amended—

20 (1) in subsection (a)(2)—

21 (A) by redesignating subparagraphs (A)
22 through (C) as clauses (i) through (iii);

23 (B) in the matter preceding clause (i), as
24 so redesignated, by striking “except that” and
25 all that follows and inserting the following:

1 “(B) In using easements under subparagraph
2 (A), the cable operator shall ensure—”;

3 (C) by striking “Any franchise” and all
4 that follows through “compatible uses,” and in-
5 serting the following: “(A) Except as provided
6 in subparagraph (B), any franchise shall be
7 construed to authorize—

8 “(i) the construction of a cable system and
9 any facilities for the provision of telecommuni-
10 cations services or other services that may be
11 attached to the cable system over public rights-
12 of-way, and through easements, that—

13 “(I) are within the area to be served
14 by the cable system or facilities; and

15 “(II) have been dedicated for compat-
16 ible uses; and

17 “(ii) the operation of the system or facili-
18 ties described in clause (i) to offer cable service,
19 telecommunications service, or any other service
20 or capability over the cable system or through
21 the facilities.”; and

22 (D) in subparagraph (B)(i), as so des-
23 igned, by inserting after “cable system” the
24 following: “and for the provision of tele-

1 communications services or other services that
2 may be attached to the cable system”;

3 (2) in subsection (b)(3)—

4 (A) in subparagraph (A)—

5 (i) in the matter preceding clause (i),
6 by inserting “or other services or capabili-
7 ties” after “telecommunications services”;

8 (ii) in clause (i), by striking “a fran-
9 chise under this title for the provision of
10 telecommunications services” and inserting
11 “any additional franchise for the provision
12 of telecommunications services or other
13 services or capabilities”; and

14 (iii) in clause (ii), by inserting “or
15 other services or capabilities” after “tele-
16 communications services”;

17 (B) in subparagraph (B)—

18 (i) by striking “under this title”; and

19 (ii) by inserting “or other service or
20 capability” after “a telecommunications
21 service”;

22 (C) in subparagraph (C)—

23 (i) in clause (i), by inserting “or other
24 service or capability” after “a tele-
25 communications service”; and

1 (ii) in clause (ii), by inserting “or
2 other service or capability” after “a tele-
3 communications service” each place that
4 term appears; and

5 (D) in subparagraph (D), by inserting “or
6 other service or capability,” after “any tele-
7 communications service or facilities,”; and

8 (3) by adding at the end the following:

9 “(g) For purposes of this section, the term ‘other
10 service or capability’ includes—

11 “(1) advanced telecommunications capability
12 (as defined in section 706(d)(1) of the Telecommuni-
13 cations Act of 1996 (47 U.S.C. 1302(d)(1)));

14 “(2) broadband Internet access service;

15 “(3) private carriage business data services;

16 and

17 “(4) interconnected VoIP service.”.

18 (b) FRANCHISE FEES.—Section 622 of the Commu-
19 nications Act of 1934 (47 U.S.C. 542) is amended—

20 (1) in subsection (b), in the first sentence, by
21 inserting after “any cable system” the following: “,
22 regardless of the services offered over the cable sys-
23 tem or the facilities attached to the cable system,”
24 and

1 (2) in subsection (g)(1), by striking “solely be-
2 cause of their status as such” and inserting “for use
3 of the rights-of-way or otherwise”.