

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WYNN OF MARYLAND, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

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**AMENDMENT TO H.R. 5252, AS REPORTED
OFFERED BY MR. WYNN OF MARYLAND**

Page 21, strike line 17 and all that follows through
page 23, line 22, and insert the following:

1 “(B) The Commission’s revised consumer
2 protection rules shall provide for forfeiture pen-
3 alties, or customer rebates, refunds or credits,
4 or both, and shall establish forfeiture, rebate,
5 refund, and credit guidelines with respect to
6 violations of such rules. Such guidelines shall—

7 “(i) provide for increased forfeiture
8 penalties for repeated violations of the
9 standards in such rules; and

10 “(ii) establish procedures by which
11 any forfeiture penalty assessed by the
12 Commission under this subsection shall be
13 paid by the cable operator directly to the
14 franchising authority affected by the viola-
15 tion.

16 “(4) COMPLAINTS.—

17 “(A) IN GENERAL.—Any person may file a
18 complaint with respect to an alleged violation of
19 the Commission’s revised consumer protection



1 rules in a franchise area by a cable operator
2 franchised under this section—

3 “(i) with the franchising authority in
4 such area; or

5 “(ii) with the Commission.

6 “(B) LOCAL FRANCHISING AUTHORITY
7 PROCEDURE.—On its own motion or at the re-
8 quest of any person, a franchising authority for
9 a franchise area may—

10 “(i) initiate its own complaint pro-
11 ceeding with respect to such an alleged vio-
12 lation; or

13 “(ii) file a complaint with the Com-
14 mission regarding such an alleged viola-
15 tion.

16 “(C) TIMING.—The Commission or the
17 franchising authority conducting a proceeding
18 under this paragraph shall render a decision on
19 any complaint filed under this paragraph within
20 90 days of its filing.

21 “(5) LOCAL FRANCHISING ORDERS.—

22 “(A) REQUIRING COMPLIANCE.—In a pro-
23 ceeding commenced by a franchising authority,
24 a franchising authority may issue an order re-
25 quiring compliance with the Commission’s re-



1 vised consumer protection rules, but a fran-
2 chising authority may not create any new
3 standard or regulation, or expand upon or mod-
4 ify the Commission's revised consumer protec-
5 tion rules.

6 “(B) ACCESS TO RECORDS.—In such a
7 proceeding, the franchising authority may issue
8 an order requiring the filing of any data, docu-
9 ments, or records (including any contract,
10 agreement, or arrangement between the sub-
11 scriber and the cable operator) that are directly
12 related to the alleged violation.

13 “(C) COST OF FRANCHISING AUTHORITY
14 ORDERS.—A franchising authority may charge
15 a cable operator franchised under this section a
16 nominal fee to cover the costs of issuing orders
17 under this paragraph.

18 “(6) COMMISSION REMEDIES; APPEALS.—

19 “(A) REMEDIES.—An order of a fran-
20 chising authority under this subsection shall be
21 enforced by the Commission under this Act if—

22 “(i) the order is not appealed to the
23 Commission;



1 “(ii) the Commission does not agree
2 to grant review during the 30-day period
3 described in subparagraph (B); or

4 “(iii) the order is sustained on appeal
5 by the Commission.

6 “(B) APPEALS.—Any party may file a no-
7 tice of appeal of an order of a franchising au-
8 thority under this subsection with the Commis-
9 sion, and shall transmit a copy of such notice
10 to the other parties to the franchising authority
11 proceeding. Such appeal shall be deemed denied
12 at the end of the 30-day period beginning on
13 the date of the filing unless the Commission
14 agrees within such period to grant review of the
15 appeal.

16 “(C) TIMING.—After the filing of a notice
17 of appeal under subparagraph (B), if such no-
18 tice is not denied by operation of such subpara-
19 graph, the Commission shall render a decision
20 within 90 days of such filing.

21 “(7) ANNUAL REPORT.—

22 “(A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this section, and
24 annually thereafter, the Commission shall sub-
25 mit a report to the Committee on Energy and



1 Commerce of the House of Representatives and
2 the Committee on Commerce, Science, and
3 Transportation of the Senate on the implemen-
4 tation of this subsection, including the fol-
5 lowing:

6 “(i) The number of complaints filed
7 with franchising authorities under clause
8 (4)(A)(i).

9 “(ii) Any trends concerning com-
10 plaints, such as increases in the number of
11 particular types of complaints or in new
12 types of complaints.

13 “(iii) The timeliness of the response
14 of such franchising authorities and the re-
15 sults of the complaints filed with such
16 franchising authorities, if not appealed to
17 the Commission.

18 “(iv) The number of complaints filed
19 with the Commission under clause
20 (4)(A)(ii).

21 “(v) The number of appeals filed with
22 the Commission under paragraph (6)(B)
23 and the number of such appeals which the
24 Commission agreed to hear.



1 “(vi) The timeliness of the Commis-
2 sion’s responses to such complaints and
3 appeals.

4 “(vii) The results of such complaints
5 and appeals filed with the Commission.

6 “(B) SUBMISSION OF INFORMATION BY
7 FRANCHISING AUTHORITIES.—The Commission
8 may request franchising authorities to submit
9 information about the complaints filed with the
10 franchising authorities under subparagraph
11 (4)(A)(i), including the number of such com-
12 plaints and the timeliness of the response and
13 the results of such complaints.

14 “(8) DEFINITION.—For purposes of this sub-
15 section, the term ‘Commission’s revised consumer
16 protection rules’ means the national consumer pro-
17 tection and customer service rules under section
18 632(b) as revised by the Commission pursuant to
19 paragraph (2) of this subsection.

