

WEST VIRGINIA CODE: §24D-1-2

§24D-1-2. Definitions.

As used in this chapter:

- (1) "Applicant" means a person who initiates an application or proposal.
- (2) "Application" means an unsolicited filing for a cable franchise.
- (3) "Basic cable service" means any service tier which includes the retransmission of local television broadcast signals.
- (4) "Cable franchise" or "franchise" means a nonexclusive initial authorization or renewal thereof issued pursuant to this chapter, whether the authorization is designated as a franchise, permit, order, contract, agreement or otherwise, which authorizes the construction or operation of a cable system.
- (5) "Cable operator" means any person or group of persons: (A) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in the cable system; or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.
- (6) "Cable service" means: (A) The one-way transmission to subscribers of video programming or other programming service; and (B) subscriber interaction, if any, which is required for the selection of video programming or other programming service.
- (7) "Cable system" means any facility within this state consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but does not include: (A) A facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless that facility or facilities uses any public right-of-way; or (C) a facility of a public utility subject, in whole or in part, to the provisions of chapter twenty-four of this code, except to the extent that those facilities provide video programming directly to subscribers.
- (8) "Commission" or "Public Service Commission" means the Public Service Commission of West Virginia.
- (9) "County commission" means the commissioners composing the county commission in pursuance of section nine, article IX of the Constitution of this state within whose jurisdiction there exists a cable system or where such cable system is hereafter constructed, operated, acquired or extended.

(10) "Facility" includes all real property, antennas, poles, supporting structures, wires, cables, conduits, amplifiers, instruments, appliances, fixtures and other personal property used by a cable operator in providing service to its subscribers.

(11) "Franchising authority" means a municipality, a county commission or the Public Service Commission empowered by federal, state or local law to grant a cable franchise.

(12) "Institution of higher education" means an academic college or university accredited by the north central association of colleges and schools.

(13) "Municipality" means any municipal corporation duly chartered in the State of West Virginia within whose jurisdiction there exists a cable system or where such cable system is hereafter constructed, operated, acquired or extended.

(14) "Other programming service" means information that a cable operator makes available to all subscribers generally.

(15) "Person" means an individual, partnership, association, joint stock company, trust, corporation or governmental agency.

(16) "Proposal" means a filing solicited by the franchising authority for a cable franchise.

(17) "Public, educational or governmental access facilities" means: (A) Channel capacity designated for public, educational or governmental uses; and (B) facilities and equipment for the use of that channel capacity.

(18) "Public place" includes any property, building, structure or water to which the public has a right of access and use.

(19) "School" means an academic and noncollege type regular or special education institution of learning established and maintained by the Department of Education and the arts or licensed and supervised by that department.

(20) "Service area" means that geographic area for which a cable operator has been issued a cable franchise.

(21) "Video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.