

## Federal Communications Commission

## § 76.5

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AUTHORITY: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 552, 554, 556, 558, 560, 561, 571, 572, 573.

SOURCE: 37 FR 3278, Feb. 12, 1972, unless otherwise noted.

### Subpart A—General

#### § 76.1 Purpose.

The rules and regulations set forth in this part provide for the certification of cable television systems and for their operation in conformity with standards for carriage of television broadcast signals, program exclusivity, cablecasting, access channels, and related matters.

#### § 76.3 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the Cable Television Service

are included in the following parts of this chapter:

Part 0—Commission Organization.  
Part 1—Practice and Procedure.  
Part 11—Emergency Alert System (EAS)  
Part 21—Domestic Public Radio Services (Other Than Maritime Mobile).  
Part 63—Extension of Lines and Discontinuance of Service by Carriers.  
Part 64—Miscellaneous Rules Relating to Common Carriers.  
Part 78—Cable Television Relay Service.  
Part 91—Industrial Radio Services.

[37 FR 13864, June 14, 1972, as amended at 59 FR 67103, Dec. 28, 1994]

#### § 76.5 Definitions.

(a) *Cable system or cable television system.* A facility 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 such term does not include:

(1) A facility that services only to retransmit the television signals of one or more television broadcast stations;

(2) A facility that serves subscribers without using any public right-of-way;

(3) A facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(4) An open video system that complies with Section 653 of the Communications Act; or

(5) Any facilities of any electric utility used solely for operating its electric utility systems.

NOTE TO PARAGRAPH (a): The provisions of Subparts D and F of this part shall also apply to all facilities defined previously as cable systems on or before April 28, 1985, except those that serve subscribers without using any public right-of-way.

(b) *Television station; television broadcast station.* Any television broadcast station operating on a channel regularly assigned to its community by