

199—44.2 (17A,476,477A) Definitions. The following words and terms, when used in this chapter, shall have the meanings shown below:

“*Board*” means the utilities board within the utilities division of the department of commerce.

“*Cable operator*” means the same as defined in 47 U.S.C. Section 522.

“*Cable service*” means the same as defined in 47 U.S.C. Section 522.

“*Cable system*” means the same as defined in 47 U.S.C. Section 522.

“*Certificate of franchise authority*” means the certificate issued by the board authorizing the construction and operation of a cable system or video service provider’s network in a public right-of-way.

“*Competitive cable service provider*” means a person who provides cable service over a cable system in an area other than the incumbent cable provider providing service in the same area.

“*Competitive video service provider*” means a person who provides video service other than a cable operator.

“*Franchise*” means an initial authorization, or renewal of an authorization, issued by the board or a municipality, regardless of whether the authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction and operation of a cable system or video service provider’s network in a public right-of-way.

“*Franchise fee*” means the fee imposed pursuant to 2007 Iowa Acts, Senate File 554, section 8.

“*Incumbent cable provider*” means the cable operator serving the largest number of cable subscribers in a particular franchise service area on January 1, 2007.

“*Municipality*” means a city.

“*Public right-of-way*” means the area on, below, or above a public roadway, highway, street, bridge, cartway, bicycle lane, or public sidewalk in which the municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements. “Public right-of-way” does not include the airwaves above a public right-of-way with regard to cellular or other nonwire telecommunications or broadcast services or utility poles owned by a municipality or a municipal utility.

“*Video programming*” means the same as defined in 47 U.S.C. Section 522.

“*Video service*” means video programming services provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. “Video service” does not include any video programming provided by a provider of commercial mobile service as defined in 47 U.S.C. Section 332 or cable service provided by an incumbent cable provider or a competitive cable service provider or any video programming provided solely as part of, and via, a service that enables users to access content, information, electronic mail, or other services offered over the public Internet.