*** § 88. Catv franchises prohibited.** 1. As used in this section, the following words shall have the following meanings unless the context shall indicate another or different meaning.

(a) "Catv company". Any individual, partnership, association or corporation owning, controlling, operating, managing or leasing a catv system.

(b) "Catv system". Any facility which receives and amplifies the signals broadcast by one or more television stations and redistributes such signals by wire, cable or other means, or which distributes signals it originates or which are originated by another for viewing by subscribers, whether the wire, cable or other facilities are owned or leased. A "catv system" shall not include:

i. the poles or other facilities of any telephone corporation used to provide channel service as a common carrier,

ii. a system serving not more than two hundred fifty subscribers, or

iii. a master antenna system servicing subscribers situated on property under common ownership.

(c) "Facility". Any real property, antennae, poles, wires, cables, conduits, amplifiers, instruments, equipment, appliances, fixtures, and other personal property used by a catv company in providing service to its subscribers including that constructed in whole or in part in, on, under or over any highway or other public place.

(d) "Franchise". Any authorization, permit, license or privilege granted by a municipal corporation to construct, operate, maintain or manage a catv system in the state.

2. Notwithstanding any other provisions of law, until April first, nineteen hundred seventy-three, no municipal corporation may give, grant or award to any individual, partnership, association or corporation, upon any terms or conditions whatever, any franchise for the purpose of constructing, erecting, operating or maintaining any catv system in the state.

3. Notwithstanding any other provisions of law, for a period of one

year from the effective date of this section, no individual, partnership, association or corporation shall construct, erect, operate or maintain a nonfranchised catv system which is not in actual and lawful operation on the effective date of this section, or enter into a contract for the construction, erection, operation or maintenance of such a nonfranchised catv system; nor shall any catv company engaged in actual and lawful nonfranchised catv operations on the effective date of this section expand the area of its operations during such period of time.

4. Except as otherwise provided herein, the provisions of this section shall not affect the authority of any catv company to operate pursuant to any franchise heretofore awarded by any municipal corporation, provided however, that all transfer, renewal or amendment of a franchise (whenever awarded by a municipal corporation) taking effect for a period of one year from the effective date of this section shall be subject to review and confirmation by such department or agency of the state as may hereafter be authorized to regulate the catv industry and the awarding of catv franchises, in accordance with the provisions of the act so authorizing such state department or agency to regulate.

5. If any clause, sentence, paragraph, subsection or part of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection or part thereof directly involved in the controversy in which such judgment shall have been rendered.

* NB There are 2 § 88's