for providing direct-to-home multi-
channel video programming via sat-
ellite, and satellite master antenna
systems.

(b) **Multichannel video programming
distributor.** A person such as, but not
limited to, a cable operator, a BRS/ 
EBS provider, a direct broadcast sat-
ellite service, or a television receive-
only satellite program distributor, who
owns or operates a multichannel video
programming system.

(c) **Navigation devices.** Devices such as
converter boxes, interactive commu-
nications equipment, and other equip-
ment used by consumers to access mul-
tichannel video programming and
other services offered over multi-
channel video programming systems.

(d) **Affiliate.** A person or entity that
(directly or indirectly) owns or con-
trols, is owned or controlled by, or is
under common ownership or control
with, another person, as defined in the
notes accompanying §76.501.

(e) **Conditional access.** The mecha-
nisms that provide for selective access
and denial of specific services and
make use of signal security that can
prevent a signal from being received
except by authorized users.

§ 76.1201 Rights of subscribers to use
or attach navigation devices.

No multichannel video programming
distributor shall prevent the connec-
tion or use of navigation devices to or
with its multichannel video program-
ning system, except in those cir-
cumstances where electronic or phys-
ical harm would be caused by the at-
tachment or operation of such devices
or such devices may be used to assist
or are intended or designed to assist in
the unauthorized receipt of service.

§ 76.1202 Availability of navigation de-
vices.

No multichannel video programming
distributor shall by contract, agree-
ment, patent right, intellectual prop-
erty right or otherwise prevent naviga-
tion devices that do not perform condi-
tional access or security functions
from being made available to sub-
scribers from retailers, manufacturers,
or other vendors that are unaffiliated
with such owner or operator, subject to
§76.1209.

§ 76.1203 Incidence of harm.

A multichannel video programming
distributor may restrict the attach-
ment or use of navigation devices with
its system in those circumstances
where electronic or physical harm
would be caused by the attachment or
operation of such devices or such de-
vices that assist or are intended or de-
signated to assist in the unauthorized re-
cipient of service. Such restrictions may
be accomplished by publishing and pro-
viding to subscribers standards and de-
scriptions of devices that may not be
used with or attached to its system.
Such standards shall foreclose the at-
tachment or use only of such devices as
raise reasonable and legitimate con-
cerns of electronic or physical harm or
theft of service. In any situation where
theft of service or harm occurs or is
likely to occur, service may be discon-
tinued.

§ 76.1204 Availability of equipment
performing conditional access or
security functions.

(a)(1) A multichannel video program-
ing distributor that utilizes naviga-
tion devices to perform conditional ac-
cess functions shall make available
equipment that incorporates only the
conditional access functions of such de-
vices. Commencing on July 1, 2007, no
multichannel video programming dis-
tributor subject to this section shall
place in service new navigation devices
for sale, lease, or use that perform both
conditional access and other functions
in a single integrated device.

(2) The foregoing requirement shall
not apply to a multichannel video pro-
gramming distributor that supports
the active use by subscribers of naviga-
tion devices that: (i) operate through-
out the continental United States, and
(ii) are available from retail outlets
and other vendors throughout the
United States that are not affiliated
with the owner or operator of the mul-
tichannel video programming system.

(b) Conditional access function equip-
ment made available pursuant to para-
graph (a)(1) of this section shall be de-
signated to connect to and function with
other navigation devices available