

Cablefax Daily™

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What the Industry Reads First

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Net Neutrality Puzzle: Just Where Does Obama Fit In?

The eagle—or turkey, depending on your point of view—has landed... All 332-pages of it. That's how long *Tom Wheeler's* Title II proposal is, which **FCC** commissioners received Thurs night, according to *Ajit Pai*. Not surprisingly, the Republican commish ripped the proposed order, referring to it repeatedly as "President Obama's plan." Pai visually linked the proposal to Obama as well, tweeting a photo of him holding up the pages of it with a picture of Obama on the wall behind him. "I wish the public could see what's inside," he wrote. Pai's list of complaints include charges that it will increase consumers' bills by opening the door to new taxes on broadband and that it monumentally shifts control of the Internet toward the govt. FCC special counsel *Gigi Sohn* said on this week's episode of **C-SPAN's** "Communicators" that there were several different proposals on the table, all of which included Title II. "The chairman really had been considering Title II as part of a net neutrality solution for 4 or 5 months now," she said. Sohn took issue with a *WSJ* article that suggested Obama's comments essentially forced Wheeler to go the Title II route (the writer, *Gautham Nagesh*, also was on the program). Sohn said she thought Obama's comments gave Wheeler "cover to do something he already was thinking about doing." Sohn added that the president wasn't the only one to make comments—4mln people also filed comments with the Commission. As for Wheeler's view, he was evolving long before Obama's comments, she said, pointing to a June probe of interconnection practices between **Comcast, Verizon, Netflix** and others. "I find the fascination with the chairman's evolution kind of interesting because nobody talks about how the president evolved on gay marriage any more. It's not important where he was. It's important where he is now," said Sohn, the former head of **Public Knowledge**. "And where he is now is that Title II is the securest legal authority." This C-SPAN's Communicator ep with Sohn is must-watch viewing for anyone closely following the issue. If you missed it Sat (2/7) at 7pm ET on C-SPAN, you can catch a repeat at 8pm on **C-SPAN2** Mon or you can watch it at C-SPAN.org. Sohn argued that the Supreme Court Brand X decision is often misconstrued. She said it didn't signify that the Court agreed with the FCC that broadband is an information service, but that it meant it agreed the FCC had the authority to reasonably interpret the Communications Act. The argument that a future FCC could use Title II for rate regulation is a "scare tactic," she said, describing how mobile voice has been under Title II for more than 20 years and there hasn't been rate



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regulation. "There's been no regulation of a retail service really since cable regulation 22-23 years ago. I think the fear is unfounded."

Cablevision Changes: *Brian Sweeney* will add CFO to his title of pres, **Cablevision** come March 1, succeeding *Gregg Seibert*. Seibert will continue to serve as vice chmn of the company, working on long-term strategic and financial initiatives. In a separate announcement Fri, **AMC Networks** and **Madison Square Garden Company** announced that he was appointed as vice chmn of both companies.

Supercookies: No we aren't talking about deserts. A handful of Democrat senators are asking the **FTC** and **FCC** to investigate **Verizon's** use of so-called supercookies that track cellphone users' habits. In letters to the agencies Fri, the lawmakers claimed the telco's use of supercookies needs a thorough examination. The move followed reports that an online advertising company used Verizon's supercookies to track user behaviors even if the users had taken steps to delete their cookies. The lawmakers, including *Ed Markey* (MA), *Richard Blumenthal* (CT) and *Bob Nelson* (FL), asked the telco whether it plans to keep using supercookies, and what steps to take to protect consumers' privacy.

Patent Fight: **Law360** reported that a DE federal jury decided that **Comcast** infringed on patents tied to fiber optic data delivery. The lawsuit, filed by **Sprint**, seeks nearly \$28mln in compensation. Comcast sued Sprint in a different case last year where the DE district court ordered the telco to pay Comcast \$7.5mln after finding Sprint was infringing on Comcast patents.

Ratings: Univision Deportes' broadcast of the America vs Tigres soccer match on Sat scored 1mln total viewers and 580K 18-49s. It aired 5 Liga MX matches last week, including the most-watched club soccer matches on all TV regardless of language, making it the 4th consecutive week the net has delivered the most-watched soccer across all nets.

Programming: HLN keeps moving further away from identifying itself as a traditional news net. Its latest programming shakeup is the launch of "News and a Movie." It kicks off Feb 12 (9pm ET) with the film "Glory." Fitting with its new all-screens persona, HLN will have conversations around the flick on social media, plus on-screen trivia and commentary. There will also be a celebrity media panel about the film's influence on current entertainment. The show also will look at the news stories that would have been trending when the film was released. The March edition of the franchise will feature 1985's "Real Genius."

Pac-12 Goes East: Pac-12 Nets and the conference made their entry into China through a contract with Chinese interactive video platform **LeTV** to live stream men's basketball games in China this season. The deal covers 27 games, including every game of the Pac-12 Tournament. LeTV users can live stream the games on PCs, tablets, mobile devices, and LeTV Super TV (OTT) devices. Pac-12 claimed it is so far the only conference to stream basketball games in China this season. The move is part of the conference's ongoing globalization initiative to showcase the conference and its member institutions in China through things like student-athlete exchanges. LeTV already has sports partnerships with companies like **FIFA**, the **PGA**, the **NBA**, the **NFL**, and the **MLB**.

Movies On Demand: Just because some of the 2015 Academy Award nominated movies are no longer in theaters doesn't mean you have already missed them. Current or premiering on movies on demand (through cable MSOs' VOD service) titles include "Boyhood," "The Theory of Everything," "Whiplash," "Guardians of the Galaxy," "Nightcrawler" and more. March brings "Foxcatcher," "Into the Woods," "Unbroken," "The Imitation Game," "The Hobbit: The Battle of the Five Armies" and others. The movies are distributed by **In Demand**.

TV Advertising Partnership: FourthWall Media, which provides cable set-top box data, is teaming with **Starcom MediaVest Group** (SMG) to offer anonymous, non-aggregated granular viewership data information for advertisers. **Axiom Safe Haven** will work with both companies to ensure all data remains privacy compliant. The partnership will incorporate SMG's second-by-second set-top viewership data and will be integrated with FourthWall's TARDIIS, the media planning and buying platform, as well as its multi-touch attribution analytics platform.

People: ABC Family tapped industry vet *Kary McHoul* to the newly created role of svp, programming & development unscripted starting Mon. McHoul, who formed **Nigel Lythgoe Productions**, will report to *Karey Burke*, evp, programming and development. She started her career in TV as an intern at "The Tonight Show with Jay Leno."