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Wednesday — March 23, 2016

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Volume 27 / No. 055

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Oversight Hearing: Dems Join Republicans in Grilling Wheeler

It's an unfamiliar scene at the **House Communications Subcmte**. Democrats, usually backers of **FCC** chmn *Tom Wheeler's* decisions, joined GOPers in questioning the chmn's recent moves related to set-top boxes, broadband privacy and the FCC process in general. Several Democratic subcmte members, including *G.K. Butterfield* (NC) and *Yvette Clarke* (NY), were concerned that Wheeler's set-top proposal could harm the viability of diverse and independent programmers. Clarke said she wants further discussions with Wheeler and asked that the FCC consider an economic analysis and disparity study on the set-top plan before a vote on the NPRM. She wants Wheeler to delay a ruling on the proceeding until the study is completed. Wheeler's proposal, introduced last month, calls for establishing open standards for video navigation devices, which would allow 3rd parties to enter the set-top market. Butterfield worried that the set-top proceeding could lead to a new form of digital redlining. Republicans, including subcmte head *Greg Walden* (OR), fired at Wheeler on the potential impact of the proposal on copyright and consumer privacy. Walden said a broad range of stakeholders including content providers, distributors and civil rights groups have raised serious concerns. But Wheeler reiterated that his proposed rules would not require changes in the programming business practices of pay-TV providers. He also said consumers wouldn't be required to purchase new boxes, and the rules wouldn't harm minority programming opportunities. "What it will do is maintain copyright protections, maintain existing privacy protections and create choice for consumers," he said. All 5 commissioners testified at the hearing, which came less than 3 weeks after **Senate Commerce's** oversight hearing. Last week, House Commerce passed a bill along partisan lines preventing the FCC from regulating broadband rates. Democrats criticized the legislation, saying it isn't targeted enough and could impact the FCC's ability to handle other issues such as consumer protections in the Open Internet Order. Bill sponsor *Adam Kinzinger* (R-IL) pressed Wheeler Tues, saying "you believe that you should have the authority to regulate rates even though you choose not to at this time?" Wheeler replied, "Yes, sir." Republicans also have issues with Wheeler's plan to impose privacy rules on broadband. Walden said he's disappointed in Wheeler's alleged reluctance to foster an open and transparent process for his proposal. "Instead of making the proposal public for all to see, all

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the public gets is a fact sheet... Mr. Chairman, I call on you to make the proposal available for all to see and comment upon," he said. "This is 2016, this is not 1816, we want an open and transparent process so the public can comment." Republican FCC commish *Ajit Pai* and *Michael O'Rielly*, as expected, said privacy falls under **FTC's** authority and expertise. "We will provide quite a bit of damage" if the FCC moves forward on its broadband privacy proceeding, O'Rielly said. Wheeler made his defense: "The NPRM is narrowly focused on personal information collected by network providers. It doesn't cover the privacy policies of websites, which is the jurisdiction of the Federal Trade Commission." The Commission will vote on the privacy plan during its March 31 Open Meeting.

More from Hearing: House Communications Subcmte Republicans continued to question **FCC** chmn *Tom Wheeler* regarding what they see as a lack of transparency at the FCC. Full committee chmn *Fred Upton* (MI) said that as the chmn seeks to implement what is likely the final year of his agenda, openness and transparency is key. Subcmte vice chmn *Bob Latta* (OH) questioned the FCC Enforcement Bureau's information sharing practices. While Democrat commish *Mignon Clyburn* and *Jessica Rosenworcel* said the Bureau shares information with them on a regular basis, the agency's GOP pair *Ajit Pai* and *Michael O'Rielly* weren't pleased. Pai claimed the Bureau sometimes conducts open investigation without his knowledge. "Quite often, we heard about the cases from press reports," Pai said. There's a serious problem of lack of information sharing at the Commission, O'Rielly said.

After-Acquired Retrans Clauses: Worried about the impact on retrans consent, **ACA** wants the **FCC** to deny or condition **Nexstar's** \$2.1bln purchase of **Media General**. A combined Nexstar-Media General would own at least 115 affiliates of **ABC**, **CBS**, **NBC**, and **Fox**, eclipsing **Sinclair Broadcast** as the largest affiliate station owner. The group is especially concerned about "after-acquired" clauses, which entitle a broadcaster to roll into its existing retransmission consent agreement with an MVPD any other local broadcast stations it subsequently acquires, manages, or on whose behalf it otherwise gets the rights to negotiate retransmission consent. ACA believes such clauses could increase its members' retrans fee obligations to Nexstar from 11% to 125%. Earlier this month, **Shentel** reps told the FCC that it was forced to make 2 price hikes in a single year due to unexpected price increases as a result of triggered after-acquired or subsequently-managed contract provisions (**CFX**, 3/10). If the Commission doesn't block the merger, ACA wants Nexstar prohibited from resetting existing Media General retrans rates to Nexstar rates post-merger. ACA also proposed that it allow MVPDs to pursue baseball-style arbitration to reach new retrans consent agreements with Nexstar (with a no blackout period in place during negotiations).

Altice's IoT Vision: **Altice** will integrate **Sigfox's** Internet of Things network into operations in France through mobile subsidiary **SFR**. The partnership will extend in all territories where Altice is present, including the US and Portugal. Sigfox's network is deployed in 14 countries and registers more than 7mln devices. It plans to cover more than 30 countries in 2016. In France, SFR clients will be able to use Sigfox connectivity as a complement to existing connectivity solutions, such as 4G or WiFi. "We are convinced that the IoT market is an opportunity to seize now, with a global vision," Altice COO/SFR CEO/chmn *Michel Combes* said in a statement. "We are talking about billions of connections. We share the same entrepreneurial vision with SIGFOX and the will to conquer new markets. The availability of the SIGFOX network allows us to bring new Internet of Things solutions to our B2B clients."

Primaries, Points Guards and Zombies: **AMC's** "The Walking Dead" continues to hang on to its top program of the week spot, with Sun's ep averaging 12.7mln viewers in L+SD. Second place went to companion series "Talking Dead," which edged out "Super Tuesday #3" coverage on **Fox News** (5.3mln vs 5.2mln). **CNN's** most-watched hour of coverage Tues garnered 4.5mln viewers. **TBS'** highest-rated **NCAA** basketball tourney match-up was Providence-NC, which netted 4.1mln viewers on Sat. The election made Fox News the most-watched prime net of the week (2.6mln viewers), with hoops putting TBS in the #2 spot (2.1mln). That should reverse with **Turner** televising the National Championship game on Apr 4, marking the first time it's been on cable in its 78-year history. **Brag Book: Hallmark Movies & Mysteries'** most recent original movie "Karen Kingsbury's The Bridge Part 2" was the most-watched and highest-rated telecast in network history among total viewers (1.4mln). -- TWD was the

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top program on Comcast's Xfinity On Demand for the week of March 7, followed by FX's "The People vs. OJ Simpson" and NBC's new series "Little Big Shots."

Programming: Showtime's taking a page from Netflix and releasing all 6 eps of *Andrew Dice Clay* comedy "Dice" on its streaming service Showtime Anytime and via Showtime on Demand. The eps will be available Apr 10, the same day as the linear premiere (9:30pm). "With its 6-episode run, we feel this comedy is ideally suited to being consumed all at once," Showtime programming pres *Gary Levine* said in a statement. -- **ONE World Sports** welcomes back the North American Soccer League with a NASL Game of the Week beginning Apr 2 at 7:30 as the Tampa Bay Rowdies host Indy Eleven.

People: Viacom tapped *Kareem Chin* as vp, investor relations. Chin previously was svp, investment banking for the media & tech group at **Jeffries & Co.**

Public Affairs: Time Warner Cable joined **The National Gay & Lesbian Chamber of Commerce** as a new national corporate partner. NGLCC corporate partners demonstrate their commitment to inclusion by completing the circle of diversity, which includes pro-LGBT workplace policies, authentic LGBT marketing and purchasing from certified LGBT Business Enterprises.

Cablefax Daily Stockwatch

Company	03/22 Close	1-Day Ch	Company	03/22 Close	1-Day Ch			
BROADCASTERS/DBS/MMDS								
DISH:	48.11	(0.18)	GOOGLE:	740.75	(1.34)			
ENTRAVISION:	7.32	(0.25)	HARMONIC:	3.23	(0.03)			
GRAY TELEVISION:	11.96	(0.19)	INTEL:	32.32	(0.02)			
MEDIA GENERAL:	16.36	(0.41)	INTERACTIVE CORP:	46.73	(0.3)			
NEXSTAR:	45.00	(1.26)	LEVEL 3:	52.04	0.06			
SINCLAIR:	31.18	(0.57)	MICROSOFT:	54.07	0.21			
TEGNA:	24.15	0.17	NETFLIX:	99.84	(1.22)			
MSOS								
CABLE ONE:	435.00	(2.65)	NIELSEN:	51.80	(0.21)			
CABLEVISION:	32.95	(0.04)	SEACHANGE:	5.43	0.14			
CHARTER:	204.10	1.42	SONY:	26.26	(0.21)			
COMCAST:	59.87	0.03	SPRINT NEXTEL:	3.37	0.16			
GCI:	18.02	0.13	SYNACOR:	1.47	(0.07)			
LIBERTY BROADBAND:	57.62	0.03	TIVO:	7.83	(0.06)			
LIBERTY GLOBAL:	37.92	(0.18)	UNIVERSAL ELEC:	61.79	(0.07)			
SHAW COMM:	19.35	UNCH	VONAGE:	4.51	(0.05)			
SHENTEL:	25.84	0.62	YAHOO:	35.41	(0.06)			
TIME WARNER CABLE:	205.23	0.90	TELCOS					
PROGRAMMING								
21ST CENTURY FOX:	27.96	(0.01)	AT&T:	38.63	(0.29)			
AMC NETWORKS:	65.36	0.38	CENTURYLINK:	31.62	(0.08)			
CBS:	53.86	(0.16)	FRONTIER:	5.31	0.04			
CROWN:	5.10	0.01	TDS:	28.56	0.06			
DISCOVERY:	28.87	(0.37)	VERIZON:	53.21	(0.23)			
DISNEY:	97.58	(0.88)	MARKET INDICES					
GRUPO TELEVISA:	27.62	(0.27)	DOW:	17582.57	(41.3)			
HSN:	53.37	(0.4)	NASDAQ:	4821.66	12.79			
LIONSGATE:	21.89	(0.37)	S&P 500:	2049.80	(1.8)			
MSG NETWORKS:	17.49	(0.27)						
SCRIPPS INT:	64.11	(0.81)						
STARZ:	26.82	(1)						
TIME WARNER:	72.82	0.68						
VIACOM:	45.24	(0.1)						
WWE:	17.62	(0.23)						
TECHNOLOGY								
ADVANTAGE:	1.97	0.03						
AMDOCS:	59.84	0.06						
AMPHENOL:	57.27	0.08						
APPLE:	106.72	0.81						
ARRIS GROUP:	23.50	0.82						
AVID TECH:	6.77	(0.12)						
CISCO:	28.28	0.09						
COMMSCOPE:	27.15	(0.06)						
CONCURRENT:	6.17	(0.07)						
CONVERGYS:	26.71	(0.1)						
CSG SYSTEMS:	42.31	0.10						
ECHOSTAR:	44.41	(0.53)						

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