

# Cablefax Daily™

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What the Industry Reads First

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## Privacy Matters: Sensitivity-based Framework Circulated

As expected, FCC chmn *Tom Wheeler* circulated the proposed broadband privacy order Thurs. While it's aligned with the **FTC** privacy framework, cable is not happy with the expanded definition of "sensitive data." "The Chairman's Fact Sheet describes a regime that departs from the FTC's proven sensitivity-based approach to consumer privacy in several key respects. Specifically, in its treatment of web browsing data and first party marketing of ISP services, the FCC departs from past FTC practice in ways that violate principles of fair competition and deny consumers the benefit of a consistent approach to online privacy protection," **NCTA** said. "If the Chairman insists on advancing this approach, we would hope that his fellow commissioners would 'opt-out' and seek a result more faithful to the FTC's proven framework of protecting consumers." Under the FCC's proposal, data considered to be sensitive includes geo-location (typically the real-world location of a mobile phone or other device), children's information, health information, financial information, social security numbers, web browsing history, app usage history, and the content of communications. ISPs would be required to obtain affirmative permission from consumers (opt-in consent) to use and share sensitive information. Because the privacy proposal doesn't apply to edge providers, it could create a competitive disparity between ISPs and web companies. While **Google** won't be subject to the proposed rules, **Google Fiber**, as an ISP, would be required to follow the opt-in rules, an FCC senior official said during a press call Thurs. Google recently filed with the FCC to urge the agency to allow differentiation based on the nature of web browsing information, instead of all web browsing data. The senior FCC official said the rules are in harmony with other privacy principles, including those outlined by the FTC and the Administration's Consumer Privacy Bill of Rights. Under the proposal, the use and sharing of non-sensitive information would be subject to opt-out consent requirements in most cases. All other individually identifiable customer information—for example, service tier information used to market an alarm system—would be considered non-sensitive and the use of sharing of that information would be subject to opt-out. Meanwhile, customer consent is inferred for certain purposes spelled out in the statute—the provision of broadband service, or billing and collection for example. The draft rules also require that ISPs to notify customers about what types of information that ISP collects about its customers. They would also be required to specify how and for what purposes the ISP uses and shares this information and to identify the types of entities with which the ISP shares this information. Public

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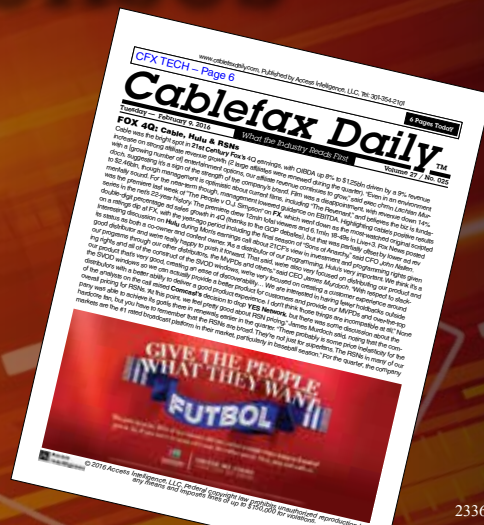
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interest groups praised the approach. While the framework makes distinctions between sensitive and non-sensitive data, it defines sensitive data broadly, and doesn't follow the ISP-backed approach, said **Free Press** policy counsel *Gaurav Laroia*. **Public Knowledge** urged the full FCC to approve Wheeler's proposal. "Consumers should no longer have to choose between getting the broadband they need or having the privacy they deserve," svp *Harold Feld* said in a statement.

**Comcast Trials Venture:** Comcast launched machineQ Thurs, a new business trial venture aimed at building B2B solutions and a platform for IoT. As part of the initiative, the MSO plans to work with its partners to enable them to gather, transmit and analyze data from connected devices. The company will use **Semtech** LoRa Wireless Radio Frequency Technology to deploy network trials in Philadelphia and San Francisco later this year. The trials will focus on enabling services like utility metering, environmental monitoring and asset tracking. If initial trials are successful, Comcast intends to commercially deploy LoRaWAN networks and LoRa-related services across its markets within the next 18 to 30 months.

**Byron Allen vs Comcast:** A federal judge in CA dismissed a \$20bln lawsuit filed by *Byron Allen's Entertainment Studios* and the **National Assn of African-American Owned Media**, with the court ruling that the plaintiffs didn't show that the MSO was being racially discriminatory in not carrying the Entertainment Studios channels. Judge *Terry Hatter* granted Comcast's motion to dismiss the 2nd amended complaint by ES and NAAOM. In the opinion, Hatter wrote that the plaintiffs provided "opaque benchmarks," such as that 80mln people may have access to ESTV nets in all 50 states, but said that's "potential, not actual, demand." The lawsuit alleged that Comcast does not treat African American-owned networks fairly.

**Lifeline Investigation:** Senate Commerce released findings by the **FCC** Inspector General regarding chmn *Tom Wheeler's* disclose of non-public information around the agency's Lifeline Order. The FCC Inspector General found that when Wheeler authorized the release of the fact that a compromise order with a cap on Lifeline may be on the agenda, the character of information changed from previously non-public information to information that would be available for public disclosure. However, disclosure of the cap amount was not specifically authorized by Wheeler, the IG said. "Further, we found no evidence that the information was provided to the press in an attempt to unduly influence the outcome of the vote." Committee head *John Thune* (R-SD) fired at Wheeler regarding the findings. "The findings by the inspector general reveal significant dysfunction and a lack of transparency at the FCC," said Thune. "Under the agency's current interpretation, the FCC chairman is free to leak cherry-picked details about proceedings and deliberations while other commissioners are gagged and even kept in the dark about decisions by the chairman to approve such leaks... This report is yet another indication of increased partisanship and dysfunction at the FCC that underscores the need for Congress to reform how the agency does business." An FCC spokeswoman said the IG report found the chmn properly used his authority to make public certain information about the changing state of play regarding the Lifeline Order. The report also found that he did so in response to intense media interest in the item and to ensure accurate information was being reported, not to improperly influence another Commissioner as has been alleged, she said. Meanwhile, an FCC official said it's "curious" that staff in Wheeler's office seem to have very clear recollections about what happened the morning of the meeting. Staff in other offices, on the other hand, could not recall any details about their conversations with reporters that morning, the official said.

**Benefits Survey:** How does your company's employee benefits stack up in the industry? Find out with **CTHRA's** new Cable and Telecommunications Employee Benefit Survey. Companies can register to participate on CTHRA.com. The survey, to be conducted by **PwC Saratoga**, will establish industry benchmarks for benefits such as pensions, medical, educational assistance, wellness and nontraditional benefits. It will also delve into HR metrics, including retention, workforce productivity and labor costs. Data collection begins Dec 1, and the deadline for submission is February 10.

**Turner OTT Play:** Another day, another subscription on-demand service. This time it's **Turner**, which is launching its 1st domestic SVOD service in **FilmStruck** for \$6.99/month. Developed and managed by **TCM** in collaboration with **Criterion Collection**, it houses a library of contemporary and classic arthouse, indie, foreign and cult films as well as bonus content and interviews. The film buff service debuts Oct 19. Later in the year, fans can opt to add-on The Criterion Channel, which features the entire Criterion Collection library. FilmStruck will be available on Amazon Fire, web, iOS and Android devices at launch and Apple TV and other platforms in the coming months. FilmStruck subs with the Criterion package will pay \$10.99/month—or they can opt for an annual subscription of \$99/year (\$30 savings).

**More Slinging:** **GSN**, **AXS TV** and **HDNet Movies** are now being offered via Sling TV. GSN is on the \$5/month Comedy

# BUSINESS & FINANCE

Plus Extra pack, while AXS is part of the core Sling Orange and Blue services. HDNet Movies is part of the \$5/month Hollywood Extra package.

**Happy Birthday Fox News: Fox News** celebrates its 20th anniversary today, having launched on Oct 7, 1996. What was Fox reporting on back then? A presidential debate between *Bob Dole* and *Bill Clinton* and “The O’Reilly Report” (now The O’Reilly Factor) featured former Surgeon General *Joycelyn Elders*. At launch, people questioned whether America needed another all-news cable net. But the answer seems to be yes, with Fox surpassing **CNN** in the ratings in 2002.

**Tech Emmys: Comcast Cable** technology and product pres *Tony Werner* will receive the Lifetime Achievement Award at the 68th Annual Technology & Engineering Emmy Awards that will take place on Jan 7 during **CES**. Companies being honored at the event include **Visible World** and **Invidi** for targeted advertising on linear TV and **Corning** and **Bell Labs/Western Electric** for pioneering invention and deployment of fiber optic cable.

**Sponsorships: Chuck E Cheese** is partnering with **Cartoon’s** “Stop Bullying: Speak Up” campaign, which runs throughout the month. Cartoon and **Boomerang** will encourage fans to visit [ChuckE Cheese.com/StopBullying](http://ChuckE Cheese.com/StopBullying) to take the Stop Bullying: Speak Up Pledge. After taking the pledge, kids get a printable certificate to redeem for rewards at the restaurant/arcade.

## Cablefax Daily Stockwatch

Company	10/06 Close	1-Day Ch	Company	10/06 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
DISH:	55.59	(0.5)	INTEL:	38.07	0.08
ENTRAVISION:	7.69	UNCH	INTERACTIVE CORP:	62.12	(0.84)
GRAY TELEVISION:	10.66	(0.18)	LEVEL 3:	45.71	0.09
MEDIA GENERAL:	18.53	(0.01)	MICROSOFT:	57.74	0.10
NEXSTAR:	58.55	0.15	NETFLIX:	105.07	(1.21)
SINCLAIR:	28.50	0.03	NIELSEN:	52.56	(0.63)
TEGNA:	21.68	(0.34)	SEACHANGE:	2.90	0.01
<b>MSOS</b>					
CABLE ONE:	593.23	15.47	SONY:	32.72	(0.22)
CHARTER:	268.17	1.09	SPRINT NEXTEL:	6.53	(0.13)
COMCAST:	65.41	(0.39)	SYNACOR:	2.86	(0.03)
GCI:	14.50	(0.3)	UNIVERSAL ELEC:	73.66	0.94
LIBERTY BROADBAND:	69.51	(0.08)	VONAGE:	6.57	(0.04)
LIBERTY GLOBAL:	33.44	(0.75)	YAHOO:	43.68	(0.03)
SHAW COMM:	20.27	0.03	<b>TELCOS</b>		
SHENTEL:	26.09	(0.1)	AT&T:	39.11	(0.05)
<b>PROGRAMMING</b>					
21ST CENTURY FOX:	24.53	(0.13)	CENTURYLINK:	26.97	(0.06)
AMC NETWORKS:	52.52	(0.51)	FRONTIER :	3.99	(0.04)
CBS:	56.21	(0.2)	TDS:	27.07	(0.13)
DISCOVERY:	27.84	0.15	VERIZON:	50.26	(0.01)
DISNEY:	92.83	0.38	<b>MARKET INDICES</b>		
GRUPO TELEVISA:	25.80	(0.42)	DOW:	18268.50	(12.53)
HSN:	39.37	(0.76)	NASDAQ:	5306.85	(9.17)
LIONSGATE:	21.20	(0.21)	S&P 500:	2160.77	1.04
MSG NETWORKS:	19.00	(0.11)			
SCRIPPS INT:	63.50	(0.28)			
STARZ:	32.13	(0.11)			
TIME WARNER:	79.66	0.07			
VIACOM:	41.37	(1.34)			
WWE:	20.80	0.02			
<b>TECHNOLOGY</b>					
ADVANTAGE:	1.77	0.03			
AMDOCS:	59.57	0.90			
AMPHENOL:	65.52	0.62			
APPLE:	113.89	0.84			
ARRIS GROUP:	27.77	(0.04)			
AVID TECH:	7.56	(0.09)			
BLNDER TONGUE:	0.60	(0.02)			
CISCO:	31.48	(0.11)			
COMMSCOPE:	31.41	0.53			
CONCURRENT:	5.58	0.12			
CONVERGYS:	29.61	0.07			
CSG SYSTEMS:	41.14	0.04			
ECHOSTAR:	47.41	2.64			
GOOGLE:	776.86	0.39			
HARMONIC:	5.93	UNCH			



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# PROGRAMMER'S PAGE

## Flipping the Script

“Insecure,” premiering Oct 9, 10:30pm on **HBO**, is an exploration of the black female experience, created by and starring *Issa Rae*, best known as the creator of the popular **YouTube** web series “Awkward Black Girl.” The show is interested in defying stereotypes, specifically those surrounding Rae’s identity as a black woman. “It’s been kind of accepted by mainstream media and even in other shows, this signature way to be black,” said Rae at the **Television Critics Association** summer press tour last Aug. “And there’s always a question: ‘What does that mean if you are not that? Does that mean that I’m not black, or does that mean that I don’t fit into this box?’ And then... what does it mean when other people who are also black question your blackness?” Rae said she’s no stranger to shopping shows around the industry, and that it was HBO that turned out to be the right fit. Over the years she’s had issues convincing networks that “people of color are relatable,” she said. The show isn’t exclusively about the struggle of being black, though. “It’s not a ‘hood story’... it’s just regular black people living life.” HBO, meanwhile, was accommodating. It let Rae cast talent and form a team, including showrunner *Prentice Penny*, of “Brooklyn Nine-Nine.” On forming the writer’s room, Penny said the goal was to have a diverse set of talents, voices and expertise. “The most important thing was having a well-rounded room and not just having well rounded rooms in terms of black people to white people; but I think it was having people who come from the world of comedy, also people who come from the world of drama, people who are older, people who are a little bit younger, gay, straight.” Another not-insignificant way that Rae’s show crushes stereotypes: Men get just as much nude time as women. Perhaps more. “And our guys are game.” – *Kaylee Hultgren*

**Reviews:** “Documentary Now,” Wed, 10pm, **IFC**. The mock doc series mocks docs about rock in this ep. The mock doc is called “Final Transmission” and it profiles a faux rock band known as Test Pattern. Its name could not be more apt. While its music is decent, its lyrics are as banal as... you guessed it. *Fred Armisen* plays the Test Pattern’s moribund lead singer with great deadpan. Also on the bandstand is *Bill Hader* as a disconsolate second banana. *Maya Rudolph* guests as Anita, a singer who writes a hit for the group. It’s a relatively lively composition. Of course, in an interview, Armisen’s character disses the hit: “I never considered [it] a part of the Test Pattern canon, so to speak.” -- “Westworld,” Sun, 9pm, **HBO**. There’s so much to admire in this series about a digital-age theme park where wealthy humans indulge in various story lines with the assistance of lifelike robots. Besides the production values and international cast (*Anthony Hopkins, Ed Harris, Evan Rachel Wood, Jeffrey Wright* and “Borgen” star *Sidse Babett Knudsen* to name just a few), the creepy feel of the series is pitch perfect. -- “The Code,” available Mon, **Acorn TV**. Fabulous Aussie import about high-tech crime where the police employ a hacker to track a nefarious web site’s owner (*Anthony LaPaglia*). – *Seth Arenstein*

Basic Cable Rankings (9/26/16-10/02/16)			
Mon-Sun Prime			
1	FOXN	1.4	3204
2	ESPN	1.0	2249
3	CNN	0.8	1999
4	MSNB	0.7	1612
5	USA	0.6	1393
5	TBSC	0.6	1364
5	HGTV	0.6	1306
5	NFLN	0.6	1200
10	DSNY	0.4	1060
10	HIST	0.4	1021
10	FX	0.4	917
10	ID	0.4	883
10	ADSM	0.4	877
10	HALL	0.4	816
16	FOOD	0.3	837
16	AMC	0.3	748
16	LIFE	0.3	741
16	TNT	0.3	708
16	DISC	0.3	708
16	NAN	0.3	688
16	SPK	0.3	629
16	A&E	0.3	616
16	FRFM	0.3	591
16	SYFY	0.3	591
16	BRAV	0.3	575
16	NKJR	0.3	562
16	OWN	0.3	539
16	DSJR	0.3	525
16	HMM	0.3	502
31	TVLD	0.2	559
31	TLC	0.2	552
31	APL	0.2	543
31	VH1	0.2	537
31	CMDY	0.2	511
31	EN	0.2	431
31	NGC	0.2	414
31	INSP	0.2	410
31	LMN	0.2	409
31	TRAV	0.2	404
31	BET	0.2	386
31	ESP2	0.2	384
31	WETV	0.2	378
31	FXX	0.2	368
31	MTV	0.2	353

\*Nielsen data, supplied by ABC/Disney, is based on coverage area of individual networks



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