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What the Industry Reads First

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Washington Action: House OKs Bill to Ban Fed Regulations

Republicans continue to try everything they can to stop federal agencies, including the **FCC**, from passing new rules during the remainder of *President Obama's* term. Following the FCC's cancellation of several items from its most recent Open Meeting agenda (as requested by House and Senate GOP leaders), the House approved a bill late Thurs that could potentially allow Congress to block regulatory actions by the FCC and other agencies during Obama's remaining days in office. The Midnight Rules Relief Act of 2016, introduced by *Darrell Issa* (R-CA) in Sept, was approved by the full House by recorded vote 240-179 (along party lines). "This bill amends the Congressional Review Act to allow Congress to consider a joint resolution to disapprove multiple regulations that federal agencies have submitted for congressional review within the last 60 legislative days of a session of Congress during the final year of a President's term. Congress may disapprove a group of such regulations together (i.e., "en bloc") instead of the current procedure of considering only one regulation at a time," according to the text of the legislation. The bill is about "reviving the separation of powers to ensure our laws are written by the Representatives we actually vote for—not unelected and unaccountable bureaucrats who are on their way out the door. Presidents of both parties have made habit of enacting scores of last-minute regulations, with little oversight, to sneak in as much of their agenda as possible before the clock runs out on their time in office," Issa said in a statement. Several Democrat-backed amendments were rejected. The bill is still pending Senate approval. Issa's CA Republican colleague, House Majority Leader *Kevin McCarthy*, recently asked federal agencies to pause any rulemaking during the transition period, saying the Congressional Review Act allows Congress to overturn any midnight regulation federal agencies try to finalize during the administration's final weeks. Democrats, on the other hand, aren't giving up without a fight. Seven senators, including *Ed Markey* (MA), *Ron Wyden* (OR), *Al Franken* (MN), *Bernie Sander* (VT), *Elizabeth Warren* (MA), *Tammy Baldwin* (WI) and *Rich Blumenthal* (CT), asked FCC chmn *Tom Wheeler* to take enforcement action against "harmful 'zero-rating' offerings that violate the principles of the Open Internet Order." In a letter to Wheeler Fri, the Senators argued that paid zero-rating can hurt small and emerging services who can't afford to have their content zero-rated, and offerings that favor ISP's or unaffiliated content should be considered a violation of net neutrality. Wheeler, while disappointed that the agency won't take up issues GOPers deemed "controversial," vowed during this

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week's open meeting to keep trying to work on things already on circulation, including the set-top box order. Meanwhile, FCC's GOP commissioner *Ajit Pai* congratulated the Trump administration on the selection of *Jeff Sessions* (R-AL), whom he had worked with on the **Senate Judiciary Committee**, as attorney general. Sessions was the chmn of the committee's Administrative Oversight and the Courts Subcmte. "Senator Sessions was and is a good man and a superb senator: honorable, thoughtful, devoted to the Constitution, and deeply committed to equal justice and the rule of law. He has long employed a diverse staff of attorneys—during my tenure, his staff consisted of an African-American man, two women, and me, a first-generation Indian American—all of whom worked every day to fulfill his vision of a just and free America," Pai said in a statement Fri. "I commend Senator Sessions' nomination without reservation. **The Department of Justice** and the American people will benefit from his leadership," he said.

More Washington Talk: **Sen Commerce** chmn *John Thune* (R-SD) sounded doubtful that Title II will remain the law of the land in the **FCC's** Open Internet order. "I would like to see Congress have an opportunity to weigh in on this. I suspect that with the changeover at the FCC there could be some changes made," he said in an interview on **CNBC** this week. "I would not be surprised, obviously—based upon the strong views that it generated and the very partisan way in which it was done—that there would be a serious consideration of relooking at that." Over on **C-SPAN's** "Communicators," former FCC commissioners *Robert McDowell* (R) and *Michael Copps* (D) weighed in on the Trump administration and transition (premieres Sat at 6:30pm ET, also available online). What do they think about the FCC backing off on controversial items? "This is tradition," said McDowell, who was at the Commission as Obama prepared to take the office. During that period, he said some meetings were held by teleconference. Copps noted that while he was interim chmn at the FCC, things did still happen, like the DTV transition. He recalls promising Congress to deal with the issue of special access (business data services) by 2007, "and now it's 2017 almost... At some point, you have to say let's do something with what we've got," Copps said. "We can't go back and start all this research over and all this data gathering, and everyone fighting about every level of data you want to get. It's time to move on." McDowell doesn't see BDS being a priority under the new regime, and he similarly thinks any set-top box order is toast. "Let me caveat everything by saying when it comes to the *Donald Trump* era, the prediction business has been hard hit. Nobody has really predicted what's happened this year," he said. Copps hopes McDowell's crystal ball is off. "There are Americans out all across the country who don't like paying \$232 a year to rent a set-top box, who don't like all this consolidation that's going on in the telecommunications industry, who don't like bills that are constantly going up," the Dem said. "I think president-elect Trump will probably take a close look at this too." Check out the full discussion at C-SPAN.org.

DirecTV Now: It's coming... Reporters were invited to a special event Nov 28 in NYC to celebrate the launch of **DirecTV Now**. The invite didn't include when that launch would happen as that news will come at the event. Product demos of the streaming service are planned at the presser. And it's clear how the service will be positioned by the hashtag: #MoreTVFreedom.

Retrans Rhumba: The **FCC** Media Bureau dismissed from **Lilly Broadcasting** and **SJL** that claimed **Campus Tele-video** has been receiving the full power TV stations **WSEE-TV** and **WICU-TV** from **DirecTV** and retransmitting them to Edinboro Univ (which subdisributes them to students in campus housing). The Bureau rejected the complaint, concluding that DirecTV retransmits the stations and that Campus Televideo is a commissioned sales representative of DirecTV.

In the Courts: The **FCC** was served up a loss from the DC Circuit Fri. **AT&T** proved successful in its challenge of the 2015 VoIP symmetry declaratory ruling, which determined that local carriers can collect end office switching charges when a VoIP partner transmits calls to an unaffiliated ISP for routing over the Internet. It passed on a 3-2 vote with the Republican commissioners dissenting. The case was decided relatively quickly, having been argued on Sept 8. Maybe a sign for a quick decision on the FCC's effective competition order being challenged by **NAB** and **NATOA** (**CFX**, 11/11)?

Programming: **A&E** will debut Season 2 of "Gangland Undercover" Dec 8 at 10pm. The series recounts the personal story of *Charles Falco* and his mission to infiltrate the world's most notorious biker gangs. -- **Freeform** announced that the final season of "Pretty Little Liars" will premiere on Apr 18, with new series "Famous in Love" to follow.

People: **Needham & Co** analyst *Laura Martin* joined the board of **Technology Policy Institute**, a non-profit research and educational org focused on the economics of innovation, technological change, and related regulation.

Cablefax Week in Review

Company	Ticker	11/18 Close	1-Week % Chg	YTD %Chg
BROADCASTERS/DBS/MMDs				
DISH:	DISH	55.85	0.54%	(2.33%)
ENTRAVISION:	EVC	6.60	1.54%	(14.4%)
GRAY TELEVISION:	GTN	9.60	4.92%	(41.1%)
MEDIA GENERAL:	MEG	18.24	0.65%	12.94%
NEXSTAR:	NXST	59.00	0.60%	0.51%
SINCLAIR:	SBGI	32.20	8.78%	(1.04%)
TEGNA:	TGNA	22.94	8.00%	(10.11%)
MSOS				
CABLE ONE:	CABO	585.00	1.72%	34.90%
CHARTER:	CHTR	262.70	(3.6%)	43.55%
COMCAST:	CMCSA	68.34	2.83%	21.11%
GCI:	GNCMA	16.49	(2.31%)	1.23%
LIBERTY BROADBAND:	LBRDA	67.41	(1.17%)	30.51%
LIBERTY GLOBAL:	LBTYA	32.77	7.02%	(22.64%)
SHAW COMM:	SJR	19.39	0.67%	12.80%
SHENTEL:	SHEN	26.65	1.72%	(38.1%)

PROGRAMMING				
21ST CENTURY FOX:	FOXA	27.82	2.51%	2.43%
AMC NETWORKS:	AMCX	52.48	(1.22%)	(29.73%)
CBS:	CBS	60.00	3.91%	27.31%
DISCOVERY:	DISCA	27.50	4.01%	3.07%
DISNEY:	DIS	98.26	0.59%	(6.49%)
GRUPO TELEVISIA:	TV	21.29	(4.74%)	(21.76%)
HSN:	HSNI	39.15	3.30%	(22.74%)
LIONSGATE:	LGF	23.23	0.61%	(28.28%)
MSG NETWORKS:	MSGN	19.73	(2.83%)	(5.17%)
SCRIPPS INT:	SNI	69.65	1.72%	26.15%
STARZ:	STRZA	33.64	0.24%	0.42%
TIME WARNER:	TWX	91.35	5.24%	41.26%
WWE:	WWE	18.60	2.76%	4.26%

TECHNOLOGY				
ADVANTAGE:	AEY	1.75	(3.43%)	(3.43%)
AMDOCS:	DOX	57.74	(1.5%)	5.81%
AMPHENOL:	APH	68.05	2.13%	30.29%
APPLE:	AAPL	110.04	1.48%	4.54%
ARRIS GROUP:	ARRS	29.15	0.43%	(4.66%)
AVID TECH:	AVID	4.68	4.70%	(35.8%)
BLNDER TONGUE:	BDR	0.57	1.87%	42.63%
CISCO:	CSCO	30.15	(3.86%)	11.01%
COMMSCOPE:	COMM	35.45	5.63%	36.93%
CONCURRENT:	CCUR	5.63	(1.92%)	13.74%
CONVERGYS:	CVG	25.56	3.23%	2.69%
CSG SYSTEMS:	CSGS	42.23	1.05%	17.37%
ECHOSTAR:	SATS	49.94	(0.5%)	27.69%
GOOGLE:	GOOG	760.54	0.92%	0.22%
HARMONIC:	HLIT	4.55	(7.14%)	11.79%
INTEL:	INTC	34.95	0.98%	1.45%
INTERACTIVE CORP:	IAC	67.06	0.74%	11.67%
LEVEL 3:	LVLT	55.74	3.99%	2.54%
MICROSOFT:	MSFT	60.35	2.25%	8.78%
NETFLIX:	NFLX	115.21	0.37%	0.73%
NIELSEN:	NLSN	42.63	(3.31%)	(8.52%)
SEACHANGE:	SEAC	2.62	12.93%	(61.13%)
SONY:	SNE	29.19	(3.06%)	18.61%

Company	Ticker	11/18 Close	1-Week % Chg	YTD %Chg
SPRINT NEXTEL:	S	7.36	3.74%	103.18%
SYNACOR:	SYNC	3.00	7.14%	71.43%
UNIVERSAL ELEC:	UEIC	69.85	2.87%	36.03%
VONAGE:	VG	6.57	3.46%	14.46%
YAHOO:	YHOO	41.19	1.90%	23.84%
TELCOS				
AT&T:	T	37.56	2.88%	9.15%
CENTURYLINK:	CTL	24.80	4.20%	(1.43%)
FRONTIER :	FTR	3.42	7.21%	(26.77%)
TDS:	TDS	26.07	1.28%	0.70%
VERIZON:	VZ	48.08	2.98%	4.02%
MARKET INDICES				
DOW:	DJI	18867.93	0.11%	8.28%
NASDAQ:	IXIC	5321.51	1.61%	6.27%
S&P 500:	GSPC	2181.90	0.81%	6.75%

WINNERS & LOSERS

THIS WEEK'S STOCK PRICE WINNERS

COMPANY	CLOSE	1-WK CH
1. SEACHANGE:	2.62	12.93%
2. SINCLAIR:	32.20	8.78%
3. TEGNA:	22.94	8.00%
4. FRONTIER :	3.42	7.21%
5. SYNACOR:	3.00	7.14%

THIS WEEK'S STOCK PRICE LOSERS

COMPANY	CLOSE	1-WK CH
1. HARMONIC:	4.55	(7.14%)
2. GRUPO TELEVISIA:	21.29	(4.74%)
3. CISCO:	30.15	(3.86%)
4. CHARTER:	262.70	(3.6%)
5. ADVANTAGE:	1.75	(3.43%)



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