

Cablefax Daily™

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What the Industry Reads First

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FCC Meeting: Wheeler Announces Departure, Meets Transition Team

Thurs' FCC Open Meeting was the last one for 2 Democrats: chmn *Tom Wheeler* and commish *Jessica Rosenworcel*. Wheeler announced before the meeting that he is leaving on Jan 20, after 3+ years at the helm of the agency. Rosenworcel's departure is due to Senate's failure to reconfirm her. The chmn said during a press conference following the meeting that he met with the Trump FCC transition team twice, a one-one-one meeting with transition team head *Jeff Eisenach* and another with all 3 team members, which include *Mark Jamison* and *Roslyn Layton*. There was only one item on Thurs' meeting agenda: TTY services. Yet the supposedly short meeting lasted for almost 2 hours. "Sitting in this chair has been the greatest privilege of my professional career... I am proud of what this Commission has accomplished. I'm grateful to President *Obama* for the opportunity to serve and for the confidence he placed in me," Wheeler said during the meeting. There have been some tensions between him and the agency's 2 GOPers, *Ajit Pai* and *Michael O'Rielly*, with the pair often complaining about being kept in the dark on the chmn's decision making process. Commenting on his relationship with his fellow commissioners, Wheeler said "when you put five type-A personalities together, lots of interesting things happen, including not always seeing eye to eye... The headlines got built around our differences, but the facts are that we accomplished a lot." Former Republican commish *Robert McDowell* said in an interview that "Tom has been energetic and is an activist who fought hard for what he believes in." The Wheeler Commission expanded the FCC's jurisdiction in many areas and a Republican-dominated FCC will be looking to "draw some boundaries around the commission," said McDowell, currently a partner at law firm **Cooley**, which advises media and telecom companies. And the new FCC, with some Congressional assistance, could look to overturn Title II net neutrality rules. That said, most of the issues in front of the FCC aren't partisan, McDowell noted. As a result, one of the first things the new FCC chmn might do is to vote on items with possible consensus. Despite their differences, Pai and O'Rielly praised Wheeler for his service. "Like his beloved Ohio State Buckeyes, chairman Wheeler brought passion and tenacity to the playing field each and every day. Despite our differences in many areas of communica-



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tions policy, I commend him for his years of public service. It has been a privilege to serve alongside him, and I wish him well in his future endeavors,” Pai, the potential interim chmn, said in a statement. O’Rielly said “while we may not have always agreed on the substance or procedures of Commission work, Tom is passionate about his views and committee to solving communications problems...” Wheeler’s term doesn’t expire until 2018, so technically, he could stay on as a commissioner. Asked if that’s an option, Wheeler said “this is in keeping with the commitments that I have repeatedly made since March that I would cooperate with the wishes of the new administration to assure a smooth transition and that I would follow the precedent that when the White House changes parties, the chairman resigns regardless of the amount of time left in the term.... The American people decided they wanted something else... And I stuck with my commitment.” It’s widely expected that the new FCC chmn would find ways to overturn the enhanced net neutrality rules. Republican lawmakers would also seek to override the Title II reclassification through legislation. Wheeler said he hoped any legislative proposal would not take away the FCC’s authority to enforce net neutrality rules. He also hoped the Trump Administration wouldn’t eliminate the FCC’s ability to enforce telecom laws. “Those who chant that government is the problem are wrong, and their chant is dangerous. Government isn’t some faceless ‘them.’ It is us. It is we the people who govern ourselves. Government is where we come together to collectively address common challenges,” he said. FCC transition team member Jamison suggested in an Oct blog post that there’s little need for an agency like the FCC. “Most of the original motivations for having an FCC have gone away... Telecommunications network providers and ISPs are rarely, if ever, monopolies,” he wrote. The next open meeting is slated for Jan 26, 2017.

More from Open Meeting: “It has been an honor, a privilege and a wild ride,” departing Democrat commish *Jessica Rosenworcel* said during Thurs’ FCC meeting. Chmn *Tom Wheeler* cited her as one of the early backers of stricter net neutrality rules, including reclassifying broadband providers under Title II. “I have often referred to Commissioner Rosenworcel as the intellectual lodestone of the Commission... She is whip smart and she always seems to be three, maybe five steps ahead, in her thinking,” Wheeler said. Meanwhile, *Greg Walden* (R-OR), **House Commerce’s** upcoming new chmn and one of the FCC chairman’s critics, offered gracious remarks on Wheeler’s departure. “Few FCC Chairs have served during a more dynamic and controversial time. While Tom and I have not agreed on every issue, we’ve shared a passion for expanding access to broadband communications to underserved areas of America. I wish him every success in the future.” *Anna Eshoo* (D-CA), ranking member of the **House Communications Subcmte** who has backed Wheeler on many initiatives, said “as the 31st chairman of the FCC, Tom Wheeler will long be credited for leading the charge to shape 21st Century policies of innovation and competition for the American people, and his courage, knowledge and determination will withstand the test of history.” **NCTA**, which has battled Wheeler on numerous proceedings, including Title II, the recently passed broadband privacy rules and the still pending set-top proposal, said in a statement that “Wheeler has presided over the Commission during a period of significant change and exciting innovation in the communications marketplace. Chairman Wheeler’s mantra from the beginning of his tenure has been ‘competition, competition, competition’ and he should be proud that American consumers are enjoying the benefits of today’s vibrant and highly competitive video and broadband sectors.” **NAB** chimed in with: “Chairman Wheeler has been a tenacious fighter on telecommunications issues during a period of remarkable change in the media landscape. We wish him well in whatever the future may hold.”

Zero-rating: One of the recent actions deemed controversial by **FCC’s** GOPers was the agency’s letters to **AT&T** and **Verizon** on the so-called zero-rating practices. Chmn *Tom Wheeler* said during the agency’s Open Meeting Thurs that instead of a controversial move, the letters were merely part of an ongoing investigation on potential violation of net neutrality rules and possible anti-competitive behavior. In a filing, AT&T defended its DirecTV Now streaming service, which is a zero-rating model because it exempts certain content from users’ monthly data caps. The telco reiterated the popularity of the service and said claims that **DirecTV** Now is anti-competitive would limit the potential of data free TV and prevent consumers from enjoying a service

they value.

Comcast Minority Obligations: Comcast announced that it is accepting proposals for 2 substantially African American-owned, independent networks that will launch in **Comcast Cable** markets by Jan 2019. Proposals are due by March 15. The company committed to launching such nets as part of its **NBCU** transaction, completed in 2011. It previously announced that 2 substantially Hispanic American-owned networks, **Kids Central** and **Primo TV**, will launch next month on Comcast systems. And Comcast previously launched **ASPiRE**, **Revolt**, **Baby First Americas** and **El Rey** as part of those NBCU obligations.

More Homes for RFD-TV: RFD-TV has exceeded the 50mln subscriber mark thanks to **Charter** shifting it to digital basic in several markets, including L.A., NYC, and parts of FL, TX and OH (all former **Time Warner Cable** and **Bright House** markets). During regulators review process of Charter's acquisition of TWC and BH, RFD founder *Patrick Gottsch* expressed optimism that the merged company address rural America and that broader distribution was a distinct possibility (*CFX*, 5/28/15). He had the opposite view of **Comcast's** proposed TWC deal.

Nielsen-NBC Drama: Nielsen is standing behind its total audience measurement after **NBCU** voiced concerns over Total Content Ratings and asked that the launch be delayed. The product, which is intended to account for all viewing wherever it happens, is on track for syndicated data release beginning March 1, according to Nielsen. At that time, Nielsen clients can use it for public release. It's currently only for internal evaluation. Nielsen said it's been working with publishers since Jan on the various implementations of Total Content Ratings. In a letter, NBCU fretted that the current data isn't accurate. "Currently, dozens of TV and digital media brands are enabled for TV, VOD or Digital measurement inside of Nielsen's Total Audience measurement framework. Nielsen does not stipulate which measurements clients should enable, nor the order in which they should enable them. Total Audience Measurement is designed to provide media owners with utmost flexibility to enable the components based on their business priorities," Nielsen said Thurs. "Since the beginning of the year, Nielsen has met regularly with members of our Senior Research Council, which is comprised of 25 of our largest television and agency clients, to discuss the implementation and rollout of Nielsen's Total Audience measurement system. We continue to enhance and refine our product with ongoing updates as we work with clients during this period of evaluation. Nielsen is working across business functions with our clients during this period of evaluation. We do not underestimate the importance of the rigor of this work, as clients use our metrics to make decisions on content, programming, distribution, and as a currency for ad planning and settlement."

AT&T-Esquire: AT&T and **DirecTV** customers lost **NBCU's** 3-year-old **Esquire Network** Thurs. AT&T provided little info on the change, with a spokesperson saying the U-verse and DirecTV provider routinely modifies channel lineup based on many factors, "while continuing to strive to offer more choice, control and convenience to our customers." Esquire, which will be in about 45mln homes going forward, said it's disappointed but that it's business as usual for the network. "We remain excited about our dynamic slate of original programming, including hit franchises 'Friday Night Tykes,' 'American Ninja Warrior,' 'Team Ninja Warrior,' 'Car Matchmaker,' 'Wrench Against the Machine,' 'Joyride' and diverse projects in development," the net said in a statement.

Atlantic Broadband's Speed Boost: As part of **Atlantic Broadband's** \$6.3mln "FastForward Miami" initiative, the MVPD has rolled out speeds of up to 250Mbps in the market, which includes Miami Beach and surrounding areas including Aventura, Pinecrest and Surfside. Existing Internet subs will see a speed increase over the next few months. Atlantic Broadband is on track to compete the initiative and offer gigabit speeds in Miami by Aug.

Programming: **Fuse** renewed original series "Big Freedia: Queen of Bounce" under the new name "Big Freedia Bounces Back. It's also doubling episode length to 60 minutes for the 6th season, which bows next summer. -- **C-SPAN** got the OK from the US Senate on a new original feature on the chamber that will debut next spring. The 90-minute special will examine the role of the Senate in today's society and will include special access to the Senate floor. The Senate passed a resolution granting access in the final house of its Dec 9 session.

People: **Fox News** named *Tom Lowell*, exec producer of "The Kelly File" as vp, managing editor of news. He reports to evp, news and editorial *Jay Wallace*. -- **C-SPAN** named *Rachel Katz* to the new post of manager, affiliate relations.

BUSINESS & FINANCE

Obituary: We're sad to learn of the passing of *Ray Miller*, 83, whose cable résumé includes **Country Cablevision** and **Carolina Mountain Cablevision**. Miller received *Cablefax: The Magazine's* 2015 Independent Lifetime Achievement award for his contributions during his 60 years in the industry. His accomplishments include bringing fiber to small towns in NC and casting the deciding vote at a **CA Cable Assn** board meeting to hire *Walter Kaitz*. He was a previous **NCTC** chair and built several system in the Hollywood Hills, literally installing cable for people like *Sammy Davis Jr* and *Shirley MacLaine*. Funeral services are slated for 2pm Sat in Burnsville, NC.

Lustgarten Numbers: The 16th annual Holiday Rock & Roll Bash to benefit the **Lustgarten Foundation**, held Wed at Tao Downtown, raised \$1.2mln for pancreatic research. **AMC Networks** and **The Madison Square Garden Company** stepped up to host the event this year given long-time supporter **Cablevision's** acquisition by **Altice**. The Lustgarten Foundation was established in 1998 to honor Marc Lustgarten, who served as the former vice chairman of Cablevision and chairman of Madison Square Garden, before he died from pancreatic cancer.

Cablefax Daily Stockwatch

Company	12/15 Close	1-Day Ch	Company	11/15 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DISH:	58.46	(1.24)	LEVEL 3:	56.44	(0.04)
ENTRAVISION:	6.58	(0.03)	MICROSOFT:	62.58	(0.1)
GRAY TELEVISION:	10.60	0.05	NETFLIX:	125.00	1.56
MEDIA GENERAL:	18.64	(0.17)	NIELSEN:	42.70	(0.42)
NEXSTAR:	62.50	(1.2)	SEACHANGE:	2.52	0.04
SINCLAIR:	32.40	0.50	SONY:	28.86	0.04
TEGNA:	22.22	0.05	SPRINT NEXTEL:	8.45	0.12
MSOS					
CABLE ONE:	616.46	(3.1)	SYNACOR:	3.05	0.05
CHARTER:	291.16	2.90	UNIVERSAL ELEC:	67.85	0.95
COMCAST:	69.88	(0.14)	VONAGE:	6.67	(0.05)
GCI:	17.57	(0.31)	YAHOO:	38.41	(2.5)
LIBERTY BROADBAND:	72.84	0.28	TELCOS		
LIBERTY GLOBAL:	30.11	0.06	AT&T:	41.50	0.40
SHAW COMM:	20.26	(0.07)	CENTURYLINK:	23.97	0.10
SHENTEL:	28.15	0.40	FRONTIER :	3.49	0.05
PROGRAMMING					
21ST CENTURY FOX:	27.99	(0.03)	TDS:	29.35	0.06
AMC NETWORKS:	51.47	0.45	VERIZON:	51.81	0.18
CBS:	64.04	0.40	MARKET INDICES		
DISCOVERY:	28.85	0.17	DOW:	19852.24	59.71
DISNEY:	104.40	0.35	NASDAQ:	5456.85	20.18
GRUPO TELEVISA:	20.55	0.12	S&P 500:	2262.03	8.75
HSN:	35.95	(0.2)			
MSG NETWORKS:	21.50	0.35			
SCRIPPS INT:	70.46	(1.08)			
TIME WARNER:	95.32	0.67			
VIACOM:	39.00	0.50			
WWE:	18.54	(0.03)			
TECHNOLOGY					
ADVANTAGE:	1.66	(0.01)			
AMDOCS:	59.19	(1.11)			
AMPHENOL:	67.98	0.22			
APPLE:	115.82	0.63			
ARRIS GROUP:	30.78	0.37			
AVID TECH:	4.31	(0.05)			
BLNDER TONGUE:	0.45	(0.04)			
CISCO:	30.63	0.17			
COMMSCOPE:	37.04	0.48			
CONCURRENT:	5.30	(0.02)			
CONVERGYS:	24.78	0.05			
CSG SYSTEMS:	48.66	0.70			
ECHOSTAR:	52.48	0.65			
GOOGLE:	797.85	0.78			
HARMONIC:	5.05	0.20			
INTEL:	36.79	0.24			
INTERACTIVE CORP:	65.70	(0.8)			

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PROGRAMMER'S PAGE

Revisionist History...

This year's presidential election played on a divided nation, with some predicting an authoritarian future and others rolling their eyes and telling the other side to chill. We won't debate any of that here, but it's interesting that Amazon on Friday premieres Season 2 of a decidedly intriguing look at what might have happened had fascism taken root in America many decades ago. "The Man in the High Castle" explores an alternative reality in which the Nazis and Imperial Japan won WWII, with the Japanese taking over the western half and the Germans running the eastern portion. Series star *Alexa Davalos* doesn't hesitate to draw parallels. "Art imitating life or life imitating art," she says. Whatever the case, it seems like this series may have legs. Davalos points out that the first season "only scratched the surface" of the *Phillip K. Dick* novel upon which it's based. "I feel like there's always going to be material to go back to from the book. I don't know where it will go," she says. "There's no boundary with Phillip K Dick." After a critically acclaimed first season, expectations are high for Season 2. The idea that history could have gone such a different direction is perhaps what makes this show such a rich exploration. As series co-star *Luke Kleintank* puts it, "they should show this in high school... It makes you ask questions." To be sure, the "what if" nature of this show becomes an addictive narrative for those who want to immerse themselves in an alternate world, expertly crafted for the high drama. And don't worry: Despite any supposed "divided America" parallels, this isn't an overtly political show. The truth is that people of all political stripes can enjoy this exploration of what might have been had a World War gone the other way. Oh, and one more thing: This is Amazon, so all 10 episodes are available immediately on Friday. Yep. There goes your weekend. — *Michael Grebb*

Reviews: "Blood and Fury: America's Civil War," Wed, 10pm, **American Heroes Channel**. The decision to premiere this series so close to holiday time can be debated. As its title implies, there's little "peace on Earth, goodwill to all." On the other hand, there's no denying the fine storytelling here. Well-known battles form the canvas for each ep; *Antietam* is up Wed, but the stories of little-known soldiers are the series' heart. These stories help humanize what was mostly an inhuman experience. In addition to good re-enactments and apposite interviews, small details are provided—at the war's outset, both sides were wearing similarly colored uniforms, making identification difficult. Thanks to good narration, each ep can be seen on its own. -- "Risky Drinking," premiere, Mon, 8pm, **HBO**. Besides the education this outstanding doc provides about the dangers of binge drinking, it also happens to be a terrific film. The portraits of people suffering—particularly *Kenzie*, a young professional, who's drinking to overcome a broken romance, and *Neal*, a grandfather, who could die from drinking—are searing. Moreover their issues track perfectly with the educational points made in the film. Between each of four stories, medical pros explain possible treatment of so-called risky drinkers. — *Seth Arenstein*

Basic Cable Rankings (12/0516-12/11/16)			
Mon-Sun Prime			
1	FOXN	1.1	2566
2	ESPN	1.0	2297
2	HALL	1.0	2268
4	DISC	0.6	1525
4	AMC	0.6	1461
4	USA	0.6	1448
4	FRFM	0.6	1416
4	HGTV	0.6	1354
4	DSE	0.6	119
10	TBSC	0.5	1299
10	HIST	0.5	1195
10	TNT	0.5	1163
10	DSNY	0.5	1079
10	ID	0.5	1039
10	HMM	0.5	920
16	FOOD	0.4	1030
16	MSNB	0.4	893
16	LIFE	0.4	837
19	ADSM	0.3	792
19	NAN	0.3	790
19	CNN	0.3	782
19	BRAV	0.3	775
19	A&E	0.3	775
19	TVLD	0.3	711
19	FX	0.3	691
19	TLC	0.3	685
19	SPK	0.3	657
19	NKJR	0.3	646
19	NFLN	0.3	628
19	DSJR	0.3	493
31	CMDY	0.2	549
31	VH1	0.2	544
31	SYFY	0.2	506
31	WETV	0.2	478
31	EN	0.2	441
31	FXX	0.2	440
31	ESP2	0.2	430
31	APL	0.2	427
31	NGC	0.2	423
31	TRAV	0.2	418
31	INSP	0.2	408
31	MTV	0.2	405
31	WGNA	0.2	391
31	GSN	0.2	390

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



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