

# Cablefax Daily™

Friday — February 3, 2017

What the Industry Reads First

Volume 28 / No. 022

## FCC Thursday: Telecom/Cable Policy Outlook, Pai's Pilot

With GOPers looking to roll back several of FCC chmn *Tom Wheeler's* policies, panelists at the **Information Technology and Innovation Foundation** briefing Thursday addressed how that can be done along with the potential impact on the telecom/cable industry. And coincidentally, new FCC chmn *Ajit Pai* announced a pilot program Thursday aimed at increasing the transparency by for the first time publicly releasing the full text of documents circulated to fellow Commissioners for a vote at the FCC's next Open Meeting on February 23. Under the FCC's current process, the chair circulates proposed rules to his fellow commissioners at least 3 weeks prior to consideration of those items at the agency's monthly public meeting. At the same time, the agency releases its tentative agenda for the next meeting, followed by a formal agenda—a "Sunshine Notice"—one week prior. But the actual docs are not released to the public. "If successful, Chairman Pai's pilot project will become a new part of this process going forward," Pai's office said. In the pilot, Pai is releasing the full text of two documents that will be listed on the tentative agenda for the February Open Meeting. Pai isn't releasing the text of all the items on the meeting but said he hopes to do so in the future if the test run is successful. Pai and fellow GOPer *Michael O'Rielly* repeatedly criticized Wheeler for a lack of transparency in the agency's policymaking process. "We believe that releasing these documents—rather than keeping them behind closed doors until after our vote—will increase the public's understanding of our decision-making process, and result in final rules that better serve the public interest," Pai said Thurs. The ITIF panel featured the rare appearance of *Mark Jamison*, a member of president *Trump's* FCC transition team. While the FCC is an independent agency, Wheeler let political pressure "infiltrate" the agency's decision making process a lot more than is necessary, said Jamison, the director of the **Public Utility Research Center** at **University of Florida**. He urged the Congress to act to focus the agency on ex ante regulation only in the presence of monopoly and on overseeing scarce resources like spectrum and managing federal subsidies like USF. Jamison previously wrote in a blog post that the FCC could be replaced by a much smaller agency. *Jeff Campbell*, vp of government affairs at **Cisco**, also predicted changes to FCC process and authority. "The nature of the congressional process is there's an enormous amount of political compromise which leads to substance compromise," which is very dangerous for Internet policy, he said. People wanting congressional intervention "will probably be disappointed by the level of sausage making," he warned. **Frontier's** senior

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adviser and former FCC commissioner *Kathleen Abernathy* said “we will continue to see a series of court actions.” Even as the FCC reconsiders net neutrality, court appeals will continue, she said. In June, 2016, the DC Circuit Court of Appeals denied a petition brought by telecom companies challenging the enhanced net neutrality rules.

**Temporary Halt on Charter-Univision:** Charter won a temporary restraining order on Thursday that returned Univision programming to its lineup. Charter lost Univision, *El Rey* and other content from the Spanish-language programmer early Wednesday morning. Univision said the order came from a judge who was temporarily assigned to the case, and only lasts until February 9, when the judge permanently assigned to the breach of contract litigation is back in court. “For the 7-day period that it is receiving Univision’s services, Charter Spectrum will be required to post a bond covering the actual market value of Univision’s programming, rather than the inadequate rates that Charter Spectrum has been paying. Univision remains ready and willing to meet at any time with Charter Spectrum to engage in comprehensive, good-faith negotiations for the long-term carriage of our stations and networks,” Univision said. The Spanish-language programmer says Charter has refused to engage in such negotiations, while the MSO continues to say it has a contract and it expects Univision to honor it. In July, Univision filed suit against Charter, claiming it was trying to illegally use Time Warner Cable’s rate card. That case is still pending, with Charter filing for a preliminary injunction with temporary restraining order Thursday. “These actions seek to circumvent the very litigation that Univision started, are causing immediate and irreparable harm to Charter, and deprive millions of Charter subscribers of Univision programming,” the MSO said, seeking a return to status quo until the lawsuit is resolved. The permanent judge will consider Charter’s request for a preliminary injunction when he returns.

**Northwest Returns to Cable One:** Cable One subs in some markets no longer have to worry about missing the Super Bowl. The MSO and Northwest Broadcasting announced a deal to return stations to the air in Idaho Falls, Pocatello, and Lewiston, ID and Clarksdale, Winona, Yazoo, Grenada and Cleveland, MS. The spat had left Cable One without any of the Big 4 stations in Grenada and Cleveland. The Northwest stations had been dark on Cable One since midnight Dec 31.

**FCC February Meeting:** The FCC’s Feb 23 Open Meeting will address the Mobility Fund as part of its Universal Service Reform. It will consider a Report and Order adopting rules to provide ongoing support to high-speed mobile broadband and voice service in high-costs areas. Also on the agenda, a proposal granting a 5-year waiver to ISPs with 250K or fewer broadband connections from the enhanced reporting requirements adopted in the 2015 Title II Order. With a 2-1 Republican majority, the proposals are expected to be approved. The two items that are part of Ajit Pai’s transparency trial are an NPRM that seeks comment on allowing television broadcasters to use ATSC 3.0, the next-generation broadcast standard. And the second is a Report and Order giving AM radio broadcasters more flexibility in siting their FM translators.

**Soccer Talk:** A+E Networks has become the National Women’s Soccer League’s newest investor with an equity stake. Lifetime, will become an official sponsor and broadcast partner of the league in a 3-year deal that begins in April. Yes, that means it will be televising games. Every Saturday at 4pm ET will be the “NWSL Game of the Week on Lifetime,” with a pregame show at 3:30pm. Lifetime will be featured on all official jerseys with a patch on the right sleeve. The strategic investment includes creation of a new joint venture, NWSL Media, between the NWSL and A+E. The jv is currently negotiating with potential partners to stream the games not broadcast on Lifetime. -- The NY Cosmos, the soccer club Media-com CEO *Rocco Comisso* bought a majority stake in this month, now has a home stadium. The team will play at MCU Park in Brooklyn. The Coney Island stadium will host 16 regular matches, including the April 1 home opener.

**NY AG vs Charter:** A day after announcing a lawsuit against Charter, NY Attorney General *Eric Schneiderman* issued a consumer alert to offer tips for selecting the best Internet service plan. Suggestions include consumers checking what speed they’re actually receiving using tools like Ookla rather than relying on the promise of an ISP. The lawsuit, based on a 16-month investigation, found that since January 2012, Spectrum-Time Warner customers since January 2012 have seen speeds 80% slower than what they paid for. The AG’s Office also said it found that Spectrum-TWC executives knew that the company’s hardware and network were incapable of achieving the speeds promised to subscribers, but nevertheless continued to make false representations about speed and reliability. Among the AG’s accusations is that as of February 2016, Spectrum-TWC charged 185K New Yorkers \$10/month for deficient modems that weren’t capable of supporting the service levels paid for. Charter closed its acquisition of TWC in May 2016. “We are disappointed that the NY Attorney General chose to file this lawsuit regarding Time Warner Cable’s broadband

# BUSINESS & FINANCE

speed advertisements that occurred prior to Charter's merger," the company said. "Charter made significant commitments to NY State as part of our merger with Time Warner Cable in areas of network investment, broadband deployment and offerings, customer service and jobs... We will continue to invest in our business and deliver the highest quality services to our customers while we defend against these allegations involving Time Warner Cable practices."

**NTIA's Day on the Hill:** The House Communications Subcommittee held its first hearing of the new Congress Thursday, examining NTIA's role and reauthorization. NTIA has not been reauthorized since 1992. "We must ensure that we empower NTIA to be as effective and efficient as possible in combatting cyber attacks and promoting strong public safety networks. NTIA will be an essential player in spectrum allocation and broadband deployment in any discussions moving forward," Chairman *Marsha Blackburn* (R-TN) said.

**People:** *Michael Quigley* was upped to evp, commercial operations, content strategy & monetization for **Turner's TBS & TNT**. He'll oversee content strategy for the networks as well as acquisition for other brands in the portfolio. Quigley reports to TBS, TNT pres/Turner chief creative officer *Kevin Reilly*. -- *Ted Marino* was named vp, finance for **YES Network**. He joins the RSN from **Westwood One Network**.

## Cablefax Daily Stockwatch

Company	02/02 Close	1-Day Ch	Company	02/02 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
DISH:	61.29	0.15	MICROSOFT:	63.17	(0.41)
ENTRAVISION:	5.25	UNCH	NETFLIX:	139.20	(1.58)
GRAY TELEVISION:	11.95	(0.25)	NIELSEN:	41.65	0.33
NEXSTAR:	66.00	(1.4)	SEACHANGE:	2.46	0.04
SINCLAIR:	33.35	(0.7)	SONY:	31.94	1.70
TEGNA:	23.28	(0.06)	SPRINT NEXTEL:	8.53	(0.48)
<b>MSOS</b>					
CABLE ONE:	638.30	3.15	SYNACOR:	3.15	UNCH
CHARTER:	324.41	(2.44)	UNIVERSAL ELEC:	61.00	0.50
COMCAST:	75.09	(0.52)	VONAGE:	6.94	0.05
GCI:	19.16	0.19	YAHOO:	43.69	(0.09)
LIBERTY BROADBAND:	83.71	(0.26)	<b>TELCOS</b>		
LIBERTY GLOBAL:	36.29	0.06	AT&T:	41.18	(0.88)
SHAW COMM:	21.47	(0.04)	CENTURYLINK:	25.26	(0.25)
SHENTEL:	26.80	0.50	FRONTIER:	3.37	(0.04)
<b>PROGRAMMING</b>					
21ST CENTURY FOX:	31.46	(0.16)	TDS:	29.47	0.17
AMC NETWORKS:	56.27	(0.62)	VERIZON:	48.28	(0.11)
CBS:	64.14	(0.46)	<b>MARKET INDICES</b>		
DISCOVERY:	27.79	(0.25)	DOW:	19884.91	(6.03)
DISNEY:	110.61	(0.69)	NASDAQ:	5636.20	(6.45)
GRUPO TELEVISIA:	22.10	(0.06)	S&P 500:	2280.85	1.30
HSN:	34.55	(0.3)			
MSG NETWORKS:	21.90	(1.2)			
SCRIPPS INT:	75.72	(0.12)			
TIME WARNER:	95.63	(1.09)			
VIACOM:	44.55	(0.15)			
WWE:	19.46	(0.15)			
<b>TECHNOLOGY</b>					
ADVANTAGE:	1.83	0.04			
AMDOCS:	59.18	0.46			
AMPHENOL:	67.15	0.55			
APPLE:	128.53	(0.22)			
ARRIS GROUP:	28.76	(0.43)			
AVID TECH:	5.61	0.12			
BLNDER TONGUE:	0.70	(0.03)			
CISCO:	31.18	0.68			
COMMSCOPE:	38.16	0.16			
CONCURRENT:	5.24	0.08			
CONVERGYS:	24.96	0.20			
CSG SYSTEMS:	39.20	(9.04)			
ECHOSTAR:	56.00	0.94			
GOOGLE:	798.53	2.84			
HARMONIC:	4.90	(0.15)			
INTEL:	36.68	0.16			
INTERACTIVE CORP:	72.84	4.60			
LEVEL 3:	58.77	(0.34)			



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# PROGRAMMER'S PAGE

## Seeking the Surreal...

In a world where nearly 500 scripted shows battle for precious oxygen, you may not be watching “Man Seeking Woman” on **FX**. And that’s an absolute travesty. This comedy series—mainly culled from the twisted mind of former “Saturday Night Live” writer *Simon Rich*—does what few TV shows can do: Skate dangerously close to absurd while boring deep into the human condition. In fact, the ridiculously surreal scenarios Rich and his writing staff concoct are far from frivolous attempts at set-piece humor; in fact, they drill into our collective psyches in ways few series have ever dared attempt. It’s hard to imagine a show this bizarre surviving in the age before “peak TV,” a term coined by FX chief *John Landgraf*. “It’s a miraculous time to be making TV creatively,” Rich told us at last month’s **TCA** press tour in Pasadena, CA. “To make something that we love unreservedly, it’s such a gift. And I’m grateful we get to do it.” The brilliance of MSW is its ability to jettison reality while using that departure to illustrate the anxieties of our hero Josh (based on Rich himself and played superbly by *Jay Baruchel*). “It’s a pretty autobiographical show for all of us,” notes Rich. Of course, we’re pretty sure no one on the writing staff has an ex-girlfriend dating a still-alive and geriatric Adolf Hitler. And when Santa Claus made an appearance last season, we’re guessing that wasn’t based on a real encounter. But that’s also the point. “We start with the story, and then we try to find an appropriate and hopefully original metaphor,” Rich says. This season, which premiered Jan 4, plays with the idea of Josh getting married. Thus an appearance by the “Mom Squad,” an elite police unit that robotically delivers a wedding announcement to his mom out of fear her excited reaction could blow up the neighborhood. “Sometimes it feels like a dream,” he says. “I don’t think we could have even done this five years ago. And hopefully these type of shows will still exist five years from now.” That’s for sure. — *Michael Grebb*

**Reviews:** “Gender Revolution: A Journey with *Katie Couric*,” Monday, 9pm, **National Geographic**. Nat Geo’s rebrand has the network seeking to provide brainy TV by exploring ideas “further.” In this 2-hour special, Couric digs deep into the subject of gender, which, the program argues, is rapidly changing in the U.S. Nat Geo receives kudos for exploring this topic, one that TV and other media largely have neglected. A Nat Geo hallmark, filming is gorgeously done, as Couric bisects the country to meet people whose lives are making news on the gender front and, in some cases, setting precedent. The material often seems to overwhelm Couric, which helps make her seem like the typical viewer, who no doubt will be challenged to understand various gender nuances. On the other hand, did “Gender” need to confuse to educate? Perhaps it was intentional, to show us how little we understand. Still, one of the best storytelling moments comes when Couric raps with Yale students. As each student is introduced a useful gender identifier comes up on screen. Had such useful graphics been used earlier, viewers would have benefitted. -- “Outsiders” Tuesday, 9pm, **WGN America**. Season 2 ep 3 of this drama about a separatist mountain clan has chief *David Morse* as Big Foster seeming to be repentant. We’re betting it’s a ruse. — *Seth Arenstein*

Basic Cable Rankings (1/23/17-1/29/17)			
Mon-Sun Prime			
1	FOXN	2.9	2649
2	ESPN	1.8	1581
3	HGTV	1.4	1278
3	BET	1.4	1162
5	MSNB	1.3	1181
5	USA	1.3	1174
5	TBSC	1.3	1158
8	HIST	1.2	1076
8	DISC	1.2	1070
8	ID	1.2	995
11	DSE	1.1	70
12	CNN	1.0	961
13	TNT	0.9	817
13	FOOD	0.9	814
15	DSNY	0.8	779
15	HALL	0.8	696
15	HMM	0.8	554
18	FX	0.7	659
18	TVLD	0.7	635
18	TLC	0.7	630
18	ADSM	0.7	603
18	BRAV	0.7	575
23	AMC	0.6	576
23	A&E	0.6	572
23	LIFE	0.6	567
23	NAN	0.6	554
23	SPK	0.6	526
23	NKJR	0.6	458
23	DSJR	0.6	408
30	SYFY	0.5	485
30	VH1	0.5	431
30	ESP2	0.5	427
30	INSP	0.5	375
30	OWN	0.5	372
30	DFAM	0.5	26
36	APL	0.4	404
36	NGC	0.4	383
36	FRFM	0.4	353
36	TRAV	0.4	349
36	WETV	0.4	347
36	GSN	0.4	336
36	MTV	0.4	335
36	LMN	0.4	293
36	WGNA	0.4	281

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



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