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What the Industry Reads First

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Over It: FCC Votes 3-0 to Eliminate Charter Overbuild Requirement

In a sign this **FCC** can find ways to work together, the 3 commissioners voted unanimously to modify a **Charter-Time Warner Cable-Bright House** condition that would have required the combined company to build out to 2mln unserved locations at speeds of 25Mbps/3Mbps. Chairman *Ajit Pai* voted against the merger last May because he felt the agency was attaching conditions that had nothing to do with the deal. “By modifying the overbuilding condition, the FCC enables Charter to more fully devote our resources and attention to building out high-speed broadband to areas without it today,” Charter said. **ACA** had petitioned for the change, saying the condition could harm members because half of the build-outs were to occur in areas that already were served by one provider. “It has become clear that forcing New Charter into competing with another carrier, incentivizes the company to overbuild where the weakest potential competition currently exists,” Clyburn said in explaining her decisions to concur with the order. “Given our conclusions about competition in the broadband market, I am concerned that years from now, we will simply end up with still only one entity— New Charter—serving those ‘overbuilt’ areas. By removing the overbuild condition, we at least give New Charter the freedom to serve more unserved communities.” When the FCC approved the Charter transactions last May, Clyburn stated that she wished the company had been required to build out broadband to more locations. Clyburn’s vote puts her on a different page from consumer group **Public Knowledge**, which said merger terms should be presumed final. However, in a way, the group also agreed with Pai’s concerns about trying to set policy through merger conditions. Take a look at its statement: “That Charter’s merger requirements are still being debated shows that formulating competition policy through merger conditions, while often unavoidable given the harms presented, is not a complete or ideal approach. Congress should address the problems with broadband competition, affordability, and the urban/rural divide with express programs directly targeting these issues.” For ACA, Monday’s decision is a clear victory. “This overbuild threat, added by then-FCC Chairman Wheeler at the eleventh hour of the merger approval, undermined [smaller] operators’ ability to make investments that would benefit their existing subscribers or expand their networks to reach unserved households,” pres/CEO *Matt Polka* said, noting that 38 members recently urged the Commission to reject the overbuild provision.



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Arris Modem Lawsuit: A lawsuit seeking class action status was filed against **Arris**, with the plaintiff claiming the company sold cable modems whose defect results in high spikes in network latency, degrading users' Internet connections. The lawsuit, filed in US District Court for the Northern District of CA, is centered on the SURFboard SB6190 modem. The complaint references 2 DSLreports articles, including a December report that Arris is working closely with **Intel** on a problem with the Puma 6 chipset that causes SB6190 owners to experience jitter and latency on their connections. Arris declined to comment. **Schubert Jonckheer & Kolbe LLP** said it is investigating whether other cable modems containing the Puma 6 chipset, including modems from **Netgear, Linksys, Cisco** and **Hitron**, also suffer from the same defect.

Comcast Analyst Day: Get ready. **Comcast** is taking the wraps off its mobile initiative and **Verizon** MVNO agreement this week with senior leadership to discuss plans at Thursday's analyst day. Analysts are hoping the discussions provide some clarity on the MVNO structure as well as some insight on bundles and promotions. The event comes just days after the broadcast incentive auction ended, with results on bidders expected in the coming weeks.

Addressable Advertising: Cross MediaWorks, a family of global media and advertising companies, has launched **one2one Media**. *Michael Bologna* and *Jamie Power* are leaving **GroupM/Modi Media** to launch the new company, which aims to help create industry standards and turnkey execution for the addressable video marketplace. Bologna will serve as pres, while Power will be COO. The addressable video solution will extend across 70mln households in the US with inventory provided by MVPDs including **Altice, AT&T, Comcast, Cox, DISH** and **Spectrum**. To drive further scale, one2one Media will also offer a targeted, data-driven approach to the OTT marketplace with a focus on cross-channel attribution capabilities on mobile, online and traditional TV platforms with each MVPD. one2one Media will have the support of GroupM and MODI Media in launching the business as it seeks to establish a neutral, third party solution. In addition to MODI Media, inaugural roster clients will include **Wilson** and **TCA (The Cross Agency)**.

Deal NBC In: Poker Central, which pulled the plug on its linear network last year, secured a deal with **NBC Sports Network** that will bring some of its programming to NBCSN. The cable net will have exclusive rights to the Super High Roller Bowl, featuring the largest buy-in of the year at \$300K, as well as linear and digital rights to future events. NBC Sports also will feature streaming poker coverage of Poker Central content on NBCSports.com and the NBC Sports App.

Baseball is So Back: **ESPN's** opening night telecast featuring the Cardinals' 4-3 victory over the Cubs was its most-watched Opening Night ever, delivering a total live audience (television + streaming) of 3.7mln average viewers, up 26 percent from 2.9mln for last year's New York Mets-Kansas City Royals World Series rematch, according to **Nielsen** Fast Nationals. On TV alone, the night generated 3.6mln viewers, up from 2.9mln last year. It generated 321K unique viewers online and an avg minute audience of 91K. -- **YES Network's** NY Yankees-Tampa Bay Rays game went down as the most-viewed Yankees season opener in 5 years, with Sunday's game averaging a 4.5 TV HH rating.

More Ratings Wins: The **NCAA** Women's National Championship between Mississippi State and SC notched a 2.4 overnight on **ESPN**, 20% higher than last year's game. It's easily the most-streamed women's basketball finale ever, with a streaming avg audience of 59,500 and a total of 211K viewers watching more than 8.2mln minutes.

WrestleMania Jams: **WWE's** WrestleMania 33 has moves like *Jagger*, with the extravaganza grossing \$14.5mln at the Orlando Citrus Bowl Saturday, surpassing the previous record set by the Rolling Stones in 2015. It also blasted past the stadium's previous attendance record (set by WrestleMania 24) with 75,245 fans in attendance. **WWE** Superstars *Big E, Kofi Kingston* and *Xavier Woods* made a big entrance dressed as characters from online game Final Fantasy XIV Online. It was part of a partnership between **WWE** and video game makers **Square Enix**. Next year, WrestleMania is set for New Orleans on April 8. The numbers were strong, but not high enough to surpass 2016's attendance record of 101,763 at AT&T Stadium in Arlington, Texas. WrestleMania 33 ranks 7th in terms of franchise attendance.

People: Former **Time Warner Cable Media** pres/COO *Joan Gillman* has joined the board of **InterDigital**, a mobile tech research and development company. Gillman also serves on the boards of **Centrica plc**, an international energy and services company based in the UK, and **Airgain**, a provider of embedded antenna technologies used to enable high performance wireless networking. -- **BBC Worldwide Productions** tapped *Matt Loze* as head of scripted. Loze most recently was svp, programming for **Fox 21 Television Studios**, where he guided a cross section of drama development and production.