

# Cablefax Daily™

Tuesday — February 20, 2018

What the Industry Reads First

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## Election Selection: FCC Gets Input on Streamlining Retrans/Must Carry Notices

The FCC got an earful about how broadcasters should handle notifying MVPDs of whether they're electing retransmission consent or must-carry every three years. The gist from pay TV distributors was that any changes must not increase the burden on them. After that, opinions differed. Comments were due Thursday in the proposed rulemaking that looks at updating the election process as well as whether MVPDs should be able to send consumer privacy notices and certain other communications electronically. The FCC's notice asks about whether broadcasters' election notices could be delivered with a verified email address. "While this proposal, on its face, sounds reasonable, the consequences of an MVPD not receiving a carriage election notice warrant a more cautious approach," **ACA** said. "Any number of issues might result in a broadcaster's electronic notice not being received by the MVPD in time, which may or may not be the fault of the broadcaster or cable operator." The association for small and independent operators expressed concern that notices could go to the wrong email address or be held up by security software. Certified mail or express delivery makes it relatively simple to determine why a notice didn't reach an MVPD, **ACA** said. **Verizon**, however, supports a designated email, agreeing with broadcasters that the current certified mail procedure is costly for stations. It suggests the FCC require MVPDs to send an automatic return receipt email as a record of the date and time of receipt. That notion was supported by **NCTA**, which said the burden of demonstrating timely election would remain on broadcasters. **NCTA** suggested the process could be streamlined by allowing broadcasters to send one email that identifies the systems for which it is making elections to a single e-mail address for each cable operator. **Public Broadcasting** believes pretty much any method should be allowed as long as a broadcaster can show timely delivery to an MVPD by the election deadline. The FCC recently denied a must-carry complaint filed against **DISH** by non-commercial station **Minority Television Project**. The Media Bureau said the broadcaster erred in sending its election notification by **USPS** Priority Mail vs certified mail. Non-commercial stations can only elect must-carry and thus aren't required to send periodic elections to cable operators. They do, however, have to renew their carriage requests every three years to satellite ops. Public station groups used the proceeding to ask the FCC to eliminate the satellite election notices. While **NAB** has suggested broadcasters be able to serve notice by placing election in their online public

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files, **DISH** maintains that such a method can't serve as the sole election procedure because it would require MVPDs to search hundreds of public files for new election requests. ACA raised similar concerns about such a proposal set for by **CBS, Disney, Fox and Univision**, saying that it would be significantly burdensome given the dozens or hundreds of broadcasters carried by an operator. DISH presented a different scenario that it was OK with: a publicly accessible website hosted through the FCC through in which broadcasters would elect carriage through the Oct 1 deadline each election cycle. Such a site would also make it easier to ensure that election procedures were followed and notice was received in a timely manner, DISH said. As previously reported, NAB has proposed the FCC modify the default cable carriage election to retrans consent instead of must-carry. No one appears to have addressed that suggestion in initial comments, but it will no doubt come up in reply comments.

**In the Courts:** A NY state judge denied **Charter's** motion to dismiss a complaint by the **NY AG** alleging that the MSO defrauded customers by promising high-speed internet speeds and reliable access that it knew it couldn't deliver on. Charter noted that the court made no ruling on the allegations and said it will contest the claims vigorously. The complaint covers Jan 1, 2012 through Feb 1, 2017, with **Time Warner Cable** the operator for the state for most of that period (Charter purchased TWC in May 2016). "Spectrum not only delivers its advertised internet speeds, we have in fact raised the minimum broadband speeds that all our New York customers receive, at the same price," a spokesperson said. "We at Spectrum look forward to many years of providing New Yorkers best-in-class speeds at highly competitive prices."

**CBS Likes OTT:** CBS chief *Les Moonves* said that the company's confident **CBS All Access** and **Showtime OTT** will exceed a goal of 8mln subs combined by 2020. During Thursday's after-the-bell 4Q earnings call, the CEO said the direct-to-consumer offerings already are at nearly 5mln combined. Moonves is a big fan of the OTT model, touting it as a means for valuable audience data as well as a way to connect with younger audiences. CBS plans to launch direct-to-consumer service this year for **CBS Sports** and **Entertainment Tonight**. The CBS Sports app will be an ad-supported free service that should launch later this month, before March Madness and the Masters. It will provide news highlights and analysis. The Entertainment Tonight offering is slated for the fall. CBS' \$3.92bln revenue for 4Q beat analyst estimates and was up 11% YOY.

**One For the Family:** **FuboTV** introduced a Family Share add-on, giving subscribers the option to share their accounts with other family members. Up to three people will be able to stream live games, shows and movies at any one time. The Family Share add-on is available for an additional \$5.99/month. Fubo's base package starts at \$45/month.

**Editor's Note:** Your next issue of **Cablefax** will arrive Tuesday, February 19 due to the President's Day holiday.

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## CFX TECH

### MobiTV Talks WEC 2018, Welcoming Disruption

NCTC's Winter Educational Conference 2018 has come and gone, and predictions of a shift in the program's identity were proven true. The conference lived up to its "Break The Rules" theme, not continuing the constant conversation of the changes in cable, but fostering a dialogue around how to move the industry into the future.

"We were very pleased that the NCTC is taking such an aggressive approach to the future and that to me was a big takeaway," MobiTV CEO Charlie Nooney said. "They were actively looking at how do we move forward, how do we compete."

MobiTV has made it a point not to shy away from taking on new approaches in the shifting landscape, walking the walk rather than continuing to talk the talk surrounding changes in technology or the regulatory environment.

"We embrace the chaos and the disruption," Nooney said. "In fact, the hope is we're creating some of it."

Based out of Emeryville, CA, Mobi delivers live and on-demand video delivery solutions to pay TV providers. The co-op selected it in December as one of its partners for providing IPTV to members. Counting T-Mobile and AT&T amongst its customers, Mobi's core technologies include a content management system for VOD and clip linear content and cloud-based analytics that capture, monitor and report on usage across devices, profiles, operator network and content providers.

In an NCTC panel on app-based pay TV, MobiTV pres/COO Bill Routt argued that it's time to flip some of the traditional business practices, such as an installer coming out to a customer's home. Instead, he pushed for using apps and self-based installs. One NCTC member questioned whether that would disadvantage seniors, but Routt countered that many already adopting those

technologies and the industry needs to look to the future.

Nooney and his company have been heavily backing an IPTV-based solution that they believe will allow customers to stay ahead of the innovation curve.

"We certainly don't think boxes will go away overnight, but there's beyond clear signs of the fact there's a dramatic shift as cost structures change," Nooney continued. "You have to have a more compatible cost structure to compete in the marketplace and be able to expand your footprint to your entire broadband base."

Mobi's initiatives have the company looking to push the envelope on voice, integrating other solutions into applications, improving the user experience and ensuring the video service being provided to customers is top of the line. Nooney believes continuing to push customer innovation experience through the analytical and business intelligence data MobiTV provides will be critical in remaining relevant as the industry moves into the future.

Moving further into 2018, improving content discovery will also be at the forefront of MobiTV's concerns. Por-ing through the onslaught of content only hurts a user's experience, creating frustration and potentially driving them from using a platform or service.

"One of the things that is most critical when looking at the marketplace is looking at how do you deliver content in a very efficient and simple way," Nooney noted, and it is a point that will continue to be addressed as the sea of content continues to grow. "Linking out is one way, but certainly pure integration in terms of search and recommendations is next level, and is key. We believe not only that you have that dynamic looping into the market that you have to maintain, but you also have to have the flexibility to understand that content bundles and approaches will change over time as well and your cost structure needs to reflect that." -- Sara Winegardner

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