

Cablefax Daily™

Wednesday — July 18, 2018

What the Industry Reads First

Volume 29 / No. 136

Internet Tuesday: A Neutrality Bill, Fixed Wireless Talk & a Republican for CRA

The internet was front & center Tuesday with a new net neutrality bill and a hearing on the rural broadband. Rep *Mike Coffman* (R-CO) introduced legislation codifying no throttling, no blocking, no paid prioritization and oversight of interconnection. But it goes beyond net neutrality, giving the **FCC** oversight of interconnection traffic and brings back the language around the controversial general conduct standard from the 2015 FCC Open Internet order. Coffman says the provision ensures that actions not addressed by the bill's net neutrality provisions but would harm a broader open internet are covered. That's likely not to sit well with opponents of the general conduct standard, who argued it was too vague. The lawmaker has always maintained that a legislative fix is needed, which is why he also signed on to the House's discharge petition to overturn the FCC's Restoring Internet Freedom Order that vacated Title II. He's the first Republican in the House to sign on to the Congressional Review Act petition, with the senate voting 52-47 in May to overturn the FCC order. "While my bill moves through the Congress, I am taking an 'all of the above' approach by simultaneously signing the discharge petition on the CRA, and introducing my bill" Coffman said. This is all a bit confusing as Coffman said he back in February he wouldn't sign the CRA. "The CRA is a non-starter for me as it defers again to agency rulemaking. This is Congress' job," Coffman said at the **Incompas** policy summit, according to a *Politico* report at the time. Perhaps the change of heart is election related... Coffman is seen as potentially vulnerable in the midterms, fighting to hang on to a seat in the suburbs of Denver. **Free Press** sent an action email cheering the first Republican representative's signature to the discharge petition, while at the same time condemning his legislation. Rather than revert ISPs to Title II regulation, Coffman's bill establishes Title VIII "Broadband Internet Access Service" with no rate regulation. **TechFreedom** has been a proponent of a legislative fix, but declared the bill DOA because it still gives the FCC "sweeping discretion to regulate the internet beyond net neutrality." Meanwhile, members of the **House Communications** subcommittee got an earful Tuesday on challenges and solutions for rural broadband. *Justin Forde*, senior director of govt relations for **Midco**, outlined the high costs and issues with deploying fiber in the operator's Midwest footprint because of difficult terrain and sparse populations. In looking for creative solutions, he outlined how Midco partnered with fixed wireless provider **InvisiMax** to offer broadband service to the rural community of Brooktree Park, ND. "Recognizing the potential of the fixed wireless solution to provide broadband to more

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Cablefax Daily (ISSN 1069-6644) is published daily by Access Intelligence, LLC ● www.cablefax.com ● 301.354.2101 ● Editorial Director: Amy Maclean, 301.354.1760, amaclean@accessintel.com ● Publisher: Michael Grebb, 323.380.6263, mgrebb@accessintel.com ● Associate Editor: Sara Winegardner, 301.354.1701, swinegardner@accessintel.com ● Associate Editor: Mollie Cahillane, 212.621.4951, mcahillane@accessintel.com ● Acct. Exec: Olivia Murray, 301.354.2010, omurray@accessintel.com ● VP Marketing: Amy Jefferies, 301.354.1699, ajefferies@accessintel.com ● Director of Marketing: Kate Schaeffer, kschaeffer@accessintel.com ● Prod. Mgr: Joann Fato, jfato@accessintel.com ● Diane Schwartz, SVP Media Comms Group, dschwartz@accessintel.com ● Group Subs or Subscription Questions, Client Services: 301.354.2101, clientservices@accessintel.com ● Annual subscription price: \$1,699.97/year ● Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

rural residents, Midco has since acquired InvisiMax, and has begun to expand fixed broadband wireless service more broadly in rural areas within our footprint,” Forde said, noting the company can use fixed wireless to provide service to areas up to 50 miles away from its fiber network and offer speeds of up to 50Mbps down/10Mbps up. Midco, which serves about 385K residential and business customers, recommends the government work to offer access to more spectrum and to ensure that rural providers have the opportunity to purchase spectrum by making sure small geographic areas are offered—not just large licenses.

More Internet News: The Internet Innovation Alliance, which counts **AT&T**, **Ciena** and **Corning** as members, released a survey Tuesday that it says consumers find fixed and mobile broadband service essentially the same. Almost as many consumers prefer to access the internet through mobile (23%) as through cable modems (26%), while 20% expressly state they have “no preference,” IIA said, pointing to a survey of 10K consumers conducted for it last month by **CivicScience**. In February, the FCC released its 2018 Broadband Deployment Report, which continued to conclude that mobile isn’t a full substitute for fixed services. IIA wants the FCC to reconsider and look at more current data about consumer preferences.

Sinclair-Tribune Continued: Sinclair responded Monday night to news that **FCC** chmn *Ajit Pai* has recommended sending its proposed merger with **Tribune** to an administrative law judge for a hearing. The broadcaster took issue with a *Reuters* report that indicated the draft order says Sinclair’s application may involve deception (it has not been released publicly yet). Sinclair also signaled it wasn’t walking away from the deal. “We have been completely transparent about every aspect of the proposed transaction. We have fully identified who the buyers are and the terms under which stations would be sold to such buyer, including any ongoing relationship we would have with any such stations after the sales,” Sinclair said, adding it’s prepared to resolve any perceived issues and will work with regulators to make the transaction a reality. Tribune issued its own statement Tuesday morning saying it will review the order once it’s released and expects to work with the FCC to identify ways to address concerns. “I know this latest development creates more uncertainty about our merger, but try to stay focused on the business and the audiences, advertisers and communities we serve, just as you have done throughout the year,” Tribune CEO *Peter Kern* said in a note to employees.

TiVo for TDS: TDS Telecom picked **TiVo’s** Next-Gen Platform to boost its efforts to bring innovation to subscribers. TiVo will bring hyper-personalization; advanced search and recommendations; voice control; seamless discovery across linear, OTT and cloud DVR platforms. TDS has spent more than two years developing its platform before finally deciding on a partnership with TiVo. “We see it as a perfect match and a hybrid between traditional video



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Publication Date:

October 15, 2018

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platforms and an OTT or app-based platform, with advanced features and functionality that different segments of the market are looking for,” TDS vp, marketing & product development *Julie Maiers* told **Cablefax**. The deal is about growth for both parties, with TDS being TiVo’s first significant partner in the IP-only space. “People know us for what we started as—a retail direct-to-consumer DVR,” TiVo svp/gm, user experience *Michael Hawkey* said. “What we’re doing is trying to ensure that we still bring to the end consumer connecting to the content you want on any screen at any time from any source, and that’s what drives TiVo into the future.”

Comcast Ad Challenge: The **National Advertising Division** recommends **Comcast** discontinue the advertising claim, whether expressed or implied, that **AT&T** deceives potential customers concerning the speed or reliability of its internet service. It also recommends it stop the claim that Comcast is the most reliable network because it’s based on a 2016 **FCC** report. NAD, the investigative unit of the ad industry’s system of self-regulation, did find that Comcast had substantiated certain claims regarding AT&T’s fiber network availability and certain advertised speeds. Comcast said it would appeal NAD’s adverse finding to the **National Advertising Review Board**. It said the company “believes that NAD erred, first, by inserting itself into creative choices notwithstanding the validity of the underlying claims, and second, by not taking seriously the impact of AT&T’s refusal to disclose material deficiencies of its network upon the competitive market.” Comcast also objects to NAD’s determination that “the failure of the FCC to update its annual broadband report means that Comcast can no longer support its longstanding claim it offers ‘the most reliable network.’”

More Univision Upheaval: **Univision** chief content officer *Isaac Lee* has resigned and will start his own production company with a focus on content that appeals to a global audience. Univision noted that his departure follows the successful competition of aligning content operations of both Univision and **Televisa**. It’s the latest shakeup for the Spanish-language programmer, which is currently in a dispute with **DISH** that has its flagship channel and some other networks off the DBS provider. Lee’s departure comes on the heels of Univision entertainment pres *Lourdes Diaz* joining **AGC Studios**. Last month, *Vincent Sadusky* took over as CEO with *Randy Falco* stepping down. Univision pulled plans for an IPO earlier this year and is now looking to sell its **Gizmodo** digital portfolio and **The Onion**.

Weekly Ratings: Do you even need to ask? Yes, it was **Fox News** again in the top spot among cable nets for prime (2.76mln total viewers) and total day (1.55mln) last week. It had a healthy lead over **MSNBC**, which ranked second in prime (1.6mln) and third in total day (900K—just behind **Nick’s** 916K). And that was all before Monday’s summit coverage between President *Trump* and Russia’s *Vladimir Putin*. Early **Nielsen** numbers show Fox News delivered 3.3mln in total viewers and 684K in the 25-54 demo for Monday prime, ahead of **CNN’s** 1.7mln and 593K and **MSNBC’s** 2.9mln and 625K. On the digital front, the day ranked as one of Fox News’ top five highest days of site visits for 2018, according to **Adobe Analytics**. Rounding out the top five cable nets in prime P2+ last week were **USA** (1.46mln), **HGTV** (1.42mln) and **TBS** (1.04mln). Ratings stalwart **Investigation Discovery** continues to knock at the door of the Top 5 prime nets, falling just short with 1mln viewers. It ranked 5th for total day, averaging 734K viewers, putting it ahead of **USA** (683K). For comparison’s sake, crime rebranded **Oxygen** averaged 385K for the week.

Outage Outrage: There were some complaints on **Twitter** Monday night from users who said they couldn’t watch the Homerun Derby on **ESPN** via **DirecTV Now**. A spokesperson said there was a brief issue with the service, but it was resolved quickly. Perhaps most notable is that broadcast group **TVFreedom.org** took notice of the problem, tweeting about it. The group also recently noted **YouTube TV’s** fail during the England-Croatia World Cup Game as well as a problem with Charter’s Spectrum TV app in recent weeks. “Another in a long line of streaming outages from our pay-tv friends,” the group tweeted.

How Fast?: **Netflix** announced its website **FAST.com**, which allows users to check the speeds they are receiving from their ISPs, will now also measure latency and upload speed. First launched two years ago, Netflix said the site has doubled in usage over the last seven months and has now generated more than half a billion speed tests from around the world.

Eyes On Me: **TVision Insights** announced it has secured \$11.5mln in funding led by **Accomplice** and **Jump Capital**. The company describes itself as the leader in measuring “eyes-on-screen” attention to every second of programming and advertising on television. The **MIT**-born startup has now raised around \$21mln total to measure viewer habits using AI and computer vision algorithms.

People: **Evolution Digital** is shaking up its leadership, with the company’s CTO *Brent Smith* transitioning to become its chief strategy officer. The newly created role has him defining its products and software road maps while establishing key client and partner advancements. Former vp of video engineering *Panneer Ramalingam* is expanding his role to CTO.