

# Cablefax Daily™

Wednesday — March 27, 2019

What the Industry Reads First

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## Outside the Box: Talking Internet Policy without Discussing Net Neutrality

While a House subcommittee approved a bill Tuesday to bring back Title II regulation, panelists at the **Free State Foundation's** annual conference across town went out of their way to avoid using the words "net neutrality" while discussing internet policy. The closest the ISP panel came to the term was when **NCTA** evp *James Assey* remarked that whether its 5G or cable's next generation infrastructure, "all of our companies operate in environments where the greater certainty there is around the rules of the road, it benefits our ability to deploy capital for infrastructure and to extend it as far and as wide as the economics will bear." While it was clear he was talking about the "Term That Shall Not Be Named," he also noted that eliminating unnecessary obstacles is another important part of increasing broadband deployment. For cable, there probably needs to be a re-examination of the process for which cable infrastructure is deployed, the NCTA lobbyist argued. "The fact of the matter is we have a very different regime under Title 6 than we do for wireless carriers," Assey said. "All of our infrastructures are starting to look very similar. The wireless guys have a very big interest in wired connections to towers. Cable operators have a very important interest not only in the wireless drop in the home via WiFi, but increasingly in 5G and next generation wireless. That type of hybrid architecture creates more similarity than there is difference." This all led to a discussion about a proposed rulemaking underway at the FCC that addresses how local franchising authorities may regulate incumbent cable operators and cable television services. The docket was prompted by a remand from the US Court of Appeals for the 6th Circuit. The FCC is seeking to clarify that franchise fees are limited to cable TV and that in-kind fees (such as free/discounted cable to government) count as part of a 5% cap on franchise fees. "I think we get into a situation where creative localities come up with different ways of imposing taxes or fees or asking for different kinds of in-kind support that are off the book. These costs only slow down the process of getting franchise approvals and the capital to build better infrastructure," Assey said. "[The proceeding] probably tees up a broader re-examination of franchises in general." There was a similar pitch made for localities to get on board from the panel's wireless rep, **T-Mobile** govt affairs svp *Kathleen Ham*. "5G is going to be everywhere. I think it's important localities literally buy into the 5G deployment story. It's going to benefit their local economy," she said, adding that some jurisdictions don't want to abide by a shot clock, with about a 1/3 of T-Mobile's deployments tied up by localities. In September, the FCC passed an order requiring local governments to approve or deny small wireless facilities in 90 days (60 days in some instances). That order is being challenged in the courts. **Multicultural Media, Telecom and Internet Council** CEO *Maurita Coley* gave local governments a gentle push. "We do have cities that call us on some of these complex issues. We don't think that cities should game the system," she said. "There are opportunities for city and industry to come together and work out what makes sense, keeping in mind that the costs you add on to deployment ultimately get paid by the consumer. And the consumers we advocate for are generally the least able to assume those costs."



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## Be Part of the Conversation!



### Mingle and Brainstorm with Executives Facing Similar Challenges, Hurdles and Expectations. But Don't Just Take Our Word For It...

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The Cablefax Retreat was a great way to hear a wide variety of opinions on industry issues and challenges. I was really impressed with the people who attended as well as the topics of discussion. I definitely had good takeaways from the meeting.

**JIM GLEASON**  
CEO | Vast Broadband

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The 2018 Cablefax retreat was an intimate and unique experience that brought a variety of constituents together to air their views as well as brainstorm on how best to tackle the various challenges and issues facing the television ecosystem. Meeting and talking to people of all levels in such an open and relaxed environment was absolutely invaluable to me. I look forward to the next retreat!

**MARCI RYVICKER**  
Managing Director | Wolfe Research

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Great forum to help improve the collaboration in the industry, understanding differences, making it better. It provided me with several great ideas and created new relationships that will be highly valued. The venue and vibe were terrific.

**RICH FICKLE**  
President | NCTC

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**REGISTRATION:** [www.Cablefax.com/event/CLR19](http://www.Cablefax.com/event/CLR19)

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**DISH, Univision Shake Hands:** Just when it seemed like **Univision** was never returning to **DISH**, the two struck a surprise deal Tuesday. Not everything that DISH customers lost in the heated battle is headed back, but the most popular networks—**Univision**, **Univision Deportes**, **UniMas** and **Galavisión**—made their return to DISH and DISHLATINO Tuesday. The deal does not include **Sling TV**. That may have something to do with *Charlie Erogen's* many references to Univision's own streaming options, including Univision Now and the Univision Deportes apps. Univision was one of the first programmers to sign on to the Sling service before it launched in 2015. A few channels that DISH previously carried did not return Tuesday—**El Rey Network**, **De Película**, **De Película Clasico**, **Telehit**, **Telehit Urbano** and **Bandamax**. However, you can bet the Spanish language programmer counts the deal as a win with its most high profile networks returning to the satellite provider. The impasse has taken a toll on both companies. DISH lost 334K net pay TV subs in 4Q, while Univision saw subscriber fee revenue drop 17.7% in 4Q to \$219.2mln. DISH still has another high profile blackout that hasn't been resolved. **HBO** has been dark since Dec 1. The Univision-DISH deal also puts an end to all litigation between the companies. This includes a breach of contract suit DISH filed in the summer of 2017 over Univision streaming Liga MX matches in English on **Facebook**.

**House Markup:** The **House Communications** subcmte held a markup Tuesday on the "Save the Internet Act," which would restore Title II regulatory framework repealed by the **FCC** in December 2017. The legislation cleared the first hurdle in the House as lawmakers approved the bill in an 18-11 party-line vote after a relatively contentious markup. "The only saving the internet needs is from heavy handed regulation," said Rep *Bill Johnson* (R-OH). Democrats see it differently. "Opponents of this bill need to ask themselves what are the unjust and unreasonable practices they want ISPs to be able to engage in," said cmte chmn and bill sponsor Mike Doyle (D-PA). Reactions to the referral to the full committee were swift, with **NCTA** predicting the bill will not pass in the Senate. "With today's action, the subcommittee has stubbornly insisted on a partisan path that leads to a dead end," the organization said. "The result of allergically resisting a bipartisan approach to resolving this decades-old issue is that consumers will fail to receive the net neutrality protections that are generally accepted and industry will not get the certainty it needs to invest more boldly." **Public Knowledge** applauded the approval, stating "most importantly, the Subcommittee approved the bill without adding harmful amendments that would gut the FCC's authority to protect consumers, promote competition, incentivize innovation, and help close the digital divide. Now, the full Energy and Commerce Committee should move quickly to markup the Save the Internet Act and report a clean bill out for consideration on

## ANNOUNCING Cablefax's TOP OPS Nominations

Help Cablefax compile this influential list of MSOs and Independent Operators by nominating the companies and executives you think should be included in our annual list of leading cable operators.

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Questions: Contact Mary-Lou French at [mfrench@accessintel.com](mailto:mfrench@accessintel.com) or 301.354.1851.

**Who deserves to appear in  
Cablefax's annual power  
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the floor of the House of Representatives.” *Gigi Sohn*, a former aide of ex-FCC chmn *Tom Wheeler* and ex-head of Public Knowledge, said Tuesday that PK had initially supported net neutrality under Title I, but that changed after the courts said “you can’t have strong discrimination rules under Title I.” Sohn appeared on a panel at the **Free State Foundation**, a free markets-based think tank, at the same time the markup was happening Tuesday. “The reason the bill is in front of the markup right now is because it was the simplest way to take care of net neutrality, simply restore the 2015 Internet Order... But if you give the FCC strong authority under a different title... I think we can have a conversation,” Sohn said.

**Music Labels Sue Charter:** A slew of music labels, including **Warner Bros Records**, **Sony Music** and **Universal Music**, have sued **Charter**, claiming the ISP hasn’t done enough to stop illegal pirating of songs. “Rather than working with Plaintiffs to curb this massive infringement, Charter did nothing, choosing to prioritize its own profits over its legal obligations,” said the lawsuit filed in US District Court for Colorado. A Charter spokesperson responded by saying, “We will defend against these baseless accusations.” The music companies claim Charter ignored notifications of customer copyright infringements. Last year, **Cox** and **BMG Rights Management** reached a settlement after the 4th Circuit Court of Appeals agreed that Cox wasn’t eligible for safe harbor from copyright infringement. Major labels followed up on the news by suing Cox, with that case currently pending.

**Addressable Spend:** Six out of ten advertisers using addressable TV believe it is a valuable part of their media buy and are planning to increase their investment, according to the **Video Advertising Bureau (VAB)**. A new report found that addressable TV ad spending is expected to grow to \$3.3bln by 2020 (a 343% increase from 2016), with 40% of addressable TV agency and marketing professionals saying they are making a significant investment in the platform. Of these, 71% had been buying addressable TV for less than one year, marking significant growth opportunity for sellers. An estimated \$2.1bln was spent in 2018, on par with projected expenditures in ad-supported OTT during the same period. The US addressable TV P2+ audience has grown 27% to 162mln over the last two years, a larger audience than **Twitter**, **Instagram** and **Snapchat**, according to the report.

**CubiTV Goes Android:** **TiVo** is launching **CubiTV** for **Android TV**. The modular pre-integrated set-top software stack will deliver TiVo’s operator clients a modern, immersive user experience with an intuitive operator-branded interfaces utilizing **Google Assistant** on TV and IoT integrations.

**Go Discovery Go:** **Discovery en Español** and **Discovery Familia GO** apps are now available on **Roku** devices. The apps currently feature more than 4K hours of content and are already available on **iOS**, **Android** and **Amazon** platforms.

**Virtually Learning:** **SCTE-ISBE** is launching a multi-faceted **VirtuLearn** Critical Facilities course intended to prepare technical workforces to support the changing role of headends and data centers in cable network footprints. The course is available online or via an instructor-led onsite bootcamp. It provides in-depth instruction for current and prospective engineering and technical operations professional across six disciplines.

**Programming:** **FX** renewed “Better Things” for Season 4, set to air in 2020. -- **Discovery Channel** is premiering “Mummies Unwrapped” on April 10 at 10pm. The series follows an Egyptologist as he investigates burial sites, mass graves and ancient tombs. -- **DISH** is offering a free preview of **Smithsonian Channel** to all of their subscribers from March 28 to April 30. In February, **DirecTV** offered a week-long preview of **Smithsonian**.

**People:** **WWE** tapped **Susan Levison** as svp and head of **WWE Studios**. She comes over from **CBS Television Studios**, where she served as evp, original programming & production at **VH1**. -- **Charter** upped **David Lange** to svp, programming acquisition and **Julie Unruh** to svp, programming financial operations and analytics.

## Cablefax Industry Jobs

### TIP 1 : Target Candidates!

Post your openings on Cablefax’s job board to reach top talent and filter applicants that lack industry experience. Ask about bundles to fit your needs and budget.

### TIP 2 : Be Selective!

Don’t waste time reading pointless resumes. You can search Cablefax’s resume database for free, while utilizing the demographic filters.

### TIP 3 : Stand Out!

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