

# Cablefax Daily™

Wednesday — June 12, 2019

What the Industry Reads First

Volume 30 / No. 112

## Not Quite: Senate Dems Fail in Quest For Net Neutrality Vote

The one-year anniversary of the repeal of net neutrality arrived with a bang with three Democratic senators demanding that Senate majority leader *Mitch McConnell* (R-KY) bring the Save the Internet Act to the Senate floor for an immediate vote. Sen *Ed Markey* (D-MA) led the charge, saying that under McConnell's leadership, the Republicans have been trying to "bury this bill in a legislative graveyard." He was followed by Sens *Ron Wyden* (D-OR) and *Maria Cantwell* (D-WA). "Net neutrality may still be a term that some people aren't familiar with, but what it's all about is a free and open internet," Wyden said. "And it means in simple English, after you pay your internet access fee, you get to go where you want, when you want and how you want. That is what net neutrality is all about and that is the essence of a free and open internet." More than 100 outside advocacy organizations joined the fight Tuesday, writing and urging Senate leadership to allow the vote to take place. "The Senate should hold an up or down vote on restoring these popular consumer protections to demonstrate to the public whether the Senate stands with an overwhelming majority of the public, or with a handful of the nation's largest telephone and cable companies that oppose net neutrality," **Public Knowledge** senior counsel *Phillip Berenbroick* said in a statement. "The Save the Internet Act is the only viable, bipartisan legislation with the necessary momentum and support to restore the strong net neutrality protections that voters and stakeholders across the internet ecosystem agree on." Markey attempted to use unanimous consent, which allows for floor proceedings to be set aside if no senator objects. It only takes one to block the mechanism from working, and that one was Sen *Roger Wicker* (R-MI). "I've been amazed over the last year-and-a-half, and even longer, at the intense overblown rhetoric about this issue of net neutrality and the hyperbole that we heard on the floor of the Senate and elsewhere," Wicker said. "I would simply say to my brothers and sisters on the other side of the aisle, we can pass a law tomorrow afternoon providing Americans with all the protection they want, from blocking, throttling and prevent paid prioritization. What we will not do and what this president will not sign is legislation authorizing the federal government to set internet rates in the old 1934 Bell system of Title II regulation." While much of the debate is centered in the nation's capital, the net neutrality battle stretches far beyond it. With legislative sessions winding down for the year, approximately 22 states introduced some 42 net neutrality bills this year. That's down from about 100 bills in 30 states last year. So far, Colorado and Hawaii are the only ones to pass some

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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 ● Senior 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 ● Kerry Smith, Divisional President, Marketing & Media Group, ksmith@accessintel.com ● Group Subs or Subscription Questions, Client Services: 301.354.2101, clientservices@accessintel.com ● Annual subscription price: \$1,749.00/year ● Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

form of net neutrality legislation this year. It looks likely that Maine will join them. New York is less certain. The State Assembly passed a bill last week, but its fate in the state Senate is cloudy. "In terms of net neutrality, the temperature has been down from last year. Privacy has been the bigger deal in most states," said **NCTA's Rick Cimerman**, vp, external and state affairs. Those bills that states are advancing tend to focus on procurement—spelling out that states won't do broadband business with ISPs who don't agree to adhere to net neutrality principles of no throttling, blocking and prioritizing internet content. More comprehensive laws, like the one California passed in 2018, are on hold until a federal court weighs in on a petition for review of the **FCC's** Restoring Internet Freedom Order.

**Hold Your Horses:** It's still a mystery where the **DOJ** falls on whether **T-Mobile** and **Sprint** should merge, but we now know how at least 10 state attorneys general feel. They have filed a suit to block the deal in the US District Court for the Southern District of NY. State AGs for New York; California; Colorado; Connecticut; Washington, DC; Maryland; Michigan; Mississippi; Virginia and Wisconsin claim that the potential for a substantial lessening of competition as a result of the merger should be enough for the court to permanently enjoin the merger. "Preliminary estimates based on the submissions made by economists for Sprint and T-Mobile show that the merger could cost Sprint and T-Mobile subscribers at least \$4.5 billion annually and the harm to all retail mobile wireless telecommunications subscribers could be even larger," the suit said. It alleges that the merger will prove particularly harmful to pre-paid subscribers, many of whom are low-income subscribers. And even if Sprint and T-Mobile divest **Boost Mobile**, that doesn't mean that the competition between it and T-Mobile's Metro brand will remain the same, the states said. "If Boost Mobile were divested, it would then operate as a MVNO. As a MVNO, Boost Mobile would be required to purchase network access from one of the three remaining MNOs, with that MNO controlling, indirectly, the prices Boost Mobile could charge and the quality it could offer," the suit said. "Because Boost Mobile would not be able to compete on the basis of price or quality, it would not be a sufficient competitive constraint on the New T-Mobile." **New Street Research's** take on the suit is that it will undoubtedly lengthen the final decision process and could lower the odds of it ending in approval. It also changes the game, shifting some of the power out of the hands of DOJ antitrust chief **Makan Delrahim**. "The upcoming decision of Makan Delrahim of whether to agree with the **FCC** or to join the states is important for understanding the odds as the parties head to court, but the DOJ is no longer the final word, as it would have been if the DOJ decided to let the deal move ahead and the states had decided not to sue," New Street said in a research note. The filing of the suit comes as T-Mobile and Sprint make more progress towards a potential approval, according to reports from **Fox Business's Charlie Gasparino**. Gasparino said that

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T-Mobile CEO *John Legere* met with the DOJ Monday to discuss additional concessions beyond those proposed to the FCC. Delrahim also held a meeting with FCC chmn *Ajit Pai*, who has announced his support of the merger ahead of an official Commission vote.

**Plan of Action:** The **C-Band Alliance** has submitted details to the **FCC** on its proposed design for the Commission's C-Band spectrum auction. Dubbed FUEL (Flexible Use and Efficient Licensing), the plan was developed by the C-Band Alliance, *Paul Milgrom* and his firm **Auctionomics**. The auction process would be a sealed-bid, second-price auction of which the FCC would oversee and that would give participants the ability to bid on packages of spectrum that best suit their needs. The C-Band Alliance claims the plan would allow it to announce winning bidders within 2-4 weeks, encourage the greatest range of participants and would put the spectrum to use at the earliest possible date.

**Broadband Pivot:** Montana-based **3 Rivers Communications** will stop offering video services to its customers this fall, according to a **KRTV report**. While the provider, an **ACA Connects** member, serves 15K customers across the state, only 1800 are still signed up to receive TV services. Marketing director *Don Serido* told KRTV that the company is pivoting to focus on offering the best broadband possible, adding that 3 Rivers can't compete with streaming options and satellite providers like **DISH**. 3 Rivers is honoring all discounts and bundle pricing until services are discontinued and will issue no early termination fees for customers choosing to end their service before their current agreement ends.

**Calling Dispatch:** The **Dispatch Broadcast Group** sold its TV and radio properties to **TEGNA**, including **WBNS-TV**, **WTHR**, the **NBC** affiliate in Indianapolis, and **WBNS AM** and FM. TEGNA owns 49 stations in 41 markets and is the largest group owner of NBC affiliates and second largest of **CBS** affiliates. The sale is subject to **FCC** approval.

**Streamlined Solutions:** **RCN** is using **Netcracker's** Revenue Management solution to standardize billing-related processes for **RCN**, **Grande Communications** and **Wave Broadband** across its seven offices. Netcracker's solution will replace third-party legacy systems with a common platform, allowing the companies to come together on network technologies and drive down redundancies.

**HBO Alert:** The **Parents Television Council** issued a warning to parents ahead of **HBO's** premiere of "Euphoria" on June 16. PTC pres *Tim Winter* claims it "appears to be overtly, intentionally, marketing extremely graphic adult content—sex, violence, profanity and drug use—to teens and preteens," and "HBO might attach a content rating suggesting that it is intended for mature audiences, but let's be real here: who watches a show about high school children, except high school and junior high school-aged children?"

**Call for Speakers:** The **Consumer Technology Association** announced a call for CES 2020 speakers for the conference taking place Jan 7-10, 2020 in Las Vegas. Submissions will be accepted through July 12.

**On the Agenda:** The **SCTE-ISBE** Cable-Tec Expo programming committee has chosen 115 technical papers to be presented at the event. 84 organizations submitted 264 abstracts across 11 categories. Selected submissions will be used to program the Fall Technical Forum and content in the Innovation Theater in the Expo exhibit hall. Cable-Tec Expo will be held from September 30-October 3 in New Orleans.

**Programming:** **Comedy Central** has renewed "Corporate" for a third and final season. The season is set to premiere in 2020. -- **Nickelodeon** is bringing back "Are You Afraid of the Dark?" as a limited series premiering in October. Three hour-long episodes will introduce an entirely new Midnight Society group of kids telling the tale of the Carnival of Doom. -- **Spectrum Originals** is premiering "Curfew" on June 24. The eight-episode race car drama will be available to subs free On Demand without ads. Spectrum also partnered up with **Paramount Network** for "Paradise Lost." The series will premiere exclusively on Spectrum Originals before a later premiere on Paramount. -- "Million Dollar Listing New York" returns to **Bravo** for Season 8 with a 90-minute special episode on Aug 1 at 9pm. Real estate veteran *Luis D. Ortiz* is returning, alongside newcomer broker *Tyler Whitman*. -- **VH1** ordered "Girls Cruise," a reality series starring and produced by Grammy winner *Lil' Kim*. The show follows Lil' Kim and her friends on vacation and premieres July 15 at 9pm. -- **MotorTrend** is bringing back "Overhaulin'" starring *Chip Foose*, *Chris Jacobs* and *Adrienne Janic* exclusively on the MotorTrend app. The series originally left the airwaves in 2015.

**People:** Former head of **ESPN** research *Artie Bulgrin* has joined the advisory board of **Tunity**, which offers out-of-home measurement info through a free app that hears live audio from muted TVs. -- **WarnerMedia** named *Molly Battin* chief corporate marketing and brand strategy officer. Battin had been with **Turner** since 2000, and most recently served as its evp, global chief communications and corporate marketing officer. -- Former **Gemstar-TV Guide** president and ex-**Madison Square Gardens** content, distribution and sales pres *Ryan O'Hara* was tapped as pres/CEO of **Shutterfly**, effective June 24. He most recently was CEO of **Move Inc/Realtor.com**.