

Cablefax Daily™

Wednesday — October 2, 2019

What the Industry Reads First

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Neutrality Victory: DC Circuit Upholds Repeal of Title II

The news that the DC Circuit mostly upheld the FCC's 2017 Restoring Internet Freedom order hit as NCTA pres/CEO *Michael Powell* was on the stage at SCTE-ISBE's **Cable-Tec Expo** Tuesday. Despite what was mostly a win, the former FCC chmn said cable's not cheering and celebrating. "We are exhausted by what has been a decade-long struggle on net neutrality; we are frustrated that the United States Congress, which is the only institution that has the authority to finally stop this, continues to be stuck in doing so," Powell said from the show stage. "We remain anxious to remain a good partner and try to get legislation that will solve this issue, but the world is going to move on, and it is moving on. 10G proves that the world is moving on." While the court upheld the FCC's repeal of a Title II classification for broadband services, it vacated the preemption provision that would have barred states from imposing any rule or requirement that's more stringent than the FCC rules. FCC officials said Tuesday morning that they are studying the preemption order, calling it a "nuanced decision" that they don't believe prevents the agency from preempting conflicting state laws. If the decision stands, FCC officials said their early interpretation is that the agency can examine state statutes on a case-by-case basis to see if the order is undermined. The preemption decision is significant given that states such as California and Vermont have passed legislation establishing stricter net neutrality rules. Those state laws, which have been challenged by NCTA and others, have mostly been on pause thanks to agreements with State AGs while the parties awaited the DC Circuit's ruling. It sounds like the agreements with California and Vermont will remain on hold in the event of an appeal to the US Supreme Court. One of the judges on the three-judge panel, Judge *Stephen Williams*, issued a partial dissent on the state preemption issue. Williams wrote that the court should "wait until a concrete case of alleged overreach presents itself, at which point the party adversely affected by preemption of the state law may challenge the preemption directive as applied in that case." Opponents of the FCC's 2017 order overturning 2015 net neutrality rules saw the preemption ruling as a win. While FCC chmn *Ajit Pai* "has already crowed over this decision, FCC barely won and the broadband industry lost because now states not only can protect #NetNeutrality, they can and will reassert authority to regulate the broadband market," tweeted *Gigi Sohn*, former FCC chmn *Tom Wheeler's* adviser. Democrat commish *Jessica Rosenwor-*

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Wednesday, October 2
 11:30am-1:00pm

DAVID POGUE
 NY Times Columnist,
 CBS Tech Contributor
 & NOVA Host



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ACA CONNECTS BREAKFAST

October 02 | 8:00am-10:00am



President/CEO Matt Polka and SVP/Government Affairs Ross Lieberman of ACA Connects-America's Communications Association's will lead a discussion on the Association's DC priorities and what can be expected in 2019-20 from the FCC and Hill. With a focus on technical, operational, and engineering issues, ACA Connects will cover the latest developments regarding the government's regulation of broadband Internet access service and new rules related to franchise agreements. The ACA Connects Team will also cover the Association's C-Band proposal for 5G and rural broadband, which will open spectrum for additional deployment and broadband uses. ACA Connects will update members on the progress of Shaken/Stir—the process of authenticating caller ID to diminish the number of robocalls—and will cover upcoming regulatory obligations. And, Mark Dzuban, president and CEO of SCTE•ISBE, will be stopping by to discuss SCTE•ISBE initiatives with ACA Connects.



MODERATOR:
Matthew M. Polka
 President & CEO,
 ACA Connects



MODERATOR:
Ross Lieberman
 SVP, Government
 Affairs,
 ACA Connects



SPEAKER:
Mark L. Dzuban
 President & CEO,
 SCTE•ISBE

ACA CONNECTS DISCUSSION ON NETWORK MANAGEMENT AND GROWTH FOR MID-SIZE AND SMALL OPERATORS

October 02 | 1:30pm-2:00pm | Exhibit Hall, Innovation Theater



MODERATOR:
Matthew M. Polka
 President & CEO,
 ACA Connects



SPEAKER:
Josh Barstow
 EVP, Corporate
 Strategy & Business
 Development,
 OpenVault LLC



SPEAKER:
Cash Hagen
 COO,
 Evolution Digitalq



SPEAKER:
Ken Johnson, Sr.
 VP Technology
 Services,
 Sparklight

*Additional speakers to be announced. Visit expo.scte.org for more information.

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cel said the court vacated “the FCC’s unlawful effort to block states and localities from protecting an open internet for their citizens.” Those unhappy with the ruling will almost definitely appeal. Tuesday’s DC Circuit opinion also remanded portions of the order back to the FCC, declaring that it failed to examine the implications of its decisions for public safety, didn’t sufficiently explain what reclassification will mean for regulation of pole attachments and didn’t adequately address petitioners’ concerns about the effects of broadband reclassification on the Lifeline program. FCC officials seemed confident on addressing the issues on remand. “A free and open Internet is what we have today and what we’ll continue to have moving forward. We look forward to addressing on remand the narrow issues that the court identified,” Pai said.

Byron Allen Buys 11 Stations for \$290mln: Byron Allen’s **Entertainment Studios** continues its rapid growth, this time reaching an agreement to purchase 11 TV stations from **USA Television** for \$290mln. The largest is No. 79, serving Huntsville/Decatur/Florence in AL. The stations span markets from 79 to 188 in AL, CA, IN, MN, MS and OR, and have network affiliations with **ABC, CBS, NBC** and **Fox**. The deal brings Allen’s investments this year in small- and mid-sized market TV stations to \$455mln. Allen is also an investor in **Sinclair’s** purchase of the 21 former **Fox** RSNs. In July 2019, Allen acquired **Bayou City Broadcasting**, which included 4 television stations in Evansville, IN (WEVV/CBS & WEEV/FOX) and Lafayette, LA (KLAF/NBC & KADN/FOX) for \$165 million. Allen Media Broadcasting now has 15 television stations across 11 US markets.

Telling the 10G Story in DC: One year ago at **Cable-Tec Expo**, 10G was hinted at as the next step forward for cable, but chatter surrounding the platform and its potential was still largely exclusive to industry circles. Now, it’s becoming a conversation starter in Washington about cable as a whole, proving that the industry is anything but old school. “In many ways, it really is our battle flag. It is the stake we put in the ground to rally around and to demonstrate our rightful place on the cutting edge of the future of this country’s information ambitions,” **NCTA** pres/CEO **Michael Powell** told attendees at Expo’s Tuesday general session. Bringing attention to 10G has reminded policy-makers of the continued critical importance of fixed networks, despite all the buzz around wireless networks and 5G, he said. “It’s important to understand that this country needs both of those infrastructures to be making quantum leaps... for our economy and our nation,” said Powell. Thus far, 10G’s reception has been largely positive, according to Powell. When the 10G initiative was formally announced back in January at **CES**, some raised concerns surrounding its chosen name. Would it be confused with 5G, and would it hurt the technology’s momentum? “What we did on purpose by calling it 10G was to invite the comparison to 5G,” Powell said. In fact, the goal was to get into

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conversations where 10G could be shown to be a companion to 5G and the advancements in wireless networks. Now, it's seen as a pathway to the future with milestones along the way, such as the spread of 1 gig service. A question that still pops up during every 10G talk surrounds the use cases for the technology. Do cable operators and their customers really need 10 gigabits/second symmetrical? The truth is that with growing customer demands and the continued proliferation of devices, cable players need to begin looking at what will come next after 10G. "We need to be the ones that are innovating what these new technologies and products and services we can carry on the 10G platform," **Liberty Global** vp, technology and program co-chair *Bill Warga* said. "But I want to say that it's not all about capacity and speed. It's about what the consumer wants. I want to challenge you to always think about what we can be doing to be on the forefront. We need to play more offense than defense." It's important that the industry doesn't get too lost in the future though, with Powell reminding the crowd that rural broadband is just as important a topic in DC as that of 10G. It will only gain momentum as we inch closer to the 2020 presidential elections. "We are the leading provider of fixed broadband services and we want to be a good partner and a leader in continuing to find a way to reach everyone no matter where they live," Powell said.

Sparklight Completes Fidelity Acquisition: **Sparklight** (formerly **Cable One**) and **Fidelity Communications** closed their deal, with Sparklight acquiring Fidelity's data, video and voice business and certain related assets. The deal expands Sparklight's footprint by approx 190K homes passed and adds approx 87K customers.

Expo News Bytes: **Plume** announced it has snagged a partnership with **NCTC**, giving co-op members access to smart home services powered by its mobile app. Plume drew a big crowd on the **Independent Show's** exhibit floor in July. Its service includes whole-home Adaptive WiFi, AI cybersecurity protection, and parental controls with content filtering as well as management tools for QOE monitoring and network visibility. Plume has a range of pods for whole-home WiFi coverage, including its tri-band SuperPod. -- Plan on hitting Denver for Cable-Tec Expo 2020. *Ed Marchetti*, svp, operations for **Comcast**, and *Tom Monaghan*, svp, field operations for **Charter**, will co-chair the program committee for next year's conference, slated for Oct 13-16 at Denver's Convention Center. -- **OpenVault** has extended its longstanding relationship with **WOW!**. The two signed a deal that will give the latter access to an expanded array of OpenVault operations, analytics and policy products that will offer the operator visibility into its subscribers broadband usage and the impact on the WOW! network. -- **Midco** is partnering with **Evolution Digital** to deploy the latter's eSTREAM 4K Android TV set-top. Midco plans to deploy the IP video platform in early 2020 on Evolution's managed streaming box. The operator will also use Evolution Digital's Device Manager to deploy device-specific software, firmware and security updates.

Ratings: **ESPN** and **ABC** saw a big Week 5 in college football, with ESPN's telecast of Texas A&M vs. Arkansas at 12pm on Saturday pulling in 2.582mln viewers, up 59% from the same matchup last season, also played on ESPN in Week 5 at noon. In primetime, Mississippi State at Auburn delivered 1.992mln viewers, up 3% from last year's similar game (Florida at Mississippi State). "College GameDay" on ESPN saw a 15% growth YOU and averaged 1.939mln viewers for last week's show from Lincoln, NE. The growth in audience represents the fourth straight week the show has accomplished the feat.

Programming: **Smithsonian Channel** will dive into fresh evidence relating to Earth's history in documentary "The Life of Earth," airing Nov 3 at 9pm.

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