

Cablefax Daily™

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What the Industry Reads First

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Time Crunch: Wireless ISPs Face Host of Issues Ahead of CBRS Deadline

With time running out to continue operating in the 3650-3700 MHz band, many are hoping the **FCC** will grant them a reprieve. When the FCC established a new Citizens Broadband Radio Service (CBRS) for shared wireless broadband use of the 3550-3700 MHz band, those operating in the 3650-3700 MHz band were given five years to comply with new rules that require CBRS-certified equipment. That deadline is April 17, 2020. The FCC has declined to grant a blanket waiver thus far, but the **Wireless Internet Service Provider Association** and impacted companies are hoping that new difficulties will cause the agency to reconsider. “Based on its review of individual waiver requests filed by WISPs as of March 6, 2020, approximately 14K rural consumers would lose service if they are not granted relief,” WISPA told the FCC this week. “In many cases, as the waiver requests point out, consumers would have few if any options to immediately obtain replacement broadband service.” One of those filing for a waiver is **Midco**, which serves more than 380K broadband subscribers, about 4K of which are served by fixed wireless. It plans to deploy fixed wireless to more than 200K as a Connect America Fund Phase II recipient. It has asked the FCC for a waiver that would allow it to continue to operate equipment in the band through Oct 16, saying it needs the six-month extension after a vendor’s equipment couldn’t be upgraded to CBRS-certified. That vendor is **Baicells**, which confirmed late last month that its first-generation CPE would not be certified, thus requiring Midco to make an unanticipated second hardware change out for approximately 340 customers. **Bluespan Wireless** is seeking a waiver through Dec 31, 2021, saying it also has learned from Baicells in recent weeks that first generation CPE will not be certified, requiring it to undertake an unanticipated second hardware change-out for 300 customers. **Telrad** is another vendor that has made late [announcements](#) regarding certification, with companies citing it in waiver requests. Baicells CTO *Jesse Raasch* said that because the FCC didn’t finalize CBRS rules until Oct 22, vendors had less than six months to get the CPEs certified and wireless ISPs had only six months to get all their CPEs upgraded or swapped out. “In our case, regarding the legacy (Atom R9) CPEs, we ran into some unforeseen problems which prevented us from certifying them,” Raasch told **CFX**. “With the April 17 deadline fast approaching, we decided to formally announce that these CPE models would not be CBRS compliant. However, it should be noted that we have not given up on this effort and recently have made a breakthrough which we believe will ultimately allow us to certify

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these legacy CPEs.” Not helping matters is Covid-19, which has impacted supply chain demand. Then there are wireless ISPs that installed equipment manufactured by **Huawei** and **ZTE** and are therefore subject potentially to different obligations and benefits that the Commission, Congress and the Executive Branch may adopt in connection with protecting the national security through supply chain threats. **NCTA** has previously encouraged the FCC not to grant a blanket waiver of the CBRS transition deadline, but to instead consider individual waiver requests as appropriate. **WISPA** and the **Utilities Technology Council** initially made the blanket waiver request in 2018, asking the deadline be extended until Jan 8, 2023. They are now whittling that extension request down to Dec 31, 2021 and are no longer asking that existing licenses receive incumbent access protection after April 17. “We explained that **CTIA** and **NCTA** opposed the initial blanket waiver request based on concerns that extending interference protection beyond April 17, 2020 might impede deployment in the band. We made clear that foregoing seeking Incumbent Access protection should address this concern,” **WISPA** said in an ex parte filed with the FCC this week.

Sports Fall Victim to Coronavirus: It was a rough day for basketball fans, or at least those who wanted to see college ball in person. The **NCAA** announced that all upcoming championship events will be limited to only essential staff and limited family attendance. The tournaments have broadcast deals with **CBS** and **WarnerMedia**. The **MLB** is hard at work on contingency plans, according to a [report](#) from the *WSJ*. The league would like to avoid empty stadiums, and is instead working to find alternative sites for teams most affected by the outbreak. This could include teams staying at spring training facilities in AZ or FL. San Francisco prohibited events with more than 1K people in attendance, meaning the Warriors game Thursday against the Brooklyn Nets will be played without fans.

NAB Show Won't Go On in April: The **WHO** officially declared coronavirus a pandemic Wednesday, and the cancellations continue. The **NAB Show** has been scrapped for April, with NAB pres/CEO *Gordon Smith* saying the org is considering a number of potential alternatives and reviewing options for later in the year. Companies are already making virtual plans, with **SSIMWAVE** taking steps to virtualize its demo suite of products. “I think we’ve all shared the same concerns over the past few weeks, and we appreciate the care that NAB took in coming to this decision,” said *Abdul Rehman*, CEO of **SSIMWAVE**. “We’re sorry not to be among our customers and colleagues next month, but the call NAB made today was the right one.” **Adobe** has said it looks forward to engaging with the NAB community virtually, as does **Ross Video**. **Avid** has said it will have an online broadcast. “We absolutely agree with NAB’s decision and already had been taking steps to virtualize aspects of our participation,” *Jennifer Overbaugh*, vp, global marketing at **Imagine Communications**, told **CFX**. “We look forward to seeing our customers this year via a series of regionally-focused telepresence events that

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are due to kick off later this month. We look forward to rejoining our colleagues at next year's show."

California Will Not Appeal T-Mobile/Sprint: California AG *Xavier Becerra*, one of the leaders behind the states' effort to block the **T-Mobile/Sprint** merger, announced that he will not appeal a judge's decision to approve the merger after striking a settlement with New T-Mobile. The terms address Becerra's previous criticisms of the merger, including that it would lead to reduced competition and increased prices for consumers. T-Mobile has agreed to make low-cost plans in California available for at least five years, including a plan that would offer 2GB of high-speed data for \$15/month and another that offers 5GB of data at \$25/month. It will also offer 100GB of no-cost broadband service per year for five years and give a free mobile WiFi hotspot device to 10mln qualifying low-income households that are not currently connected to the internet. All California T-Mobile and Sprint retail employees in good standing will receive an offer of similar employment and T-Mobile has committed that for three years after the merger's closing date, the total number of new T-Mobile employees will be equal to or greater than the total number of employees of the unmerged companies. To increase diversity, T-Mobile must increase the participation rate in its employee diversity & inclusion program to 60% participation within three years. T-Mobile has also agreed to reimburse California and the other coalition states up to \$15mln for the costs of the investigation and litigation challenging the merger. T-Mobile and Sprint have said their merger could close by April 1, but the pair still have some hurdles to clear before that can happen. The **California Public Utilities Commission** is the last of the 19 state PUCs that need to approve the deal, and it has said it won't make a final decision until April 16. *Judge Timothy Kelly* is also conducting a Tunney Act review to ensure the deal does not raise any antitrust concerns.

Mega Broadband Combining Portfolio Under Vyve: **Eagle Broadband** and **Northland Communications** are re-branding under the **Vyve Broadband** name beginning this spring, **Mega Broadband Investments** announced Wednesday. The unification and rebrand is part of a multi-million-dollar capital investment to accommodate commercial services growth and power the launch of gigabit service across the companies' 16-state footprint. "Our overall company strategy is centered on providing advanced and reliable services to non-urban communities that other providers have overlooked and come together under one company name, Vyve Broadband," Vyve CEO *Phil Spencer* said in a statement.

Disney, AMC Networks, WarnerMedia Join Xandr: AT&T's ad-tech unit **Xandr** has signed **AMC Networks**, **WarnerMedia** and **Disney** to its buying platform Xandr Invest. The newest iteration of the tech is expected to be ready in time for the 2020 upfronts, and will offer new ways to plan and activate audiences more consistently across TV programmers through a self-serve UI. Participating media companies will be able to optimize linear schedules to effectively reach audiences across networks, which AT&T says will drive more adoption of automated, data-driven TV buying. The solution will reach 76% of all US households, with the potential to reach 208.2mln viewers each month. **ViacomCBS**, **Fox Corp**, **NBCU** and **Univision** are all part of a separate consortium, **OpenAP**, that is currently working to accelerate audience buying. WarnerMedia left OpenAP a year ago. In other Xandr news, CEO *Brian Lesser* has resigned after less than two years at **AT&T**, according to a report from *Reuters*. His replacement is not yet known. Xandr did not respond to a request for comment.

When Opposites Attract: **ACA Connects** and **NAB** don't usually find themselves on the same side when it comes to retransmission consent, so this might be one for the history books. Both groups gave their approval to the **FCC's** proposal to define a large broadcast station group as an entity that's individual station members collectively have a national audience reach of more than 20%. They're also both OK with the FCC's plan to define a buying group as an entity that negotiates on behalf of MVPDs that collectively serve no more than 25% of all households receiving service from any MVPD in a given local market. The FCC sought the input following Congress' passage of the Television View Protection Act, which directs the FCC to ensure negotiations between qualified MVPD buying groups and large broadcast stations groups are covered under rules requiring good faith negotiations for retransmission consent.

Programming: **CBS**, **Twitch** and the **NWSL** announced a landmark deal for women's soccer rights. The league inked a three-year deal that will broadcast 87 games in the 2020 season across CBS, **CBS Sports** and **CBS All Access**. Twitch will provide free live streams of 24 games, and outside of the US will carry broadcasts of all 108 games. Games previously aired on **ESPN** networks, often limited to one game a week.

People: **WOW!** CFO *Rich Fish* is stepping down on April 1. No details on his future plans, but a search for a new CFO is underway. For the time being, his duties will be assumed by senior officers of the company's finance department. Over the last seven years with the company, Fish has designed and implemented a number of operational changes at WOW!, including its 2017 IPO. -- **Charter** upped *Jane Rhodes* to svp, corporate physical security. Before joining Charter as head of corporate security in 2016, Rhodes served as the **FBI's** section chief of the counterterrorism division.

Think about that for a minute...

Earn What?

Commentary by Steve Effros



The Senate Judiciary Committee started considering a new piece of legislation, the “Earn It Act,” yesterday. This could be the beginning of a major reconsideration of how the internet should operate, and how you and I will be able to use it in the future. I know, that’s a very strong statement. But I’ve been around this game long enough to recognize the power of legislative “unintended consequences,” or in this case they may, indeed, be intended, and to raise the red flag as soon as possible.

Put simply, the “Earn It” Act, which was introduced last week by Senator Lindsay Graham along with a bipartisan group of nine co-sponsors, appears to be aimed at a very good cause; the prevention of child sexploitation. While a good reason to legislate, it’s also a very wise political move to open the door to significant regulation of the “edge” providers, or, indeed, to change the entire ecosystem they are currently in. More on those potential fundamental changes in a future column.

The idea is that the Facebooks, Twitters, and maybe even ISPs of the world would somehow have to “prove” they’re doing enough to screen out and stop messaging that was identified as child sexploitation before they could “earn” the limitation of liability currently enjoyed under the law (generically referred to as “Section 230”). That protection says that these companies are platforms used by others, and the material those “others” put up does not trigger liability on the part of the platform provider. In other words, the stuff you read that is not written directly by, or edited by Facebook, et. al., they are not responsible for.

The underlying argument has always been whether the platforms are actually media companies, responsible for

what goes out on their platforms, or are simply conduits and therefore, so long as they do not assume direct editorial control, they are free of liability. The first step in changing that model came when Congress said that the platforms were responsible for “taking down” material that was considered child sexploitation. Now we are seeing the next step in that process, the proposal that the providers somehow “prove” that they are doing enough in that regard before they can get the liability protection. But how do they prove that?

Well, there are lots of ideas, but the bottom line is that if the most draconian “proofs” are required, it could be an easy step away from the government requiring a “back door” into any encrypted material sent over those platforms! Now if the legislative proposal had been to essentially allow the government or some entity within it to have total access to all communications, encrypted or not, the “privacy” issue would have been front and center. As it is now, the debate is taking place behind the screen of what appears to be a political winner; stopping child sexploitation.

To be sure, I am painting the most dramatic picture here. There are lots of folks who argue that this interpretation is just wrong, that this legislation is benign, well intentioned, and will fully protect our privacy, not give the government too big a club, not potentially change the entire nature of the web, and so on. But I think the very title of the proposed legislation should be thought of in a different way. If the advocates want to open up these potentials but say that we should “trust” them that it will not lead to very bad things, they will have to earn that trust!

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