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What the Industry Reads First

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RDOF Review: Charter Wants to Waive Areas Included in NY PSC Settlement

There is some pushback over **Charter's** request to remove more than 2,000 census blocks in rural NY from the FCC's \$16bln Rural Digital Opportunity Fund Phase 1 auction. The figure represents about 20% of the census blocks in the area identified as eligible for the auction, which is intended for areas unserved with broadband. All of this harkens back to Charter's 2019 settlement agreement with the **NY Public Service Commission** over whether it was meeting buildout requirements tied to its acquisition of Time Warner Cable. Under the settlement, Charter agreed to expand its broadband service to 145K residences and businesses entirely in Upstate NY by September 2021. The question is whether areas Charter plans to build out to should be eligible for RDOF Phase 1 funding. The **Wireless Internet Service Providers Association** (WISPA) said if granted, it would set a "dangerous precedent" that would allow any company subject to rural buildout merger commitments to leverage that condition to exclude rural areas from receiving RDOF support before a company has actually provided service to those areas. **Starry**, which competes with Charter as a provider of broadband primarily to MDUs, also wants the waiver denied. "Charter's four-year delay in providing broadband to underserved areas in the state of New York punctuates the reason why these census blocks should be eligible for RDOF support," Starry said. "To the extent that Charter believes this is a unique case because they committed to building the network to these locations, the same is likely true for many other locations across the country, but those decisions are not necessarily public and are similarly not subject to regulatory protection." Charter argues that waiving those census blocks clearly falls within the FCC's intent to use the Phase 1 funds for areas not served by broadband. "Charter has already begun the process of deploying service and is investing private capital well in excess of \$600mln. This will ensure scarce universal service support is deployed to close the gap/digital divide in actually unserved areas," it told the FCC. Those giving Charter support include the small, rural town of North Collins in Erie County, NY. "Until Charter's recent expansion, many of our residents were without any sort of adequate internet service. Charter's broadband deployment in our area has brought high-speed connectivity to nearly the entire town," the town supervisor wrote to the FCC. "Other towns in rural New York should not be denied this same type of buildout, which could be at risk if RDOF funding is allowed for planned Charter build areas." **NCTA** is also backing Charter, arguing that the only thing separating these census blocks from areas the FCC has al-



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ready excluded from the fund is that they involve Charter commitments to deploy vs provider commitments made in return for state or federal subsidies. The NY PSC has weighed into the matter, telling the FCC that it should keep in mind that Charter's settlement agreement does not guarantee that every address within a census block will get passed. Charter has a small degree of flexibility to make substitutions to the list of addresses required to be served. The PSC didn't ask for a denial of Charter's waiver, but wants the FCC to ensure that if Charter's petition or similar requests are granted for Phase 1, that NY will remain eligible for future phases of the RDOF auctions. "The public interest would be substantially harmed, and the purpose and intent of the RDOF would be undermined if New York census blocks in RDOF Phase 1 were declared permanently ineligible from future RDOF auctions," the PSC said.

Extending COVID-19 Assistance: Providers are beginning to extend their commitments to the FCC's Keeping Americans Connected pledge. **Comcast, Cox** and **Verizon** have extended their COVID-19 response policies through June 30. Those commitments include offering free access to all hotspots, not terminate service to any residential or small business customers that have been affected by the COVID-19 pandemic and waiving late fees. In addition, Cox is extending free Connect2Compete service through July 15 along with upgraded speeds of 50Mbps download for residential customers in the company's Starter, StraightUpInternet and Connect2Compete packages. Comcast is extending its offer of 60 days of complimentary Internet Essentials service for new customers through June 30.

Play Ball?: Even amid questions over the return of sports, negotiations continue for telecasts. *Sports Business Journal* reports that **MLB** has told **ESPN** and **Turner** that it wants to start negotiating media rights deals as soon as this week. Both programmers signed eight-year deals that end after the 2021 season. **LightShed Partners** published a blog Monday asking when distributors will take a hardline stance on paying for sports content not received and then pass along that savings to subscribers. "With Q1 2020 earnings calls for legacy media companies set to begin this week, we hope this is a topic that is clearly addressed by management teams across both programmers and distributors," LightShed wrote. It didn't come up last week during an earnings call for **AT&T**, which owns the Turner nets as well as a distribution biz (oh, and there's AT&T's **NFL** Sunday Ticket exclusive). The sticking point seems to be that many live events have been postponed vs canceled, leaving open the window that programmers will deliver on the content promised in contracts. No word yet on when **DISH** will hold its earnings call, but **Charlie Ergen** seems the most likely candidate among the largest distributors to give his two cents.

HBO Max Launching on Apple: WarnerMedia's upcoming streaming service **HBO Max** will be available on **Apple** devices when it debuts May 27. The streamer will be fully integrated with the Apple TV app on iPhone,

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Discovery, Amazon Expand Food Network Kitchen Partnership: **Discovery** and **Amazon** are expanding their partnership to bring a free one-year subscription of **Food Network Kitchen** for new and existing Amazon Fire TV and Fire Tablet customers in the US. To coincide with the offer, the companies are launching the “We Cook Together” initiative, beginning with the “We Cook Together Weekend” on May 2-3, bringing back live cooking classes for those two days. Food Network Kitchen was first available on Amazon devices in 2019.

NCTC, Kaon Strike New Deal: **NCTC** announced a partnership with CPE provider **Kaon Media** that will give member operators preferred pricing options on the latter’s managed Android set-top box and voice-enabled remote control. The agreement also gives members exclusive benefits including end-to-end device monitoring and management, guaranteed stock levels, product and user guide customization and tech and marketing support. The deal is effective immediately and runs through Feb 16, 2022.

Calling Your Devices: **Comcast** and **Tile** have teamed up to allow Xfinity customers to use their X1 voice remotes to audibly ring their Tile devices. Customers can ring their devices by saying things like: “Xfinity Home, find my keys.” Customers with the voice remote can add and search for their Tiles by downloading the Xfinity Home app and following the prompts to link their Tile account.

FCC Claims Broadband Gap Shrinking: The digital divide is continuing to close more and more each day, according to the **FCC**’s newly-released broadband deployment report. The **FCC** claims the number of Americans lacking access to fixed broadband at 25/3Mbps has gone down by more than 14% in 2018. More than 85% now have access to service at 250/25Mbps, a 47% increase since 2017, and the number of rural Americans with access to that level of service more than tripled between 2016 and 2018. The report has been at the center of some controversy as it is based on data the **FCC** previously collected to create its broadband maps. “The **FCC** admits it based its report on faulty data that ‘overstates the coverage experienced by some consumers,’” **Public Knowledge** senior policy counsel *Jenna Leventoff*. “Overstatements of broadband availability and inaccurate data prevent both Congress and the **FCC** from enacting policies that ensure unserved areas get the necessary resources to provide broadband access to Americans no matter where they live.”

Tennis Returns: **Tennis Channel** is introducing an international SVOD service Tuesday in Germany, Austria and Switzerland with plans for other worldwide markets. The launch of the OTT platform debuts ahead of the first live professional tennis in two months, the Tennis Point Exhibition Series, taking place May 1-4 in Germany. The net also hired *Andy Reif* as svp, Tennis Channel International.

Ratings: The second episode of “Celebrity IOU” on **HGTV** pulled in the highest L+3 ratings lift among P25-54 and W25-54 in network history. The episode aired April 20 at 9pm and attracted more than 6.9mln viewers, with a 46% increase over live plus same day for the episode. The P25-54 rating for the episode was a 53% increase over the prior six weeks, and a 119% lift YOY.

NY Emmys: The NY Emmys were doled out Saturday via a livestream virtual gala. **WNJU Telemundo 47** took home the most awards at 13, followed by **WXTV Univision 41’s 9**. **Spectrum News NY** snagged 8 Emmys as did Yankees RSN **YES Network**.

Cable Center Embracing Remote Learning: **The Cable Center** is transforming this summer’s Intrapreneurship Academy program into a virtual program. The 8-week course, which begins on June 23, will focus on enabling and empowering participants to innovate from anywhere. It is yet to be determined whether the program will permanently transition to a virtual experience. “We have extensive experience engaging our participants over Zoom and Slack during the remote portion of IA. We believe we can preserve the value of live instruction, peer-to-peer collaboration, and applied learning as we expand the virtual portions to include the kick-off and capstone,” Cable Center vp, programs and marketing *Janice Silver* said in a statement.

Doing Good: **Sparklight** celebrated another Arbor Day by extending its partnership with the **Arbor Day Foundation** to plant trees on behalf of customers who switch to paperless billing. Now in its sixth year, the partnership has resulted in 100,000 trees being planted in Sparklight markets as well as areas ravaged by 2017 hurricanes Harvey, Irma and Maria. -- **Fox News**, in partnership with the National Merit Scholarship Program, selected two recipients of its inaugural Dr Charles Krauthammer Memorial Scholarship. The winners are *Ami Carey* of Lynbrook, NY, and *Michael Carey* of Merrick, NY. The scholarship awards eligible children of network employees \$2K per college year for a maximum of four years.

People: TV measurement firm **605** named *Jonathan Kalsched* to svp, marketing. He last served as vp, product marketing for **Amobee TV**.