

Cablefax Daily™

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What the Industry Reads First

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No More: Mozilla and Friends Drop Net Neutrality Battle

Mozilla and a number of others that challenged the FCC's 2017 Restoring Internet Freedom Order are not taking their battle to the US Supreme Court. The deadline to petition a lower court's decision to uphold the FCC's order to the land's highest court was Monday, and Mozilla made it clear it would not be pursuing that avenue. "Even though we did not achieve all that we hope for in the lower court, the court recognized the flaws of the FCC's action and sent parts of it back to the agency for reconsideration. And the court cleared a path for net neutrality to move forward at the state level," Mozilla wrote in a [blog](#). "We believe the fight is best pursued there, as well as on other fronts including Congress or a future FCC." In October, a three-judge panel at the DC Circuit Court of Appeals upheld the FCC's decision to pull back federal net neutrality rules, including Title II regulation, but also said the agency had overstepped its authority by barring states from adopting their own open-internet regulations. With Mozilla's decision not to pursue Supreme Court review, the spotlight turns to states. Several, including California and Vermont, moved quickly to establish their own net neutrality laws. Should they not be challenged, they will go into effect in 30 days. Some of those battles have already begun. On Tuesday, a Maine district court judge rejected arguments from **ACA Connects**, **NCTA**, **CTIA** and **USTelecom** that the FCC's Restoring Internet Freedom order preempted states from establishing their own broadband regulations. Judge *Lance Walker* also fought back against arguments that broadband privacy regulation violated the First Amendment. This doesn't mean that the case brought forth by the broadband industry is over, but it deals major damage to their lawsuit to strike down a Maine privacy law. The law, which took effect on July 1, blocks ISPs from disclosing customers' personal info without opt-in consent. "ISPs welcomed the Pai FCC's decision to abdicate authority over broadband with open arms. This opened the door to states regulating broadband practices, as Maine has done," said **Public Knowledge** legal director *John Bergmayer*. "This bodes well for other state efforts to protect the privacy of broadband users and open internet principles."

PPP Money: The *Trump* Administration released the names of [businesses](#) who received \$150K and more as part of the Paycheck Protection Program, with several industry names among those receiving the Small Business Administration loans. **Hotwire Communications** received between \$5-10mln, according to the data. Virtual MVPD **fubo tv**, which announced this week it has secured more than \$20mln in financing from Credit Suisse Capital, was awarded

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between \$2-5mln in loans. Rival **Philo** received \$1-2mln. Several smaller cable operators received money, including **Schurz Communications** (\$5-10mln), **MCTV** (\$1-2mln) and **Boycom Cablevision** (\$150K-\$350K). Programmers that received loans include **UP tv** parent **UP Entertainment** (\$2-5mln), **Fuse** (\$2-5mln), **Revolt Media** (\$1-2mln), **RIDE TV** (\$1-2mln) **RFD-TV** parent **Rural Media Group** (\$1-2mln), **The Africa Channel** (\$150K-\$350K) and **John Hendricks'** nonfiction programming service **CuriosityStream** (\$1-2mln). Catholic programmer **EWTN** received between \$2-5mln, with the data showing another \$1-2mln award to **EWTN News**. This is just a sampling of some of the industry related loans **Cablefax** found while poring over the data. The program approved more than 4.9mln loans for more than \$521bln (loans of \$150K and up accounted for nearly 75% of the dollars approved). The money is intended to help businesses stay afloat during the COVID-19 pandemic. SBA said the average loan size is approximately \$100K, with the program supporting more than 51mln jobs. *Deadline* reported that production companies receiving money included Cinedigm, Ridley Scott's RSA Films, the Jim Henson Co., Media Res Studio, New Regency Productions and World of Wonder. *Reuters* found than 15K law firms received some \$13.2bln in federal loans, including \$5-\$10mln for **Boies Schiller Flener** and **Wiley Rein**.

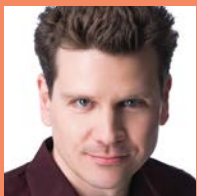
M&A in Bama: **Hargray Communications** will acquire **Cable ONE's** Alabama assets—a system serving Anniston, AL, and surrounding areas. Cable ONE will hold a minority equity interest in Hargray upon closing, which is expected this fall. The deal will expand Hargray's footprint in Alabama, where it already serves neighboring Pell City. Hargray, owned by long-term investor group led by **The Pritzker Organization**, said it intends to retain Cable ONE's local colleagues.

Google Fiber Expanding: **Google Fiber** is expanding to a new city for the first time in nearly four years, thanks to a public-private partnership with West Des Moines, IA. The city is constructing a citywide open access conduit network that will allow ISPs to enter the market by leasing space in the network. Construction on the network will begin this fall, and Google Fiber will be the first tenant to lease space. The buildout will take an estimated two-and-a-half years to complete. This isn't Google Fiber's first time entering into this type of partnership. Google Fiber currently leases fiber from **Huntsville Utilities** to provide service in Huntsville, AL. It has also had its fair share of struggles in recent years, hitting construction problems that eventually forced it to exit the Louisville, KY, market.

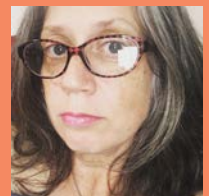
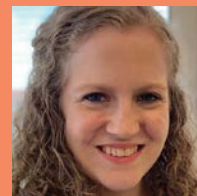
No More Kid Gloves: Remember the "I Can't Breathe" spot that ran across most of the **ViacomCBS** nets in honor of **George Floyd** and Black Lives Matter? The eight-minute and 46-second blackout aired on **Nickelodeon** too, which "scared a lot of children," according to chief marketing officer *Jenny Wall*. Speaking at a panel about

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disruption during the **Promax** Virtual Experience, Wall emphasized the importance of having conversations about race with the younger generations. “It really ignited a lot of conversation around how a lot of kids live in fear every single day, and we can actually talk to kids with a little bit more of a mature voice,” she said. “We actually need to have these real conversations. Things like this are embedded in children’s minds between the ages of two and four, so why are we not talking about it?” Nickelodeon also had programming around Juneteenth, and just this past weekend aired a town hall featuring *Alicia Keys* discussing race and unity. “This is not a campaign for us, it’s a sustained effort,” said Wall. “We all at ViacomCBS are figuring out what each of our channels can do in this period. As a kids brand, this is something that we definitely have gone out there and it’s been wonderful to see the impact that we’ve been able to have on kids and families to actually open up this conversation.”

MOBITV Wins Two More Customers: **Vast Broadband** and **Vexus** have selected the **MOBITV** Connect managed service for delivery of streaming video content. The operators, which together serve over 75K customers, will be able to offer their customers an IP-based video streaming service without significant investments or upgrades to existing headends. The service was beta-tested in June with a full rollout happening this month.

Prime Video Gets User Profiles: **Amazon Prime Video** is finally introducing user profiles. Similar to other services, Prime Video users will now have access to their own watchlists and recommendations. Customers will be able to create up to six profiles for their household members. The feature, which is rolling out within the next few days, will be first available in the Prime Video app on iOS, Android, Fire tablets and the Fire TV Prime Video app as well as the Prime Video apps built for smart TVs.

Call for Nominations: The **FCC** is anticipating the renewal of the Consumer Advisory Committee’s charter on or before Oct 20, issuing a public notice Tuesday to solicit nominations for membership. Nominations for membership on the committee, which makes recommendations to the Commission regarding topics of particular interest to consumers, are due Aug 7. The FCC seeks nominations from interested consumers seeking to serve on their own behalf, and from nonprofits, corporations, trade associations, government agencies, or other entities from both the public and private sectors, who wish to be considered for membership for a two-year term of service.

Viamedia Expands MetroNet Partnership: **Viamedia** renewed and expanded its ad sales representation with **MetroNet**. The ad management company will continue to manage five markets (Terre Haute, IN; Louisville, KY; Lafayette, IN; Ft. Wayne, IN; Indianapolis, IN) while also adding Lexington, KY. MetroNet is currently in the final stages of building out its 100% fiber optic network across Lexington, which is expected to be completed by the end of 2020.

CSG, Bell Canada Extend Deal: **CSG** and **Bell Canada** announced a seven-year extension to their partnership. CSG will continue to support residential customer service and billing for Bell’s Fibe and Alt TV services. The relationship between the two companies began back in 1997.

Distribution: **Law&Crime Network** extended its reach in the Caribbean through launches on **Cable Bahamas (REV)** and **Logic** in the Grand Caymans, as well as an upcoming launch on **One Communications** in Bermuda and **Viya** in the US Virgin Islands. The news comes on the heels of significant US expansion, including deals with **Verizon Fios** and **Cincinnati Bell**. -- **CuriosityStream** continued its international expansion, this time entering the Scandinavian market. The streamer is now available in Sweden through operator **Com Hem** on its linear service, with SVOD and streaming coming soon.

Ratings: It’s been a good quarter for **Discovery**, especially when it comes to female viewership. The company had the top four non-news cable nets among W25-54 in Q2, led by **HGTV** at No 1, then **Food Network**, **TLC** and **ID** at two, three and four, respectively. On Sunday nights, Discovery was the No 1 pay TV portfolio in primetime across W25-54, P25-54, W18-49 and P18-49, led by “90 Day Fiance” on TLC. That net had its best quarter in network history among W25-54 and P24-54, up 37% YOY in primetime. **DIY** also had its most-watched quarter ever in both primetime and total day (up 31% and 53% YOY).

Programming: **HBO Max** ordered a 12-episode season of animated series “Young Love.” The series expands on the family introduced in the short film “Hair Love.” -- **Shudder** greenlit **Zoom**-based horror film “Host.” Premiering July 30 on the streaming service, Host was shot remotely during quarantine. -- **Comedy Central** and **John Mulaney** signed a deal for two original “Sack Lunch Bunch” specials, including an upcoming holiday-themed one. Mulaney will headline and ep both the specials in his first return to the net since 2012. -- **Science Channel** is kicking off a new night of engineering programming starting July 15, beginning with a new season of “Impossible Engineering” at 9pm, followed by new series “Super Factories” at 10pm.