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What the Industry Reads First

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Keep Calm: Eshoo Examining Effectiveness of Loud Commercial Ban

Ever found yourself watching a streaming service and when it cut to commercials, you had to lunge for the remote to adjust the volume because the ads were so loud? Congress passed the CALM Act in 2010, which requires the **FCC** to enforce that the audio of TV commercials not be louder than the program. But it only applies to broadcasters, cable operators and other traditional MVPDs—not radio or streaming services, such as **Hulu** or **Tubi**. Rep *Anna Eshoo* (D-CA) wrote the original legislation and now, a decade later, she's questioning whether the reach may need to be expanded. The Congresswoman also wants to know why there haven't been a single instance of the FCC bringing enforcement actions under the law. "While one could conclude that the lack of action reflects a solved problem, I understand that the FCC still receives thousands of consumer complaints about loud television commercials," Eshoo wrote to FCC chmn *Ajit Pai* last month, asking to receive detailed info on CALM enforcement by Aug 21. In his recently made public response, Pai noted that after the initial implementation of the law and a new complaint form, the number of overall complaints has trended downward since 2013. For 2020, the FCC has received 1241 complaints through July 31. That compares with 1877 last year, 3380 in 2018, 2446 in 2017—down significantly from the more than 16K received in 2013. Under FCC rules, complaints are first fielded by the Consumer and Governmental Affairs Bureau, which then refers them to the Enforcement Bureau. "If the analysis of complaints uncovers a trend or pattern, the Bureau issues a letter of inquiry. In 2013, the Enforcement Bureau sent letters of inquiry to two separate companies addressing potential violations of the CALM Act and associated regulations," Pai wrote. "There were no violations found in either case and there are no public documents associated with these letters of inquiry." Since 2013, Enforcement Bureau analyses have not uncovered any pattern or trend of complaints supporting further inquiry, according to the FCC. Pai suggested that the decline in complaints may be due to the efficacy of the CALM Act as well as the FCC's 2014 update of the technical standards for loudness measurements that addressed and discouraged commercials that attempt to use silent passages to offset excessively loud audio. The FCC has been keeping track of the top five companies receiving CALM Act complaints since 2015. The list has varied a little over the years, while the largest MVPDs—**Comcast** and **DirecTV** (and later **AT&T**)—remain mainstays. **DISH** is on the list for 2020, its first time making the top five since 2015. **Charter**

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didn't make the list last year, but is on it for 2020. **Cox** is not in the top five so far for 2020, but was last year.

Some Scripps Stations Back on DISH: With Hurricane Laura threatening the Louisiana and Texas coast, a retrans blackout between **Scripps** and **DISH** has been temporarily set aside. Scripps stations KATC, KRIS and KAJA (Lafayette, LA, and Corpus Christi, TX) returned to DISH's lineup Sunday and will be available this week, according to the broadcaster.

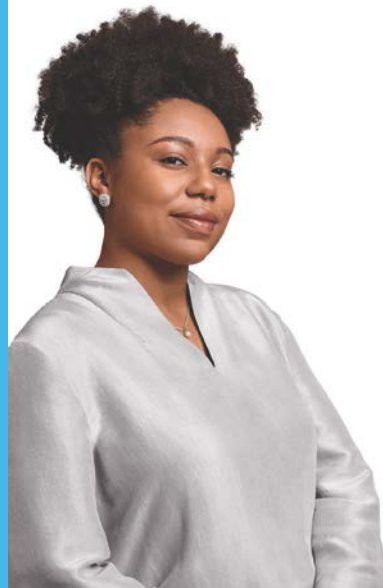
RNC Night 2: Fox News' lead over its competitors during the Republican National Convention continues to be staggering. For Tuesday from 10-11pm, Fox averaged 7.96mln total viewers—more **CNN** (2.13mln) and **MSNBC** (1.804mln) combined. Fox News' average in the hour also topped the combined viewership of **NBC** (2.495mln), **ABC** (2.097mln) and **CBS** (1.515mln). For 8-11pm, Fox News clocked 7.248mln viewers vs CNN's 1.981mln and MSNBC's 1.301mln. CNN is claiming the bragging rights on the digital side, ranking as the #1 digital news source on Day 1 of the 2020 RNC. It surpassed #2 **BBC** by 10.6mln visits and #3 Fox News by 11.2mln visits (Day 1 data is the most current available for digital competitive rankings, which is published by **SimilarWeb**).

FCC Denies Small Operator C-band Protest: The **FCC** voted Wednesday to deny a Section 316 protest from small satellite operators against the C-band order that proposed to modify existing licenses to require licensees to migrate operations to the upper 200MHz of the band. **ABS, Empresa Argentina de Soluciones Satelitales, Hispamar Satelites** and **Hispasat** filed the protest on May 22, arguing that Section 316 does not authorize such a fundamental change to their licenses. Section 316 gives the Commission broad authority to modify any license if the action will promote the public interest, convenience and necessity. In Wednesday's order, the Commission said that while the agency may not use Section 316 to effect a 'fundamental change' to licenses, courts have held that Section 316 allows the FCC to migrate licensees from one spectrum range to another if the licensees will be able to continue providing comparable service in the new spectrum range. "We dismiss the SSOs' protest in this Order on procedural grounds because it fails to contain specific allegations of fact or an affidavit as required by statute and the Commission's rules," the order said. Democratic commissioners *Jessica Rosenworcel* and *Geoffrey Starks* had some reservations, both voting to approve in part, dissent in part. "I support today's order because I believe we should speed the way for this resolution," Rosenworcel said. "However, I continue to have reservations about the process that led the agency to this point and believe that we missed a golden opportunity to work with Congress to incentivize the repurposing of these airwaves in a manner that would yield a smoother long-term path for spectrum policy and support for much-needed infrastructure projects."

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Plume, Technicolor Partner on Smart Home: Plume and the connected home division of Technicolor are partnering to expand the availability of smart home services to broadband providers and their subscribers. The collaboration will allow Technicolor Connected Home to bolster its customer premises equipment portfolio with Plume's consumer experience management platform. Plume will also benefit from expanded market reach through Technicolor's platforms. Technicolor Connected Home and Plume will jointly market their combined offering through the former's HERO Partner Program, a partnership initiative designed to accelerate the introduction of new solutions to the service provider community.

Strong Women Pivot: Pivot might just be *the* word of 2020. So appropriately, the Strong Women initiative's first in a series of panel discussions tackled women leaders in the media industry who have shifted careers. The virtual event, held on Women's Equality Day, included former Univision exec *Tonia O'Connor*, who became CEO of **Chopra Global**, *Deepak Chopra's* next-gen wellbeing company. "These skills are very, very transferable," said O'Connor. "For any consumer-facing company, no matter what sector of the industry it might be in, it really needs to behave and operate much like a media company. Content creation, programming, distribution on their social channels, the connection they establish with consumers, all again, very relevant, very much a big part of the experience I had." Former Viacom distribution & marketing evp *Denise Denson* pivoted to COO of global media rights and content management firm **Molten**. "I watched all these digital companies launch and grow and disrupt... and I thought I have to touch that before I'm done," she said, describing a role that has her diving deep into engineering and advocating for more women in technology. In a huge transformation, former HBO evp, distribution of marketing *Shelley Brindle* became mayor of Westfield, NJ. After 25 years at HBO and becoming the programmer's first woman in the C-suite, she felt like her job was done there. "I started noticing there were a lot of things in [my] town that I never would have tolerated in the private sector that wasn't being addressed," said Brindle, Westfield's first female mayor and only the second Democrat in its 100-year history. **CA Cable & Telecom Association** pres *Carolyn McIntyre* said her most significant pivot came when she transitioned from an undercover narcotics agent to the advocacy space after being exposed to the policymaking process. "It was a matter of me having the confidence and being willing to take that leap," she said.

Viamedia Wins QTT Platform: Viamedia has received a patent for its QTT platform. QTT is a cloud-based television advertising solution that requests and receives ads from programmatic digital ad exchanges to allow for real-time linear cable television ad insertion. Viamedia has already struck partnerships with supply-side platform **Magnite** and demand-side platform **Adelphic/Viant**. Both have integrated QTT with their respective platforms.

Viewers Defaulting to Online Video: More consumers than ever are considering online TV sources as their home video base. Approximately 50% of consumers say those online video providers, including streaming services like **Netflix** and vMVPDs like **YouTube TV**, are the first source they turn on when looking for something to watch, according to the most recent research from **Hub**. For those that default to an online source, nearly half say that online source is Netflix. Some 42% say their first choice is viewing from the traditional TV set-top box, down from 47% last year. Only 14% of those 18-34 turn to live TV before any other source.

MetroNet Finishes Lexington Fiber Build: MetroNet completed the build of its citywide, 100% fiber-optic network in Lexington, KY. MetroNet has spent more than two years laying 4.4mln feet of fiber in neighborhoods across the city. The company has expanded construction to the nearby communities of Nicholasville, Versailles and Richmond.

Road to SCTE: SCTE-ISBE revealed Wednesday that **Comcast Cable** pres/CEO *Dave Watson*, **Charter** CEO *Tom Rutledge* and **Liberty Global** vice chmn/CEO *Mike Fries* will participate in a CEO roundtable during the general session of the virtual **Cable-Tec Expo 2020**. The panel, to be moderated by **CableLabs** pres/CEO *Phil McKinney*, will feature discussions on the industry's response to COVID-19 and the evolution to 10G. The general session will begin at 11am on Oct 12.

Programming: **OWN** ordered original drama "Delilah" straight-to-series. The series will air on the network in 2021. -- **Nickelodeon** is adding "Young Sheldon" to its Nick at Nite programming lineup in November. Nick will air the show's first three seasons, with later seasons coming to Nick at Nite beginning in fall 2021. -- **Fuse Media** and non-profit **Equality Now** teamed up for the premiere of "#Female Pleasure" Wednesday at 8pm. As part of the partnership, Equality Now will provide facts on the issues detailed in the documentary as lower-third graphics. Fuse and Equality Now will also both use their social media channels to promote the premiere.

People: **Sinclair** upped *Phillip Gharabegian* to deputy general counsel/svp, business affairs for the company's RSNs. He will now play a larger role in strategic rights initiatives for the nets. Before joining the RSNs in 2002, Gharabegian worked at the law firms of **Hogan Lovells** and **Akin Gump Strauss Hauer & Feld**. -- **Nielsen** promoted *Scott Brown* to gm, audience measurement. He previously served as CTO for Nielsen's measurement products.

THE WORK CULTURE LIST PROFILE:

UNIQUE BENEFITS **Minim**

The competition to attract the best and brightest is tighter than ever, especially when you're not located in one of the country's business and technology hubs. That's why when startup Minim was founded in 2017, its founders decided to embrace the idea of a distributed team rather than limiting itself to talent located around its Manchester, NH, headquarters.

Minim touts an IOT platform designed for intelligent WiFi management and security, and offers usable apps for consumers and their service providers to protect connected devices and optimize WiFi performance. It's now partnering with ISPs, managed service providers, distributed business and device manufacturers who want to help make home connectivity safer.

But building a distributed team comes with its struggles. Minim has to work especially hard to build team cohesion and put processes in place that allow all team members to communicate efficiently and effectively. As Minim has become more global, it has worked through problems like setting meeting times that work across time zones and ensuring distributed workers have the same tools to complete their assignments as those sitting at headquarters.

But in return, the company is able to build a diverse melting pot of an organization, naturally including voices from different backgrounds and locales. The unique experiences they bring to the table have largely shaped the culture Minim has today.

"I think so many companies think that they're going to define a culture from the top down, or that the CEO defines the culture... but ultimately, it's every single person in the company. It's the sum of the relationships that equal the culture," CEO Gray Chynoweth says.

In order to retain those employees, Minim's leadership team hasn't been afraid to offer benefits that are far from the usual. There's even a benefit that comes packaged with Minim's distributed team structure: it doesn't matter if you're on the beach in Hawaii or in a home office in Montana so long as you complete your assigned tasks.

"Every company is a democracy because every person votes with their feet when they show up every day and we want to make sure they walk into our door," Chyn-



oweth says.

Minim has also embraced an unlimited vacation policy that allows the company to consider the individual circumstances and the needs of every worker. It also allows space for a worker to assess how much downtime they need to recharge and if they can still meet their targets.

"What unlimited paid time off means to me is it forces a conversation about how much time a person can leave a company and a company can still achieve what it needs to achieve to stay in business and support its customers," Chynoweth says.

Minim is also a pet-friendly workplace, and a dog named Wiley is the company's mascot. He comes in almost daily to spend time with employees.

"He's a really special dog because when you're having a stressful day, somehow he ends up at your feet and even in your lap, taking down your stress levels and being another outlet for the anxiety that you may feel at that time," co-founder/CFO Liz Hitchcock says.

Minim also decided to launch an employee IOT Lab program through which workers are shipped requested smart home devices that they get to test in their own homes. It gives employees access to plenty of fun gadgets, but it also helps Minim with its long-term product testing.

"When you think about a culture that puts itself in the shoes of its users, that's really where you get powerful commitment to the product from the people that are creating it," Chynoweth says.

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Think about that for a minute...

Et Tu Gutenberg?

Commentary by Steve Effros

It's late August. Usually a time when I have great difficulty finding relevant things to say in a column about telecommunications since most folks are out and about around now, and not particularly interested in news, journalism, broadband, telecom policy and the like. But, of course, this year is different. Not just because we're all staying close to home, but the upcoming election and the ongoing pandemic require us to keep abreast of what's going on.

It's not pretty. At the RNC convention this week there was once again the suggestion that "the media" and "tech" are blocking the availability of news and opinion coming from conservative sources. This at a time when Fox News is consistently on top of the viewership charts! There's also a new, truly "must read" book by CNN's Brian Stelter, a well known journalism critic, which describes in painful detail how our political institutions are being manipulated by a few TV pundits who seem to have unfettered high-level access.

Yet, at the same time, as I noted in an earlier column, a Republican Commissioner's reappointment at the FCC was suddenly withdrawn because, apparently, he suggested obliquely that the idea of the FCC regulating First Amendment online speech (the Section 230 debate) might not be a good idea! And we have a Democratic battle up in Massachusetts between a young Kennedy and an old Markey for a Senate seat with one of the pivots being how much regulation Markey has been responsible for regarding media. "Public Interest" groups are weighing in for Markey saying they want more!

So I guess it's not unusual that both political parties are deeply involved in trying to influence the media, and the media, in turn, is accused of "unfairly" doing the same thing regarding public policy. Remember, there's a reason the media has long been characterized as the "Fourth Branch"



of government. But my concern goes much deeper than the perennial debates about the press and government.

It's become a fear of mine, maybe even a feeling of guilt, that we have unleashed forces we can no longer manage, and they are getting very much out of control. The best example I can cite is the recent rise of the crazy "QAnon" stuff. You know, the Democratic, deep state, satanic, pedophilic, antisemitic conspiracy theory embraced by some and not denounced by others.

I read a fascinating analysis the other day about the structure and spread of this nonsense. It pointed out that the entire "movement" if you will, or more accurately the spread of this particular virus, is designed identically to a video game! There are anonymous, secret leaders, vague references and prognostications, hidden "clues" in blog posts and the like. The folks analyzing all this were game designers, and they suggested that with everyone stuck at home with little to do this was the ideal time to use game theory to get folks hooked! It's worked way too well.

So now I'm not only feeling concerned about what we have wrought by popularizing "cable news" and broadband social media, which have allowed for unfettered distribution of massive amounts of misinformation, I also have to consider the implications and importance of gaming, and how that's taught some folks how to manipulate significant segments of the population!

What can be done about all this? The first thing, as I've said before, is to acknowledge that our industry has some responsibility. The second is to educate about what's happening. Now. Think of the printing press. Et tu Gutenberg?

Steve

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(Steve Effros was President of CATA for 23 years and is now an advisor and consultant to the cable industry. His views do not necessarily reflect the views of Cablefax.)



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