

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Loud Commercials: Cable Groups Say CALM Act Works

Cable's primary lobbying associations believe a law meant to ensure that the audio of TV commercials aren't louder than programming is working just fine, but some viewers are hearing things differently.

The **FCC** opened a query in April into the CALM Act and whether it potentially needs updating. The act requires MVPDs and broadcasters to ensure that ads aren't transmitted at louder volumes. It doesn't apply to streaming services. Rep **Anna Eshoo** (D-CA,) who authored the CALM Act in 2010, recently asked the FCC to probe a reported increase in loud ad complaints from April 2020 through February 2021 and questioned why there has never been an enforcement action taken under the law.

NCTA said its cable operator members take their obligations seriously, adding that a number of companies go beyond the mandatory technical standards. For example, NCTA members proactively monitor all of the cable and broadcast networks they distribute for potential audio issues and aggregate findings into routine reports for review by engineering and compliance teams. "Even during the months of the pandemic, as television viewing skyrocketed, the Commission has received only a small fraction of the number of complaints each month compared to December 2012 and the early months of 2013," the association said. "The substantial decline in complaints, and the absence of any trend or pattern indicating a widespread problem, reflects

strongly that the Commission's rules are working as intended and that no changes are necessary at this time."

ACA Connects painted a similar picture, citing a more than 80% decline in annual loud commercial complaints from 2013 through 2020. The group estimated that at least half the country is receiving a service providing them with 10-20 million commercials every year, thus it said "the fact that only 3,000 complaints are made each year does not demonstrate failure of the CALM Act or the Commission's rules implementing it." ACAC said the FCC should engage in analysis of the substance of CALM Act complaints, and if, indeed, they indicate patterns or trends of non-compliance, pursue appropriate enforcement under the existing statute before considering any potential updates to the rules.

Neither ACAC or NCTA addressed whether the CALM Act should apply to streamers, but several consumers who filed comments in the docket did—with **Hulu** receiving a lot of the heat. Some examples from commenters: "The commercials on Hulu are excruciatingly loud! They have to be muted or you end up with a terrible headache." "I was a customer of Hulu but have since canceled my subscription due to the incredibly loud ad volume." "Hulu and **Amazon Prime** are two that come to mind whose ads are way louder than the program I intend to view." "There doesn't seem to be any mention of Internet television services, such as HULU.com. Were they a traditional television service, they would routinely be in violation of the CALM Act."

THE FAXIES

RECOGNIZING EXCELLENCE IN PR & MARKETING

Awards Celebration:
Thursday, June 10 at 4pm

Cablefax is PROUD to announce 2021 finalists for **The FAXIES**, the ultimate awards program in the b2b media space. The FAXIES honor 2021's marketing & PR campaigns as well as the executives and teams who brought them to life. During this pandemic year, these achievements are nothing less than extraordinary.

Join us when the winners will be announced.

View the Finalists and RSVP for Event at
www.thefaxies.com



NIelsen SAYS IT'S STILL RELEVANT FOR STREAMING

Nielsen CEO *David Kenny* isn't worried about investor concerns that the media industry's pivot to streaming will make his company's measurement irrelevant. "There is a huge growth in content and the competition has been more intense than ever. In our experience, more intensity of competition tends to make data and information increasingly valuable," Kenny said at an investor conference Friday. He believes Nielsen has a key role to play in helping new digital customers that are already facing a data disadvantage. "Our product is equally important to the new [digital] players, who do not have the legacy knowledge of the audience. Because they are competing for the same ad dollars, same audience, and same content," Kenny said.

COX MEDIA STRUCK BY CYBER ATTACK

Cox Media Group was reportedly hit by a ransomware attack Thursday that impacted some live programming as well as internal communications. The attack also seemed to affect any station feeds being used by distributors like **Hulu**, which saw customer complaints come in when they could not view the feed from **WSB-TV** in Atlanta. "Apologies for the trouble! There's currently an issue with the feed from WSB that we're looking into. We hope to get this cleared up as soon as possible. Thanks for your patience in the meantime!" the Hulu Support **Twitter** account said in response to a customer inquiry. Customers were still experiencing issues accessing the feeds Friday morning and it isn't yet clear if all TV and radio stations are back operating as usual.

TECH FEVER STRIKES

Consumer enthusiasm for technology is mounting as 39% of US household say they are more likely to buy tech products because of

the pandemic, according to **CTA** research. The Consumer Technology Ownership and Market Potential Study showed consumer intent to buy tech in the next 12 months is 11% higher than this time last year. The most frequently-owned tech products in the US are TVs (91% of consumers surveyed owned one), but smartphones are catching up. 90% of respondents had one, and CTA believes they may surpass TVs in 2022. Some 37% of consumers plan to buy smartphones and only 29% plan to buy TVs in the next 12 months.

RCN, OTHERS OFFER GAMING-CENTRIC SERVICE

RCN, Grande, Wave and **enTouch** made a pro gaming WiFi service available to customers earlier this week. The service, which is powered by Netgear's Nighthawk Pro Gaming XR1000 WiFi 6 router, allows more devices in the home to connect and stream content simultaneously with optimal speed and reliability. The router is available for \$12.95/month to residential customers within the providers' footprints.

CTV POPULARITY GROWS

82% of US TV households have at least one internet-connected TV device, according to research from **Leichtman Research Group**. That's up from 80% in 2020 and 74% in 2019. Overall, 39% of adults in US TV households watch video on a TV via a connected device daily, just under the 40% that said they did so in 2020. About 43% of all TV sets in US households are connected smart TVs, increased from 32% in 2019.

PRIDE MONTH PROGRAMMING

Fox News kicked off its programming for Pride Month with a "America Together: Celebrating Diversity" segment on "Fox & Friends" Friday. The segment featured a number of stories celebrating the accomplishments of LGBTQ+ people across the country. Addition-

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ally, clips from interviews with LGBTQ+ icons like Sen *Kim Jackson* (D-GA) and Gov *Jared Polis* (D-CO), *Ty Herndon* and *Craig Hella Johnson* will air each Friday in June across Fox News, **Fox Business** and **Fox News Audio** platforms. The full interviews will be available on **Fox News Digital's** America Together: Celebrating Diversity platform. – **Fuse Media** is celebrating Pride Month by honoring the “Future LGBTQ History” makers as part of its “Future History” Franchise. Honorees are singers *Lil Nas X* and *Kelsey Lu*, author *Carmen Maria Machado* and top model *Isis King*. They will be highlighted in a short-form video series premiering this week on **Fuse** and **FM** linear channels and on Fuse digital and social platforms.

PROGRAMMING

“None of the Above with *JD Durkin*” premieres Monday at 8pm ET on **Cheddar News**. – The final eight episodes of “In Treatment” Season 4 will be available to stream early on **HBO Max** starting June 14 at 9pm ET. The series will continue to air on **HBO** regularly with two back-to-back half-hour episodes each Sunday and Monday night until June 28. – **MTV** greenlit series “Messyness,” a spinoff of “Ridiculousness.” It is currently in production and slated to premiere later this year. – **Telemundo** signed actor *Rafael Amaya* to a multi-year deal in which he’ll star in multiple **Telemundo Global Studios** original productions. His first project is slated to air later this year.

PEOPLE

WarnerMedia named *Amit Malhotra* managing director, **HBO Max**, Southeast Asia and India. Malhotra comes from **The Walt Disney Company**, where he was regional lead, **Disney+**, Southeast Asia. He’ll join WarnerMedia later this month. – *Randy Marksberry* joined ISP **Watch Communications** as CFO. Marksberry was most recently a controller and valuation consultant throughout the Greater Cincinnati area. – **Frontier** tapped *John Harrobin* to serve as evp, consumer, effective immediately. Harrobin joins from **Amazon** subsidiary **Audible**, where he was chief marketing officer. Also joining Frontier as CFO is *Scott Beasley*. His appointment is effective June 14. He most recently worked at infrastructure product company **Arcosa** as CFO.

CABLEFAX DASHBOARD

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Jason Kilar @jasonkilar
 41 years ago, a pioneering, proud and scrappy news service launched. In the years since, an amazing group of dedicated journalists, producers, technologists, and more have informed - and continue to inform - the world. Happy Birthday CNN.



Shirley Bloomfield @sbloomfield15
 @RepSpartz engages with @NTCAconnect and others in the communications industry. Really dug in on how important mapping of #broadband is for making smart #infrastructure investments. Big priority for @FCC and @JRosenworcel. #BuildBroadbandWithUs



SCTE @scte
 #winning at the SCTE® High Plains Chapter Cable Games. Congratulations to all of the winners! #cablegames #essentialworkers #essentialskills



Research

- > 41% of marketers responding to the survey began shifting to CTV 1-3 years ago, but 24% began less than one year ago and another 24% haven't even started.
- > Only 26% of respondents can attribute CTV to higher conversion rates. Some 39% are also seeing an increase in return on ad spend.
- > 83% of respondents run CTV ads alongside social media followed by display advertising (79%), mobile video (77%), desktop video (67%) and linear (54%).
- > 64% said they view CTV as a strategy for building a stronger connection between digital and TV advertising.

(Source: *Innovid and Digiday's State of CTV Advertising Report*)

Up Ahead

- JUNE 10:** THE FAXIES AWARD CELEBRATION
- JUNE 22:** MEDIA INSTITUTE LUNCHEON WITH THE CONSUMER TECHNOLOGY ASSOCIATION'S GARY SHAPIRO
- JULY 16:** 2021 CABLEFAX DIVERSITY LIST NOMINATION DEADLINE
- JULY 25-28:** FIBER CONNECT 2021

Quotable

“The 26 words that created the internet, they are no longer sacrosanct. So what we’re proposing to do at Heritage is just bring that statute more in line with its original intent.. I believe from 1996, the Communications Decency Act, it was intended to not really stifle innovation with strangling litigation measures that early in the infancy of these companies that relied on computers and the digital world. Let’s get it back to where it needed to be... the argument goes beyond Section 230. A fixation on Section 230 is misplaced... we need to highlight when people are creating new competitors in the market.”

– Heritage Foundation Technology Policy Fellow *Kara Frederick* in an interview for C-SPAN’s “The Communicators” series