

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## 12GHz Band: NCTA Calls for Neutral Approach to Spectrum

With the **FCC** looking at whether the addition of a new or expanded terrestrial allocation of the 12 GHz band may have a role in the deployment of 5G and other cutting-edge wireless technologies, **NCTA** wants the agency to ensure any expansion is done in a way that new entrants and small providers have equal access to the spectrum.

“Granting new terrestrial use rights to existing terrestrial licensees on a preferential basis would deter competition and unfairly reward entities that have failed to fully utilize the terrestrial usage rights they have long held,” NCTA said in comments that were due to the FCC this week. “Expanding the spectrum rights of existing licensees would enrich incumbents to the detriment of new entrants and smaller providers and it would fail to put these scarce spectrum resources to their highest and best use.”

**AT&T** and **T-Mobile** are among those suggesting that if the FCC expands the band, it should auction terrestrial rights rather than grant them to existing MVDDS license holders, as **DISH Network** has pushed for.

The record is still developing on whether the 12 GHz band can support greater terrestrial use without causing harmful interference to incumbent operations in the band. NCTA isn't taking a stance on whether it can be done. DISH and AT&T-owned  **DirecTV** use this spectrum to provide video programming content to millions of Americans. The two companies don't share the same view on expanding the band.

AT&T maintains that no one has demonstrated with “any technical or analytic rigor” that these services can operate without causing harmful interference to incumbent satellite services, while DISH says nothing has refuted 2016 studies that found two-way terrestrial service will not generate even the potential for interference for the vast majority of DBS dishes.

How can two DBS providers see things so differently? Well, DISH became the largest Multichannel Video Distribution and Data Service (MVDDS) license holder a few years back. The MVDDS 5G Coalition, which includes DISH, has been pushing the FCC since 2016 to make this spectrum available for 5G.

“One of the more remarkable arguments that has been advanced in this proceeding is that DirecTV need not worry about harmful interference from terrestrial, mobile, flexible-use operations because DISH – the largest holder of MVDDS licenses in the country – is also the second-largest DBS provider and would never act against its own self-interest,” AT&T said in its FCC comments. “The mere thought that DISH's self-interest would extend to any company other than DISH is laughable, but it is particularly egregious to assume that DISH's self-interest would protect its largest competitor.”

DISH slung plenty of arrows at AT&T in its own FCC comments, saying that DirecTV has “all but abandoned” the 12GHz band by diverting investments to other spectrum, even as DISH has invested in the band many times more than any other company. As for AT&T's complaints about the 2016 studies, DISH maintains it has all the info to replicate them with its

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# CHRISTMAS IN JULY

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Source: Nielsen L+SD NPower Reach from 7/10/20-8/1/20, M-Su 6a-6a, Unduplicated P2+ audience, 6 min qualifier.

own DBS dishes and has not, “which suggests the results would not likely be materially different.”

DISH and **SpaceX** have been squabbling for years over the 12GHz band, with SpaceX wanting to use it for its satellite broadband service **Starlink**. To put the band to its highest and best use, SpaceX argues the Commission should remove the MVDDS encumbrances from the band for next-generation satellite services. “One fact stands clear from the record—the MVDDS Licensees are poor stewards of spectrum rights,” SpaceX told the FCC. “Despite having sat on the spectrum for a decade and half, the MVDDS Licensees cannot even meet their minimal substantial service requirements. Next-generation satellite services are putting this spectrum to extremely good use, connecting the unconnected and providing another competitive broadband option to those already served.”

*Elon Musk* has a friend in the Hoh Indian Tribe, which filed in the docket in opposition to any changes to the current use by next-gen satellite systems in the 12GHz band. The tribe is one of the first users of Starlink technology, with Hoh chairwoman *Dawn Gomez* describing how modern internet access has allowed the community to pursue increased telehealth and distance learning opportunities. “Despite 15 years of assurances, these terrestrial licensees have effectively deployed no meaningful service,” Gomez wrote. “Given this history of empty promises, we encourage the Commission to disregard speculative plans to redefine the rules.”

#### FCC DENIES EBB WAIVER FOR AK PROVIDER

The **FCC** denied a request from rural Alaskan fixed wireless internet provider **SpitwSpots** to claim Emergency Broadband Benefit reimbursement for a service plan it wasn't offering as

of Dec 1, 2020. Congress established the \$3.2 billion program to help Americans afford internet during the pandemic. The FCC said the requirement that an internet service offering be offered as of Dec 1, 2020 is a statutory requirement that the Commission cannot waive. SpitwSpots previously received approval for six service plans that were available as of the Dec 1 date, but it was seeking to add a 6Mbps service plan for \$69/month.

#### COLORADO LATEST TO ENACT PRIVACY LAW

Colorado became the third state to enact a consumer privacy law, with Gov *Jared Polis* signing the bill into law Wednesday. The Colorado Privacy Act is scheduled to go into effect on July 1, 2023. It provides consumers with the right to access, delete and stop the sale of their personal information, and requires consent for processing sensitive information. California and Virginia have put similar laws into place. Colorado goes further than Virginia by requiring companies to honor browser privacy signals, such as the Global Privacy Control, in order to opt out of data sales at all companies in a single step.

#### COMCAST WINS DOD DOLLARS

**Comcast Government Services** was awarded a potential \$75.8 million contract to provide mission partner access, via ethernet connections, to the **Department of Defense** information network. The contract also covers replacing legacy, time division multiplexing-based circuits. The contract award was for the “Commercial Ethernet Gateway Region 6” initiative and has a six-year base period with two two-year option periods that would extend the project to July 11, 2031.

#### ATVA WANTS FCC TO LOOK CLOSER AT BROADCAST

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is hoping that the **FCC's** proposed half million dollar fine against **Gray TV** for **violating broadcast ownership rules** is just the beginning. "We hope that today's action is only the beginning of a much closer look at these issues – including consideration of closing all of the other loopholes that broadcasters use to evade the rules," ATVA spokesperson *Jessica Kendust* said in a statement. The FCC said Gray apparently willfully and repeatedly violated the agency's prohibition against owning two top-four television stations in a DMA. The FCC said Gray attempted to fix the violation by moving **CBS** programming on its full-power station to its low-power station and another feed on its **NBC** station, a move ATVA described as one of the loopholes the FCC needs to close.

### CARRIAGE

Virtual MVPD **Frdly TV** added **getTV** to its lineup. The digital multicast network owned by **Sony Pictures Entertainment** features classic TV series such as "All in the Family" and "Walker, Texas Ranger" as well as an extensive slate of vintage Westerns every weekend. The addition of getTV expands Frdly's lineup to 19 linear channels, while keeping its starting price point at \$5.99/month.

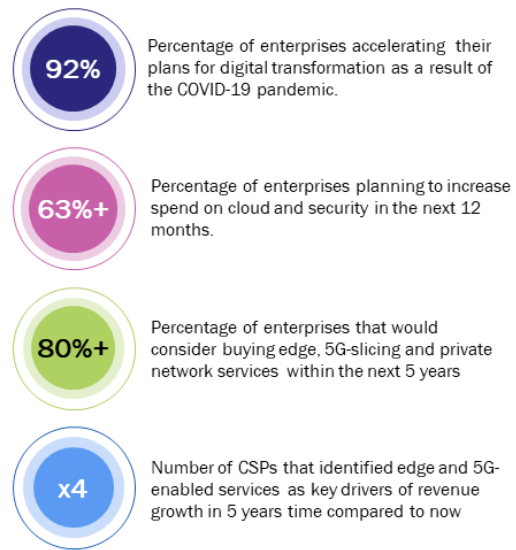
### UNIVISION CRUNCHES VOTING DATA

Those turn-out-the-vote campaigns seem to have paid off. **Univision**, in partnership with **Labels and Lists (L2)**, analyzed 2020 election data and found 16.1 million of the 23.6 million registered Hispanic voters cast a ballot last year. That's up nearly 30% over 2016, more than double the increase of non-Hispanic voters, Univision said. The trend may not be over. L2 forecasts double-digit voter growth for 2022 midterms in several key states, including Arizona, California, Florida and Texas. Arizona is projected to deliver a 36% increase over 2018 in Hispanic voter turnout during the 2022 midterm election, while Florida is projected to deliver a 60% increase.

### PROGRAMMING

Given the success of "Bridgerton," **Netflix** is going all in with producer *Shonda Rhimes*. The newly expanded deal gives Netflix and **Shondaland Media** the opportunity to exclusively produce, stream and distribute feature films as well as potential gaming and VR content. It also expands the current branding and merchandising deal for Shondaland content to include live events and experiences. Netflix said it is investing in and providing support to Shondaland's mission to create DEIA (Diversity, Equity, Inclusion, Accessibility) programs that can increase industry workplace representation for underrepresented groups both domestically and in the UK, with more details at a later date. – **USA** ordered 8-part docuseries "Rate for the Championship" (wt) for 2022. It is all about the drivers and teams competing in this year's NASCAR Cup Series Playoffs, which gets underway Sept 5 on **NBCSN**. – **HBO** is giving late night talker "Pause with Sam Jay" a second season. – **Peacock** renewed **Universal Television** original comedy series "Rutherford Falls" for a sophomore season. – **Nexstar's** cable net **NewsNation** adds two new programs July 19: "On Balance with Leland Vittert" (8pm ET) and "NewsNation: Rush Hour with Nichole Berlie" (6pm). – **Paramount+** renewed psychological mystery series "Evil" for a third season.

Figure 1: Key metrics highlighting growth in digital services



Source: CSG and Analysys Mason Large enterprise demand for comms and IT services: survey results 2021



### CSPS UPPING CLOUD SERVICES SPEND

More than 80% of communications service providers are considering buying edge, 5G-slicing and private network services within the next five years. That's according to the latest research from **CSG** and **Analysys Mason**. Some 92% of enterprise respondents have already accelerated their plans to use more IoT, security, cloud and unified communication services. Cloud services specifically are on the uptick, with 66% of enterprises surveyed expect to increase spending in that area in the next 12 months.

### DOING GOOD

**Charter** co-founder and **Cequel III** chairman/CEO *Jerry Kent* and his wife *Judy Kent* will receive the 2021 Jane and Whitney Harris St Louis Community Service Award. The honor is presented each year by Washington University to honor a St. Louis couple who contribute in an outstanding manner to the culture and welfare of the greater St. Louis community. In 2008, the couple established the Kent Scholars program at Olin Business School, awarding five four-year scholarships to first-year students in the business administration program. The program has supported 75 students to date.

### PEOPLE

**Airties** tapped *Nicolas Fortineau* as evp, CMO. He spent more than a decade at **Liberty Global**, most recently serving as product director of connectivity platforms. – ISP **American Broadband**, recently acquired by **Madison Dearborn Partners** and **Catania**, named *Christopher Eldredge* as CEO. He previously held management roles at **Frontier**, **Cablevision** and **The Telx Group**, and most recently as president/CEO of data center provider **DuPont Fabros Technology**. Eldredge succeeds *Rich Parisi*, who will continue to serve as board chairman. *George Mack* was promoted to evp, COO. *Jim Patterson*, head of telecom consultancy group **Patterson Advisory**, joins as evp, chief strategy officer.

# PROGRAMMER'S PAGE

## Old School Musicals Revived in 'Schmigadoon!'

**Apple TV+** is mixing a little of the old with a lot of the new with musical comedy "Schmigadoon!" Melissa (*Cecily Strong*) and Josh (*Keegan-Michael Key*) weren't expecting much when they set out on a backpacking trip designed to reignite the spark in their relationship. But everything changes when they stumble into a town in which everyone is living in a studio musical from the 1940s, and they discover they'll need to find true love before they are allowed to leave. While the series is sure to be a hit among longtime musical fans, it's also meant to be something of a gateway for new fans of the genre. "I think it'll work really well for people who are familiar with 'Oklahoma' and 'Carousel' and 'Sound of Music' and 'Music Man' and 'Brigadoon' and all these classic musicals, but I think it'll work just as well, actually, for people who don't know these musicals because it's an introduction," creator/showrunner *Cinco Paul* said during a panel at the **TCA** press tour. "Everybody understands, basically, what a musical is, and so I think it has fun with all those tropes." When casting the show, it was important to find folks that could do it all: sing, dance and act in a way that made the town feel as real as possible. The creative team intentionally worked to find ways to modernize what left those classic shows magical while leaving behind some qualities that are better left in the past. That was especially important now when conversations about diversity, equity and inclusion are arguably more prevalent than ever before. "We're using this as an opportunity to deconstruct them and sort of comment on things that were maybe problematic and here, let's make them better," Paul said. "I think that was a lot of what we were doing with this show is trying to focus on the positive and lift everything up." *Schmigadoon* comes to AppleTV+ July 16. – Sara Winegardner

### REVIEWS

"Bosch," final season, streaming on **Amazon Prime**. For viewers who've not watched this police procedural, based on the Bosch novels of *Michael Connelly*, now, the series' seventh and final season, might be an opportune time. When misinformation seems to rule, a detective whose weakness is his relentless pursuit of the truth, "Bosch" may help center viewers. Indeed, uncompromising truth is central to this final season, which viewers will enjoy even if they've not seen the first 6 seasons. It's the truth that police work normally is slow, with incremental progress the rule. While that's not conducive to highly rated TV series, and some parts of this final season move slowly, it works here. Hieronymus "Harry" Bosch (*Titus Welliver*), a moody, laconic, jazz-loving, old-school detective who lives in one of the greatest houses in TV history—a cantilever number high above Studio City with a panoramic view of Cahuenga Pass, Burbank and Glendale, he bought the house with money from a TV network that wanted to use his name in a series—wouldn't have it another way. In terms of final seasons, it's one of the best in recent memory, with stakes rising slowly throughout its 8 eps, culminating in a crescendo. And it's not really the end. **IMDb TV** recently announced the series will spin off on its platform. Can't wait. – Seth Arenstein

BASIC CABLE		
P2+ PRIME RANKINGS*		
(06/28/21-07/04/21)		
MON-SUN	MC	MC
	US	US AA
	AA%	(000)
<b>FNC</b>	<b>0.694</b>	<b>2,139</b>
<b>TNT</b>	<b>0.632</b>	<b>1,948</b>
<b>ESPN</b>	<b>0.619</b>	<b>1,905</b>
<b>MSNBC</b>	<b>0.440</b>	<b>1,356</b>
<b>HGTV</b>	<b>0.354</b>	<b>1,091</b>
<b>CNN</b>	<b>0.316</b>	<b>972</b>
<b>INSP</b>	<b>0.252</b>	<b>775</b>
<b>HIST</b>	<b>0.249</b>	<b>767</b>
<b>FOOD</b>	<b>0.231</b>	<b>711</b>
<b>TBSC</b>	<b>0.221</b>	<b>680</b>
<b>USA</b>	<b>0.217</b>	<b>668</b>
<b>DISC</b>	<b>0.215</b>	<b>663</b>
<b>TLC</b>	<b>0.205</b>	<b>630</b>
<b>HALL</b>	<b>0.201</b>	<b>619</b>
<b>NBCSN</b>	<b>0.171</b>	<b>527</b>
<b>HMM</b>	<b>0.168</b>	<b>516</b>
<b>TVLAND</b>	<b>0.167</b>	<b>514</b>
<b>ID</b>	<b>0.164</b>	<b>504</b>
<b>PARA</b>	<b>0.149</b>	<b>459</b>
<b>LIFE</b>	<b>0.144</b>	<b>443</b>
<b>A&amp;E</b>	<b>0.140</b>	<b>432</b>
<b>NAN</b>	<b>0.132</b>	<b>407</b>
<b>BRAVO</b>	<b>0.130</b>	<b>401</b>
<b>NICK</b>	<b>0.126</b>	<b>388</b>
<b>GSN</b>	<b>0.121</b>	<b>373</b>
<b>FX</b>	<b>0.119</b>	<b>366</b>
<b>AMC</b>	<b>0.119</b>	<b>365</b>
<b>ADSM</b>	<b>0.118</b>	<b>365</b>
<b>WETV</b>	<b>0.118</b>	<b>363</b>
<b>SYFY</b>	<b>0.111</b>	<b>342</b>
<b>BET</b>	<b>0.107</b>	<b>331</b>
<b>APL</b>	<b>0.103</b>	<b>318</b>
<b>COM</b>	<b>0.098</b>	<b>302</b>
<b>TRAVEL</b>	<b>0.097</b>	<b>299</b>

\*P2+ L+SD rankers are based on national Nielsen numbers, not coverage.

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