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WHAT THE INDUSTRY READS FIRST

Standstill: FCC Frozen on Net Neutrality Without Fifth Commish

Acting **FCC** chair *Jessica Rosenworcel* was one of those cheering when President *Joe Biden* signed an executive order Friday encouraging the agency to revert back to its 2015 rules placing ISPs under Title II classification, but don't expect her to introduce a rulemaking any time soon. She doesn't often comment on the still-empty commissioner's seat or the still-temporary nature of her position, but Rosenworcel did acknowledge the elephant in the Zoom room during a press briefing Tuesday—that the lack of another Democratic commissioner would be what holds her back from making any meaningful progress towards reversing her predecessor *Ajit Pai*'s Restoring Internet Freedom order.

"I've long been a supporter of net neutrality and I objected when during the last administration there was an effort to rollback the FCC open internet rules. I am grateful that the President supports net neutrality, and I think it's an important competition and consumer protection issue," she said. "We recognize that it's something that we can discuss with the current crop of commissioners, but with a full dais, we may be able to have other options."

There continues to be scuttle that *Gigi Sohn*, **Public Knowledge** co-founder and adviser to then-FCC chair *Tom Wheeler*, may get the president's nomination. It would make sense considering that Sohn helped draft the 2015 order. But for now, who is headed to the FCC continues to just be a guessing game.

Where the Commission can start to take action now is on the other issues raised in the executive order, including landlord exclusivity arrangements with broadband providers and establishing a requirement that would have providers report their pricing to the FCC. Rosenworcel didn't detail specific conversations she or others in the agency had with the White House in the lead up to the signing of the executive order.

"We have informal conversations with lots of folks in Washington on Capitol Hill and in the administration when they ask questions about existing FCC rules and policies, we are always quick to answer them and explain why things are the way they are. No difference here," she said.

She has directed her staff to begin diving into the record on both of the issues at hand. On the issue of MDU exclusivity agreements, she cited a notice of inquiry on the subject issued in 2017, an NPRM released in 2019 and the Commission's pre-emption of a part of a San Francisco ordinance that required the sharing of in-use wiring in multi-tenant environments. She's hoping to get a fresh look on that issue and the transparency issues raised by the executive order.

"Consumers clearly benefit from more transparency in their internet sales. That's always been true, but it's especially clear coming out of this pandemic when so much of modern life has moved online," she said. "Again, this is an issue that the FCC has addressed in the past, and I think it will need to address it again in the future."

Like many of us, the FCC is still working to determine when

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it will be safe to return back to the office. Rosenworcel is now working regularly from the Commission's new headquarters, and federal agencies must have plans for a return to office submitted by July 19. She said discussions were ongoing on how and when to return back to in-person FCC meetings that would allow the public or any attendees to listen in on the press conferences that tend to follow.

"We are trying to identify a safe number of people to have present and how we can do this not just with the commissioners present, but also with appropriate staff and anyone who might be interested from the outside," she said. "The safety and security of our staff are front of mind, so we are working through all of those issues right now."

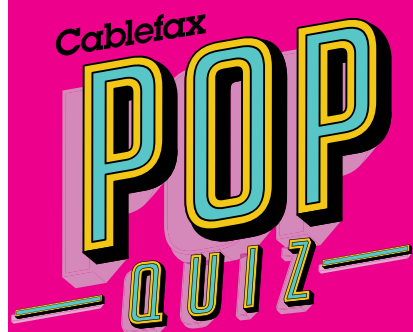
HBO AND HBO MAX LEAD EMMY NOMS

HBO and streamer **HBO Max** led the nominations for the 73rd Annual Primetime Emmy Awards, with a combined 130 nominations. **Netflix** followed closely with 129 nominations, many of which went to period series "The Crown." The Crown and **Disney+**'s "The Mandalorian" tied for the top spot for program nominations with 24 followed by "WandaVision" (23), **Hulu**'s "The Handmaid's Tale" (21), **NBC**'s "Saturday Night Live" (21), **Apple TV+**'s "Ted Lasso" (20), HBO's "Lovecraft Country" (18), Netflix's "The Queen's Gambit" (18) and HBO's "Mare of Easttown" (16). Netflix took a whole category of nominations for Outstanding Period Costumes. Disney+ received 71 nominations, followed by **NBC**'s 46 and **Apple TV+**'s 34. If you look at the parent company with the largest number of nods, **Disney** takes the crown with 146 (the House of Mouse puts the total at 166 because it additionally recognizes all the programming

produced for third party platforms by its entities). Among just the cable nets, after HBO's 94 noms, **FX Networks** leads in nominations with 16, with "Pose" in the running for Outstanding Drama. FX is followed by **VH1** (11), **Nat Geo** (10), **Bravo** (8) and **Showtime** (6). Other cablers receiving nods include **Adult Swim**, **CNN**, **Comedy Central**, **Discovery**, **Freeform**, **HGTV**, **History**, **Lifetime**, **Paramount Network** and **TBS**.

COMCAST DETAILS X1, FLEX OLYMPIC PLANS

Comcast NBCUniversal is pushing personalization with the X1 and Xfinity Flex destinations designed for the upcoming Tokyo Olympics. It's certainly not the first time the company has established these landing pads for Olympic content, but now X1 customers will be able to customize the experience by choosing their favorite sports and if they would like to receive tune-in alerts when events tied to them are about to begin. They'll also be able to search by Olympic athlete to find highlights of their competitions and any related content. All of these preferences will also be used to curate a personalized playlist for each X1 customer. "The ability to have some of that implicit personalization where a customer can set the sports that they like or the types of themes that the editors are creating, and then have that experience show up for you in our Olympics home area is a really great benefit," **Comcast Cable** vp, video and entertainment **Brynn Lev** said during a press briefing Tuesday. "It's something we're very excited about, not only doing it for the Olympics, but also bringing it to other parts of the platform post-Olympics." At the center of the Xfinity Flex Olympic experience will be Peacock's live and on-demand content, including six themed channels, four live studio shows and hundreds of short-form highlights. That's



One winner will be selected each week for a Starbucks gift card

Last week's answer: Barbara Walters interviewed Larry King on the 20th anniversary of CNN's "Larry King Live!"

Which channel used the tagline "The Remote Stops Here" in the 1990s?

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in addition to the live coverage of the gymnastics, track & field and men's basketball coverage that will air exclusively on the streamer. The editorial team behind the destination will also be adding Olympic content from third-party apps to the Flex experience as they become available. "This gives the Xfinity internet customers the ability to experience the Olympics in a way that they wouldn't have been able to if Flex didn't exist," Comcast Cable executive director, video and entertainment *Vito Forlenza* said. "Customers don't have to jump and pogo stick in and out of apps. Our editors are doing the work to bring all that front and center. It really is a new way to watch the Olympics."

AT&T LIFTING WIRELESS DATA CAP (SORT OF)

AT&T is deleting the data cap from its Unlimited Elite mobile plan, which also happens to be its most expensive plan. Before now, customers were able to use 100GB of data in one billing cycle before hitting the company's cap and seeing their speeds slowed. The provider is also increasing the mobile hotspot data allowance on the plan to 40GB from 30GB and upping the video resolution on **HBO Max** to 4K UHD for plan subscribers. AT&T's other unlimited plans will still have data caps. The company's Unlimited Elite plan starts at \$50/month per line.

FCC PUSHES FORWARD ON RIP AND REPLACE

The **FCC** unanimously approved an order that would increase the eligibility cap for the Secure and Trusted Communications Networks Reimbursement Program from providers serving two million or fewer customers to those with 10 million or fewer. Some \$1.895 billion has been appropriated for the program, which will reimburse communications providers for costs reasonably incurred in removing and replacing equipment that poses a national security risk. That includes all equipment and service produced or provided by **Huawei** or **ZTE**. Covered equipment and services under the program must have been obtained by June 30 to be eligible for reimbursement funds. Acting chair *Jessica Rosenworcel* said October 29 is the Commission's target date for opening the window for the reimbursement program. "That means carriers can start planning for their applications and their new networks," she said.

ON THE HILL

The House Oversight and Investigations subcommittee is holding a hearing on the recent rise in ransomware attacks on July 20 at 10:30am ET. It comes just over a month after **Cox Media Group** was reportedly hit by a ransomware attack that shut down multiple systems across a number its broadcast stations.

TIVO, HORIZON MEDIA TALK VIEWERSHIP DATA

Tivo announced a licensing agreement with U.S. media agency **Horizon Media** for access to Tivo's TV viewership data. Horizon will use the data to support and inform client investments for cross-platform media planning, buying, digital retargeting and measurement. The deal also gives Tivo's viewership data to Horizon affiliates, including **Canvas Worldwide** and **305 Worldwide**.

ON THE CIRCUIT

T. Howard Foundation's Diversity Awards Dinner returns as an in-person event in New York City Sept 28 at 6pm. **Fox**

Entertainment CEO *Charlie Collier* will be among the 2021 honorees, receiving the Executive Leadership Award. Others to be celebrated include Walt Disney World Resort svp, operations *Rosalyn Durant*, who will be given the Alumna of Distinction Award, and *Soledad O'Brien*, who will be honored with the Diversity Advocate Award.

WEEKLY RATINGS

Fox News now boasts 21 weeks at the top of cable ratings in total day, with 1.175 million total viewers last week. **MSNBC** followed with 752,000, while **ESPN** (670,000) and **HGTV** (663,000) stayed close together. **CNN** rounded out the total day ratings with 598,000 total viewers. **Fox News** also topped primetime ratings with 2.046 million total viewers as **MSNBC** followed in this category, with 1.266 million. **HGTV** trailed closely with 1.263mln, followed by **Hallmark** (870,000) and **History** (855,000).

PROGRAMMING

Global competitive tag organization **World Chase Tag** and **ESPN** announced a multi-year agreement to deliver WCT programming across ESPN television and digital platforms. ESPN and **ESPN2** will be the primary network television homes of the organization and will be distributed through ESPN digital properties. The agreement begins with a two-hour special Aug 6 at 7pm ET on ESPN2. – **MSG Networks** and **FanDuel** company **TVG** announced a multi-year agreement to bring live daily horse racing to fans in the New York area. Under the agreement, TVG's horse racing coverage program "Trackside Live" will air on **MSG+** every Wednesday through Sunday from 12pm to 7pm starting July 14. Additionally, TVG's live racing programming will be available on the network's live streaming and video on demand platform **MSG GO**. FanDuel sports betting show "More Ways to Win" will also begin airing on MSG Networks weekends during the NFL season.

PEOPLE

Disney chief communications officer and evp, corporate communications *Zenia Mucha* will step down sometime next year, according to the *New York Times*. Mucha held a 19-year tenure with Disney and is the latest in a line of executives to exit the company following executive chairman *Bob Iger's* retirement announcement. – *Broderick Johnson* is joining **Comcast** as evp, public policy and evp, digital equity. Johnson formerly served as Assistant to the President and Cabinet Secretary during the *Obama* Administration and now serves as senior advisor at Path Forward Coalition, adjunct professor at the University of Michigan Law School and partner at law firm **Bryan Cave**. – **QVC** and **HSN** parent company **Qurate** has appointed former **NielsenIQ** CEO *David Rawlinson II* CEO and president, effective Oct 1. He will succeed *Mike George* after a two-month transition period in which he will serve as CEO and president-elect. – **Charter** announced *Cameron Blanchard* has been promoted to evp, communications. She joined the operator in 2019 as svp, communications. – *Zane Chrane* has joined **MoffettNathanson** as senior research analyst, software and crypto technology sectors. He comes from **Sanford C Bernstein & Co**, where he served as director, senior equity analyst covering U.S. SMID-Cap Software.