

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Back and Forth: Cable Not Convinced on Pole Attachment Petition

Cable players are fighting back against an electric company association's petition asking the **FCC** to further clarify rules tied to refunds in pole attachment complaint proceedings.

The **Edison Electric Institute** asked the FCC in April to clarify that in all pole attachment complaint proceedings, the applicable statute of limitations would be the same as the two-year period set forth by Section 415(b) of the Communications Act, and that refunds in those proceedings are "not appropriate" for any period preceding good faith notice of a dispute.

Many of those opposing the petition wondered why it was even being put forth at all. **ACA Connects** and **NCTA** asserted in their comments that the petition didn't identify any controversy or uncertainty that would require the Commission to step in and resolve the matter. Rather, they argued, it tries to reverse well-established Commission policies.

NCTA said that Edison Electric Institute's complaints seem to be primarily tied to the case-by-case regime adopted by the FCC for the resolution of rate complaints by incumbent local exchange carriers [LEC]. Even then, the association found it difficult to find a leg for the petition to stand on.

"In the 2011 Order, the Commission explained fully why it was establishing a new framework to govern potential complaints regarding the rates charged under joint use agreements between an incumbent LEC and an electric utility," NCTA said. "It also explained fully why it chose not 'to adopt comprehensive

rules governing incumbent LECs' pole attachments, finding it more appropriate to proceed on a case-by-case basis,' as well as the factors it would consider relevant in resolving disputes under this approach."

While the Edison Electric Institute argued in its petition that its proposals would only positively impact the overall speed of broadband deployment in the U.S., opponents argued that the reality of the situation is that those changes would do exactly the opposite. "The primary effect of changing the applicable statute of limitations as EEI has requested would be to reduce the negative consequences for any pole owner that imposes unreasonably high attachment rates," NCTA said. "Such a result would have no positive effects on broadband deployment, only negative ones."

USTelecom agreed, arguing the petition's proposals would reward violations of regulations that require pole owners to negotiate for reasonable rates and increase the number of disputes requiring the Commission's intervention.

"If a pole owner chooses to charge a higher rate in violation of federal law, the risk should be on the pole owner—not the broadband provider attached or seeking to attach to the utility's pole," USTelecom told the FCC.

INDEPENDENT SHOW ADDS VACCINE REQUIREMENT

Event organizers continue to revise policies around in-person gatherings this fall. **The Independent Show** updated its protocols this week to indicate vaccination or a negative COVID test will be required for attendees, though organizers said

**HELP CABLEFAX
RECOGNIZE THE MOST
POWERFUL WOMEN
IN THE INDUSTRY**



**Cablefax
MOST POWERFUL WOMEN**

2021 CATEGORIES

In addition to spotlighting the industry's biggest leaders, Cablefax is promoting the power of one-to-one relationships. This year, we are looking for executives to sponsor a female candidate to be included in The Rising Tide and will be featured along with their sponsor in a special section of the Most Powerful Women edition of Cablefax: The Magazine.

DEADLINE: FRIDAY, SEPT. 10

www.CablefaxWomen.com



they haven't finalized policies for the show, set to take place Oct 4-6 in Minneapolis. **CES** was among the first industry events to announce a vaccine mandate, with the **NAB Show** following suit. Attendees of **NCTC** and **ACA Connects** annual Independent Show must show they are fully vaccinated by Sept 27. For those who cannot provide proof of vaccination, they must present a paper or digital copy of negative COVID-19 test within 72 hours of the first day of the event, Oct 4. The show is offering a live stream option for those unable to attend in person. Additionally, show management is requiring that face masks be worn indoors regardless of vaccination status. **NTCA – The Rural Broadband Association** is scheduled to hold its fall conference at the Gaylord Opryland in Nashville September 19-22. Like others, it continues to update procedures. Its most recent stance stops short of a vaccine mandate, instead declaring that anyone unvaccinated and having underlying COVID-19 related risk factors is “discouraged from attending NTCA meetings.” NTCA, which isn't allowing its own staff to travel if not vaccinated, is requiring masks, specifying that speakers must wear a mask for their sessions unless they are actively speaking or a minimum of six feet of spacing between the speaker and others is maintained.

SINCLAIR-DISH UPDATE

It has been nearly 10 days since **DISH** and **Sinclair** agreed to a “short” retransmission consent extension that kept the satellite TV provider from losing 108 broadcast stations. Neither side has given any update on when the truce expires or the status of talks, though *Sports Business Journal's John Ourand* reported Monday that it's up at the end of tonight. It's always

hard to read the retrans tea leaves, but there are some promising signs. **DISH** appears to have pulled its video describing the dispute, and there's no mention of Sinclair on the **DISH Promise** website. Similarly, Sinclair stations have dropped warnings to **DISH** customers on their websites. Of course, there's more on the line here than carriage of Sinclair's broadcast stations. **DISH** customers have been without the **Bally Sports** RSNs since July 2019, shortly before Sinclair purchased them and Sinclair has suggested the sports nets will be part of carriage talks. Every day of no fireworks keeps hope alive that they could be returning.

NEXSTAR BETTING ON SPORTSGRID

Nexstar and streaming network **SportsGrid** have teamed up to launch a digital network devoted to sports wagering and fantasy sports. Starting Sept 1, SportsGrid Network will be distributed across nine digital subchannels licensed to Nexstar in nine U.S. markets: San Francisco, CA; Washington, DC; Tampa, FL; Portland, OR; Nashville, TN; Norfolk, VA; Grand Rapids, MI; Knoxville, TN; and Des Moines, IA. At its launch, the network will feature 18 hours of live original programming hosted by a team of on-air personalities, sports and gambling experts as well as guest contributors. The goal of the content will be to provide real-time news, data and analytics for the major sports leagues and college sports for viewers.

FCC UPDATES ON ECF ACTIVITY

The **FCC** has received \$5.137 billion in requests to fund 9.1 million connected devices and 5.4 million broadband connections as part of the \$7.17 billion **Emergency Connectivity Fund Program**. The first filing window drew applications from schools and libraries for funding for eligible equipment and

The
DIVERSITY
List

AD SPACE
DEADLINE
September 2

CONGRATULATE
the honorees who are boldly
forging new paths to success!

Bonus Distribution Includes:
Diversity Week Virtual Event, Oct. 4-7, 2021
NAMIC membership
Mailing Print issues to Execs at their Homes

www.CablefaxDiversity.com

Contact: Ellen Kamhi at ekamhi@accessintel.com or 917-626-5574



Cablefax Daily (ISSN 1069-6644) is published daily by Access Intelligence, LLC | www.cablefax.com | 301.354.2101 | Editorial Director: Amy Maclean, 301.354.1760, amaclean@accessintel.com | Publisher, Cablefax and Synopsis: Robbie Caploe, 917.974.0640, rcaploe@accessintel.com | Managing Editor: Sara Winegardner, 301.354.1701, swinegardner@accessintel.com | Assoc Editor: Theresa Maher, 301.354.1704, tmaher@accessintel.com | Director of Business Development, Cablefax: Ellen Kamhi, 917.626.5574, ekamhi@accessintel.com | Dir of Marketing: Kate Schaeffer, kschaeffer@accessintel.com | Production Manager: Joann Fato, jfato@accessintel.com | Kerry Smith, Divisional President, Marketing & Media Group, ksmith@accessintel.com | Group Subs/Subscription Questions, Client Services: 301.354.2101, clientservices@accessintel.com | Annual subscription price: \$1,799.00/year | Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

services received or delivered between July 1, 2021 and June 30, 2022. In light of outstanding demand and the spike in COVID-19 cases tied to the Delta variant, the FCC will open a second filing window from September 28-October 13 for school and libraries to request funding for connected devices and broadband connections for off-campus use by students, staff and library patrons for the 2021-22 school year.

COMCAST EMBRACES MORE SD-WAN

Comcast Business signed a deal to acquire Texas-based **Masergy**, a leader in software-defined networking and cloud platforms. The tech company currently enables secure application performance across the network and the cloud with managed SD-WAN, Unified Communications as a Service and managed security solutions. The acquisition will bolster Comcast Business's ability to serve large and mid-size companies, particularly those with global operations.

NTIA BREAKS DOWN BROADBAND

The **NTIA** established two broadband-focused offices Wednesday. The Office of Internet Connectivity and Growth will house all broadband activities at the agency, including three grant programs: the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program and the Connecting Minority Communities Pilot Program. It will be led by *Douglas Kinkoph*, who has headed the NTIA's broadband program since 2015. The Office of Minority Broadband Initiatives will continue the agency's efforts to collaborate with governments, institutions and other stakeholders on initiatives related to expanding digital opportunities and connectivity for anchor communities.

EVOCA TAPS COMMSCOPE FOR SET-TOPS

Evoca selected **CommScope** to provide the next generation of set-top solutions for the company. CommScope's new VIP7802-ATSC will be called Pilot by Evoca, and give the service provider the ability to better serve its U.S. customers with its broadcast network. Beginning 1Q22, Pilot will be deployed to all new subscribers on Evoca's converged broadcast-broadband platform. Evoca will also offer the Pilot to partner broadcasters and others in ATSC 3.0 markets across the country.

FOX INVESTS IN BLOCKCHAIN STARTUP

Fox Corp announced a minority stake investment in startup **Eluvio** Wednesday. The company's platform is designed to distribute and monetize premium content by using blockchain to verify ownership and provide access control. Eluvio will provide the underlying technology platform for recently-launched **Fox Entertainment** and **Bento Box Entertainment Blockchain Creative Labs**. The venture is a nonfungible token (NFT) business and creative unit from the entertainment company and its animation studio. Fox is the only outside investor in the startup and a representative for Eluvio said it is not actively seeking additional capital at the moment.

ANOTHER CHARTER SB LOAN

Charter's Spectrum Community Investment Loan Fund has committed to invest \$3 million in the Hope Enterprise Corporation (HOPE) to provide low-interest loans to local businesses in Kentucky, Tennessee and Alabama. The Spectrum Community

Investment Loan Fund has committed more than \$18 million to support small businesses whose goods and services help meet core needs in financially underserved communities in nearly 85% of its 41-state footprint.

WURL BRINGS RCN MÁS, MEGANOTICIAS TO ROKU

CTV streaming provider **Wurl** struck a deal with **RCN Más** and **MegaNoticias** to enable distribution and monetization on CTV platform **Roku**. Per the agreement, both services are now available on Roku. RCN Más is a service from **Latin America TV** with content from Colombian broadcaster **RCN** and **MegaNoticias** is a Mexican news channel from **PCTV**, part of **Grupo Megacable**.

'DAILY SHOW' MERCH GIVES BACK

Comedy Central's "The Daily Show with Trevor Noah" is launching a merchandise line based on the show's "If You Don't Know, Now You Know" segment. All proceeds from the line's backpacks, notebooks, tote bags and T-shirts will be donated to youth writing network 826 National. The organization serves 190,000 students through a national network of youth writing and publishing centers and 826 Digital.

RATINGS

The Yankees-Braves telecast Tuesday night on **YES** was the net's most-viewed primetime game of the year, averaging 423,000 total viewers in the New York DMA. Some 71,000 unique streamers watched the game on the **YES App**, making it the second most-viewed game ever on the YES App or its predecessor, **Fox Sports Go**. Viewership for the telecast peaked during 10:45-11pm when 544,000 total viewers tuned in.

CARRIAGE

Entertainment company **Redbox** signed a content agreement with **Game Show Network** that will see the network's content made available via a channel on Redbox's live TV streaming service. Game Show Central will include programs like "Idiotest," "Catch 21," "Baggage" and "America Says." In February, Game Show Network announced the creation of four streaming FAST channels curated from the library of parent company Sony Pictures Entertainment. Redbox is adding three of those channels, Cinevault 80s, Cinevault 70s and Cinevault Westerns, which offer films such as "Murphy's Romance," "The Deep" and "Mackenna's Gold." – Spanish-language AVOD **Canela.TV** launched its app on **Xfinity X1** and **Xfinity Flex**, giving **Comcast's** Xfinity customers access to its Spanish-language content like comedies, docuseries, novelas, cartoons, dramas and action films.

PEOPLE

AMC Networks upped *Michael Sherin III* to evp/chief accounting officer. Sherin joined AMC Networks in 2011. – *Sabrina Caluori* is joining **Nickelodeon** as svp, brand and content strategy. She joins from CMO and digital advisory consultancy **Theia Communications**, where she served as founder and president. – *Paul Azar* is joining whole-home Wi-Fi and integrated video product provider **Evolution Digital** as director of sales. Azar, an industry vet with more than 30 years of experience, most recently served as sales director for **Technicolor**.

Think about that for a minute...

A Big Small Problem

Commentary by Steve Effros

One of the reasons I took on the challenge of representing the “small” cable operators many years ago as the head of CATA, the Cable Telecommunications Association (originally the Community Antenna Television Association) was a recognition that the smaller operators had unique problems that were not being addressed.

I was an Attorney-Advisor at the FCC’s newly formed Cable Bureau. We were writing the first set of federal regulations for “CATV.” All the big companies were lobbying for various things, and the one “cable association,” the NCTA, was their voice before the Commission.

We wrote lots of rules. Rules that required things like 12 copies of the franchise, or certified mail for filings. No one ever mentioned the burden that placed on the really small operators in rural areas. There, the same person who climbed the pole and kept the headend going was also likely to be the one collecting the subscription fees and filing all that paperwork.

That, of course, wasn’t the case for the big companies with legal staff and Washington representatives. That’s not a dig at the NCTA or the big companies, they didn’t think about it either. They had no frame of reference. But now we do. Now there are a lot of rules and regulations specifically carved out for the “small” systems, but that effort seems to have faltered. Not only on the part of the government, but on the part of our own industry.

It’s easy to cite chapter and verse about the difficulties of working with government bureaucracies. They aren’t very good at efficiency, even for the big folks, but when you get down to the hyper-local level it becomes strangulating. The new EBB program for folks who need assistance with their broadband bills is a great example. Those folks fill out a complicated form to show eligibility. Then, until recently, the “cable guy” had to fill out a totally separate form with virtually the same information that was already filed! Time is money.

That we still don’t have an accurate map of where broadband is offered, at what speed and at what price is another head-scratcher.

For the small operator this is a no-brainer, and that the Commission hasn’t even integrated the data they already have makes it even worse. The interlopers who know how to “play” the system will be getting lots of money to build systems in places already served long before the correct data finally arrives. That will kill a lot of small operators.

The industry itself is guilty of the same shortcoming. New industry “standards” are being established for various upgrades of satellite delivery of signals, for instance, that clearly were designed for the big, integrated headend systems of big operators. The equipment now required for the changeover may work for the mega-headends the major companies designed them for, but they make no sense for small system operators who have to install equipment in a dozen different small headends they tend themselves. Just the added electrical and cooling cost at the headend is daunting.

Having been on the other side of this problem when I was at the Commission, I know that we didn’t intentionally make things hard. We didn’t intentionally make it complicated or inefficient. But what we also didn’t do is spend a little extra time going out in the field and talking to the folks who really do the day to day work. They have a lot more experience and practical knowledge than either the lawyers in Washington or the engineers from wherever who are designing the new major MSO “super systems.” Many of those folks have never been “in the field.” They haven’t

benefited from hearing from operators who have years of hands-on experience. They need to do that before we can solve this big “small” problem.



Steve

T:202-630-2099
steve@effros.com

(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.)



WE'RE ON!
IN-PERSON & VIRTUAL

POWERHOUSE General Session KEYNOTES:



Eric S. Yuan
Founder & CEO,
Zoom Video
Communications, Inc.



Wendell Weeks
Chairman & CEO,
Corning, Inc.

ATTENDEE REGISTRATION IS NOW OPEN! REGISTER TODAY >>

[**expo.scte.org**](https://expo.scte.org)