

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Unbreakable: Rosenworcel Stands By Net Neutrality in Nomination Hearing

Acting **FCC** chair *Jessica Rosenworcel* isn't wavering on her support of updated net neutrality rules, proudly standing by her record of support for the regulation of broadband under Title II during a **Senate Commerce** nomination hearing Wednesday.

Republican members of the committee expectedly probed the acting chair on her current take on net neutrality and any intentions she has of reinstating the 2015 Open Internet Order, if confirmed as the agency's chair. Sen *John Thune* (R-SD) asked for her to commit to coming to Congress for more direction before attempting to institute any iteration of the net neutrality rules. Rosenworcel said she believes the FCC has the authority to enact net neutrality regulation, but did express her support for Congress to take a fresh look at a number of telecom laws that continue to have a "vintage quality" to them.

Various Republican members of the committee praised the broadband industry's growth under the light-touch regulation instituted by former FCC chair *Ajit Pai*, including the Restoring Internet Freedom Order that effectively rolled back net neutrality regulations and reclassified broadband as an information service. They also questioned what, if any, problems have arisen for businesses or consumers since the implementation of the order, citing the huge investments in broadband infrastructure that have occurred in recent years.

"I think the investment record is something we always have to pay attention to because as we develop rules at the FCC,

we've got to be mindful of what the impact is on infrastructure in this country," Rosenworcel said. "That being said, I think the impact of the rollback in 2017 is broader than just net neutrality because it took the FCC away from oversight of broadband and coming out of this pandemic, all of us know that we need oversight because it's become such an essential service for day-to-day life."

Both Thune and Sen *Ed Markey* (D-MA) brought up the need for legislation that will end the constant back-and-forth in net neutrality policy that occurs every time a new party takes control of the Commission. Markey announced intentions to introduce legislation that would permanently regulate broadband as a Title II service. He's previously introduced legislation like 2019's Save the Internet Act, which would have reversed the effects of the Restoring Internet Freedom Order.

Nearly as hot a topic was broadband mapping, and it is no secret that the Commission's current data has been heavily criticized by the industry, consumers and lawmakers alike. Rosenworcel herself said the maps "stink" when asked to characterize them in one word, using a quote from Sen *Jon Tester* (D-MT). The agency unveiled a revamped wireless coverage map in August, but it will still be some time before the Commission can deliver on its promise to publish a new wired broadband availability map. Rosenworcel said the wireless coverage map was a prototype to test the systems she acquired from Pai when she took over as chair, and the FCC didn't have the computer processing power to build maps with



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the granular data required by the Broadband DATA Act.

Since then, she has acquired a broadband serviceable location fabric, which is capable of telling the FCC where every location that can be served in the country is. “It’s the ground floor for all of this work,” Rosenworcel said. “And I have told the Commerce Department that we’re going to send them every bit of data that we have as soon as we have it because we know all those infrastructure dollars will be better spent when we do, and I am still hopeful.”

On the topic of spectrum policy, Sen Marsha Blackburn (R-TN) raised concerns about federal actors standing in the way of the deployment of additional spectrum for technological advancements like 5G, citing the **FAA’s** concerns regarding C-band spectrum use by wireless providers. Rosenworcel pushed for a whole government approach to spectrum management, encouraging the **NTIA** to reassert itself as the entity acting on behalf of other federal authorities with allocations. Among her other priorities are updating the memorandum of understanding between the NTIA and FCC with agreements on methodologies and testing standards for harmful interference and examining the implementation of an incentive structure for existing spectrum allocations to federal agencies.

Notably, Rosenworcel also committed to investigating competition in the video marketplace if confirmed, particularly the negotiating tactics some distributors are using when talking with independent programmers about carriage. She’s long been concerned with the difficulties those programmers can face in scoring fair deals, particularly when they’re just starting to gain reach.

### FRONTIER DROPS ANOTHER RSN

**Frontier** lost **NBC Sports Boston** as of Nov. 5. The provider said the channel loss came despite “attempts to negotiate an equitable agreement.” Like **DISH**, Frontier has taken an aggressive approach on RSN renewals. Over the past 24 months, it’s bid goodbye to **MSG Networks**, **YES Network**, **SNY** and various **Bally Sports** nets, while also dropping league channels such as **MLB Network** and **NHL Network**.

### BIG WEEK FOR PARAMOUNT+

**ViacomCBS** said **Paramount+** just had its most successful week ever, adding more than a million new subs and setting a record for total signups since the rebrand. Help fueling the growth is new original drama “Mayor of Kingstown” from “Yellowstone” co-creator **Taylor Sheridan** as well as live **NFL CBS** local market games. The week also included “Clifford The Big Red Dog,” which debuted on the streamer Nov. 10, the same day it hit theaters. It set a record as Paramount+’s most-watched original film.

### KANTER CONFIRMED AS ANTITRUST HEAD

**Senate Judiciary** voted 68-29 Tuesday evening to confirm **Jonathan Kanter** to run **DOJ’s** Antitrust Division. He joins **FTC** Chair **Lina Khan** as a frequent Big Tech critic. In congratulating Kanter, Khan noted that the FTC and Antitrust Division are “critical partners” in enforcing antitrust laws. “I look forward to our close collaboration as we work together to target unlawful mergers and monopolistic conduct and to promote open markets and economic opportunity,” she said. Big Tech continues to be under Democrats’ microscope. **House Commerce** has two hearings scheduled for next month on legislation to hold

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social media companies accountable. The first, set for Dec. 1, is focused on reforming Sect. 230. Then on Dec. 9, the committee will look at an array of proposals to enhance transparency, promote online safety, and hold Big Tech accountable.

#### FCC OKS MEREDITH-GRAY LICENSE TRANSFERS

The **FCC** Media Bureau denied two informal objections of a license transfer of several **Meredith** stations to **Gray TV** as part of its \$2.285 billion deal to acquire Meredith's broadcast business. One of those objections came from **Mr. Antenna**, which complained it was told that KVVU would no longer accept advertising from vendors whose products presented a 'cord-cutting' alternative to cable service. Meredith said it was a misunderstanding, with the outdoor TV antenna company welcome to advertise on the station. "The arguments raised by Mr. Antenna rest on his allegation that Meredith has a corporate policy against advertisements that promote cord-cutting and that such a policy would continue under Gray's ownership. Upon review of the record, we cannot conclude, as Mr. Antenna suggests, that such a policy exists, or ever existed, at Gray or Meredith," the FCC Media Bureau order declared. The Bureau also rejected an informal complaint by Rick Mattoon that expressed concern about consolidation of the news industry and a decline in media integrity. The Bureau said Mattoon failed to provide any specific factual allegations to show the transaction wouldn't be in the public interest. "Merely making anecdotal and vague observations about the media industry while rhetorically questioning whether the transaction would favor the 'self-serving interests' of an applicant is not enough to satisfy even the first step of the Commission's two-part test under the public interest standard," the Bureau said.

#### ROKU SHARES SLIDE ON DOWNGRADE

**Roku** shares closed down 11% Wednesday after **MoffettNathanson** analysts dropped the stock to "sell" from "neutral," and lowered the price target to \$220/share from \$330. "Simply put, we think our and the Street's long-term revenue and earnings estimates are just too damn high," the firm said, adding that a material part of Roku's growth has come from third-party SVOD-related contributions that are obviously set to slow. "Using a series of comparable data points and third-party research, it appears that Roku will need to monetize an absurdly high portion of long-tail AVOD impressions to come even close to Street numbers, which we think will be a challenge given rising competitive pressures in TV OEMs and operating systems," the analysts said in a research note.

#### ALOHA TO THE SPECTRUM NEWS APP

It's Hawaii's turn to get the **Spectrum News App**, giving **Charter's** video and internet customers access to local news via iOS and Android devices. A team of six digital journalists and producers report on stories across the state, with **Nuy Cho** recently named executive producer. As part of the content created specifically for Hawaii residents, Spectrum News also will launch political podcast, "The People's People: Hawaii."

#### RATINGS

**ESPN's** MNF posted year-over-year audience gains for the eighth consecutive week, with the Rams-49ers game drawing 12.3 million viewers across **ESPN**, **ESPN2** and **ESPN Deportes**. That's a 3% gain over Week 10 2020. The viewership also represents the second largest week 10 MNF audience since 2012. – **Hallmark Channel's** "Countdown to Christmas" isn't slowing down either. Its fourth straight weekend of new holiday programming brought in plenty of eyeballs, with the network ranking as the most-watched entertainment cable network in 4Q-to-date among households, W18+ and total viewers. Saturday's premiere of "My Christmas Family Tree" averaged 3.3 million viewers and 497,000 W25-54.

#### COMCAST, GOODWILL JOIN HANDS

**Comcast** is broadening its low-income broadband program Internet Essentials through a partnership with Goodwill Industries International. In addition to installing free WiFi access in Goodwill locations, Comcast will invest in providing digital skills and workforce development training for thousands of adults with low incomes at Goodwill nonprofit organizations across the U.S. Eight Goodwill organizations, including in Houston, TX, and Miami, have been onboarded and two more markets will be named in the coming months.

#### PROGRAMMING

**Nickelodeon** greenlit "Max & the Midnighters," based on the children's book from *Lincoln Peirce*, and comedy "Rock, Paper, Scissors" inspired by the iconic game. – **OWN's** newest drama, "The Kings of Napa," will make its debut Jan. 11. It tells the story of an aspirational African American family whose wine business has brought them acclaim and success. When the patriarch suddenly exits, it sets up his three children to grapple for the keys to the kingdom.

#### DOING GOOD

In honor of National Veterans and Military Families Month, **Comcast** donated \$60,000 and 150 laptops to Operation Military Family, Paralyzed Veterans of America and the Washington State Department of Veterans Affairs. All three organizations are focused on supporting veterans as they transition into civilian life.

#### PEOPLE

**Ryan Noon** was named President, Entertainment for **Walt Disney Television**, leading production and business affairs teams for the portfolio of content brands, including **Hulu Originals**, **Onyx Collective**, **ABC Entertainment** and **Freeform**, along with production companies **ABC Signature** and **20th Television**. Noon most recently served as VP, Original Series at **Netflix**. Before that, he spent nine years at ABC Studios. – **TriStar Television** EVP **Kathryn Busby** is joining **Starz** as President of Original Programming, reporting to President/CEO **Jeffrey Hirsch**. She's a good fit for Starz's DEI initiative #TakeTheLead, having served on the Sony Pictures Action Council that implemented the studio's racial equity and inclusion initiatives. Busby also has held leadership positions at **Turner Broadcasting**, **New Line Cinema**, **The Carsey-Werner Company** and **Universal Television**.