

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Section 230: Hill to Hone in on Big Tech's Immunity Idol

While **Senate Commerce** will hold a nomination hearing tomorrow for *Gigi Sohn* as an **FCC** commissioner, a **House Commerce** subcommittee will tackle Big Tech and reforms to its legal immunity. There have been numerous proposals introduced to reform Section 230, the section of the Communications Decency Act that protects websites and online platforms from being held liable for third-party content.

The star witness is **Facebook** whistleblower *Frances Haugen*, who disclosed thousands of internal documents to the *WSJ* and accused her former employer of harming children, stoking division and threatening democracy. This is her second time testifying before Congress, having appeared at a Senate Commerce hearing on Big Tech in October.

But there are also plenty of Beltway regulars who will be making an appearance. With much being made about social media's impact on children, it's noteworthy that **Common Sense Media** CEO and Founder James Steyer is among the 10 witnesses slated to testify. His organization aims to help kids and families use media and technology as a positive force and features a research arm, digital citizenship curriculum and reviews of various media, including TV, books and video games.

"Time and time again, many of the companies that run social media platforms have shown us that they knowingly, and intentionally, undermine the well-being of children and our social fabric to maximize their profits. No amount of research

will convince the CEOs of these platforms to do the right thing and keep online users safe. They cannot be trusted to regulate themselves," Steyer said in his prepared written testimony.

Fellow witness *Carrie Goldberg* founded the law firm C.A. Goldberg after surviving a trauma related to an individual she met on a dating app. She started her firm to "represent victims of online harassment, sexual assault, and personal injuries against Big Tech," and in her testimony she talks about three cases, including a teenager who had nude images distributed via **Instagram** direct messaging and a lawsuit filed against **Omegle** 10 days ago alleging the site played a role in a Canadian man forcing an 11-year-old girl into creating child porn. "We have a real mess here, but a fixable one. Congress created Section 230 and has the power to fix it," she said in her testimony. "Any proposals for reform I consider through the lens of the most wrenching harms I see in my office. Any legislation must distinguish between hosting defamatory content versus enabling criminal conduct. The first deserves 230, the second does not."

Common Sense supports all four bills aimed at reforming Section 230 that are under consideration at the hearing. Those bills include Chairman *Frank Pallone's* (D-NJ) Justice Against Malicious Algorithms Act, which would remove absolute 230 immunity in certain instances, such as when an online platform "knowingly or recklessly" uses an algorithm or other tech to recommend content that materially contributes to physical or severe emotional injury. Other bills under consideration include legislation that would prevent platforms from using Section 230 as a defense



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in civil rights violations and terrorism cases if the platform used algorithms to disseminate and amplify the content.

Steyer also is advocating for Congress to update COPPA to cover kids older than 13 and to adopt comprehensive privacy reform. Also testifying Wednesday is **Free Press Action** General Counsel *Matthew Wood*. In his prepared testimony, Wood cautioned that repealing or drastically weakening Section 230 won't solve all of the harms ascribed to Big Tech. "That's why there are other, and in our view better, ways to address many of these accountability concerns. Those include better enforcement and application of existing civil rights law and other existing bodies of law to original posters of harmful and actionable information," Wood wrote in his testimony.

His list of potential remedies includes new privacy laws or **FTC** rules based on the agency's existing authority as well as greater transparency about platforms' content moderation policies. That doesn't mean Free Press is against any revisions to Section 230, with Wood suggesting the best reform would be to "clarify that the plain text of Section 230 does not immunize 'interactive computer services' for their own actions beyond liability for 'publishing' information others provide, or removing or restricting access to such information that the platform considers objectionable." The use of algorithms to distribute content when a platform has knowledge of its harm would be a factor in determining liability, but wouldn't automatically turn off 230's protections, he said.

#### COMCAST, DISNEY SHAKE HANDS

Months of negotiations have finally ended with a new **Comcast** and **Disney** carriage agreement that will at long last bring **ACC**

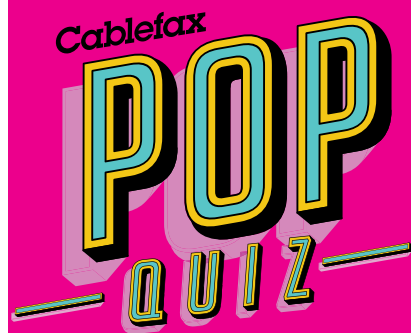
**Network** to Xfinity customers in the coming weeks. The college sports network launched in August 2019 and has never before had Comcast distribution. The companies only described the deal as a "multi-year" arrangement. It's doubtful the deal is as long as the previous 10-year carriage agreement it's replacing. In addition to continued distribution of Disney's cable channels, including the **ESPN** and **FX** networks, the renewal includes retrans consent for the **ABC** O&Os and continued distribution of the **SEC Network**.

#### SOHN SCORES SHAPIRO'S SUPPORT

**Consumer Technology Association** President/CEO *Gary Shapiro* is the latest to urge **Senate Commerce** to move *Gigi Sohn's* nomination to the **FCC** forward. In a letter to Senate Commerce Chair *Maria Cantwell* (D-WA) and Ranking Member *Roger Wicker* (R-MS), he called Sohn a "consumer advocate, public servant and academic" who is recognized for her commitment to principle over partisanship. He also celebrated her history as a defender of free speech, and argued that the longer it takes to fill the Commission seats, the longer it will take to address the nation's immediate communications policy issues. "Ms. Sohn is a pragmatic, data-driven problem solver who understands what it takes to drive the future of work, education and ongoing innovation. Based on more than two decades of knowing Ms. Sohn, I am confident she will ask the critical questions and truly listen to the answers, regardless of whether they are consistent with her personal priorities," Shapiro said.

#### ATLANTIC GOES DEEPER INTO NH, WV

**Atlantic Broadband** is investing \$82 million in its current fiscal year to extend its fiber network to nearly 70,000 homes in New Hampshire and West Virginia. Franchise agreements have already



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

Previous week's answer: "Real Housewives of Orange County" was the first Real Housewives franchise.

What is the name of the longest-running variety show on TV, whose last episode aired on Univision in September 2015?

[CLICK HERE TO ANSWER](#)

been obtained or are underway in multiple communities across the states, with ABB overbuilding operators such as **Comcast** and **Frontier** in some markets, including Concord, New Hampshire, and Morgantown, West Virginia. The first customer activations are expected in early 2022, and local residents will be notified of additional activations as their neighborhoods come online.

#### VIACOMCBS OFFLOADING CBS STUDIO CENTER

**ViacomCBS** is selling CBS Studio Center and its associated operating business for \$1.85 billion. The buyer of the 55-gross-acre site in Studio City, California, is a partnership formed by **Hackman Capital Partners, LLC** and **Square Mile Capital Management, LLC**. When the deal closes, CBS Broadcasting will enter into a long-term lease-back of the property's broadcast center, which will continue to house CBS 2 and KCAL 9. ViacomCBS will produce content on the lot and its associated stages, and enter into a short-term lease-back of certain parts of the property while employees are transitioning to other locations. The deal is expected to close by the end of the year.

#### MEREDITH SHAREHOLDERS APPROVE GRAY BUY

**Meredith Corporation** shareholders approved **Gray Television's** proposed \$2.825 billion acquisition of Meredith's Local Media Group at a special meeting Tuesday. Immediately prior to the close of the Gray acquisition, Meredith will spin its digital, magazine, MNI, People TV and corporate operations out to its shareholders as a new company, Meredith Holdings Corp. **IAC's Dotdash** has agreed to acquire that company for \$2.7 billion. Both transactions are expected to close on Wednesday.

#### INSP MAKES STUDIO INVESTMENT

**INSP** said it made a "significant investment" in Toronto-based independent studio **Blink Studios**. Blink was formed in partnership with its anchor investor and lead strategic partner **Endeavor Content**. Through its subsidiary companies INSP Films and Imagicomm Entertainment, INSP has developed several projects with other Canadian partners.

#### ALLO EXPANDING NEBRASKA PRESENCE

**ALLO Communications** is expanding its fiber-to-the-premises network, announcing projects in Ashland, Milford, Seward, Sidney and York, Nebraska. Construction in those markets will begin this spring after the completion of necessary agreements with those cities. ALLO is still completing fiber builds in Columbus, Fremont, Grand Island and Kearney, bringing its service to 21 Nebraska communities by early 2022. Once completed, the builds will offer 10G symmetric service to residential and business customers in those communities.

#### DOING GOOD

**Telemundo** in partnership with **Comcast's** Internet Essentials and the **Hispanic Heritage Foundation** has gifted more than 2,000 laptops and free internet service for a year to folks in the U.S. The donations will be directed to Latino communities negatively impacted by the COVID-19 pandemic. Organizations receiving laptops will be selected by the Hispanic Heritage Foundation with the initiative to continue through the holiday season. In other 'doing good' news, Comcast is installing WiFi

in up to 100 veteran-focused facilities as part of its Lift Zones program. It has already installed more than 20 Lift Zones and will work with members of the military community over the next several months to identify additional locations.

#### 6 GHZ BAND ACTIVITY HEATING UP

**Google, Broadcom** and **Kyrio** are among those that have applied to the FCC to act as Automated Frequency Coordinators in the 6 GHz band. Applications were due Tuesday. Should they be approved, those entities and others will operate automated frequency coordination systems that would be utilized by standard power devices to avoid interference with incumbent radio systems within the band. Ultimately, that should unlock additional unlicensed spectrum for 6 GHz WiFi. Comments on submitted proposals are due by Dec. 21. "Today marks an important next step toward enabling standard power unlicensed operations in the 6 GHz band, which will support both next-generation Wi-Fi connectivity and drive future unlicensed innovations," **NCTA** said in a statement. "As a whole, the applicants represent a wealth of industry experience in spectrum coexistence and the operation of sharing mechanisms."

#### PROGRAMMING

**Discovery** will cover two of the biggest stories of the past year with "When Buildings Collapse: Disaster in Surfside" and "Out of Stock: Supply Chain Crisis." The former, airing Dec. 4 at 8pm, examines the aftermath of the residential building collapse in Surfside, Florida, while the latter, airing Dec. 18 at 8pm, explores how the global supply chain has been broken down during the COVID-19 pandemic. – **ALLBLK** greenlit "Send Help," a seven-episode coming-of-age comedy about a first-generation Haitian American trying to make it in Hollywood after a family tragedy. – **Comedy Central** is bringing the laughter this holiday season with "Hot Mess Holiday." It premieres Dec. 11 at 7pm ET. – **HGTV's** "Home Town" is returning for a new season on Dec. 26 at 8pm. It will also be available to stream on discovery+. – **Disney Branded Television** ordered "Saturdays," a comedy series set in a roller-skating community. Production is scheduled to begin in May. – **OWN** debuts unscripted real estate series "Ladies Who List: Atlanta" on Jan. 7. The eight-ep unscripted series follows six professional Black business women working in luxury real estate.

#### DIRECTV MARRIES TENNIS AND 'THE MATRIX'

**DirectTV** is bringing **Serena Williams** into the Matrix in its latest TV spot for the "Get Your TV Together" campaign. Debuting this week, the ad highlights DirecTV Stream's content lineup and the ability of viewers to watch on the go. The ad comes less than a month before "The Matrix Resurrections" hits theaters and **HBO Max** on Dec. 22.

#### PEOPLE

**Kelly Day** is trading **ViacomCBS** for **Amazon**, joining the latter in January as its VP of Prime Video International. She'll oversee Amazon's streaming strategy outside of the U.S. and report to **Mike Hopkins**, SVP of Prime Video & Amazon Studios. Day joined Viacom in 2017 and previously spent time at **Discovery** and **Awesomeness**.