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WHAT THE INDUSTRY READS FIRST

Hot Seat: Sohn Grilled on Potential Biases in Nomination Hearing

Gigi Sohn has been celebrated by her supporters as an advocate for free speech, but some **Senate Commerce** Republicans are skeptical that she would act as one should she be confirmed as the fifth and final FCC commissioner.

During a nomination hearing Wednesday that included Sohn and *Alan Davidson*, President Biden's nominee to lead the **NTIA**, multiple members of Senate Commerce raised concerns about tweets from Sohn criticizing **Fox News**. She said the comments, which claimed the network has had a negative impact on American democracy, were in relation to a Congressional hearing on Section 230.

"I was making the comparison that if you were looking at just Big Tech, and again, I'm highly critical of them, you also have to look at the other voices in the ecosystem," Sohn said.

Her words also drew fire from former Acting Attorney General *Matthew Whitaker*, who published a [column](#) in the *WSJ* arguing that Sohn's partisanship should take her out of the running for the job entirely.

"Were the tables turned—had then-President Trump nominated an FCC candidate who endorsed a close look at MSNBC—the Twitterverse would be horrified about the politicization of the FCC," Whitaker said. "Yet the Biden White House declares Ms. Sohn 'one of the nation's leading public advocates for open, affordable, and democratic communications networks.'"

Senator *Ted Cruz* (R-TX) said he spoke with **Newsmax**

CEO *Christopher Ruddy* about Sohn's nomination, and Ruddy described her as an "advocate for additional voices." The lawmaker described the conversation as an "encouraging sign," but he still has fears regarding whether she would aim to silence conservative news outlets.

"My opinions as a public interest advocate will have no bearing on how I behave as a policymaker if I'm confirmed. Now, I've been in government before and the values that are important to being a policymaker—responsiveness, transparency, integrity—that's what you'll get from me if I'm confirmed," Sohn said. "I said some things, maybe too sharp, but they will have absolutely no determination on how I would rule in a proceeding with any of those companies."

Her involvement in the now-defunct broadcast streaming service **Locast** was also raised as a potential problem area for Sohn, who has been described as a strong supporter of local broadcasting. Sen *Roy Blunt* (R-MO) expressed concern that either her involvement in the streamer or the lawsuit from the Big 4 broadcasters that led to the service's demise could lead her to have biases if confirmed as a commissioner. "I thought it was a good thing for local broadcasters... I also thought it was good for viewers and these were viewers, for example, in orphan counties who maybe couldn't get certain programming," she said. "I revere local broadcasting... I would like, if I'm confirmed, to sit down with them, explain what I did and get from them ideas about how I can help local broadcasting be more competitive, more resilient and more diverse."



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Sohn calmed fears that she would advocate for broadband rate regulation if confirmed, echoing Acting FCC Chair *Jessica Rosenworcel's* response to a similar question from her nomination hearing. Senate Commerce did vote before the meeting to positively report Rosenworcel's nomination for another term. The full Senate needs to vote to confirm her. When questioned, Sohn unsurprisingly stood by her long-held belief that broadband should be classified under Title II. While the potential for throttling and blocking is often talked about in relation to the larger net neutrality debate, she argued that the larger issue is about the potential lack of oversight over what has become an essential service. Sohn said she would much prefer if Congress stepped in and settled the matter permanently. But until then, it is on the FCC to tackle the issue.

"I'm as tired of the ping pong game as anybody. However, until Congress acts, I think it's critical that consumers be protected and competition be promoted," Sohn said. "There have been issues regarding firefighters, regarding the ability of rural wireless providers to get access to pole attachments to people being charged for modems that they own. It's those kinds of consumer protections and public safety protections that the FCC can't afford to leave unprotected."

ARNOLD TO STEP INTO IGER'S SHOES

Susan Arnold has been elected to chair **Disney's** board, effective Dec 31. The 14-year board member will succeed *Bob Iger* when he bids the company adieu at the end of the year. Iger has been in the role since 2012, holding onto it as he transitioned out of the CEO seat into the role of Executive Chairman in Feb 2020. Arnold, formerly an operating executive of equity investment firm **The Carlyle Group**, has served as the independent Lead Director of Disney's board since 2018.

NTIA REAUTHORIZATION BILL INTRODUCED

Sens *Roger Wicker* (R-MS) and *John Thune* (R-SD) introduced legislation Wednesday that would reauthorize the **NTIA** for two years. The NTIA Reauthorization and Reform Act would also clarify NTIA's role coordinating executive branch views on matters before the **FCC** and require it to work with agencies like the **Department of Labor** to promote and share information about workforce development programs designed for the telecom sector.

LOPEZ HEADS TO CROWN MEDIA

Judi Lopez is headed to **Crown Media Family Networks**. She'll serve as EVP, Distribution & Content Strategy, overseeing all aspects of sales, negotiations and marketing tied to content distribution, including strategies for expanding its carriage on OTT platforms. Lopez spent the last 13 years at **Fuse Media**, leading content distribution, advocacy,

government affairs and partnership marketing. Additionally, *Lisa Barroso* has been upped to SVP, Content Distribution & Strategy. *Holly Henderson* has been promoted to SVP, Distribution and *Raquel Williams* will now serve as VP, Distribution. Barroso and Henderson will report to Lopez while Williams will report to Barroso.

DISCOVERY EYES AWS FOR CLOUD SUPPORT

Discovery tapped **Amazon Web Services** to support its cloud-based needs for services like **discovery+** as it continues its global rollout. AWS will serve as the company's preferred cloud provider, powering the majority of the infrastructure needed to support **discovery+**, digital services and its linear networks to customers worldwide. The partnership will also allow for greater personalization for users of **discovery+**, making it easier for subscribers to find content that aligns with their interests.

ACCUWEATHER BETS ON NIELSEN

AccuWeather and **Nielsen** entered into a multi-year agreement for cable TV measurement. The network will use the data to profile its existing audience, identify overall trends in viewer behavior and gather additional insights on engagement for agencies and potential advertisers.

PROGRAMMING

Univision launched Noticias Univision 24/7, a streaming news channel on AVOD **PrendeTV** featuring breaking news, lifestyle content and opinions curated for Spanish-speaking audiences. Along with primetime news content, viewers will also be able to access the local editions of "Edición Digital" from New York and Los Angeles and programs like "El Gordo y La Flaca." – **HBO Max** ordered four-part docuseries "Breath of Fire." The show will focus on wellness icon *Guru Jagat* and modern spirituality through the lens of Kundalini yoga. – **AMC Networks** greenlit "Anne Rice's Mayfair Witches," a series based on the author's book trilogy. It will follow the premiere of "Anne Rice's Interview with the Vampire," debuting in late 2022. AMC Networks acquired the rights to 18 titles from Rice's collection in May 2020.

PEOPLE

Charter elevated *Robyn Tolva* to SVP, Video. She joined the provider in 2009 and has supported everything from the Spectrum Guide platform deployment to its 1 gigabit internet speed launches. Tolva previously held consulting and leadership positions at **Comcast**, **Adelphia**, **AT&T Broadband** and **MediaOne**. – **BBC Studios** upped *Ryan O'Dowd* to EVP, Entertainment & Music for its Los Angeles production arm. He started his career on "The Tonight Show with Jay Leno" and served as VP, Development for **Ryan Seacrest Productions** before joining BBC Studios.

Think about that for a minute...

Name Calling

Commentary by Steve Effros

Circumstances have conspired to require me to do the food shopping for our household these days, something I had always avoided. I have an almost preternatural aversion to the unending aisles of major food stores. There's just too much there. We've talked about the "paradox of choice" in these columns for years, and the modern supermarket is certainly an example.

Why am I writing about this now? Well, I couldn't help but notice in my last foray into the land of too much plenty that there was an entire aisle filled with bags of "Doritos" and "Tostitos" and "Lays" and they were with lime and sea salt or hot or "restaurant style" but none of those bags bulging off the shelf said what the heck was in them other than the brand name on the front! Look for yourself the next time you go. Doritos what? Tostitos or Lays "scoops"? Am I the only one noticing that there is no indication on the front of the bag telling you what the contents of that bag is supposed to be? Oh, a "chip." But that doesn't tell me either. Is it a corn chip, a potato chip, a veggie chip? Don't know...it's a "Tostito."

What bothers me about all that is that "products" are now simply being sold based on their names, their brands. There's no real indication of what's inside. And, (check out this segue) unfortunately, the same thing is happening in politics and the nomination and confirmation process in Congress. We're seeing it this week in the hearings on President Biden's nominations for the FCC, Jessica Rosenworcel and Gigi Sohn.

While the current acting Chair, Rosenworcel, will likely get confirmed relatively easily, Gigi Sohn is another matter. The Wall Street Journal had an editorial blasting her as a "progressive," a potential censor of conservative media, a partisan of such dangerous proportions that she should be blocked from being on the Commission.

I can, and have disagreed with Gigi Sohn on many issues over the years, but to suggest that she is not qualified to be on the Commission, as one Senator recently did, is absurd. Especially since the basis upon which these attacks are being mounted is mainly name calling... like "progressive" or "liberal"

or "censor." It's like Tostitos or Doritos. The attackers seem to know the key words, the "brand," but they know little about the person, or her logic about her positions.

As I said, I don't agree with Gigi on things like how far "net neutrality" should go. Interestingly, Jessical Rosenworcel, in her hearing the other day indicated that she was opposed to rate regulation under a "net neutrality" regime. Not sure Gigi would agree, but that's a legitimate point of inquiry, quite different from just name calling or complaining that someone is a "progressive" or a "liberal" and therefore not eligible for the office.

Let's remember that Dean Burch, who became Chair of the FCC, was, prior to that, Chairman of the Republican National Committee. He also turned out to be, in my opinion, one of the best Commission Chairs I ever worked with. Can we really suggest that Kevin Martin or Reed Hundt were not first and foremost political appointees because of their political affiliations? Of course not. Were they good at the job? Debatable. But simply engaging in name calling during their confirmation process would not reveal their qualifications.

The same is true with Gigi Sohn. She is without a doubt qualified for the job. Assuming she gets through the meat grinder on Capitol Hill, she will advocate for positions that many of us may disagree with. But her advocacy and vote will not be based on name calling. It will be based on her well articulated positions. That's the way it should be.



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.)



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