

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## The Unknown: Future Uncertain for Build Back Better Act

Senator *Joe Manchin* (D-WV) threw Democrat lawmakers for a loop over the weekend with his announcement on “Fox News Sunday” that he cannot support the Build Back Better Act. The lawmaker ultimately cited the cost of the bill and its wide reach across a number of program areas as the reasons for his opposition.

“My Democratic colleagues in Washington are determined to dramatically reshape our society in a way that leaves our country even more vulnerable to the threats we face. I cannot take that risk with a staggering debt of more than \$29 trillion and inflation taxes that are real and harmful to every hard-working American at the gasoline pumps, grocery stores and utility bills with no end in sight,” Manchin said in a statement. “I will continue working with my colleagues on both sides of the aisle to address the needs of all Americans and do so in a way that does not risk our nation’s independence, security and way of life.”

The legislation includes provisions for everything from healthcare subsidies to universal prekindergarten, but it also sets aside additional funding for broadband-related endeavors. One would allocate an additional \$300 million to the **FCC** for its Emergency Connectivity Fund, a program supporting schools and libraries offering connected devices, hotspots and broadband connections to their students and patrons. It would also set aside \$475 mil-

lion for a Connected Device Grant Program, which would offer connected devices to eligible households for free or at a reduced cost. **NTIA** would receive a share of the pot, including \$295 million for grants covering public-private partnerships for pilot projects designed to increase access to affordable covered broadband service in urban communities.

His comments and position drew criticism not only from his party, but the White House itself. In a Sunday statement, White House Press Secretary *Jen Psaki* said Manchin came to the White House last Tuesday and gave President *Biden* an outline for a Build Back Better bill that covered many of the same priorities as the existing bill.

“While that framework was missing key priorities, we believed it could lead to a compromise acceptable to all,” she said. “If his comments on Fox and written statement indicate an end to that effort, they represent a sudden and inexplicable reversal in his positions, and a breach of his commitments to the President and the Senator’s colleagues in the House and Senate.”

While a lack of support from Manchin effectively spells the death of the bill in its current form, Majority Leader *Chuck Schumer* (D-NY) told Senate Democrats Monday that the party will still take up the Build Back Better Act, but will hold off on doing so until early 2022.

In the meantime, broadband providers, associations and advisors are keeping their focus on the infrastructure bill

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\*Source: Nielsen L+SD Program based data; Excluding news & sports - #1 Thanksgiving Week 7 Years, from 2015-2021, M-Su 6a-6a; Q4'21-TD, 9/27-12/5/21, M-Su 6a-6a; Holiday to-Date, 10/22-12/5/21, M-Su 6a-6a; Networks that share feed are weight averaged to Total Day based on duration. NPower R&F Program data, unduplicated P2+ audience across HALL & HMM from 10/22-12/5/21, 6 min qualifier.



and the \$65 billion that will begin to be distributed for broadband access in the new year. During a fireside chat with Georgetown University's Center for Business & Public Policy, former FCC Chair Ajit Pai said he's already been advising state governments and regulators that are either bolstering their broadband offices or really building them from the ground up in his role as a Partner at **Searchlight Capital Partners**.

**NTCA-The Rural Broadband Association** and the **Fiber Broadband Association** are also doing what they can to help. The pair have partnered up to publish a Broadband Infrastructure Playbook designed to assist state governments as those bodies attempt to put funding to the best possible use when deploying broadband infrastructure. Included in the playbook will be an overview of statutory requirements associated with the infrastructure bill, general recommendations for structuring a state broadband program and templates for state funding applications. They plan to release the guide in early 2022 ahead of the NTIA's Notice of Funding Opportunity, which is expected by May.

**YOUTUBE TV, DISNEY MAKE NICE**

It was a weekend of whiplash for **YouTube TV** customers, who lost access to 18 **Disney**-owned networks on Friday and saw access restored Sunday after the two companies reached a new carriage agreement. "We've already started to restore access to Disney networks like **ESPN** and **FX**, including your live and on-demand content, as well as any recordings that were previously in your Library," YouTube TV said in an email to customers Sunday. "We will also be

turning on your local **ABC** stations over the course of the day." Though the drop only lasted for a few days, YouTube TV is still offering a one-time \$15 discount for all impacted Base Plan members. The vMVPD will also honor the credit for active subscribers who have begun the cancellation process if they choose to resume their membership before losing access to their account.

**COMCAST, ALTITUDE EMBRACE MEDIATION**

**Comcast** and **Altitude Sports** are moving forward with mediation as a method to hopefully settle the latter's antitrust suit against the provider. "Altitude committed to working with Comcast to file a joint motion by Monday, December 20, with the name of the agreed-upon mediator. Altitude Sports also committed that it would make a revised offer to Comcast in advance of the mediation," Altitude Sports said in a statement Friday. The regional sports network's suit was filed in November 2019 after Altitude went dark on Comcast, **DISH** and **DirecTV**. It was able to resolve matters with DirecTV, but remains off the other two providers' lineups. In the suit, Altitude accused Comcast of engaging in predatory behavior and using its leverage to negatively impact and even eliminate independent RSNs.

**MEDIA BUREAU SEEKS COMMENT ON TVPA**

The **FCC** Media Bureau is seeking comment on the status of the implementation of the Television Viewer Protection Act of 2019. The legislation requires MVPDs to give consumers a breakdown of all charges related to the MVPD's video service before entering into a service contract. Customers also have 24 hours in which to cancel such

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The advertisement includes a smaller image of the Cablefax Daily magazine cover, showing headlines such as 'Deal Talk: RCN/News/Grande CEO Discusses \$4.16B Staggered Deal' and 'Comcast and Altitude Sports Embrace Mediation'. It also features a 'Most Powerful Women' award announcement and a 'Save the Date' for a Women's Migration event.

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service without penalty. On the broadband side, fixed broadband ISPs are prohibited from charging customers for equipment they do not provide. Other aspects of the bill allow smaller MVPDs to negotiate collectively as a buying group for retrans consent with broadcast station groups and require those station groups to negotiate in good faith. Comments on the proceeding are due Feb. 3, and reply comments are due March 7.

#### SCTE CREATING SMART AMPLIFIER STANDARD

The **SCTE** Standards program has started a new group focused on creating a standard for smart amplifier communications. The group, which is chaired by **CableLabs** Principal Architect *Doug Jones*, will define an information model and YANG data model for communications with smart broadband amplifiers used in HFC networks. Service providers actively participating in the project include **Charter, Comcast, Cox** and **Shaw Communications**. Other participants include **Amphenol Broadband Solutions, CommScope, Technetix** and **Vecima Networks**.

#### FCC FINES VOICE PROVIDERS OVER 911 FAILURES

The **FCC** Enforcement Bureau settled five investigations Friday tied to communications providers' compliance with the agency's 911 reliability rules during network outages that occurred in 2020. **AT&T, CenturyLink** (now **Lumen Technologies**), **Intrado** and **Verizon** will make settlement payments and implement compliance plans to ensure future adherence to the rules. CenturyLink will be forced to pay up the most money, agreeing to a \$3.8 million settlement to resolve an investigation into its failure to transmit 911 calls and notify 911 call centers during an outage in Sept. 2020. The combined settlement payments total more than \$6 million. "The most important phone call you ever make may be a call to 911. Sunny day outages can be especially troubling because they occur when the public and 911 call centers least expect it," FCC Chair *Jessica Rosenworcel* said in a statement. "It's vital that phone companies prevent these outages wherever possible and provide prompt and sufficient notification to 911 call centers when they do occur."

#### STARLINK SPEEDS STABLE DESPITE GROWTH

**Starlink** is continuing to launch service in new countries and expand its customer base, and its U.S. performance is staying relatively flat throughout it all. According to the latest study from **Ookla**, the median download speed of **SpaceX's** satellite broadband service for the U.S. in 3Q21 came in at 87.25 Mbps, only 10 Mbps down from the median download speed in 2Q21. Falling behind it was **HughesNet** with 19.30 Mbps in 3Q21 and **Viasat** came in third with 18.75 Mbps. For comparison, the median download speed for all fixed broadband providers in the U.S. during 3Q21 was 119.84 Mbps. Starlink's median upload speed for the quarter came in at 13.54Mbps while fixed broadband providers averaged 18.03 Mbps. Viasat and Hughesnet recorded medians of 2.96 Mbps and 2.54

Mbps, respectively.

#### ANOTHER WAVE OF ECF FUNDING

The **FCC** committed nearly \$603 million to the **Emergency Connectivity Fund** as part of its sixth wave of support for the program. That brings the total contribution to the program to more than \$3.8 billion. The sixth wave of funding support includes more than \$367 million in commitments from Window 1 applications and nearly \$236 million in commitments from Window 2 applications. The dollars will be directed to 1,651 schools, 85 libraries and 14 consortia. In total, the organizations have been granted support for nearly 1.2 million connected devices and more than 790,000 broadband connections.

#### ON THE CIRCUIT

The **Strong Women Alliance** will present its Excellence in Leadership Award to LA County Board of Supervisors Chair Holly Mitchell during a live event on Dec. 21 at 5:30pm in Playa Vista, California. Registration is [required](#) to attend.

#### PROGRAMMING

"Real Husbands of Hollywood - More Kevin, More Problems" is coming to **BET+** on Feb. 10. – *Sarah Williamson* has joined **Newsmax** as a New York correspondent for the network. She spent the last four years at **i24 News** in Tel Aviv as a producer, anchor and reporter. – **Discovery's** "Mystery at Blind Frog Ranch" returns for another season Jan. 7 at 10pm on the network. – **Lifetime Movie Network** is premiering two thrillers starring *Vivica A. Fox* in the new year. "The Wrong Blind Date" premieres Jan. 14 at 8pm while "The Wrong High School Sweetheart" debuts Feb. 4 at 8pm. – **AXS TV** is partnering with Artists Den to showcase select episodes of the latter's performance series. "Live From the Artists Den" will make its network premiere Jan. 12 at 8pm ET. – Fans of the "Street Outlaws" franchise are getting a treat in 2022 with back-to-back season premieres. "Street Outlaws: OKC" returns with a new season on Discovery at 8pm on Jan. 10 while "Street Outlaws: Farmtruck and AZN" debuts at 10pm. Both will be available to stream on **discovery+**.

#### PEOPLE

**Golf Channel** hired *Mark Loomis* as its SVP, Production. He brings more than three decades of television production experience to the network, most recently serving as the Executive Producer of **Fox Sports'** golf remote and studio production. – **ViacomCBS** SVP, Government Relations/Regulatory Counsel *Kevin Murphy* has been elected to **The Media Institute's** Board of Trustees. Murphy joined **Viacom** in 2006 after serving as Counsel on Communications and Technology to Sen. *Gordon Smith* (R-OR), who is stepping down from his current role as NAB's President at the end of the year. – **INSP** upped *Doug Butts* to EVP, Programming. He joined the network in 1994, acting as a producer, editor and director. He last served as SVP, Programming.