

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Spotlight: Senate Moves One Step Closer to Big Tech Regulation

Competition in Big Tech and beyond took center stage in Washington Thursday with **Senate Judiciary** voting 16-6 to advance the American Innovation and Choice Online Act to the full Senate.

The bill, which was co-sponsored by *Chuck Grassley* (R-IA), *Amy Klobuchar* (D-MN), *John Kennedy* (R-LA) and others, would block large platform holders from favoring their own products or services or misusing a business's data to compete against it. Among other things, it also aimed to give antitrust authorities more tools to hold platforms accountable when they engage in illegal behavior, especially acts that hurt small businesses.

Specific platforms to be impacted by the legislation have been fighting back this week, publicly stating that there could be unintended consequences that would ultimately hurt consumers and have huge economic impacts. **Amazon** claimed in a statement that the bill's financial penalties would jeopardize its ability to allow small businesses to sell their products on the platform or guarantee Amazon Prime shipping benefits to buyers of those products. In a Tuesday blog post, **Google & Alphabet's** Chief Legal Officer/President, Global Affairs *Kent Walker* argued that the bill would impose one set of rules on American companies without applying equal restrictions to foreign entities and could introduce new privacy risks.

"There are important discussions taking place about the rules of the road for the modern economy. We believe that updating technology regulations in areas like privacy, AI, and protections

for kids and families could provide real benefits," he said. "But breaking our products wouldn't address any of these issues."

The bill's narrow focus was also a concern for some Democrats who ultimately decided to vote to advance it out of committee. Sen. *Dianne Feinstein* (D-CA) described it during the markup as designed to target a "small number of specific companies," most of which are headquartered in her state. She said that while she believed the bill is an attempt to update antitrust law for the digital age, it ultimately may fail to do so.

"This bill will create two separate legal standards. One that poses very significant barriers to the business operations of a few large tech companies and one for everyone else," Feinstein said. "It's difficult to see the justification for a bill that regulates the behavior of only a handful of companies while allowing everyone else to continue engaging in that exact same behavior."

Despite the more than 100 amendments proposed for the bill, only one was adopted during Thursday's markup. It addressed the bill's prohibition on conduct that would prevent one business's product or service from being interoperable with the dominant platform or another business. Introduced by Sen. *John Cornyn* (R-TX), the amendment put additional roadblocks in place to prevent foreign governments deemed security threats from accessing American user data. But many senators voiced their concern that more amendments weren't discussed and hoped for a chance to discuss further changes with the bill's co-sponsor's ahead of a floor vote.

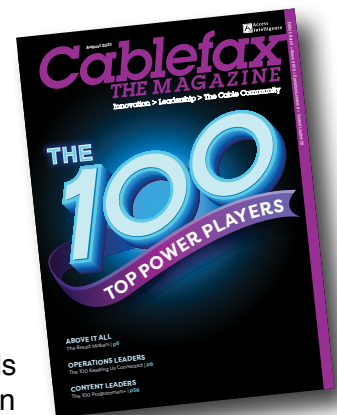
The bill's passage isn't the only presumed loss for Big Tech



Who Deserves to Rank Among Cablefax's Annual Top Power Players?

The Cablefax 100 salutes the most influential executives whose leadership continues to take the industry to new heights. We will rank the top professionals in the media, cable & broadband industry and publish the list in the June edition of Cablefax:The Magazine.

It's free to enter — but you must submit your entries by January 21!



Nominate at www.Cablefax100.com | Questions: Mary-Lou French at mfrench@accessintel.com

in recent weeks. U.S. District Judge James Boasberg denied Facebook's motion to dismiss the FTC's amended antitrust suit against the social media giant. He gave the parties the go-ahead to proceed to discovery, saying the FTC offered enough information to establish that Facebook plausibly has monopolistic power. He also pushed back against Facebook's claim that FTC Chair Lina Khan should have recused herself from the decision to bring the amended suit against the company due to statements made about Facebook and Big Tech prior to her appointment.

CHARTER CHANGING OF THE GUARD

Charter senior ranks are shifting again, with EVP, Field Operations Tom Adams and CMO Jon Hargis announcing plans to transition to advisory roles in April and retire later in the year. Both were instrumental along with CEO Tom Rutledge and current Vice Chair Jon Bickham in executing the business strategy for the massive integration of Time Warner Cable and Bright House Networks, which closed in 2016. As a result of their pending retirements, Tom Monaghan has been promoted to EVP, Field Operations, with Adam Ray taking on the new role of EVP, Chief Commercial Officer, overseeing all sales and marketing. Both will report to COO Chris Winfrey. These are big jobs, with Monaghan, formerly SVP, Field Operations, overseeing all field engineering and construction—especially notable given Charter's \$5 billion Rural Digital Opportunity Fund expansion. Ray, who previously was EVP, Sales Operations and Planning, will oversee all marketing activity for Charter while continuing to lead sales, retention, analytics and Spectrum Community Solutions. Sharon Peters was upped to EVP, CMO, while Christian Ruiz takes the role of EVP, Sales, with both reporting to Ray. Charter's senior

suite also shifted in October, with Winfrey elevated to the COO spot and Finance EVP Jessica Fischer succeeding him as CFO. Charter Chief Product & Technology Officer Rich DiGeronimo added oversight for Charter's Network Operations to his role. Those moves came as Bickham slid to Vice Chair from President/COO ahead of his retirement at the end of 2022.

CLEARER PICTURE OF CLEARWAVE FIBER JV

Cable One is spoiling out more information on Clearwave Fiber, its newly formed JV focused on bringing FTTH in its existing footprint and new markets. The entity will initially consist of two primary operating regions—the Midwest, primarily servicing business and residential data customers in Southern Illinois, and the Southeast, consisting of customers in Georgia and Florida. Combined, these regions represent about 74,000 homes and businesses passed with approximately 14,000 residential and business customers, according to an investor presentation from Cable One. Clearwave Fiber includes Cable One's subsidiary Clearwave Communications and certain fiber assets of Cable One's Hargray subsidiary. After seven years, Cable One or its investment partners may initiate an exit from the JV. Investors have committed \$320 million of aggregate equity capital at a "premium multiple" to support the FTTH expansion strategy. Cable One owns 58% of the equity in Clearwave Fiber. Other investors include GTCR (Cable One's current partner in Mega Broadband), Stephens Capital (Clearwave Communications' owner before Cable One bought it in 2018), The Pritzker Organization (Hargray's previous owners) and certain members of Clearwave Fiber's management team. Cable One's investor presentation also offered up more details on its \$113 million acquisition of rural Missouri provider

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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 | VP/Group Publisher, Cablefax and Synopsis: Robbie Caploe, 917.974.0640, rcaploe@accessintel.com | Managing Editor: Sara Winegardner, 301.354.1701, swinegardner@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

CableAmerica, which closed Dec. 31. Cable One liked the operator because it has several markets that are complementary to its existing Fidelity footprint, and it believes CableAmerica's low penetration presents opportunity to grow the business with minimal investment. CableAmerica passes 53,000 homes and has 13,500 residential broadband subs, 2,400 residential video customers and 500 phone subs. Its liquidity assessment puts 3Q21 rev at \$19 million. The deal was financed with cash on hand and was structured to provide tax benefits estimated at a net present value of \$20 million.

NETFLIX WINS GLOBAL SUBS

Netflix finished 4Q21 with 222 million paid subscribers, barely missing its guidance with 8.3 million net adds vs the projected 8.5 million. Shares tumbled after hours, with the streamer forecasting 2.5 million net adds in 1Q22 vs 4 million a year ago. It blamed a more back-end weighted content slate (ie, "Bridgerton" Season 2 and new film "The Adam Project" are both launching in March). More than 90% of paid net adds in 2021 came from outside the U.S./Canada. The U.S./Canada region accounted for 1.2 million adds. Revenue grew 16% YOY to \$7.7 billion thanks to a 9% increase in average paid memberships. The company's shareholder letter didn't offer much of an update on ventures like its stretch into gaming, only saying that it is pleased with its progress thus far. Netflix now offers access to 10 mobile games as part of its membership. "In 2022, we'll expand our portfolio of games across both casual and core gaming genres as we continue to program a breadth of game types to learn what our members enjoy most," the letter said. Netflix still believes its largest opportunity is the ongoing shift from linear viewing to streaming, remarking that it still has less than 10% of total screen time in the U.S. "Netflix has tremendous room for growth if we can continue to improve our service," the company said.

NO OLYMPICS TRAVEL FOR ESPN

Sports giant **ESPN** says it's sitting out sending staff to China for the Winter Olympics due to COVID-19 concerns. ESPN had planned to send four reporters to China, but those reporters will now join a larger group covering the Games remotely. ESPN sent five reporters to last year's Summer Olympics in Tokyo. "The safety of our employees is of utmost importance to us," *Norby Williamson*, ESPN EVP, Event and Studio Production & Executive Editor said in a statement. "With the pandemic continuing to be a global threat, and with the COVID-related on-site restrictions in place for the Olympics that would make coverage very challenging, we felt that keeping our people home was the best decision for us." **NBCUniversal** has the U.S. media rights for the Games, with top execs saying Wednesday that the company has a strong plan in place for coverage from China and remotely. While NBCU's portfolio is the Olympics hub, ESPN.com dedicates a special section to Olympics coverage. There's also reporting on results from "SportsCenter" and scoreboards and medal counts on the ESPN app.

PK PUSHING FCC ON MTES

Public Knowledge believes the **FCC** should wait until it can restore broadband regulation under Title II before establishing rules to encourage competition in multi-tenant environments (MTEs),

saying Title II will give the agency broad authority. But the public interest group thinks there are some things that can be done in the interim to address wire lease back provisions between landlords and broadband providers as well as revenue sharing and inventive agreements. PK SVP *Harold Feld* discussed all of this in a recent meeting with FCC staffers, according to an ex parte. "I stressed that if the Commission were to move forward on these practices, it should make clear that these are interim steps designed to prevent the worst abuses of existing rules," he said. "The Commission should make clear that it is still considering additional policy to achieve the Congressional goals of competition and broadband adoption." Feld also questioned whether the anti-digital discrimination provision of the recently approved Infrastructure Investment and Jobs Act could provide further authority for expanding existing rules. **NCTA** and cable operators are urging the FCC not to change the rules, arguing that term wiring deals and other arrangements are actually pro-consumer and pro-competition.

BREEZELINE KICKS OFF IPTV JOURNEY

Breezeline (formerly **Atlantic Broadband**) debuted its IPTV service Breezeline Stream TV Tuesday. It is initially launching in New Hampshire with phased launches coming through the year across the company's footprint. Among the features included in the product are built-in Chromecast, up to 300 hours of cloud DVR, voice command and access to live TV channels.

PROGRAMMING

History Channel and **FYI** will present 38 hours of live coverage of Barrett-Jackson's 2022 Scottsdale Auction beginning Jan. 24. FYI will have most hours of the No Reserve auction. History will offer six hours of coverage Jan. 29 starting at 2pm. This is the 50th anniversary of the world-famous collector car auction. - **WE tv** greenlit investigative series "Hip Hop Homicides," which will look at the number of unsolved murders in the Hip Hop community. The first eight eps will debut on WE tv later this year. The show is produced by **Lionsgate Television**, *Curtis "50 Cent" Jackson's G-Unit Film & Television and *Mona Scott-Young's Monami Productions*.*

PEOPLE

Trisha Husson was named Head of Strategy, Business Operations and Finance for **Disney General Entertainment**, reporting to Chairman *Peter Rice*. As a result, *Eric Marcotte* was named SVP of the Strategy & Business Operations team. Also reporting directly to Husson are *Bob Barron* (EVP & CFO, Disney Television Studios), *Jane Gould* (EVP, Content Insights & Scheduling Strategy), *Peter DiCecco* (EVP, Music Business Affairs) and *Marc Sandman* (SVP, Labor Relations). - **The WICT Network's** 2022 Global Board features new at-large members *Lisa Gonzalez Anselmo* of **Altice USA**, *HGTV's Jane Latman* and **Midco's Ann McGlennen**. Tech exec *Sandy Howe* enters her third and final year as board Chair, while **Cox Communications'** Public Affairs SVP *Leigh Woisard* was elected Vice Chair. She will become Chair in 2023. **Discovery, Inc's** *Renita Griskel* will serve a one-year term as Chapter Leader Designee. Also serving one-year terms as Emerging Leader Designees are **Comcast's Kay Allen** and **Charter's Abbie O'Dell**. - *Tina Tuli*, previously CMO at **Samdesk**, was named VP, Global Marketing at **Firstlight Media**.

PROGRAMMER'S PAGE

Who's Your Daddy?


Hulu's "How I Met Your Father" is no "How I Met Your Mother," and that's intentional. Rather than rebooting the *Carter Bays* and *Craig Thomas* sitcom, which aired on **CBS** from 2005-2014, this is a sequel in which Sophie (*Hilary Duff*) is telling her son the story of how she met his father in the dating app-dependent world of 2021. Rather than giving us look-ins on Ted Mosby and Barney Stinson, HIMYF drops some Easter eggs along the way for fans of the original series. "We thought it would be really exciting to exist in the universe of the original—to exist in a world where maybe there's a location that you recognize from the original, maybe a character passes through our series. And that's exciting when it happens," co-creator *Elizabeth Berger* told **CFX**. "But we also wanted to tell a new story. We wanted to focus on a new group of friends, and we wanted to focus on a new protagonist." A somewhat clunky concept in the original series was that children were sitting and listening to their dad wax on *and on* about his love life. HIMYF owns that awkwardness, with the 2050-version of Sophie (*Kim Cattrall*) telling her son via video call that she's had enough wine to give him the "unabridged" version of meeting his father, including the "sexy bits." Berger and fellow showrunner *Isaac Aptaker* are well known for their work together on "This Is Us." The acclaimed family drama and this half-hour sitcom and have more in common than you might think. "In a way, this show has quite a lot of similarities to This Is Us in the sense that it is telling a mystery, but it's a mystery about interpersonal matters—small, grounded universal moments that, because of the way the story is being told, take on this heightened sort of mysterious epic quality," Aptaker said. HIMYF also has real emotion at times. "I think it's a chapter of life where you feel really deeply as you're trying to figure things out, sort of find your way in the world and find your person," added Berger. The first two eps are streaming now on Hulu. — *Amy Maclean*

REVIEWS

"The Gilded Age," series premiere, 9pm, Monday, **HBO**. This sumptuous (it better be, see the title) new period piece has been called "Downton Abbey" on Steroids. Indeed, the production values in this series rival anything HBO has done previously. The costumes, hair, props and some story elements provide the steroids part. That *Julian Fellowes* is heading "Gilded" supplies the Downton element. Yet while viewers will immediately see similarities between the mega-hit series and this newbie—the class divide, changing mores, quaint customs (Want to get from Manhattan to Brooklyn? Take a ferry.), the 2-level drama: a cadre of servants downstairs, their utterly wealthy 'family' upstairs—the two are very different. For one, Gilded is far more decadent than Downton. And the cast, particularly cameos from *Nathan Lane* and *Jeanne Tripplehorn*, give Gilded a higher star quality. On the other hand, the regulars ain't bad. *Christine Baranski* plays Dame Maggie Smith, well, you'll see. And *Cynthia Nixon*, who seems unsure in "And Just Like That..." is on firmer ground in the NY of 1880 as Baranski's timid though spirited sister. And props to Fellowes for creating the character Peggy Scott (*Denée Benton*), an educated Black woman who warms Baranski's icy widow in little time. While some themes seem ripped from today's headlines, this new series is a gem of an escape from COVID. — *Seth Arenstein*

BASIC CABLE		
P2+ PRIME RANKINGS*		
(01/10/22-01/16/22)		
MON-SUN	MC	MC
	US	US AA
	AA%	(000)
ESPN	1.988	6193
FNC	0.719	2241
MSNBC	0.401	1248
HGTV	0.347	1079
HALL	0.312	973
TLC	0.279	868
INSP	0.247	768
HIST	0.246	765
DISC	0.231	720
FOOD	0.228	709
LIFE	0.194	605
ID	0.193	603
CNN	0.189	588
USA	0.183	571
TVLAND	0.181	564
TBSC	0.177	553
BRAVO	0.164	511
A&E	0.157	490
HMM	0.152	473
TNT	0.144	448
GSN	0.137	425
WETV	0.127	397
BET	0.125	388
NATGEO	0.118	368
FX	0.112	347
NAN	0.110	344
SYFY	0.108	337
OXYGEN	0.107	334
AMC	0.105	328
FRFM	0.105	326
APL	0.098	304
ADSM	0.094	293
MGNLIA	0.090	281
COM	0.089	278

*P2+ L+SD rankers are based on national Nielsen numbers, not coverage.



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