

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

State of the Statute: When is Section 230 Reform Coming?

Few issues draw bipartisan support in today's political environment, but Section 230 reform is one priority that Republicans and Democrats continue to have their eyes on. The big question is how does Congress agree on one solution to regulate platform holders and Big Tech?

Broadly speaking, Republicans have been pushing for less moderation on social media platforms, while Democrats would prefer further moderation in an effort to combat disinformation, among other things. Those outside of Congress want clarity on where the liability shield Section 230 provides to platform holders starts and ends, with **U.S. Supreme Court** Justice *Clarence Thomas* noting in a [statement](#) last week that the high court should take the matter into its own hands should lawmakers refuse to act and the right case comes along.

A party divide would traditionally mean that progress on the issue would be stalled, but **Brookings Institute** Governance Studies Fellow *Quinta Jurecic* told a webinar audience Monday that lawmakers have been able to get a lot of mileage out of an "I don't like it, let's fix it" mentality.

"If everyone agrees that they don't like it and that you can write the language sufficiently vaguely so that 'fix it' can encompass a lot of things to a lot of different people, you might be able to get to the end point of legislation, even if that legislation is not very good," she said, adding that nearly 30 bills pointed at revising the Section 230 statute have been

introduced this Congress alone. She pointed to 2018's Allow States and Victims to Fight Online Sex Trafficking Act, a law that hoped to combat sex trafficking by expanding liability for websites that hosted material tied to the subject, as a cautionary tale of what can happen when Congress moves too quickly to fix a statute. A July 2021 report from the **Government Accountability Office** revealed federal prosecutors had little use for aspects of the bill tied to criminal penalties and efforts to investigate trafficking had been hindered overall.

America's friends across the Atlantic have set an example that the panelists agreed could be worth adapting: UK's Online Safety Bill, an effort to force websites and apps to address illegal or harmful content that lives on those platforms. It places a duty of care on those companies, requiring their directors to make decisions in good faith and with their users' safety in mind. *Danielle Citron*, the LawTech Center Director at the University of Virginia School of Law, has been trying to pitch a similar legislative effort to U.S. staffers with little luck.

"It will be a reasonable step approach that is tailored to the size and the work of the platform. So what is reasonable steps vis-a-vis illegality for a small enterprise is very different from the obligations or stewardship responsibilities and guardianship responsibilities of a platform that reaches across the globe," she said. "There will be costs, there will be expenses. Companies will have to bear them, but so does every other company in every other industry... there are consequences right now for doing nothing."

ANNOUNCING Cablefax's TOP OPS Nominations

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The Independent Operator of the Year Award (IOY) is presented in conjunction with ACA Connects and NCTC

As for which of the close to 30 bills introduced this Congress show the most promise, Jurecic said they're largely those focused on questions of transparency and access to data. Standing out among them is the bipartisan Platform Accountability and Consumer Transparency Act from Senators *Brian Schatz* (D-HI) and *John Thune* (R-SD), which requires online platforms to explain content moderation practices in an acceptable use policy and to provide due process protections to consumers. She also applauded efforts pushing those platforms to allow independent researchers access to platform data.

"What is it that platforms are doing and aren't doing? How can we make these online environments better and healthier?" Jurecic said. "Those kinds of transparency measures are a more promising first step that might sort of help us think more carefully about what kinds of problems we're actually trying to fix here and what fixing it could look like."

FOX NEWS REPORTER INJURED IN UKRAINE

Fox News said it had "minimal level" details on correspondent *Benjamin Hall*, who was injured while reporting outside of Kyiv, Ukraine. "Ben is hospitalized and our teams on the ground are working to gather additional information as the situation quickly unfolds," Fox News CEO *Suzanne Scott* wrote in a memo to employees Monday afternoon. "The safety of our entire team of journalists in Ukraine and the surrounding regions is our top priority and of the utmost importance. This is a stark reminder for all journalists who are putting their lives on the line every day to deliver the news from the war zone." On Sunday, American journalist *Brent Renaud* was shot and killed while reporting just outside of Kyiv. He was working for *Time*, but

has worked for several organizations over the years, including **NBC** and **HBO**. Last week, Fox News' Hall made headlines for pushing back against comments from "The Five's" *Greg Gutfeld* after the host suggested the media was trying to create an emotional response to what's happening in Ukraine. "It is an absolute catastrophe, and the people caught in the middle are the ones who are really suffering," Hall [said](#).

WARNERMEDIA-DISCOVERY - FINAL COUNTDOWN

With the **WarnerMedia-Discovery** merger expected to close in the coming months, we're getting more details on what the combined company will look like. At an investor conference Monday, **Discovery** CFO *Gunner Wiedenfelds* said the plan is to combine streaming entities **HBO Max** and **discovery+**. However, early on, the two SVODs are likely to be bundled as an interim solution. Meanwhile, **AT&T** sees the transaction as the starting line for a new, connectivity-focused era for the company. AT&T CFO *Pascal Desroches* said AT&T opted to spin off WarnerMedia as opposed to splitting it off to avoid a big discount to Warner Brothers Discovery stock. "There's never been a split of this size done. Our view is in order to get the demand, we would have to really discount the Warner Brothers Discovery stock at a time where those shares don't fully reflect the value that we see long term for the combined company," he said in a separate appearance at the conference.

BREEZELINE BLOWS INTO CONCORD

Breezeline lit up its first customers in Concord, NH, as part of an \$80 million expansion project to reach 70,000 additional homes and businesses in New Hampshire and West Virginia. Service is coming to Dover, Durham and Madbury

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in New Hampshire, as well as Westover, Morgantown, Granville and Star City in West Virginia in the coming months. Breezeline boasts that it's the first provider in Concord to offer symmetrical speeds, with offerings of 200/200 Mbps, 500/500 Mbps and 1,000/1,000 Mbps (1 Gigabit) with no data caps. Business-class internet is also available in Concord with speeds up to 10 Gbps. **Comcast** has been the primary cable operator in Concord for decades, with **Cogeco**-owned Breezeline (formerly Atlantic Broadband) winning a cable franchise from the city late last year.

CABLE: EMERGENCY ALERT CHANGES TAKE TIME

Cable is good with the **FCC**'s proposed changes to the Emergency Alert System—it just wants to make sure operators have sufficient time to implement them. "To ensure that the proposed changes to EAS can be implemented with the necessary due diligence, with minimal disruption to consumers, and at a reasonable cost, the Commission should provide EAS Participants a minimum of 2 years implementation time," **NCTA** told the FCC late last week. The Commission has proposed requiring video service providers to use specific scripted text for the visual crawl in legacy-based nationwide EAS tests. The FCC also is looking to have providers revise the terminology of the header code used for Common Alerting Protocol-based nationwide EAS tests from "National Periodic Test" to "Nationwide Test of the Emergency Alert System" and to require EAS participants that voluntarily transmit state or local area alerts to seek out and use the CAP version if one exists. NCTA said each of the proposed changes will require cable operators to modify software in EAS encoder/decoder equipment in the cable headend and conduct substantial testing with downstream equipment.

NBCU PARTNERS WITH OMNICO

Omnicom Media Group will integrate with the **NBC Universal Audience Insights Hub**, the company's proprietary data clean room environment that showcases data between NBCU and its partners. Omnicom will be able to run permissioned measurement queries across NBCU's first-party data and data sets within Omnicom's open marketing operating system, **Omni**. NBCU will show further capabilities at its developer conference **One22** slated for March 22.

SPECTRUM BUSINESS' SPECIAL DEAL FOR SMBs

With small businesses feeling the pinch of inflation, **Spectrum Business** has launched a [promotion](#) offering new customers \$1,500 worth of free advertising. The offer is available in most Spectrum markets, including NYC, Charlotte, Kansas City, St. Louise, Dallas and L.A, to customers who subscribe to Spectrum Business Internet, TV, Voice or Mobile. For those who need a TV spot, Spectrum Reach, in partnership with **Waymark**, is offering customized 30-second commercials that business owners will be able to create for free. A recent Goldman Sachs survey found 76% of SMBs reporting that the financial health of their company has been negatively impacted by inflation over the past six months.

MEDIACOM RAISES DOWNLOAD SPEEDS

Mediacom Communications is improving its download speed to many **Xtream** internet tiers. Access Internet 60 will bump up to 100 Mbps, Internet 100 to 200 Mbps and Internet 300 to 400 Mbps. Mediacom's \$30/month **Connect2Compete Plus**, which is designed to work in conjunction with the FCC's Affordable Connectivity Program, will go from 50 Mbps to 100 Mbps. These upgrades will be available to more than 900,000 customers at no additional charge. Customers may need to reboot their modems for the changes to take effect, and older modems may need to be upgraded as well.

NEWSNATION GETS NEWSIER

Nexstar's cable network **NewsNation** will add 12 hours of live news programming by early June. Once the expansion is complete, the network's weekly original programming will increase from 21 hours at its launch in September 2020, to a total of 61 hours of live news, analysis and talk every week. The channel reaches 75 million U.S. households. Meanwhile, *Joe Donlon*, who has anchored "The Donlon Report" since spring 2021, is leaving the network. His last show is March 25. As a result, "Rush Hour," NewsNation's early evening newscast anchored by *Nichole Berlie*, is expanding one hour and airing weeknights from 5 p.m. to 7 p.m. ET, beginning March 28.

NBCU GOES AFTER HISPANIC FEMALE DIRECTORS

NBCU Launch partnered with **Telemundo** to increase the number of Hispanic female directors in scripted TV. These initiatives are the industry's first that guarantee at least one in-season directing credit for participants. As part of the effort, NBCU introduced a Telemundo track to its **Female Forward** initiative, and two Female Forward applicants who choose the track will shadow at least two episodes of a Telemundo scripted series leading up to an in-season directing assignment. The rest of the applicants will shadow on up to two episodes of an NBCU scripted series before directing an in-season episode.

RATINGS

Univision's broadcast of Real Madrid vs. Paris Saint-Germain was the second most-watched **UEFA Champions League** Round of 16 match ever in the U.S among P2+, with 990K viewers. The telecast peaked with 1.327 million P2+ from 4:30pm-4:45pm. The broadcast beat CBS' by +71% in A18-49 and +23% in P2+. - **HGTV's** "Fixer to Fabulous" averaged a .57 live plus three-day rating among P25-54 and .75 L3 rating among W25-54 over the course of its 16-episode season. The show also averaged a .68 rating among upscale P25-54 L3 and .91 L3 rating among upscale W25-54.

PEOPLE

Jane Latman, President, **HGTV** and Streaming Home Content, will oversee the **Food Network** and streaming food content effective April 30. This follows the news that *Courtney White*, President of Food Network, is stepping down to launch a new production company, **Butternut Films**. Latman has been with Discovery since 2003. She joined HGTV in 2019 and has helped the channel keep its spot as the top non-news network among ad-supported cable in total day.