

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Closer Look: Legislators, Lobbyists Voice BEAD, ReConnect Concerns

We're still more than 45 days away from the deadline for **NTIA** to release the Notice of Funding Opportunity for its \$42 billion BEAD program, and the occasion has legislators and lobbying organizations examining government funding opportunities under a sharper magnifying glass.

Reps *Kat Cammack* (R-FL) and *Jim Costa* (D-CA) are leading efforts to take a fresh look at **USDA's** ReConnect Pilot Program and ensure it interoperates well with other federal funding initiatives for connectivity services. Established in 2018, the ReConnect Pilot Program is targeted toward rural areas where at least 90% of households remain unconnected and aims to avoid funding overbuilding of areas that already receive broadband service. Cammack and Costa now have concerns that the program is straying from its original purpose and asked USDA Tuesday to rethink the rules surrounding upcoming funding rounds.

"We are troubled by the Round 3 ReConnect guidelines that could allow a new broadband provider to obtain funding to build a broadband network to serve the very same area awarded to another provider that has received funding from other programs like the **Federal Communications Commission's** (FCC) Rural Digital Opportunity Fund (RDOF). We are also concerned that reducing the unserved threshold from 90% to 50% for funding as required by the Infrastructure Investment and Jobs Act (IIJA) will once again shift

dollars away from the rural areas that are most in need of broadband," the letter, which received the support of **NCTA** and **NTCA-The Rural Broadband Association**, read. "Duplicating service in project areas funded by other government agencies' programs will only harm the effort to close the digital divide and continue to leave many Americans without access to reliable, affordable, and high-speed internet."

ACA Connects President/CEO *Matt Polka* also pushed for the prioritization of deployments to unserved areas in a separate Tuesday letter to NTIA head *Alan Davidson*. He examined a number of letters legislators had sent to Davidson over the past months with recommendations on how the agency should implement the BEAD program and laid out a consensus view of what the program needs to be successful. That also includes the development of granular and accurate broadband maps at the FCC, investments in future proof networks and the implementation of an approach that would maximize the participation of providers of all sizes.

NTIA is in the midst of holding technical assistance webinars to prepare prospective participants for not only the BEAD program, but also the Enabling Middle Mile Broadband Infrastructure Program, the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program.

FCC Chair *Jessica Rosenworcel* and Davidson have been working since their respective confirmations to improve communications between the two agencies. Part of that is



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FREE TO ENTER!

the launch of a Spectrum Coordination Initiative and the formation of a joint task force to begin talks on how to structure a new Memorandum of Understanding between the two agencies. The existing MOU between the FCC and NTIA only requires Rosenworcel and Davidson meet twice per calendar year, but they plan to meet monthly for the time being to share information on their respective agencies and coordinate spectrum planning. Their meeting Tuesday included discussions on the national spectrum strategy, the possibilities for midband and millimeter wave spectrum to support next-gen commercial networks and the FCC's upcoming receiver standards Notice of Inquiry.

BEDOYA CLOSER TO FTC

It took 2.5 hours Wednesday, but eventually the Senate voted 50-50—with VP *Kamala Harris* breaking the tie—to discharge the nomination of *Alvaro Bedoya* to serve on the **FTC**. Two more affirmative floor votes are needed before Bedoya can join the agency and break its 2-2 deadlock. Maybe his nickname should be Deadlock Bedoya, given that it was a 14-14 vote in **Senate Commerce** earlier this month that advanced him to where the Senate could bring up whether to discuss his confirmation at today's vote. That same Commerce hearing saw **FCC** nominee *Gigi Sohn* reported out on a 14-14 vote. With the Senate in recess April 11-18, Sohn's supporters are hoping Sen Majority Leader *Chuck Schumer* (NY) schedules a vote for her next week. Washington wonks have suggested **Amazon's MGM** purchase would have been challenged by the FTC if Bedoya had been seated. There's always the possibility the Commission

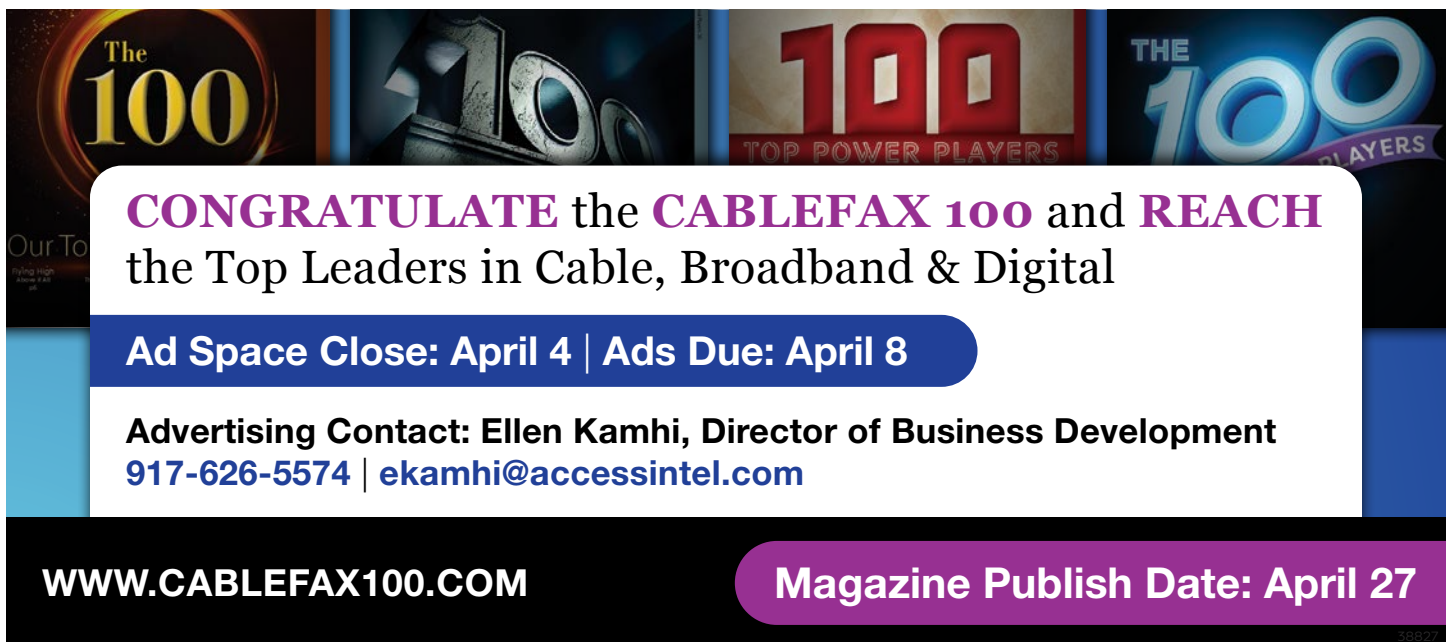
could revisit the deal once it has a Democratic majority, but **New Street Research's Blair Levin** believes that's unlikely because there are bigger fish to fry. "We are confident that the majority will provide the Chair much greater leeway to advance the aggressive agenda she outlined as a law professor and law student—though what the courts do with that agenda is another matter, to be discussed another time," Levin said in a research note. *Lina Khan* was appointed as Chair of the FTC in June, with **Facebook** and Amazon raising concerns that she wouldn't be neutral given her criticism of big tech over the years. She's set to give her first public address focused on privacy issues during the [IAPP Global Privacy Summit](#) in D.C. next month.

CABLE HALL OF FAME 2022 CLASS ANNOUNCED

The Cable Center is welcoming six industry heavyweights into the Cable Hall of Fame this year: **BOYCOM Vision** President/CEO *Patricia Jo Boyers*; **Comcast Cable** President, Northeast Division, *Kevin Casey*; **CableLabs** COO Emeritus *Chris Lammers*; **OWN TV Network & OTT Streaming** President *Tina Perry*; **Telenet Group Holding** CEO *John Porter*; and **NCTA** President/CEO *Michael Powell*. A celebratory event will be held at NYC's Ziegfeld Ballroom on Sept. 15.

STARRY MAKES TIME100

Starry was named to the second annual Time100 Most Influential Companies list and was the sole broadband provider represented on this year's list. The list showcases 100 companies making big impacts, focusing on factors like relevance, innovation, leadership and success. Starry Connect, the company's product offering affordable connectivity to low-income



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Magazine Publish Date: April 27

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 | Associate Editor: Noah Ziegler, 301.354.1704, nziegler@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

households, has connected more than 55,000 housing units thus far. The news comes one day after Starry's debut on the New York Stock Exchange under the STRY ticker. The stock was down 12.47% at market close Wednesday.

HAVE WIFI YOUR WAY

Breezeline expanded its product portfolio with a managed WiFi solution for business customers. WiFi Your Way for Business, which is powered by **Plume's** WorkPass offering, takes advantage of both a wireless mesh system as well as AI technology to deliver faster and more reliable connectivity services. Businesses can also create individual networks for different populations and set bandwidth limits based on individual needs. Additional features include security and cyber threat protection, personalized business usage data.

THE BIG APP(LE)

SNY unveiled a new app for New York sports fans last week, replacing the NBC Sports App as the home of its live streaming content. SNY viewers can access authenticated live streams of games, pre- and post-game shows for the New York Mets, New York Jets and UConn women's basketball, as well as daily programming and highlights. They will also be able to access an on-demand video library with news and full game encores. The app is available for download on iOS and Android devices, Fire TV and Roku.

TDS EXPANDS FIBER IN MAINE

TDS will bring its fiber internet network to multiple areas of Maine. The project is expected to begin this year and will have up to 2-Gig internet download and upload speeds. Around 21,000 homes and businesses will have access.

RATINGS

Hallmark Channel's "Spring Into Love" event started Saturday with the premiere of "A Second Chance at Love." The movie was the most-watched entertainment cable program of the day among households, women 18+ and total viewers, and averaged 137,000 women 15-54 and 1.3 million total viewers, at one point reaching 2 million unduplicated total viewers. Hallmark also was the second most-watched entertainment cable network in weekend prime among households, women 18+ and total viewers.

FREEWHEEL ENHANCES AD BUYS

FreeWheel launched technology that enables audience-based planning on premium CTV inventory, with deduplicated reach for linear television. It'll allow advertisers to create custom audience segments and activate CTV campaigns with FreeWheel's premium publisher partners, as well as reduce intermediaries from transactions. Political TV buyers can select and use custom CTV audience segments with first- and third-party data sets.

PARAMOUNT RESTRUCTURES DEBT

Paramount Global sold \$1 billion in aggregate principal amount of 6.375% fixed-to-fixed rate junior subordinated debentures due 2062 at the same price equal to 100% of the principal amount. Paramount hopes to use the net proceeds

for general corporate purposes, including potential repayment of indebtedness.

AT THE COMMISSION

The **FCC** is holding its second virtual public hearing as part of its broadband consumer labels rulemaking proceeding on April 7 at 1:30pm ET. The hearing will feature panels of consumers, academics and nonprofit experts prepared to speak to how the Commission can make the broadband labels more useful and what information consumers need.

PROGRAMMING

The **United States Football League, NFL Films** and **Fox Sports** are partnering to produce "United By Football: A Season in the USFL." The 13-episode series will follow players and coaches as they compete in the league's inaugural season. The series premieres with a one-hour special April 16 at 6:30pm on **Fox** and will lead into the season kickoff game. Remaining episodes will be 30-minutes in duration and will first air on Fox with encore showings on **FS1** and **Tubi**. – **TelevisaUnivision** is adapting comedic novel "Captain Pantoja and the Special Service" as a Spanish-language series for **VIX+**, the SVOD service set to launch later this year. – "FBN Prime" will begin its second season on **Fox Business Network** on April 25 at 8pm. Shows "How America Works" with *Mike Rowe*, "Mansion Global," "American Dream Home" and "American Built" return, with "Legends & Lies," "My Dream Car!" and "Billion Dollar Idea" making their respective FBN debuts this season. – *Merritt Patterson* and *Daniel Lissing* will star in "Catering Christmas" on **GAC Family**. Production begins Sunday.

PEOPLE

Jeremy Doig was named Chief Technology Officer, **Disney Streaming**. He'll lead technology organization and global technology strategy for The Walt Disney Co.'s portfolio of DTC streaming services. Doig spent the last 18 years at **Google**. – **Nexstar Media** appointed *Klarn DePalma* as SVP, Group Sales and Sponsorships. He's responsible for the strategy, development and execution of sales and sponsorships efforts across Nexstar's broadcast stations and associated digital properties. DePalma has spent over 25 years in the broadcasting industry, most recently as EVP, Targeted Media for **Meredith**. It also added *Beth Feldman* as Executive Director, Communications for the company's networks division. She'll oversee internal and external communication at Nexstar's cable news network **NewsNation**, its nationally distributed dignets, **Antenna TV** and **Rewind TV** and **WGN Radio**. – **Canela Media** appointed two new executives: *Karsten Amlie* as SVP, Content Distribution and General Counsel, and *David Grossi* as SVP, Commercial Operations. Both are newly created positions and will report to CEO *Isabel Rafferty*. Amlie will navigate deal structures and advise in M&A transactions, rights acquisitions, IP, product and brand launches, while Grossi will manage the company's day-to-day functions and operational procedures. – *Frank Deo* joined **605** as EVP of Engineering. Deo, who has over 35 years of experience in product development and engineering management, will support the company's product innovation.

Think about that for a minute...

Lead, Follow.....

Commentary by Steve Effros

...Or get out of the way! It's a favorite aphorism repeated often by Ted Turner. He gave out paperweights with the phrase embedded in them. I have one on my desk. I was looking at it the other day as it occurred to me that it was the perfect sentiment to sum up what I've been writing about in the past several columns regarding the massive changes that are facing us in the telecommunications business.

A short synopsis; the fracturing of the internet ("splinternet") along both ideological and geopolitical lines, especially in countries like China and Russia which have decided to essentially block any information or access they don't like. The serious challenges to the current legal status of "edge" providers regarding the content on their services. Are Facebook or Google "responsible" for everything that is "published" on their platforms? Right now in the US, "Section 230" says they are not. They argue they are not "publishers" but rather attempt to be neutral creators of a communications platform. Are all of these companies too big, have too much control of information, create "biased" algorithms to channel material in favored directions? Should they be heavily regulated, or just broken up?

All of those issues are the core of the debate. There's one thing I'm relatively sure of, however, given all this; something's going to be done. The question is what, and by whom, not whether. At the moment it would appear that the United States is moving at a painfully predictable pace leading to the inevitable assumption that if things don't change soon, "getting out of the way" will be the only option left.

The EU has just completed negotiations on a broad new package of regulations they hope to pass by this summer aimed at the Big Tech companies. The rules would clearly apply to Google, Apple, Facebook, Microsoft and Amazon as well as other international companies that, for instance, have a market capitalization of at least \$82 billion. The proposed rules could significantly change the way they do business.

For instance, instead of simply offering the ability of "opting

out" regarding personalized data and targeted ads, they would have to get "explicit consent" from every user. Messaging platforms would have to be interoperable. You would no longer be tied to iMessage or WhatsApp. Users will also be able to choose a "personal assistant" different from the one provided. In other words, Alexa on an iPhone, or Siri on a Samsung or Pixel phone.

The whole EU "Digital Marketing Act" is a very strong vehicle for putting muscle behind the antitrust laws. The penalties for violations are no joke either. They can include fines of ten to twenty percent of annual international turnover, and even prohibitions on the purchase of other companies for a period of time. The whole idea is to enhance competition and restrict the "gatekeeper" ability of the big tech companies which have a lock of "the network effect" simply because they are so big. Forcing interoperability may change that, or not. Some argue it doesn't go far enough.

The bottom line here is that whether the DMA is good enough or not enough, it's about to become law. Meanwhile there are a whole host of pieces of legislation floating around in Congress trying to address these competitive issues as well as the associated "content" issues (which the Europeans are also working on in another piece of legislation.)

It's pretty clear that if companies like Google and Facebook have to comply with the EU rules, then the template for regulation has been established, and it will be in place long before our Congress gets its act together, if it ever can. Thus, "lead, follow, or get out of the way." We may have already chosen.



Steve

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(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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