

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## The Story: NTIA Head Says Folks Misunderstood BEAD's Fiber Favor

NTIA earned both praise and protests when it released the Notice of Funding Opportunity for the BEAD program less than two weeks ago, and Administrator *Alan Davidson* believes some have the wrong idea about the agency's intentions when it comes to prioritizing fiber builds.

The NOFO classified fiber as "priority broadband projects," calling it the only technology that can ensure that a network can easily scale speeds over time and meet the bandwidth demands of the future. At the same time, locations served exclusively by satellite or services using entirely unlicensed spectrum will be seen as unserved. Davidson doesn't want ISPs to read that section of the document as meaning that there is no place for a mix of technologies in their buildout plans.

"I think there are a lot of folks who misread in some ways. There is going to be plenty of opportunities for other technologies. We fully expect there will be areas where there is no priority fiber project because it's too expensive for states, and states will be given the flexibility in themselves to set high-cost thresholds," he said during a press conference at the Mountain Connect Broadband Development Conference Tuesday. "We fully expect that it's going to vary quite a bit from state to state. We do expect there'll be some states that are very focused on fiber deployments. We expect there will be other states where other technologies, including satellite, will be an important part of the mix."

He was also challenged on why NTIA seemingly ranked DSL

higher than technologies like satellite in the NOFO, including DSL within its definition of reliable broadband. That would put it in the same category as cable modem/hybrid fiber-coaxial technology or terrestrial fixed wireless that is dependent entirely on licensed spectrum or a mix of licensed and unlicensed spectrum.

"We didn't have evidence to say that every DSL implementation is unreliable," Davidson said. "We do see a lot of folks out there replacing DSL and we imagine that will happen in a lot of situations. We were more focused on what the standard should be for understanding what is a reliable technology and what's not."

As it moves forward with the distribution of BEAD funding and dollars from its other grant programs, it will have to consider what areas of the country are already set to benefit from other federal programs supporting broadband deployment. Davidson said that's an exceptionally hard task considering programs like the FCC's RDOF is still greenlighting funds on a rolling basis. For that reason, NTIA will use the FCC's revamped broadband availability maps as the authority, upon release, on what areas of the country remain unserved.

"We're going to be purely looking at the maps, and we'll look at what is served right now. So if we do that, we don't penalize against future builds that may or may not happen," Davidson said. "However, we've also been given a mandate to make sure that states don't overbuild."

NTIA plans to balance this out by insisting that states cannot grant additional federal funding where a provider has already won federal dollars to deploy its network. It will be up to states

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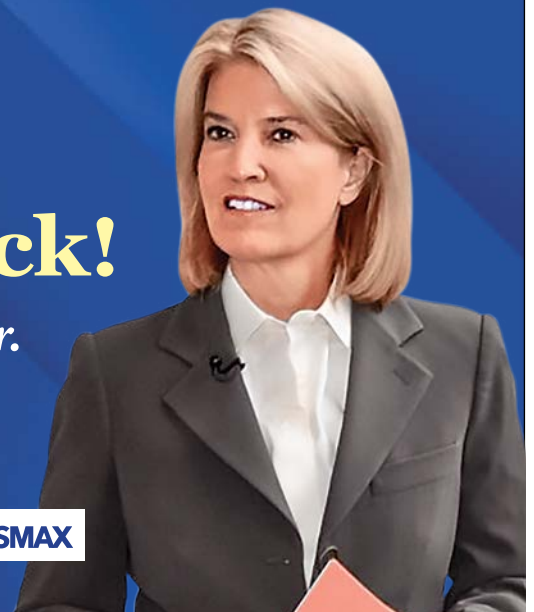
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at the time of the grantmaking to work out those conflicts.

The next major deadline comes on July 18 when the states must submit their letters of intent to participate in the BEAD program. Those letters of intent will also be incredibly important for the Digital Equity Program, which provides \$2.75 billion to establish grant programs that promote digital equity and inclusion. Those states that are looking to receive planning grants for digital equity projects will need to indicate as much in their letters of intent.

“As we build out, then it’ll become more about the maps and making sure that the maps are moving along quickly. There’s a ton going on in this space, and there’s other things happening in the federal government,” Davidson said. “You’ll be seeing a lot of activity in the coming months. We are all working together in this one direction, which is to connect everybody to make sure we’re bridging the digital divide... and you’ll see that across the administration. It’s a huge priority and we’re glad to be doing our part here today.”

#### COMCAST FILES CLAIM AGAINST MISSION

With **Nexstar** [suing Comcast](#) over millions in retransmission consent fees, the MVPD is filing a third-party suit against **Mission Broadcasting**. Nexstar sued Comcast in July over unpaid retrans fees for NY station **WPIX**. The suit came after Comcast asked the **FCC** to find that Nexstar is in violation of the 39% national audience cap because it has de facto control of NY station WPIX through a Local Marketing Agreement with Mission. While Comcast disputes Nexstar’s ability to negotiate retrans for WPIX (the FCC is investigating the issue as an informal complaint and it’ll be adjudicated as part of the Nexstar lawsuit), its complaint filed Monday claims Mission breached the retrans pact it struck with

Comcast in November 2019. “Mission cannot escape liability for its own breach of the Comcast-Mission Agreement, irrespective of Nexstar’s role in the scheme,” Comcast told the court. Nexstar agreed to divest WPIX in 2019 to stay under the 39% broadcast cap following its \$4.1 billion acquisition of **Tribune**. It sold the station to **Scrpps**, but retained the option to repurchase the station. It later assigned its purchase option to Mission Broadcasting, which acquired the station in December 2020. Nexstar has a sidecar arrangement with Mission, allowing it to make programming, marketing, and/or related service arrangements.

#### FCC SPECTRUM AUTHORITY RENEWAL DEBATE

**House Commerce** is ready to renew the **FCC**’s spectrum authority for a period of time, but how long that should be remains a topic of debate. The Extending America’s Spectrum Auction Leadership Act of 2022 would extend the FCC’s spectrum auction authority for an additional 18 months, and witnesses at a hearing Tuesday said a short-term extension could actually be the right move for this moment in time. While there may come a time when Congress should permanently grant the FCC the spectrum auction authority, the lack of a national spectrum strategy or multiple upcoming spectrum auctions has some believing that’s something to hold off on until the future. “Mostly it’s related to, among other things, the fact that we don’t have any spectrum auction teed up in the near future, certainly not beyond the horizon of the next 18 months,” **Mark Gibson**, **CommScope**’s Director, Business Development, said. He added that the FCC remains down a commissioner while the confirmation of **Gigi Sohn** remains in regulatory limbo and some of the key players in the Commission’s bureaus are only



## Nominate for The Diversity List.

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Other nomination categories include D&I Mentor of the Year, Public Affairs Campaign and Thrivers Under 30, the industry’s rising stars under 30.

**Deadline:** Friday, June 3 to submit three entries for free.

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temporarily holding the positions. “18 months seems to be an appropriate timeframe, all those things considered,” Gibson said. Other topics of interest during Tuesday’s hearing included spectrum sharing initiatives and a bill that would amend the **NTIA** Organization Act to create a standardized framework to facilitate the sharing of spectrum between private entities and incumbent federal entities. A key issue of late has been the lack of respect some federal agencies have for NTIA’s authority over the federal government’s spectrum portfolio. When questioned what additional actions Congress could take to reinforce and support NTIA’s authority, **Wiley Rein LLP** Partner *Anna Gomez* suggested that lawmakers consider elevating *Alan Davidson*’s title from Assistant Secretary of Commerce for Communications and Information/NTIA Administrator to Undersecretary “If you have an assistant secretary sitting in a room with the deputy secretary of [the **Department of Defense**], there are times when perhaps the staff may be unwilling to allow that kind of negotiation to happen,” she said. “It’s just a protocol issue, but it definitely helps. Much like having an ambassador status helps in the international negotiation process, having an undersecretary status helps in the domestic negotiation process.”

#### EDGE COMPUTING PART OF XPERI’S PATH FORWARD

Kudos to **TiVo** parent **Xperi** for broadening the definition of “Analyst Day” to include panels with clients and industry partners. Among those joining Xperi’s lineup of panels Tuesday was **VideoAmp** EVP of TV Strategy and Currency *Jonathan Steuer* and **Hotwire Communications** Chief Product & Strategy Officer *Jonathan Bullock*. The series of sessions focused on how Xperi products touch on everything from helping consumers navigate what they want to watch to supplying complex driver monitoring systems in vehicles. “I think the common threads here are the ecosystems need to understand context in a big way,” said Xperi CEO *Jon Kirchner*. His goal is to create a simple user experience that in some cases can be transported to different environments. “Here’s where you have maybe an overlap of ecosystems—what comes out of the living room that should live very well in the car? What is going to end up living in the car that potentially can be translated back into the home? And how does that mobile computing bridge fit between those various operating environments? I would argue that we have to work together collectively, as industry to do a better job to understand where can we make the biggest gains in areas of trust and complexity management, as well, as you know, experiential quality.” Data is at the heart of everything Xperi does, so establishing core elements for trust around that information is critical, Kirchner said. Managing all that data is really a team effort that takes multiple partners, said Bullock, whose company relies on Xperi for its FisionTV+ IPTV product. “We work through what information is really actually valuable, because we can’t store everything from a practical perspective or an ethical perspective... Then how do we collect that and use that. I think that’s where we rely on our partners to help us understand as they’re figuring it out,” Bullock said. A core question in dealing with set-top data and other content data is where does it need to go. “It’s why from our perspective, we’re looking very heavily into an investment significantly in and

around edge-based computing and machine learning,” Kirchner said. “It helps address some of the privacy issues... [and] if you can actually develop real inference and understanding of what’s happening around you [to extract what] really is important to be passed along whether it be to ecosystem partners or part of the rest of the service or delivery chain.”

#### FRONTIER FEELING MOMENTUM

After **Frontier** revealed it planned to exceed its target of 1 million fiber locations in 2022 last week, executive chairman *John Stratton* emphasized the company’s momentum following a successful 1Q22. Stratton spoke at the J.P.Morgan Global Technology, Media and Communication Conference, saying Frontier doubled its broadband production in the previous quarter and that its gross adds in legacy markets are strong and continuing growth. “This is a place where we and our cable competitor are both incumbents,” Stratton said. “What we’re demonstrating in those markets is the ability to go head-to-head and capture share, which obviously requires revitalization of product, revitalization of distribution and improvement of the brand’s perception among those customers who have known of us for a long time.” Stratton pointed to a full point in penetration pickup in the last 12 months as an example of Frontier’s expansion, adding that in each market that it competes in, Frontier took share from cable competitors.

#### RATINGS

Over 2 million viewers watched **ESPN**’s coverage of the PGA Championship second round Friday. Airing from 2pm-8pm, average viewership was up 47% from the second round of last year’s tournament. This year’s first round had an average of 1.5 million viewers—the largest first-round viewership for the tournament in 20 years. – **TNT**’s coverage of the NBA Western Conference Finals is averaging 6.9 million viewers through the first three games. Viewership is up 39% compared to the first three games of last year, and Sunday’s Game 3 telecast averaged 7.4 million viewers. All that sports action helped TNT take first place in primetime P2+ ratings among ad-supported cable nets last week, with an average of 2.89 million total viewers. ESPN ranked second at 2.32 million, followed by **Fox News** (2.29m), according to **Nielsen**.

#### PROGRAMMING

*Greta Van Susteren* will host **Newsmax**’s “The Record with Greta Van Susteren,” set to premiere June 14. Van Susteren left **Fox News** in 2016 after 14 years, telling fans that the network hadn’t felt like home for a few years. She came to Fox in 2002 from **CNN**. Recently she hosted a Sunday morning show with **Gray** and served as a contributor to **Voice of America**.

#### PEOPLE

*Nathaniel Brown* will serve as Chief Corporate Communications Officer for **Warner Bros. Discovery**, reporting to *David Leavy*, Chief Corporate Affairs Officer. Brown previously was EVP, Global Communications for **Discovery, Inc.** – **Disney Advertising** hired *Jamie Power* as SVP, Addressable Sales. Power—who most recently was Chief Data Officer and Head of Platform for **Cadent**—will begin at the end of May. Additionally, *Dana McGraw* was promoted to SVP of Audience Modeling and Data Science.