

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Condo Wars: Cox Disputes Claim it Tried to be MTE Exclusive Provider

**Cox Communications** is pushing back against a petition from **Emerald Harbor Communications** that claims the operator is violating **FCC** rules by asserting rights to be the exclusive service provider to The Palms of Destin Resort. Cox said the claim, which involves condos in Florida, is inaccurate.

The FCC has long focused on making sure MTEs, multiple-tenant environments, such as apartments and hotels, have true broadband, video and telecom competition. In 2007, the agency reversed a 2003 decision and prohibited exclusive access provisions in agreements between cable operators and managers of MTEs. In February of this year, the FCC voted 4-0 to bolster MTE rules and prohibit broadband providers from entering into select revenue sharing agreements with owners of MTEs. The Commission also adopted rules in February that require service providers to disclose to potential customers the existence of any exclusive marketing agreement with the property.

Last month, wireless internet service provider Emerald Harbor filed a petition at the FCC, claiming Cox was in violation of MTE exclusivity rules. Emerald Harbor said it received a letter stating Cox and Communications Processing Systems, the entity controlling conduits and easements in The Palms, is the sole and exclusive provider of cable, telephone, internet and telecommunications for various Palms Destin properties. The letter also demanded it cease and desist provisioning such services, EHC said.

A copy of the letter from CPS does not mention Cox's name, instead referring to CPS as the "sole and exclusive provider of those services."

Cox has asked the FCC not to act on the petition, declaring that the issue is really with CPS' apparent decision not to allow multiple providers to serve the development. "Cox has a standard, non-exclusive customer contract with CPS to offer service to the Palms. Cox has not demanded exclusivity from CPS—to the contrary, the contract binds CPS to all federal rules—nor asserted rights to exclusivity vis-à-vis other providers seeking to serve the Palms," the operator said in a letter filed Wednesday with the agency. "Indeed, the Petition does not even assert that Cox has done so, let alone prove it. Rather, the Petition points solely to actions by CPS."

EHC's complaint claims CPS "merely stands in the place of Cox and is attempting to leverage its ownership interests within The Palms to effect exclusive agreements that favor Cox." It refers to the entities as "CPS/Cox" throughout the complaint. However, Cox said there is only a standard business relationship between the two and that it's a non-exclusive contract to offer service to the Palms. In fact, it only won the current contract with The Palms in 2015. Before that, **CenturyLink** was the provider.

"Moreover, Cox has no guarantee of remaining the provider: the contract between Cox and The Palms was a standard five-year contract that expired in 2021, and Cox now provides services on a month-to-month basis, with no promise that CPS will renew the contract. There is no basis for believing that









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6/2  **VS**   
 MÉXICO 10PM (EST) URUGUAY

6/5  **VS**   
 USA 5PM (EST) URUGUAY

 **VS**   
 MÉXICO 7:30PM (EST) ECUADOR

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\* Source: Nielsen, NPM (01/30/2022, 02/02/2022, 03/24/2022, 03/30/2022, 04/27/2022, 05/28/2022), Live+7 P2+ Average rating using previous 6 games.

CPS stands in the place of Cox to advance Cox interests,” the operator told the FCC. “Cox has no control over whether CPS chooses to contract with multiple providers to serve the property or not, and EHC cannot seek to hold Cox responsible for CPS’s actions merely by renaming CPS to be ‘CPS/Cox.’”

### COX COMMITS TO UNDERSERVED AREAS

**Cox** pledged more than \$400 million over the next three years to bring symmetrical gigabit broadband connectivity to over 100,000 unserved and underserved households across the U.S. The provider recently partnered with Tahlequah, Oklahoma, to bring fiber service to over 6,000 homes, and has other projects underway in Nebraska, Kansas, Florida, Louisiana, California, Virginia and Arizona.

### INDUSTRY SHINES LIGHT ON PRIDE MONTH

**Spectrum** will have a collection of LGBTQ+-themed films throughout June for Pride Month. Films include “Dallas Buyers Club,” “Carol,” “Boy Erased” and “Pariah.” Content can be found in the Spectrum On Demand portal under the Pride Month category. – **HBO Max** gave its LGBTQ+ Voices collection a full refresh on curation and design and is launching a short-form series showcasing the voices of HBO Max LGBTQ+ talent. Select titles are also available on the service’s Watch Free Episodes section. HBO Max is also partnering with **DC** to host a Super Hero Pride tray with titles from the DC multiverse featuring LGBTQ+ characters like “Batwoman,” “Harley Quinn” and “Peacemaker.” Additionally, throughout June the company will partner with queer collectives in Los Angeles, Miami and New York to help celebrate pride in person. – **Paramount+** is launching the collection “Paramount+ Celebrates Pride” which will be available throughout the month. Programs

include “RuPaul’s Drag Race All Stars,” “Why Women Kill,” “In & Out” and “Mean Girls,” alongside LGBTQ+-centric episodes of other shows like “Lip Sync Battle” and “The Loud House.” – **Showtime** is growing its “Queer to Stay” Small Business Preservation initiative with \$250,000 in grants in partnership with the Human Rights Campaign. The initiative will support at least 25 businesses from geographically diverse LGBTQ+ communities. Queer to Stay will also launch a grassroots outreach campaign in more than 155 Pride events across the U.S. Qualifying businesses can apply [here](#) through Aug. 31. Additionally, Showtime will release over 50 hours of LGBTQ+ programming for the month, including “The L Word,” “Queer as Folk,” “Work in Progress” and “XY Chelsea.” More will be available across Showtime partner platforms.

### FNC ON TOP FOR TOTAL DAY IN MAY

Aided by the NBA Playoffs, **TNT** nabbed the No. 1 spot in prime for the month of May among ad-supported cable networks with 2.74 million P2+. **Fox News** solidified its 15th consecutive month as the highest-rated network in total day at 1.46 million. Fox News came behind TNT in prime at 2.27 million, edging **ESPN**’s mark of 2.17 million despite it having the Stanley Cup Playoffs going on. **MSNBC** and **HGTV** followed with 1.02 million and 957,000 in prime, respectively. For total day, Fox nearly doubled TNT’s second-place amount of 769,000, followed by ESPN at 742,000 and MSNBC with 634,000.

### NEW CNN BOSS MAKES STYLE CHANGE

New **CNN** CEO *Chris Licht* wrote a memo to employees saying the network has added a “breaking news” guideline to its stylebook. This is meant to dial down the number of times CNN utilizes its breaking news banner, furthering Licht’s mis-

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- 58% with \$75K+ HHI
- 91% Own Home

Source: Nielsen Media Research, NPower time period report, 1Q 2022, M-F 9a-4p

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sion to move the network toward full non-partisan reporting. "It certainly will need tweaks, so we are open to feedback, but this is a great starting point to try to make 'Breaking News' mean something big is happening," Licht wrote in the memo. The network is also creating a "Guns in America" beat which will cover gun violence in the U.S. following the tragic shootings in Uvalde, Texas, Buffalo, New York, and Tulsa, Oklahoma.

#### NY AG CITES VERIZON OVER LEGIONNAIRES

New York Attorney General *Letitia James* is making sure **Verizon** takes comprehensive measures to prevent the spread of Legionnaires' disease in the state. The disease is often deadly and can spread through poorly monitored building cooling towers. An investigation by the AG's office found at least 225 alleged violations of city and state laws at 45 Verizon cooling tower locations since 2017. The investigation found Verizon failed to conduct testing, address positive test results and clean and inspect the towers by the required deadlines. An agreement between Verizon and the AG has the company adopting these procedures and paying a \$118,000 fine.

#### ON THE HILL

**Senate Commerce's** subcommittee on Communications, Media and Broadband will hold an **NTIA** oversight hearing next Thursday at 10am ET with agency administrator *Alan Davidson*. The hearing will look at the NTIA's activity and the implementation of the Infrastructure Investment and Jobs Act, as well as its role in federal spectrum management.

#### NEXTGEN TV LIVE IN NC, SC

Leading TV stations in the Greenville-Spartanburg-Asheville-Anderson market in North and South Carolina began broadcasting with **NextGen TV**. WLOS (**ABC**), WSPA-TV (**CBS**), WHNS (**Fox**), WYFF (**NBC**) and WMYA-TV (**MyNet**) now use the **ATSC 3.0**-powered broadcast technology, which enhances visual and audio quality among other features.

#### XUMO ARRIVES ON ROGERS

Free TV service **Xumo** launched a customized app on **Rogers'** Ignite Entertainment platform, making it the app's first international expansion. Available on Ignite TV and Smart-Stream services, **Comcast**-owned Xumo offers over 100 free channels, including **Radio Canada**, **CBC News**, Xumo Free movies, **ABC News Live** and **beIN Sports Xtra**.

#### NTIA NAMES 5G CHALLENGE CONTESTANTS

**Capgemini Engineering**, **Fujitsu Network Communications**, **Mavenir Systems**, **Radisys** and **Signal System Management** were selected as contestants for the **NTIA's** Institute for Telecommunication Sciences 5G Challenge. The competition—hosted by **CableLabs**—has nine sub-systems that will be tested by contestants, with the goal of accelerating the adoption of open interfaces, interoperable components and multi-vendor solutions.

#### MYBUNDLE.TV INTEGRATES WITH SLING

**MyBundle.TV** simplified the ability to sign up, manage billing and receive customer support on **Sling** with integrated billing. Customers can use the "Find My Bundle" tool or go

on the MyBundle.TV Streaming App Marketplace.

#### WWE TO DEBUT NFT COLLECTION

**WWE's** NFT marketplace "Moonsault" will unveil its first official NFT collection Friday ahead of the "Hell in a Cell" event Sunday on **Peacock**. The collection will include over 10,000 NFT Flips featuring a WWE superstar tied to the Hell in a Cell event. In the subsequent days after the event, each Flip will transform and reveal a 10-20 second video highlighting the figure on the NFT. The NFT Flips will be sold in cases of three at \$30/case.

#### PROGRAMMING

Season 2 of **INSP's** "Wild West Chronicles" will premiere July 28 at 8pm. The docudrama's sophomore season will span 11 episodes. – Two new series and one returning program headline **The Weather Channel's** summer slate that begins Sunday. "The Earth Unlocked" explores Earth's natural wonders formed by weather, geologic change and biological evolution and premieres at 8pm. "Deep Water Salvage" follows with its return for Season 2 at 9pm, and "Lords of the Ocean," which follows *Dominion Diving* in its excursions in marine recovery, premieres at 10pm.

### Cablefax Executive Round Up

#### What is your organization doing now that NTIA has released the Notice of Funding Opportunity for the BEAD program?



**Gary Bolton**

President and CEO

#### Fiber Broadband Association

"Actually, the Fiber Broadband Association's efforts started well before the NTIA NOFO. Last year we were focused on ensuring that Broadband Infrastructure gained bipartisan support and as soon as the IJA was signed into law, we

developed the Broadband Infrastructure Playbook to help State Broadband Offices prepare for the NTIA NOFO that would be released in 180 days (5/13/2022). The Playbook was spot on, and we are now issuing a final updated version."



**Drew Petersen**

SVP of Corporate Affairs

#### TDS Telecom

"Because it's a once-in-a-generation funding opportunity to provide connectivity to unserved and underserved areas, TDS Telecom is developing a strategic action plan for the BEAD program. We also continue to be aggressive in applying for state broadband grants and making challenges to applicants looking to overbuild in our service areas where we meet speed thresholds. It's clear there will be intense competition so perfecting our processes now will be key to success later."



**Nicol Turner Lee**

Director

#### Brookings Center for Technology Innovation

"As a nonprofit public policy organization, the Brookings Institution Center for Technology Innovation will not seek a BEAD grant itself, but instead aims to provide high-quality research to BEAD-eligible entities and other interested stakeholders. To that end, we are now analyzing how eligible state entities can best prioritize stated adoption and deployment goals through both a digital equity and workforce development lens, with specific focus on closing the digital equity divides primarily impacting communities of color and rural populations."

# PROGRAMMER'S PAGE

## Spiraling Down 'The Staircase'

I didn't know anything about *Michael Peterson* before the release of **HBO Max's** "The Staircase" last month, unlike most people with a television at the turn of the century. Now I know him to be a father, an at times controversial writer, a veteran and a husband convicted for the murder of his second wife, *Kathleen Peterson*. Death overtook her at the bottom of a set of stairs, and he claims she fell while prosecutors remain fervent in their belief that he beat her. It was by watching the drama that I discovered that a French-produced documentary was filmed and released about the case while Michael was being tried and pursuing appeals following a guilty verdict. Of course, I had to watch and compare my notes. 2004's "The Staircase," available now on **Netflix**, is just as fascinating as I would have imagined it was back then. The case has twists and turns fit for a soap opera, complete with everything from a discovery that Michael was bisexual and the reveal that a second woman, a neighbor of Michael's when he lived in Germany with his first wife, had also been found dead at the bottom of a staircase some years earlier. Although the documentary may be inherently thought to be the more factual of the two programs, I found HBO Max's adaptation to be equally, if not more, compelling. All the key details of the case are there, including some that were not mentioned or featured in the 2004 documentary, and a secondary storyline focuses on the making of that original series. Scenes are focused on the editing of the project, suggestions of a romantic relationship between editor *Sophie Brunet* and Michael and arguments over whether the release of the series would help Michael's appeal. While the original showrunners have spoken out against some of the depictions in HBO Max's adaptation, it gives the viewer much more to consider in the issuing of a verdict in the court of public opinion. – *Sara Winegardner*

### REVIEWS

"Irma Vep," premiere, Monday, 9pm, **HBO** (streaming on **HBO Max**). For viewers who enjoy looking behind the scenes of international moviemaking and television, this TV series about making a TV series is highly enjoyable, if a bit self-absorbed, not to mention a tad meta. Speaking of enjoyable, it's also a chance to watch Academy Award winner *Alicia Vikander* play an American actor who's just wrapped a superheroes film and is in Paris attending its opening and staying on filming a TV series about zombies. The meta bit comes when you realize the series' director is *Olivier Assayas*, who made a film, also called "Irma Vep" (1996), which was about a director who made a film about vampires. Not to worry if you're behind in your knowledge of French cinema and documentaries. Vikander's performance makes Irma more than watchable. – "Borgen," Season 4, streaming on **Netflix**. After years away from this Danish political drama series, fans can't wait for its characters, including the lead, now former prime minister *Birgitte Nyborg* (*Sidse Babett Knudsen*), journalist *Katrine Fonsmark* (*Birgitte Hjort Sorensen*) and political consultant *Kasper Juul* (*Pilou Asbaek*), to return. Having this trio back, and nearly all the rest of the supporting cast, would have been enough. On top of all that, though, is an engrossing plot involving foreign relations with... wait for it, Greenland. Yes! – *Seth Arenstein*

BASIC CABLE P2+ PRIME RANKINGS* (05/23/22-05/29/22)		
MON-SUN	MC US AA%	MC US AA (000)
<b>ESPN</b>	<b>1.127</b>	<b>3511</b>
<b>FNC</b>	<b>0.697</b>	<b>2171</b>
<b>TNT</b>	<b>0.644</b>	<b>2006</b>
<b>MSNBC</b>	<b>0.328</b>	<b>1022</b>
<b>HGTV</b>	<b>0.292</b>	<b>911</b>
<b>TLC</b>	<b>0.270</b>	<b>840</b>
<b>INSP</b>	<b>0.238</b>	<b>740</b>
<b>DISC</b>	<b>0.236</b>	<b>734</b>
<b>CNN</b>	<b>0.229</b>	<b>713</b>
<b>HIST</b>	<b>0.227</b>	<b>706</b>
<b>HALL</b>	<b>0.220</b>	<b>686</b>
<b>FOOD</b>	<b>0.214</b>	<b>667</b>
<b>USA</b>	<b>0.197</b>	<b>614</b>
<b>TVLAND</b>	<b>0.168</b>	<b>523</b>
<b>ID</b>	<b>0.163</b>	<b>508</b>
<b>TBSC</b>	<b>0.162</b>	<b>504</b>
<b>HMM</b>	<b>0.143</b>	<b>444</b>
<b>LIFE</b>	<b>0.141</b>	<b>439</b>
<b>ESPN2</b>	<b>0.136</b>	<b>422</b>
<b>AMC</b>	<b>0.122</b>	<b>381</b>
<b>PRMNT</b>	<b>0.121</b>	<b>376</b>
<b>WETV</b>	<b>0.119</b>	<b>370</b>
<b>A&amp;E</b>	<b>0.116</b>	<b>361</b>
<b>FX</b>	<b>0.112</b>	<b>350</b>
<b>GSN</b>	<b>0.112</b>	<b>349</b>
<b>TRAVEL</b>	<b>0.093</b>	<b>291</b>
<b>APL</b>	<b>0.092</b>	<b>286</b>
<b>SYFY</b>	<b>0.092</b>	<b>286</b>
<b>NATGEO</b>	<b>0.092</b>	<b>285</b>
<b>NAN</b>	<b>0.089</b>	<b>276</b>
<b>ADSM</b>	<b>0.087</b>	<b>272</b>
<b>BRAVO</b>	<b>0.087</b>	<b>270</b>
<b>NICK</b>	<b>0.084</b>	<b>263</b>
<b>FRFM</b>	<b>0.081</b>	<b>253</b>
<b>MTV</b>	<b>0.078</b>	<b>244</b>

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



## Nominate for The Diversity List.

Help Cablefax recognize the top multi-ethnic executives based on their influence and power within the industry plus nominate for Cablefax's inaugural Pride List, honoring top LGBTQ+ execs who are making their mark on the industry.

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. [www.CablefaxDiversity.com](http://www.CablefaxDiversity.com)