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WHAT THE INDUSTRY READS FIRST

Pain Points: House Committee Debates Data Privacy Law Provisions

The American Data Privacy and Protection Act has a long way to go before it is enacted, but lawmakers on both sides of the aisle are dedicated to getting the landmark consumer protection legislation across the finish line.

Among other things, the legislation would create a new bureau at the **FTC** to enforce new data privacy requirements laid out in the bill. It would also restrict the amount of consumer data that entities can collect and lay out additional protections for children. A House Consumer Protection subcommittee markup Thursday saw Dems and Republicans express that more work needs to be done to make sure the bipartisan bill aimed at crafting a national standard for the protection of consumer data works as intended. The members voted unanimously by voice vote to advance it to the full committee, where they hope to address some sticking points.

The bill's preemption provisions and its private right of action have been the most difficult points of negotiation thus far, and Rep. *Frank Pallone* (D-NJ) said that despite negotiators making a lot of progress in the time before Thursday's markup, more time is needed to finalize and reach a consensus on the language of both sections.

A fundamental negotiating point for Republicans has been express preemption of state laws. Conservative lawmakers don't want the bill to create a national privacy framework that exists on top of numerous state privacy frameworks. Rep. *Kelly*

Armstrong (R-ND) proposed an amendment that would make it clear that the bill preempts all state laws tied to data privacy and security standards. He argued that the amendment closely adheres to federal court precedent on preemption laws and the specific language he proposed has been consistently upheld as the most reliable expression of Congressional intent when it comes to legal challenges.

"To be clear, the bill's preemption language, which contains an entire paragraph devoted to state law carve-outs is highly unlikely to prevent any state laws because federal courts have interpreted carve-outs as the signal that courts should preserve all related state laws," *Armstrong* said. He claims the result will be exactly what Republicans don't want: a patchy regulatory framework that's a nightmare for consumers and industry alike. He ultimately withdrew the amendment in order for the bill to move forward, but the sentiments he expressed received support from Rep. *Cathy McMorris Rodgers* (R-WA).

"From the very beginning of this debate, creating a strong preemptive national standard has been one of my top priorities and that hasn't changed. There are tough trade offs to build consensus on bipartisan legislation like the one that is before us. Those negotiations don't stop today as this is not a finished product," she said. "With continued member feedback and constructive input from the stakeholders, this product can grow into a landmark achievement."

The other primary pain point of Thursday's meeting was a private right of action clause requiring that a person or class

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of persons bringing a civil suit against a company for violations of the law must notify the FTC and the attorney general of the applicable state prior to commencing a civil action. Following that step, however, the legislation is less clear. There's no part of the bill blocking that person from then taking actions to bring the civil suit against the company even as the FTC and state attorney general take their own action.

That opens the door for concurrent litigation covering the same allegation as well as the potential for conflicting outcomes across those cases. Armstrong proposed and withdrew another amendment that would give the FTC primary enforcement over state authorities, and state authorities enforcement over private litigants.

"I want to be clear, I oppose the creation of a private right of action. However, I'm offering the amendment as a good faith attempt to legislate within the framework of the bill drafted by both the chairman and the ranking member," he said.

AT&T USING FIXED WIRELESS IN COPPER FOOTPRINT

AT&T COO *Jeff McElfresh* is totally focused on fiber and has serious concerns about providers that are hedging their future bets on the long-term fidelity of networks built on fixed wireless technology. "It truly is physics. Multi-gig symmetrical uplink is becoming a much more important component to your broadband experience and the only technology that offers an unfettered, broad and great experience is a fiber-fed network," he said at an investor conference. "I ran a very large-scale fixed wireless network in Latin America for many years. I know where that leads, and that's a temporary stopgap at best." AT&T is still open to utilizing fixed wireless when it comes to

servicing particular cohorts of customers that don't have access to fiber. It's just not a significant part of the company's growth agenda and it hasn't been factored into its revenue equation as of yet. "It's to be a cash product for our copper footprint... where we likely are not going to build fiber in the future and therefore, as we transition our customers off of copper onto something different like a fixed wireless solution, it will perform better than DSL," McElfresh said.

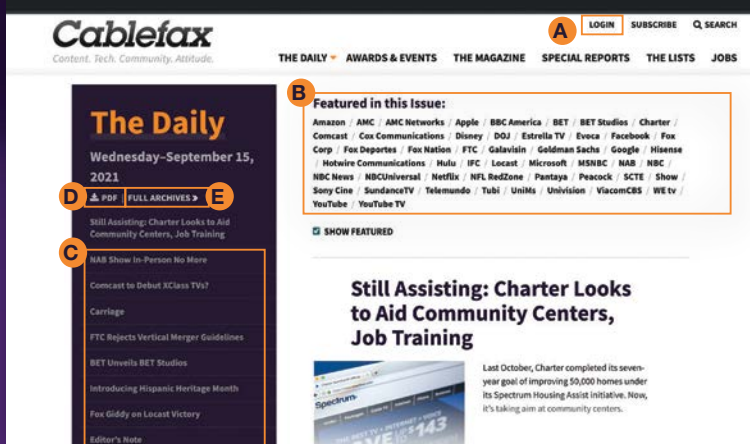
NTIA AWARDS TRIBAL GRANTS

NTIA awarded nine more grants as part of the Tribal Broadband Connectivity Program. The grants, totaling more than \$7.7 million, are being awarded across six states: Alaska, California, Louisiana, South Carolina, Oklahoma and Washington. The funds will be used for projects aimed at promoting internet use and adoption. They can also be dedicated to planning, engineering, feasibility and sustainability projects or to promote digital inclusion.

THE MORE COMPETITION, THE BETTER

A majority of U.S. residents are feeling the positive outcomes of competitive broadband markets, according to an **ACA Connects study**. The report found over 90% of households have access to at least one provider that offers 100/20 or higher service, and based on historical trends, 74% of households will have two or more options by 2025. Additionally, from 2014-20, the percentage of households with access to a provider offering at least 100/20 service and another offering 25/3 Mbps jumped from 32% to 84%. In that same timeframe, households with access to two providers more than tripled from 17% from 58%.

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OPTIMUM REACHES 100K MARK

On the heels of launching 5-Gig and 2-Gig speed tiers to its fiber internet in select areas of Long Island, **Altice USA's Optimum Fiber** eclipsed 100,000 customers on its network. Optimum is currently available in over 1.3 million homes and businesses and expects to reach 6.5 million fiber passings by the end of 2025.

MCADARAGH TO LEAD NCTA BOARD

Midco President and CEO *Pat McAdaragh* was elected as Chairman of **NCTA's** board. Other elected officers include **Charter** Chairman and CEO *Tom Rutledge* as Vice Chairman, **Cox Communications** President *Mark Greatrex* as Treasurer and **Paramount** President and CEO *Bob Bakish* as Secretary. **Warner Bros. Discovery** Chairman and Chief Content Officer of U.S. Networks Group *Kathleen Finch* also joined the board as a Corporate Programmer Director. She replaced *Jason Kilar*, who stepped down after the Warner Bros.-Discovery merger.

FRNDLY TV MAKES UX IMPROVEMENTS

Frndly TV is introducing three user enhancements requested by subscribers, including an option to alphabetize the program guide by channel name. Navigation has also been simplified. Users will be able to discover programming across linear television and on-demand libraries from various destinations or tabs. The service's timing bar has received a facelift, making it easier for viewers to see where they are in a program when they press pause and how much time is left in a show or movie.

FIBER FRENZY

Antietam Broadband boasted that it is the first multi-gig network in Washington County, Maryland. Called Flight Fiber, it provides 2.3 Gig with the flexibility to add more speed in the future. Antietam Broadband was founded in 1966 and was purchased by **Schurz Communications** in 1968. Antietam introduced Flight Gigabit Internet service in 2016 and made Hagerstown the 75th gigabit city in the U.S.

INTERNATIONAL PLAYS

Disney and **Starz** are teaming up to offer a bundle for customers in Mexico, Argentina, Brazil, Chile, Colombia, Ecuador and Peru. The deal includes **Star+**, **Disney+** and **Starzplay**, and prices range from \$9.27 to \$17.99 depending on third-party charges. Customers can sign up on either the [Disney+](#) or [Star+](#) websites. – **Crown Media's** SVOD service **Hallmark Movies Now** is now available as a premium subscription on India's **OTTplay**, making Hallmark's content available in India for the first time ever.

OPENAP, SNOWFLAKE CREATING CLEAN ROOM

Advanced ad company **OpenAP** struck a new partnership with cloud company **Snowflake** to develop a new clean room solution for advertisers. The OpenAP Data Hub aims to give publishers and advertisers access to cross-platform data in privacy-compliant environments, opening the door for better targeting and measurement across audiences. The phase one release of the product is scheduled for October and will allow the sharing of digital exposure data with authorized advertisers. **NBCU, Paramount, Fox** and **Warner Brothers**

Discovery will be the first to participate.

AWARDS

Nokia, Calix, and the trio of **Ciena, Plume** and **Benu Networks** were named winners of the Fiber Connect 2022 Proof of Concept showcase. Nokia earned the Most Innovative Award for its "Fiber for Our Broadband Future Now," where it achieved the first 100 Gbps broadband technology using 100G PON. Calix has invested more than \$1 billion over the past 11 years into end-to-end platforms allowing broadband providers to add more services for subscribers on top of their WiFi solutions. The value of the network security, parental controls and more helped it win the Best Community Impact Award. Ciena, Plume and Benu Networks showed how cities can implement a next-gen network using an open and highly scalable cloud-based solution to win the Game Changer Award.

PROGRAMMING

Allen Media Group's free streaming service **HBCU GO** launched "The Color of STEM" and "Spade A Spade." Airing Thursday at 11am, The Color of STEM looks at STEM programs that have impacted HBCU graduates and Black students in the U.S. Spade A Spade follows at 3:30pm and celebrates the 50th anniversary of Title IX. – **Showtime** greenlit "Seasoned," a scripted comedy featuring *Mandy Patinkin* and *Kathryn Grody*. – "Snake in the Grass" will premiere August 1 at 11pm on **USA Network**. Each episode contains four contestants left in the wild for 36 hours for the chance to win \$100,000. – **MSG Networks** will broadcast "Knicks Draft Special" on Thursday at 11pm following tonight's 2022 NBA Draft. The telecast will analyze the New York Knicks' draft picks, with their first-round selection slated to join the program for a live interview. Additional draft coverage will be seen on "MSG PM" on Friday at 11pm. – Culinary competition show "Alex vs America" will premiere July 31 at 9pm on **Food Network** and stream on **discovery+**. – **Fox News** is gearing up for Independence Day with American-themed programming as part of its "Proud American" series. From July 1-4, Fox News anchors will go live from across the country in places like Boston, Washington, D.C., New York City and Los Angeles. "Fox & Friends Weekend" will be broadcast from the U.S. Military Academy in West Point, New York, on July 2-3, and on July 3 the network will air "A West Point Independence Day Celebration."

PEOPLE

Cox Communications promoted *Kia Painter* from SVP, HR Business Partnerships to EVP/Chief People Officer, effective January 1, 2023. Painter has been with Cox for nearly 25 years and will report to President *Mark Greatrex*. – *Tehmina Jaffer* was named EVP, Business Affairs at **Disney Branded Television**. She'll manage the business affairs, negotiations and contract administration for Disney's live-action content made for **Disney+**, **Disney Channel**, **Disney XD** and **Disney Junior**.

EDITOR'S NOTE

Cablefax Daily is slipping into summer, and won't be publishing on Friday. We'll be back Monday and will keep you up-to-date at [Cablefax.com](#) and on social media. Don't forget to [RSVP](#) for Wednesday's virtual FAXIES celebration.

PROGRAMMER'S PAGE

'Beachside Brawl' Tests Which Coast Reigns Supreme

It's a classic battle between the East and West Coasts in **Food Network's** "Beachside Brawl," which premiered Sunday and is available to stream on **discovery+**. Hosted by celebrity chef *Antonia Lofaso*, the program pits two teams of four chefs from each coast to compete in challenges to determine which side of the country does summer food the best. Each team has a mentor—*Tiffani Faison* for the East and *Brooke Williamson* for the West—that helps throughout the challenges as the chefs vie for the Best of the Beach award. The prize goes to only one contestant and comes with a dream beach vacation worth up to \$25,000. "The best part of the show was how both teams really worked together to be the best for their coast," Lofaso told **CFX**. "Even though only one chef could win in the end, they were so sad if a team member was eliminated. And in true chef fashion, they wanted their entire team to do well!" The first challenge was for each team to create dishes that represent each coast's most popular choices based on certain characteristics: something on a stick, in a bun, a cheesy item, a sweet treat and a fried food. It gives a base understanding of which foods represent each side of the U.S., which boasts different qualities in their respective summertime cuisine. "We've seen team/mentor format competitive cooking before, but this specifically lends to exploring the two different coasts and how the summer/beach food differs based on the area," Lofaso said. "The influences on the food comes from what's local in the water and it really dictates the dishes. It's really fun to explore." Challenges in coming episodes will range from making the ultimate burger for Independence Day, seafood and a hot and cold duo. With the added pressure of competing in front of pier-goers, the summer temperature and grills will only add to the heat of the competition. – *Noah Ziegler*

REVIEWS

"Trixie Motel," streaming June 24, **discovery+**. Sometimes television is lean-in, at other times it's an escape. With a mix of inflation, possible recession, war and COVID in the cards, escaping sounds good. There are few sillier, enjoyable escapes than seeing life through the extensive eyeliner of *Trixie Mattel*, the drag queen who rose to fame on RuPaul's series. At the moment, Mattel is co-owner of a seven-room hotel in Palm Springs, CA. She and real estate partner *David Silver* must renovate it before its Pride Month public opening. Enter a cast of helper-experts, like *Jonathan Scott*, one of the "Property Brothers," who arranges some "inspiration" for Trixie and David, whose hotel décor will reek of nostalgia. Accordingly, their muse is the original "Brady Bunch" house, restored in all its 1970s glory. On hand too is Scott's "girl," *Zoey Deschanel*, playing it cool, but clearly enjoying the Brady manse. As if that's not enough campy escape, former hotel room cleaner and current rapper *Iggy Azalea* instructs Trixie in the finer points of housekeeping. The word "hoot" was invented for this ep. – "Bodyguard," streaming, **Netflix**. Don't confuse this 2018 series with the 1992 *Whitney Houston-Kevin Costner* film. Here *Richard Madden* displays outstanding chops as a guard for a U.K. government minister (*Keeley Hawes*). This intense thriller definitely is a lean-in experience. – *Seth Arenstein*

BASIC CABLE		
P2+ PRIME RANKINGS*		
(06/13/22-06/19/22)		
MON-SUN	MC	MC
	US	US AA
	AA%	(000)
FNC	0.691	2153
MSNBC	0.443	1380
HGTV	0.298	927
HALL	0.253	787
DISC	0.249	774
INSP	0.246	765
TLC	0.242	755
FOOD	0.214	667
FX	0.209	651
HIST	0.203	631
USA	0.200	623
ID	0.183	571
TVLAND	0.173	538
CNN	0.159	497
PRMNT	0.157	489
LIFE	0.150	469
ESPN	0.146	456
WETV	0.142	442
TBSC	0.141	439
HMM	0.136	422
ESPN2	0.134	417
BET	0.117	365
NATGEO	0.114	354
AMC	0.113	351
GSN	0.113	351
A&E	0.110	342
BRAVO	0.106	332
SYFY	0.106	331
TRAVEL	0.103	322
OXY	0.098	307
TNT	0.095	295
NAN	0.091	283
COM	0.087	270
MTV	0.084	261
APL	0.079	245

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