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WHAT THE INDUSTRY READS FIRST

Tug of War: DirecTV Pushes Back Against DISH 12 GHz Critiques

DirecTV isn't letting the 12 GHz band open without a fight. In an ex parte filed Friday at the **FCC**, the satellite provider detailed the faults it sees in **DISH**'s objections to a study proclaiming that opening the 12 GHz band to 5G mobile services would cause harmful interference to DirecTV.

DirecTV uses multiple spectrum bands to deliver video services to its customers, but the 12 GHz spectrum it has access to is the only spectrum it uses to deliver programming to every one of its subscribers, including HD versions of networks like **CNN**, **Fox News**, **MSNBC** and **HGTV**. It's also the only spectrum used to deliver DirecTV services to aircraft, boats and RVs.

Two weeks ago, DISH submitted a filing to the FCC aimed at poking holes in a number of the arguments put forth in a study by consulting firm **SAVID** that illustrated how DirecTV video customers would see interference should 5G mobile service be allowed in the 12 GHz band. During a meeting last week with *Ethan Lucarelli*, legal advisor to FCC Chair *Jessica Rosenworcel*, representatives from DirecTV argued that DISH badly mischaracterized the methodology and results of the study and failed to submit its own interference analysis.

"DISH begins by setting up a straw man argument by claiming that SAVID assumes more than one million macro-cells in urban areas and more than 70 billion urban DBS households. Of course, SAVID did no such thing," the ex parte said. "SAVID

assessed the likelihood of interference to potential DirecTV receiver locations by using a simulation model with two-meter grid spacings."

DirecTV added that the methodology used by SAVID is similar to models used in a study submitted by a DISH coalition back in 2016. The primary difference in the SAVID study came in its decision to use internationally developed standards and statistical models to determine the mean equivalent power flux-density level that would come as a result of opening the band. "SAVID then used this information to draw contour maps showing the probability of harmful interference and the associated EPFD margin at each DirecTV receiver location," DirecTV said. "Thus, SAVID did not make any assumptions about the number of macro-cells that would be deployed or the number of DBS subscribers across the country."

DISH listed a number of other faults within its arguments against the SAVID study, claiming that it found interference by "leveling most of the city of Orlando" rather than using the actual clutter characteristics of the city. DirecTV took fault with this, claiming this is just a difference in the methodology between the SAVID study and the DISH coalition study from 2016. SAVID placed its model deployment scenarios in the Orlando area because it has the highest EPFD limits as defined for the Eastern U.S. and a high elevation angle to DBS satellites.

That was seemingly done to add conservatism to the study, and the application of internationally recognized clutter models

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to reflect the likely effects of terrain, buildings, foliage and the like on the interfering signals. "Thus, unlike the [2016 study], which made certain narrow assumptions about deployment within the specific confines of Indianapolis and Washington, DC, SAVID's model is more generally applicable to any urban, suburban, or rural area across the country and only cited the Orlando location to give terrestrial systems the benefit of the most liberal EPFD limit and highest elevation angles to the DirecTV satellites."

As to DISH noting that DirecTV has lost a significant number of video subscribers in recent years, the latter said that's no rationale to approve a terrestrial 12 GHz service that would threaten the service of the millions of remaining subscribers across the U.S.

"The Commission's stated objective for this proceeding is to determine whether a new high power terrestrial mobile service could be added to the 12 GHz band without causing harmful interference to incumbent licensees such as DirecTV," the ex parte concluded. "The evidence of record demonstrates that introducing such a service would cause significant and widespread interference to DirecTV receivers."

'HOUSE OF THE DRAGON' SOARS FOR HBO

By all indications, the Sunday night debut of **HBO's** "Game of Thrones" spinoff "House of the Dragon" was huge. Some 9.986 million viewers in the U.S. tuned in across linear and **HBO Max** platforms, marking the largest series launch on HBO Max across the U.S., LatAm and EMEA. According to estimates from **Samba TV**, a television technology company that offers real-time insights and audience analytics, House of the Dragon exceeded initial

same-day viewership of **Netflix's** "Stranger Things" Season 4 premiere (1.2 million U.S. household viewers streaming in its first day). It is expected to nab the highest viewership for any premium cable or streaming premiere so far this year.

ROSS LIEBERMAN TO EXIT ACA CONNECTS

Ross Lieberman is stepping down at the end of the month from his post as SVP, Government Affairs for **ACA Connects** to pursue new interests. His departure comes weeks after Matt Polka retired as the association's president and CEO. Lieberman has been part of the organization for more than 15 years. Since he joined ACAC in 2007, the association has become "a brand name in Washington and a vital resource to our members," Lieberman said. He helped ensure small and medium operators' interests were considered in major mergers, such as **Comcast-NBCU** and the failed **Sinclair-Tribune** transaction. Lieberman also played a part in shaping the bipartisan infrastructure package with its \$65 billion for broadband, the **FCC's** C-band transition plan and Congress extending the good faith rules governing retransmission consent negotiations to buying groups such as **NCTC**. He also led efforts to institute an ACA Connects educational program that produces more than 100 member advisories and webinars annually. "With Ross stepping down, ACA Connects says farewell to a great friend who cheerfully accepted every challenge put before him and delivered fantastic results for ACA Connects Members on any number of fronts, including broadband, voice and video issues. Ross was especially tireless in helping ACA Connects persuade Washington, D.C., on the important matters impacting the membership," said ACA

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Connects President/CEO *Grant Spellmeyer*. Lieberman's last day is Aug. 31, with ACA Connects having begun the search process for his successor.

APOLLO'S BRIGHTSPEED CLOSER TO LUMEN DEAL

Brightspeed said it's all systems go for closing its deal to purchase **Lumen's** ILEC business in 20 states now that the FCC has approved the transaction. Last August, **Apollo** announced a \$7.5 billion deal to acquire the Lumen assets, later announcing the holdings will be rolled into a new company called Brightspeed. It's expected to close in early 4Q. Under the terms of the transaction, Lumen will retain its ILEC operations in 16 states, where it will continue to invest in bringing fiber broadband to more communities. Lumen also will retain its national fiber routes and associated networks in all of these states, as well as international operations.

NAME YOUR PRICE

Audience measurement firm **Parrot Analytics** and **Sony Pictures Entertainment's** data analytics and business intelligence division teamed up to support Sony's linear programming and strategy. Parrot will help price content and target it to specific buyers to allow Sony to then leverage that data when negotiating content sales and distribution deals. The firm is working with Sony's Latin American division, specifically focusing on Argentina, Brazil, Colombia and Mexico.

RATINGS

AMC's "Better Call Saul" came to a close last Monday, with the series finale being the most-watched episode of the season. The episode garnered 2.7 million viewers on AMC in **Nielsen** Live+3 ratings, with 1.1 million A25-54 tuning in as well. The show is the third-ranked cable drama for the current broadcast season in key demographics, and its final season is the No. 1 acquisition driver ever for **AMC+**. Overall for Season 6, Better Call Saul averaged 2.2 million viewers per episode for linear in L+3 ratings and is also the top-performing title on AMC+ in terms of viewership.

FCC MTE ORDER TAKING FULL EFFECT

The **FCC's** new rules for apartments, condos and other multiple tenant environments (MTEs) will soon apply to existing agreements. Under an order passed unanimously by the Commission in February, broadband providers were prohibited from entering into new revenue sharing agreements and had disclosure obligations for exclusive marketing contracts with MTE owners. The FCC gave entities extra time to conduct contract negotiations for existing arrangements. Those same prohibition and disclosure rules will apply to existing agreements as of Sept. 26.

XFINITY MOBILE REVAMPS UNLIMITED PRICES

Xfinity Mobile introduced new pricing for its Unlimited two and three line plans Monday. Now, Unlimited plans sit at \$45/line for one line, \$30/line for two, three or four lines and \$20/line for any additional lines. The revamped prices are now available for new or existing customers. Previous pricing was \$80 a month for two unlimited lines and \$100 a month for three unlimited lines.

AT THE COMMISSION

The **FCC's** Enforcement Bureau has again chosen **USTelecom's**

Industry Traceback Group as the registered traceback consortium designated to conduct private efforts to track back the origin of suspected unlawful robocalls. – The Wireline Competition Bureau is seeking nominations for six board member positions for the Universal Service Administrative Company. Open positions include representatives for cable providers, commercial mobile radio service providers, state consumer advocates and for incumbent local exchange carriers. The representatives will serve a three-year term.

PROGRAMMING

Showtime signed *Ashley Lyle* and *Bart Nickerson* to an overall deal. They'll continue to serve as showrunners on "Yellowjackets" along with *Jonathan Lisco* while also developing new projects for the network. The second season of the drama is set to go into production later this month. – It'll be a month of season finales and a series premiere for **Freeform**. Season 4 of "Good Trouble" wraps up Sept. 1 at 10pm, followed by the midseason finale of "Grown-ish" on Sept. 7 at 10pm. The Season 1 finale of "Everything's Trash" plays immediately after at 10:30pm, with "The Come Up" premiering with four episodes Sept. 13 starting at 9pm. – The series chronicling those who suddenly went missing "Disappeared" will return to **ID** on Sept. 7 at 10pm and be available to stream the same day on **discovery+**. – Showtime's "The Circus" returns for a seventh season Sept. 25 at 8pm. The eight-episode season will illustrate the final weeks leading up to Election Day. – **HBO** renewed "The Rehearsal" for a second season. Season 1—which is available on **HBO Max**—wrapped up Friday.

ON THE CIRCUIT

Maybe it's pent-up demand after two years of virtual gatherings, but **The WICT Network's** 2022 Leadership Conference (Oct 10-11, NYC) is set to have the greatest number of conference sponsors in the organization's 44-year history. Dubbed "The Great Reset," the conference will also have live-stream and on-demand options. WICT just announced a brand new award, with **Cox Enterprises** President/Chief Operations and People Officer *Jill Campbell* to receive the inaugural Fearless Leader Award during the Leadership Conference on Oct. 11. The award recognizes executives who serve as a role models to others. Campbell has spent 40 years at Cox, earning an induction into the Cable Hall of Fame in 2017.

PEOPLE

Chicken Soup for the Soul Entertainment unveiled changes to its senior leadership team following its acquisition of **Redbox**. *Galen Smith* will oversee all long-term planning of strategy, M&A and corporate services for the company as Executive Vice Chairman. Reporting to him is SVP, Corporate Communications *Peter Binazeski*, Chief People Officer *Marisa Famulare*, CIO *Jason Kwong*, CFO *Chris Mitchell*, CSO *Elana Sofko* and CLO *Fred Stein*. *Jonathan Katz* is the company's President and will manage day-to-day operations. COO and President, Redbox Service *Michael Chamberlain* will keep his role of overseeing Redbox's kiosk business operations, and *David Ellender* will also continue leading the Chicken Soup for the Soul Television Group. *David Fannon* and *Adam Mosam* will serve as Chief Acquisitions and Distribution Officer and Chief Digital Officer, respectively.