

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Patty vs DuJuan: Retrans Tussle Breaks Out at FCC Symposium

The **FCC's** Diversity Symposium turned into a retransmission consent showdown for a little while Tuesday. Perhaps that is to be expected given that the first panel featured the chair of **ACA Connects** as well as the CEO of **Circle City Broadcasting**, which is suing **DirectTV** and **DISH** over retrans.

"When I send my retransmission consent [payment], it is going to Atlanta. It's going to Dallas, Texas. It's not going to Poplar Bluff, Missouri. There are not local broadcasters anymore. There's four or five big guys and the rest of us are minorities," said *Patty Boyers*, Boycom Vision President/Co-Founder and chair of longtime retrans reform flag waver ACAC. "Reform sounds wonderful. Revision sounds great. Repeal sounds better."

On the other side of the retrans argument is *DuJuan McCoy*, who bought WISH-TV and WNDY-TV in Indianapolis from **Nexstar** in 2019 for \$42.5 million and formed **Circle City Broadcasting**. He [sued](#) DISH and AT&T/DirectTV in 2020, claiming racial discrimination and alleging they refused to negotiate a retrans contract in a non-discriminatory manner. The litigation, which centers on Circle City being offered a fraction of the fees Nexstar received, is pending in an Indiana federal court.

"If cable operators are paying small, one-off operators for their content, you've got to pay the broadcaster for their content. Why? Because we have more people watching our televi-

sion station than any television station on your cable system, period. That's why retransmission consent needs to stay and it doesn't need to be reformed," said McCoy.

Boyers quickly disputed that, saying Boycom mailed out surveys in 2021 to all subscribers and had a 43% return rate. "I learned my NBC affiliate had 6% of my people's eyeballs on them. It's in Paducah, Kentucky. That's 200 miles away from Poplar Bluff. Nobody cares what's happening in Kentucky from a local perspective," she said.

Boyers and McCoy are a pretty good match. Both are fiercely loyal to their hometowns of Poplar Bluff and Indianapolis, respectively. Boyers has spoken many times about how she and her husband went from owning a cable construction business to becoming a cable operator in order to bring cable to their own rural home. McCoy was the first person to buy television stations while attending the **NAB's** Broadcast Leadership Training Program, purchasing seven stations from **Sage Broadcasting** to form **Bayou City Broadcasting**, which was later purchased by *Byron Allen*. Boyers talks about the pride of sponsoring Little League teams around Poplar Bluff and her willingness to barter eggs for service, while McCoy describes owning a television station with 84 hours of local news a week in his hometown as the "pinnacle."

One area the two did both agree on is that the big networks are hurting local broadcasters by selling content over the top. "The networks are taking control of the local affiliates' signal, which we as broadcasters don't think is right. That's border-

Every year, we ask the Cablefax 100 a variety of questions, from what's their go-to Starbucks order to their predictions for the metaverse to how many companies they've worked for over the course of their careers.

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line antitrust,” McCoy said, who wants vMVPDs subject to the same retrans rules as traditional pay TV operators. “We can’t negotiate with **Hulu**. We can’t negotiate with **YouTube TV**. We can’t negotiate with any main streaming company because the affiliates tie us up in agreements.”

Boyers closed out by saying she’d like to see retransmission consent gone in her lifetime. “FCC and the gods, can we make that happen?” McCoy quickly jumped in with a firm “No, ma’am.”

SHOTS AT BIG TECH AT FCC DIVERSITY SUMMIT

Despite a few retrans skirmishes during the **FCC**’s Communications Equity and Diversity Council symposium Tuesday, most of the discussion centered on expanding digital and media ownership opportunities for women and minorities. “There are many, many challenges for small, diverse owners. The biggest challenge for me is dealing with big companies. Big companies don’t want to deal with small people,” said **Circle City Broadcasting** CEO *DuJuan McCoy*. He’s particularly concerned that tech is much less regulated, describing a recent meeting with **General Motors**, which has an initiative to invest in more diverse media. “We met with a media buyer, and she said, ‘we don’t buy prime in any of our local TV markets anymore because we’ve taken that money and spent it on digital. And we spend that with **Google** and **Facebook**,’” McCoy said. **Urban One** CEO *Alfred Liggins* seconded the sentiment of an unlevel playing field for tech. “The tech platforms have become the new monopoly,” he said. “I also happen to sit on the **NCTA** board, so I spent a lot of time understanding the net neutrality debate. Government spent a lot of energy and a lot of time making sure that these big tech platforms have clear lanes into broadband homes. But conversely, there isn’t regulation or any clear lane into their platforms now, which is where you have to take all of your audience when you distribute your content digitally. And now they also are in the television business with **Apple TV** and **YouTube TV**.” His message is that tech benefited from government policy, but regulators aren’t doing anything to help his company or McCoy’s have access to their platforms.

STREAM IS NOT QUITE THE DREAM

Streaming was mentioned several times during the **FCC**’s Diversity Symposium, with Commissioner *Geoffrey Starks* giving it a shout-out in opening remarks. “The old-school broadcast that you and I grew up with had limited airtime, so it needed to appeal to the broadest number of viewers. Then cable opened the door, and we saw new channels featuring programming for different audiences, who hadn’t often seen their lives and their choices reflected, and validated, on screen,” Starks said. “Well, if cable opened a door, then streaming tore down the walls.” **Horowitz Research**’s *Adriana Waterston* said data shows that Netflix and other streamers are considered the

best sources for culturally themed content for Black, Latinx, Asian and LGBTQ+ communities. But minority media owners in the room said none of that should be interpreted as the scales tipping in the favor of digital ownership over traditional broadcast and cable networks. “Streaming for me is like the Yellow Pages. You don’t know where you’re going,” said **Circle City Broadcasting**’s *DuJuan McCoy*. “If you’re not a huge company that has a promotional platform to let other people know about you, streaming is very difficult.” For *Otto Padron*, President and COO of **Meruelo Media**, the biggest challenge comes down to parity. “I deliver ratings, but I don’t get parity when it comes to advertising dollars,” he said. “This isn’t just my problem as a minority-owned company. This is a **Univision** problem as well. And that is a major broadcaster. They don’t reach parity with the audiences that they deliver to the advertisers, the GMs, the **Chevrolts** of the world... We need help today, because if not, this panel will be talking about endangered species.” Newly launched **Chime TV** was represented on the panel by CEO *Faith Bautista*, who joined remotely. “I’m here in the Philippines because my sister died. But I didn’t want to miss this because this is an opportunity for Asians to be part of the media. It’s been long overdue to have an Asian general entertainment network in English,” she said.

BEAD: ACA CONNECTS SAYS FIBER CAN GO FAR

ACA Connects unveiled an updated version of its BEAD Funding Allocation and Project Award Framework Tuesday that finds there should be sufficient funding in the program to connect the vast majority of unserved and underserved locations with fiber-to-the-premises technology. The new [version](#) uses location-specific data from the **FCC**’s revamped broadband availability map to estimate how the \$42 billion in grants from the program will be distributed across states and territories and strategies for how to best use those funds to build out broadband service. Based on the findings and scenarios laid out in the study, high-speed broadband can be deployed to 7.8 million state eligible locations for \$45 billion. Fiber could be built to 6.3 million locations below the extremely high-cost threshold while other technologies would reach the other 1.5 million. Nearly 100% of eligible state locations would be served using approximately 70% of the estimated capital available with provider matches, and states could use any remaining funds for affordability programs. There are also scenarios posed where states could choose to build fiber to 7.1 million locations.

VERIZON SCORES IN NEW SPEED TESTS

Verizon has been able to achieve upload speeds of 1.26 Gbps on its 5G Ultra Wideband technology in a live network test environment. The testing, which included lab work and field trials, has been focused on optimizing the customer experience and

used 20 MHz of LTE spectrum as well as 400 MHz of mmWave spectrum from the 28 GHz band. In past trials, Verizon has been able to achieve download speeds of 4.3 Gbps by aggregating its C-band spectrum with mmWave spectrum. When Verizon is able to use the full breadth of its C-band spectrum, it said customers can expect peak download speeds to reach 2.4 Gbps.

DISH ORDERED \$32.1M IN DAMAGES

A Florida federal district court and federal bankruptcy court ordered *Hisham Manse Ibrahim* and *Nezar Saeed Hammo* to pay \$32.1 million in combined damages to **DISH** for willful copyright infringement. The two were sellers of the pirate service ATN through a company called **Alfa TV Inc.**, which was also found liable in the lawsuit. Both courts ordered Ibrahim and Hammo to cease distributing, providing, selling or promoting any product, or service, including ATN set-top boxes, apps, subscriptions and other set-top boxes and TV subscription services.

CARR A FAN OF TRANSPARENCY LEGISLATION

FCC Commissioner *Brendan Carr* is applauding bipartisan legislation that would allow the Commission to better track ties to authoritarian regimes. The Foreign Adversary Communications Transparency Act from Reps. *Elise Stefanik* (R-NY), *Ro Khanna* (D-CA) and *Mike Gallagher* (R-WI) would require the agency to publish a list of every entity that both holds an FCC license or authorization and has sufficient ties back to authoritarian regimes, including the Chinese Communist Party. “We know that the CCP is engaged in a widespread and coordinated campaign to surveil Americans, and they are willing to use every tool at their disposal to advance their malign goals. Indeed, one of the means by which the CCP does this is by exerting control over and exploiting vulnerabilities within global communications and technology supply chains,” Carr said in a Tuesday statement. “Increasing visibility into entities with FCC authorizations that have relationships with authoritarian regimes would bring much needed transparency and help strengthen America’s communications networks against threats from malign actors.”

TECHNOLOGY AND ENGINEERING EMMYS

Cable will again have a strong presence at the Technology and Engineering Emmys this year. **Comcast**, **Harmonic** and **Intel** are taking home a win for pioneering the development and deployment of a virtualized cable modem. Comcast is also taking home an award along with **Google**, **IBM** and **WSC** for the use of AI and machine learning for the curation of sports highlights. The awards will be given at the 74th Technology & Engineering Emmy Awards Ceremony on April 16 at the 2023 **NAB** Show in Las Vegas.

NCTC RENEWS HARDWARE PARTNERSHIP

NCTC signed a new deal with **Advanced Media Technologies** that will allow the co-op’s members to continue accessing solutions from AMT’s portfolio. Those members are able to order hardware from partners like **DZS**, **CommScope** and **Plume** and have it immediately shipped to them.

COUNTDOWN TO SUPER BOWL SUNDAY

SSIMWAVE will be testing the video quality of seven broadcast and OTT streams of Sunday’s Super Bowl contest between the

Kansas City Chiefs and Philadelphia Eagles. The **IMAX** subsidiary will measure every second and frame of **Fox**’s broadcast in the U.S. and **CTV** and **TSN**’s broadcasts in Canada. **SSIMWAVE** will then inspect for video impairments, latency and other issues that affect the viewing experience. That information will be used to generate a scorecard on a 0-100 scale for each service, which will be broken down into various categories. Those include fan viewing experience scores for the entire broadcast, maximum and minimum per-second viewer experience scores that show the variability of video quality, measurement of latency and video quality of the halftime show and advertisements. **SSIMWAVE** will measure content at multiple geographic locations to best illustrate real-world subscriber conditions. Results will be unveiled Monday. – Ahead of Super Bowl Sunday, **Fox**—in conjunction with its initiatives Fox Forward and Fox Sports Supports—donated more than \$300,000 across three organizations. Fox partnered with the Pat Tillman Veterans Center (PTVC) to provide scholarship funding and resources for student veterans. Fox Technology Center employees will also work with PTVC students to help create pathways to employment through skill-building workshops, internships and other opportunities. Fox is also supporting the creation of the Boys & Girls Clubs of the Valley’s new AZYouthforce West Valley Career Readiness Center and working with Purple Heart to improve home safety and accessibility among veterans. – The **NFL** and **DAZN Group** struck a 10-year deal for DAZN to be the home of NFL Game Pass International, the league’s digital service that allows fans outside the U.S. to watch every game throughout the regular and postseason. NFL GPI will be available through the DAZN app as either a standalone subscription or an add-on to an existing DAZN package to customers worldwide (excluding China). The DAZN app is available on devices such as **Amazon Fire TV**, **Apple TV**, **Google Chromecast**, **LG**, **Samsung** and **Roku** TVs, as well as mobile devices and game consoles.

RATINGS

Fox News swept primetime and total-day ratings for the week once again in P2+. It topped the prime chart by averaging 2.26 million viewers, followed by **ESPN** and **MSNBC** with 1.06 million and 1.05 million, respectively. **HGTV** came fourth with 921,000 and **Hallmark Channel** fifth at 816,000. For total day, Fox News’ mark was 1.49 million, with MSNBC behind with 677,000 and ESPN in third at 566,000. **CNN** and **HGTV** tied for the fourth spot, both averaging 487,000 viewers. – **Hallmark Channel**’s “Loveuary” programming event began last weekend, which helped the network be the most-watched entertainment cable net in weekend total day among households and W18+, as well as No. 1 in weekend primetime among households, W18+ and total viewers. Saturday’s airing of “Sweeter Than Chocolate” was the most-watched entertainment cable program of the week among W18+, reaching 3 million unduplicated total viewers. – The broadcast of Tottenham vs Manchester City on Sunday averaged 1.5 million viewers across **NBC**, **Peacock** and **NBC Sports**’ digital platforms. That makes it the second-biggest audience for a PL match in U.S. history, only behind the 1.9 million viewer mark that Arsenal and Manchester United set Jan. 22. The Tottenham-Manchester City match had an average minute audience of 358,000 viewers.

GUEST COLUMNIST

Workforce Development Today will be Key to Broadband Expansion Tomorrow

By Gary Bolton for Cablefax



Gary Bolton

One of the greatest challenges facing operators and threatening new broadband network builds is the shortage of skilled technicians. A 2021 study from the Fiber Broadband Association (FBA) estimates that the broadband industry will need to add over 205,000 new jobs in the next five years to construct, operate and maintain the new networks that are going to be built

across America.

With over \$42.5 billion of funding in play for infrastructure set aside in the Broadband Equity, Access and Deployment (BEAD) program, technicians are in even higher demand. Fortunately, federal agencies understand the need to invest in telecommunications and have even allocated some funding from BEAD to be applied to workforce and job training. But the current training programs are not enough to meet demand.

That's why FBA created the Optical Telecom Installer Certification (OpTIC Path™) program to create a standard method of training built on best practices and help prepare the next generation of fiber technicians to support any operator looking to build or expand fiber networks.

While the fiber broadband industry is experiencing its largest investment cycle in history, we realize that cable operators have a different path and timeline to fiber deployments. Regardless of when trained fiber technicians are needed, the FBA's OpTIC Path program will help ensure there is a big enough talent pool of skilled fiber technicians to support fiber broadband providers, cable operators, and more.

The OpTIC Path program is a 144-hour instructor-led training course that provides time in the classroom and hands-on lab work. The curriculum was created by experts throughout the fiber industry and was designed to teach future technicians the skills and knowledge of installing, splicing, testing and maintaining Fiber to the Home (FTTH) and Fiber to the Building (FTTB) systems.

OpTIC Path is currently offered by community colleges, vocational programs, veterans' programs and training facilities. In the pilot program, Greenlight Power partnered directly with Wilson Community College in North Carolina to support the course and employ technicians immediately upon graduation. And as the program expands, service providers are adopting the program in-house. For example, ACE Power in Mississippi partnered with Northeast Mississippi Community College to adopt the program internally. ACE Power has the ability to onboard new technicians and maximize skills training while remaining on its own campus for class and be readily available should an issue arise. So, as cable operators begin to plan for fiber expansions—whether that is next year or in the next decade—they can work with OpTIC Path schools to find fully trained fiber technicians or even offer the OpTIC Path training program themselves to train existing and future technicians in-house.

New types of broadband providers are created every day as North America works to close the digital equity gap—from electric co-ops building fiber networks to tribal communities building their own broadband networks. FBA is working to support every type of fiber broadband provider with research and resources to connect their communities to the opportunities that only fiber can deliver. For cable operators, FBA's OpTIC Path program is just one of the many resources that will benefit them as they begin to migrate to fiber, and we look forward to supporting their first fiber steps.

– Gary Bolton leads the Fiber Broadband Association, whose mission is to accelerate deployment of all-fiber access networks.

Mark Your Calendars!

Cablefax 2023 Award Submission Deadlines

The FAXIES Awards

Deadline: March 24
Final Deadline: March 31

Top Ops Nominations

Deadline: April 21

The Diversity List Nominations

Deadline: May 12
Final Deadline: May 19

Most Powerful Women Nominations

Deadline: August 11
Final Deadline: August 18

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