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WHAT THE INDUSTRY READS FIRST

Action Needed: Congress Grappling With How to Manage Rise in AI

It's AI week in the nation's capital, it would seem, with two Tuesday hearings centered on the technology dominating lawmakers' attention. The general message from the technology community witnesses to Congress: pass comprehensive national privacy and AI regulation. It's OK if it isn't perfect, but it has to be there.

"There's a real opportunity right now to move towards a harmonized approach globally, and that may not include every country in the world, but I think it could include a lot and I think the United States has a very important role to play there in terms of moving a large number of countries to a harmonized approach, to set standards and to lead this," **BSA | The Software Alliance** CEO *Victoria Espinel* said during the **Senate Consumer Protection Subcommittee** hearing.

There's a solid place to build from in the **National Institute of Standards and Technology's** AI Risk Management Framework. It's a voluntary framework with qualities that would be desirable in legislation. It's flexible, provides roadmaps to companies when it comes to responsible use of AI and it could easily be adopted by other countries, putting the U.S. in a leadership position globally.

Other things can be done while debates on the Hill continue. In his written testimony for the **Senate Judiciary** hearing, **Microsoft** CEO *Brad Smith* said lawmakers could encourage industry adoption of the NIST framework by requiring federal contractors to, as a condition of bidding on federal contracts, self-attest that they have implemented its standards. "Congress could also consider

directing NIST to establish an [AI Risk Management Framework] program office to provide federal agencies with guidance on the framework and to promote its adoption," he said.

The questioning wasn't locked to the in-person discussions in the Senate chambers. Sen. *Ted Cruz* (R-TX) sent a letter to **FTC** Chair *Lina Khan* asking for answers regarding the agency's plans to regulate AI. He inquired as to the FTC's intentions to move forward in policing AI without explicit statutory authority from Congress, potentially leading to an overstep on the part of the agency.

"While the FTC undoubtedly has the statutory authority to initiate enforcement actions against companies engaged in 'unfair or deceptive acts or practices,' the FTC may not launch a preemptive regulatory approach against code underlying AI systems in order to prevent 'bias' or preclude the use of undefined 'discriminatory' datasets," he said. "Such an extralegal approach would inevitably involve the policing of constitutionally protected speech, including the internet or user-derived data used to train AI models. This is well beyond FTC's statutory mandate."

AI DOMINATING INDUSTRY TALKS

Talk of artificial intelligence certainly isn't locked in the political realm. The technology is set to be a huge area of exploration at next month's **SCTE** Cable-Tec Expo, of course, but conversations are starting long before the cable industry swarms the halls of Denver's Colorado Convention Center and in less tech-focused venues.

Diversity Week takes over NYC next week, and **The WICT Net-**



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work and **NAMIC** have both devoted sections of their annual programs to the issue. On Tuesday, attendees of The WICT Network's Leadership Conference can attend "Navigating the Promises and Pitfalls of AI" at 9:10am ET with experts from Liberty Global, Accenture and AWS.

NAMIC is continuing the conversation at its 37th Annual Conference, hosting breakout session "The Future of AI in Media and Technology" at 3:15pm the same day. Stick around Wednesday and attendees can attend "From Media to Monet: How Immersive Marketing and AI Are Revolutionizing the Consumer Experience."

In Denver, the **Syndeo Institute at The Cable Center** has added **MacKenzie Roebuck-Walsh** to its Intrapreneurship Academy teaching roster this fall to facilitate a virtual course entitled "Human Innovation in an AI World." Roebuck-Walsh, a **Comcast** alumnae and former President of The WICT Network's DC/Baltimore Chapter, told **CFX** that we are at a real inflection point when it comes to AI, but we're not yet at the point where any one company or individual are the ones to watch when it comes to paving the way forward in this evolution.

"Most of us have very little interaction with AI outside of the chatbots and some of the personal assistant-type voiceovers. Maybe five years from now, it'd be really odd if AI isn't a part of your job, your commute, literally everything you're doing," she said. "The more you can educate yourself about what's out there, the companies, the influencers and where this is going, the better."

The goal of the course isn't to tell people what to think when it comes to AI, but what to consider when it comes to its growing role in our society. It's not technical, but instead focuses on basic terminology and issues leadership should be keeping an eye on, including responsible AI. Anybody who wants to go deeper will have the ability to do so thanks to the plethora of additional materials Roebuck-Walsh has prepared.

"This is your chance to carve out time to say there isn't a company today that's absolutely knocking AI out of the park on all fronts. So how do I look at my company and what is one thing I could influence?" she said. "That would make a huge difference."

VIDEO, RETRANS TO TAKE CENTER STAGE ON THE HILL

With **Nexstar** stations still dark on **DirectTV**, **DISH** losing **Hearst** stations on Friday and **Charter** and **Disney** just inking a deal after a 10-day blackout, it's great timing for tomorrow's **House Communications** subcommittee hearing on the State of the Video Marketplace. Fun fact: **ACA Connects** President/CEO **Grant Spellmeyer's** testimony includes the word "retransmission" 16 times, while it appears 0 times in **NAB** chief **Curtis LeGeyt's**. Less fun fact for MVPDs: Spellmeyer reports that as recently as 2009, an ACAC member company paid \$1.30 per customer per month in retrans-

mission consent fees and that by 2022, that amount had risen to \$27.25—a twenty-fold increase. "The antiquated retransmission consent framework continues to leave customers suffering under a regime of inflated pricing, blackouts and without an ability to choose content packages that best suit their needs. We should not 'double down' on this broken system by expanding it to the online world," Spellmeyer said in his prepared testimony. The notion of applying retrans rules and MVPD status to virtual MVPDs is expected to be a key topic of discussion at the hearing, with broadcasters pushing for the rights to negotiate retrans deals with vMVPDs such as **YouTube TV** and **Fubo**. Fubo CEO **David Gandler** is set to testify against such a move at the hearing, arguing that it would increase costs for streaming companies at a time when they are helping to make the video marketplace more competitive and diverse. While LeGeyt doesn't use the word retransmission, his testimony pushes for the FCC to at least refresh the record on its 2014 proceeding to consider modernizing the definition of MVPDs to include virtual streaming services that offer linear programming. That would open the door to retrans negotiations between vMVPDs and broadcasters. **Consumer Reports** Senior Policy Counsel **Jonathan Schwantes** urges against applying retrans to vMVPDs and throws out the idea of nixing it completely. "Congress has the authority to cure the ills of the retransmission consent regime by doing away with it altogether," he said, arguing for development of a new law that reflects the current realities of the video marketplace. The hearing gets underway at 2pm ET.

ESPN SCORES RATINGS WINS

There's a new cable ratings king this week. **ESPN** swept primetime and total-day viewership on the back of college football and its coverage of the **NFL's** first week back. And that was without carriage on **Charter**. Things are looking good for next week too. ESPN's MNF debut last night notched 22.6 million viewers, making it the net's most-watched ever. It's up 22% from 2022's MNF opener. For last week's prime race, the sports network averaged 3.11 million viewers P2+. Texas' 34-24 win over Alabama Saturday had 8.8 million viewers across ESPN and **ESPN2**, peaking in the 10:15-10:30pm window with 10.7 million. That's the most-viewed ESPN Saturday contest since 2014 and is the best regular-season game on ESPN since 2015. **Fox News** ended the week in second place in prime with 1.55 million and **MSNBC** came third with 1.02 million. **HGTV** and **Hallmark Channel** wrapped the prime top five with 903,000 and 711,000, respectively. ESPN had a slight edge over Fox News in total day, earning 1.12 million viewers compared to Fox News' 1.03 million. – Another sign Americans are ready for football: **NBC** recorded an average of 24.9 million viewers across NBC, **Peacock**, NBC Sports Digital and **NFL** Digital platforms for the two games it broadcast from Week 1. Thursday's Lions-Chiefs showdown had an

average minute audience of 2.8 million viewers across platforms. That's NBC Sports' largest audience ever for a regular-season NFL game, leading to the overall mark of 27.5 million viewers. The Cowboys' trouncing the Giants had a total audience delivery of 21.8 million and an AMA of 1.8 million viewers, making it NBC Sports' most-streamed Sunday night NFL game on record.

EVERCORE'S DISNEY-CHARTER CALCULATIONS

Evercore ISI estimates Charter's costs for Disney will increase by \$339 million, reflecting \$455 million in wholesale payments for Disney+ partially offset by a \$116 million decrease in linear programming costs. "We estimate its video customer base will see \$1 billion in incremental value from being provided Disney+ Basic or ESPN+. We think it's reasonable to assume that there could be a rate event to monetize some of this value—assuming 25% (or \$252 million) would be roughly a \$1.43 increase to video ARPU," the firm said. For Disney, Evercore estimates the net impact to DTC is +\$532 million partially offset by a \$172 million decrease in linear networks for a net total company impact of +\$360 million. The firm noted that the figures do not factor in any benefits to either company, including Charter making Disney's suite of DTC services available to its broadband-only customers or any impacts from the upcoming ESPN flagship DTC launch.

PIKEVILLE, KY, TO APPEAL FRANCHISE DISPUTE DECISION

The City of Pikeville, KY, isn't backing down. Last month, a federal judge dismissed its complaint against Altice USA/Cequel/Cebridge that alleged cable service significantly declined following Altice's 2015 acquisition of Cequel (dba Suddenlink). The City has notified the U.S. Court of Appeals for the Sixth Circuit that it plans to appeal. The dispute originates from a 10-year franchise Cequel signed with the city in 2009. The city held a hearing in 2020 and determined Cequel had not complied with the terms of the franchise agreement and ordered it to pay liquidated damages. It never paid and thus a lawsuit was filed in Eastern District of Kentucky against Cequel, Cebridge and Altice. In dismissing the case, U.S. District Judge David Bunning wrote the court agrees with Cebridge and Altice that they are not parties to the City's franchise and cannot be held liable for any breach by Cequel. (The decision refers to Cebridge as a Delaware LLC of "unknown relevance to this case," noting Cebridge is only correctly mentioned three times—in the caption, summary, and statement of citizenship—and incorrectly as "Cebridge Connections, Inc." twice.) The court also found the city failed to allege a sufficient breach of franchise.

ANUVU, PARROT ANALYTICS

Connectivity and entertainment solutions provider Anuvu is teaming up with Parrot Analytics to help with insights into film and TV content demand across the globe. Anuvu—which works with airlines,

cruise lines and maritime, energy and government entities—will use Parrot's platform to cultivate information for every country and deliver a unified audience metric that can be measured across all delivery platforms. Parrot's other partners include Warner Bros. Discovery, NBCUniversal, Lionsgate and Sony Pictures.

ROKU'S IN THE ZONE

Roku is partnering with the NFL to launch NFL Zone within the Roku Sports section, giving fans a one-stop location to find live and upcoming games. NFL Zone also offers game previews, highlights and additional content via the NFL app. Viewers can find NFL Zone under "Sports" from the Roku home screen menu. Roku also recently added the NFL Channel to The Roku Channel's live TV guide.

HBCU GO SIGNS DEAL WITH CIAA

Allen Media Group's HBCU GO penned a 10-year media rights partnership with the CIAA. The deal will run through June 30, 2032, and gives HBCU GO the cable, linear, streaming, broadcast, VOD and PPV rights coverage for all CIAA teams. It'll begin with five CIAA football games being aired live on TheGrio, which includes the 2023 CIAA Football Championship on HBCU GO and select broadcast stations in the U.S. While the CIAA will continue to stream other team events via the CIAA Network, the long-term goal of the agreement is to broadcast all CIAA team sports on HBCU GO and other AMG platforms. Part of the deal includes a portion of funds being invested to upgrade the sports and broadcast equipment at all 13 CIAA schools.

PROGRAMMING

Fox News extended Bret Baier's multi-year contract, keeping him in his position as the network's chief political anchor as well as anchor and executive editor of "Special Report." Baier will remain as a co-anchor for Fox News' 2024 election coverage. – BET+ unveiled its fall slate. The first and second part of "Love & Murder: Atlanta Playboy" will be released Sept. 21, before another new film "First Lady of BMF: Tonesa Welch Story" debuts Oct. 5. "The Impact Atlanta" returns for a new eight-episode season on Oct. 5 as well. "Wake" and "God's Grace: The Sheila Johnson Story" premieres on Oct. 12 and 19, respectively, and Season 2 of "Kingdom Business" begins Nov. 2. The second-season premiere of "Carl Weber's The Black Hamptons" will cap BET+'s fall schedule Nov. 23.

PEOPLE

Starz tapped former longtime HBO and WarnerMedia veteran Sofia Chang as its next EVP/CDO. She'll manage all streaming platforms' sales activities with U.S. linear and digital distributors. Chang was with HBO for over two decades, joining in 2000 and climbing to President, Distribution where she oversaw distribution revenue for all HBO branded digital and linear channels. She remained in that position until March 2021.