

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Caps Lock: FCC Hit With Comments on Pros and Cons of Data Caps

The Democratic-led **FCC** is taking another look at data caps and whether or not the practice hurts low-income subscribers. The agency was hit this week with comments from consumer advocates, broadband industry representatives and subscribers alike.

Arguing against the need for data caps in joint comments were **Public Knowledge**, **Open Technology Institute at New America**, **Benton Institute for Broadband & Society** and the **National Consumer Law Center** on behalf of its low-income clients. They called the caps price discrimination dressed up as network management.

“Data caps can be confusing and frustrating for consumers, who may not understand how their online activities equate to data usage. They also do not incentivize users to reduce consumption during peak periods, as the cap applies uniformly throughout the billing cycle,” they said. “And it’s particularly troubling because most consumers have no real way to track or understand their data usage.”

The City of Portland, Oregon, also weighed in, arguing it has observed very real impacts through feedback it has received from participants in a number of city-run programs. In its view, low-income and traditionally marginalized communities are more likely to encounter data caps and are disproportionately impacted by the fees, reduced speeds or cessation of service that can come with exceeding those data caps. It encouraged the agency to either increase minimum data caps or eliminate

them entirely. If it can’t institute that industry-wide, it should at least make that the case for USF funded programs that are being utilized more than ever in the wake of the shutdown of the Affordable Connectivity Program.

On the other side of the debate were advocates for the broadband providers, including **NCTA**. The association argued that usage-based pricing is not the result of any market failure, but rather an example of healthy price competition. Any restriction on that pricing would be a clear form of rate regulation, it went on, something the Commission lacks the authority to do. It also said these types of pricing structures do not limit the ability of consumers to access online services.

“The data allowances provided by NCTA members vastly exceed most users’ monthly data consumption—particularly as ISPs have consistently increased data thresholds in response to evolving market demand and usage patterns—and unlimited plans are generally available for subscribers who regularly use more than the data threshold,” it said.

With no identified harm, the association fully believes the choice whether to select an unlimited plan or a usage-based plan should be left to consumers without any government intervention.

ACA Connects concurred, saying in its own comments that with the FCC’s order reclassifying internet access as a Title II-regulated telecommunications service having been stayed pending judicial review, the Commission has no authority to shift anything as it relates to usage-based pricing. And even if Title II authority were restored, the agency would be handcuffed

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Contact Ellen Kamhi at
917.626.5574 or
ekamhi@accessintel.com



in what action it could take as it relates to the practice.

“In reinstating Title II controls over the internet, the Commission clearly stated that it would not engage in ex post or ex ante rate regulation... Under the framework adopted in the 2024 Open Internet Order, it is providers—not the Commission—that are entitled to set rates, including whether or not broadband offerings provide unlimited data,” ACAC said.

It went on to say that any intervention by the FCC would only distort the marketplace and could harm consumers. That’s because offerings that include data caps are often more affordable than those with unlimited data, and those might actually be more attractive to those consumers who are cost-sensitive or only occasionally utilize broadband service.

“Thus, any attempt by the Commission to restrict such offerings would be more likely to impede broadband adoption and affordability than advance these goals,” ACAC said.

ANGELS STICK WITH DIAMOND, MLB NABS REDS’ RIGHTS

The good news kept rolling late Thursday for **Diamond Sports Group** after it [officially emerged from Chapter 11 bankruptcy](#). The company revealed a new, multi-year market agreement with the Los Angeles Angels that’ll have Diamond remain its exclusive local media partner. The agreement—which includes both linear and digital rights—will have **FanDuel Sports Network West** carry non-nationally televised Angels games in addition to original programming and pre- and post-game shows. Fans can watch direct-to-consumer by authenticating their pay TV credentials on the FanDuel Sports Network app or by purchasing a DTC subscription, which can also be [found soon](#) on **Prime Video**. Information including DTC subscription cost will be announced ahead of the 2025 **MLB** season. Meanwhile, a former Diamond Sports team found a new home. MLB announced it’ll produce and distribute local games for the Cincinnati Reds this upcoming season. More info on where and how fans can watch will be announced closer to the start of the new season, but the league noted that the Reds’ average reach on its previous RSN (**Bally Sports**) was 1.1 million households during the 2024 campaign.

NETFLIX MARKS TWO YEARS OF ADS

Netflix hit the two-year anniversary since introducing advertisements this week, and President, Advertising *Amy Reinhard* penned a letter to talk about the progress the streamer has made. Netflix’s ad-supported tier eclipsed the 70 million monthly active user mark. It’s also sold out all available in-game inventory for its two Christmas NFL games, partnering with the likes

of **FanDuel**, **Verizon** and others. FanDuel will be the exclusive sportsbook betting partner and have a sponsored in-show feature, while Verizon will be the kickoff sponsor and partner for the pre-kick segment. On the measurement side, Netflix is partnering with **VideoAmp** in the U.S. to enable cross-screen and live viewership measurement for advertisers. That partnership will begin when the **WWE** joins the Netflix family in January. However, Netflix is working with **Nielsen** for live ratings of the Christmas games. Lastly, after launching programmatic in August, Netflix enabled programmatic guaranteed buying in the U.S., Brazil, Canada and Mexico, with expansion to Europe to come in February and to Australia, Japan and Korea in later 2025.

NTIA ON DATA CENTER COMMENTS, NEXT STEPS

NTIA received 58 written comments in response to a request for comment into how federal policy can support the overall growth of U.S. data centers. The data centers will be needed to meet the demand from artificial intelligence and other emerging technologies, and this request for comment was issued in coordination with the **Department of Energy**, which is diving into potential energy challenges tied to these centers. NTIA will use the comments to develop a report with policy recommendations.

BRIGHTSPEED INTRODUCES STREAMING CREDITS FOR SUBS

Brightspeed is looking to add more benefits for customers, and it’s doing so by launching an offer for its fiber internet customers that’s good for a one-time \$20 streaming credit. Customers can use the credits via **MyBundle** and apply them for new or existing subscriptions, but they have until Dec. 31 to activate the credit and until Dec. 31, 2025, to use it. Brightspeed and MyBundle have been working together since July after the provider launched the MyBundle platform for internet customers.

FIBER FRENZY

Thanks to a \$5 million grant from the **Department of Agriculture’s** Rural Development Community Connect program, **GCI** will build a local FTTP network in the remote Aleutian area of Perryville, Alaska. The town’s fiber infrastructure project will be incorporated into Phase 2 of GCI’s Aleutians Fiber Project. Residents will get access to 2.5 Gbps internet speeds and unlimited data once construction is complete. Additionally, GCI is partnering with the Native Village of Perryville to supply local community centers with computers, office equipment, connectivity and more for free for at least two years. – **Comporium** announced it’s connected 1,020

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addresses in Lancaster and York Counties, South Carolina. The company built nearly 139 miles of fiber-optic cable over the past few months, requiring more than \$5.4 million in funding. The company partnered with **York Electric Cooperative** to provide access to the 373 new addresses in York County.

COX MEETS BALTIMORE CONVENTION CENTER

The Baltimore Board of Estimates approved a partnership between the Baltimore Convention Center and **Cox Hospitality Network** that'll see the provider install a suite of technology enhancements for BCC's guests, meeting planners and exhibitors. Part of the upgrade includes the installation of WiFi 6 access points to offer tri-band coverage to high-traffic areas like exhibit halls and lobbies. BCC will also be able to get complimentary guest WiFi in pre-function areas and meeting rooms in addition to per-day packages.

PROGRAMMING

Season 4 of **Apple TV+**'s "Mythic Quest" will premiere with two episodes Jan. 29, followed by one new episode weekly through March 26. - A new doc is set to release chronicling the basketball

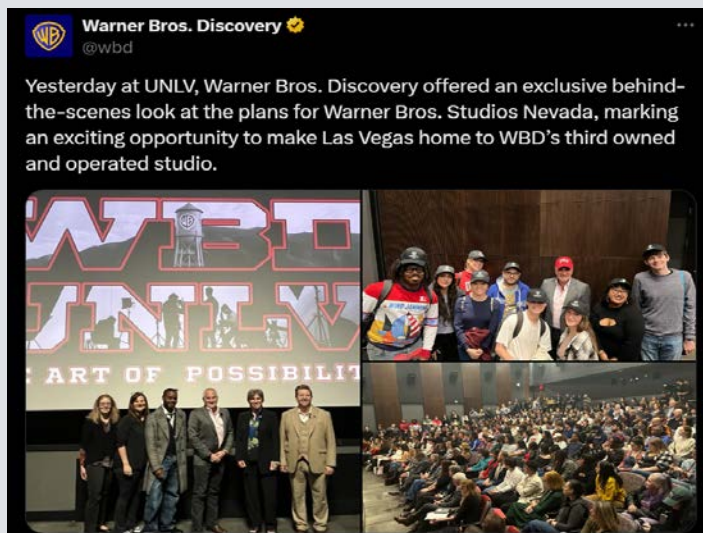
journey of rising star *JuJu Watkins*. "One the Rise: JuJu Watkins" will have its first two episodes released Nov. 23 at 3pm on **Peacock** and **NBC**, which will be followed by Watkins and USC taking on Notre Dame at 4pm. Eps 3-6 will be released exclusively on Peacock, and all episodes will be available on **NBC Sports'** FAST channel.

PEOPLE

Hallmark Media named *Jesse Wallace* as its new SVP/Head of Distribution. He arrives from **Google** where he was Head of Sports and Entertainment Partnerships and led global business development and strategic initiatives across the Android ecosystem. Before Google, Wallace was VP, Affiliate Distribution for the **NFL**, a role that saw him assist in shaping the league's DTC strategy as well as its FAST business. Wallace will be based in Hallmark's NYC HQ and report to COO *John Matts*. - **Tastemade** upped *Niara Simon-Hollis* to Head of Marketing. She'll manage a brand marketing strategy that includes all aspects of the Tastemade business, **Tastemade+** memberships, consumer engagement and overall brand awareness.

CABLEFAX DASHBOARD

Social Media Hits



Up Ahead

- NOV. 17-19:** [NECTA Convention; Newport, RI](#)
- DEC. 4:** [Cablefax Most Powerful Women Celebratory Luncheon; NYC](#)
- JAN. 7-10:** [CES 2025; Las Vegas](#)
- FEB. 23-25:** [NCTC Winter Educational Conference; Atlanta](#)
- MARCH 4-6:** [ACA Connects Summit; DC](#)