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WHAT THE INDUSTRY READS FIRST

Pole Position: FCC Gets Plenty of Feedback on Streamlining Processes

The **FCC** sought input on pole attachments as a hurdle to broadband expansion, and stakeholders didn't hold back. Comments were due this week, and the consensus from both pole owners and attachers is that there's room for improvement.

"Rules that require utility pole owners to act quickly to accommodate attachment requests provide no practical benefit if cavernous loopholes in the Commission's overall timeline framework allow attachers to delay broadband projects indefinitely, at their discretion," said a filing from **Xcel Energy** and **Dominion Energy**, which operates in Virginia, North Carolina and South Carolina.

They complain that a significant cause for delay is the failure of new attachers to install their attachments in a timely manner after make-ready work is complete. "A recent example of the impact of an attacher's failure to deploy occurred in Xcel Energy's service territory with a deployment project involving over 2,400 poles," the joint filing said. "In that case, all applicable make-ready deadlines were timely met by all parties, after which the requesting attacher cancelled the entire project without explanation and without making a single attachment."

Dominion and Xcel are asking the FCC to approve a new rule that would require a new attacher to make attachment and provide notification to the pole owner within 75 days after the completion of all necessary make-ready work. That's a shorter timeframe than the 120 days proposed in the FCC notice. Cable association **NCTA** has said it supports the 120-day timeline, "provided that it begins upon clear and effective notification of make-ready completion and includes flexibility for circumstances beyond the attacher's control."

ACA Connects, which represents small and mid-size broadband providers, urged the FCC to avoid imposing a mandatory 120-day shot clock. "Providers already have incentives to deploy quickly and delays in broadband deployments are generally caused by external factors outside of attachers' control," it argued.

Of course, cost is a huge factor with pole attachments. **Breezeline**, which operates in the Mid-Atlantic and New England, supports the Utah "50/25/25" approach to estimate payments—attachers are required to pay 50% of the utility's invoice upfront, 25% after half the work is done, and the remaining 25% upon completion, unless the attacher prefers to make a full up-front payment. "Allowing the utility to demand full payment of the estimate upfront is inequitable. The utility has been paid in full for work that it has not even started, much less completed," the operator argued. "Meanwhile, the attacher has no leverage, unless it is willing to spend time and resources filing a complaint, to force the utility to complete the work."

Dominion and Xcel argued that the FCC must continue to allow a utility to require advance payment and to require true-up of estimates based on properly detailed final invoices. The companies don't like a proposal from NCTA and **Altice USA** that would prohibit utilities from requiring full or partial up-front payment upon an attacher's acceptance of an estimate, and

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*Applications subject to internal review & approval instead implement a payment schedule based on make-ready work progress. The utilities argue that it would be a violation of Sect. 224 of the Communications Act.

USTelecom warned against one-size-fits-all mandates and deadlines. "More prescriptive Commission rules governing the pole attachment process will not prevent, for example, the state and local permitting delays, natural disasters, material and workforce shortages and other real-world complications that inevitably affect the timing of wireline infrastructure deployments," it said. "Instead of micromanaging the pole attachment process, the Commission should let its recently adopted reforms play out and allow pole owners and attachers to continue fashioning case-specific solutions to the many day-to-day issues that arise when deploying broadband."

The FCC adopted new pole attachment rules to speed up broadband deployment in July as part of Chairman *Brendan Carr*'s Build America Agenda. It builds on pole attachment rule updates that passed unanimously in December 2023. The July order established some new rules, including requiring utilities to respond in 30 days to ISPs' requests to use new contractors to ready poles, but it also sought comment on further actions to streamline the process.

The Commission will hold its open meeting next Tuesday, where one of the items under consideration is a Notice of Inquiry that would look at the processes for authorizations from state and local governments to deploy facilities in the public rights-of-way. This includes questions over whether additional permits are needed to attach to poles owned or controlled by municipalities.

NO KIMMEL FOR EVERYONE

Say a little prayer for CSRs tonight working for MVPDs in markets where affiliates are not airing the return of **ABC**'s "Jimmy Kimmel Live!". The largest broadcast groups in the country, **Nexstar** and **Sinclair**, are standing by their decisions last week to pre-empt the late-night show. While the decision is at the affiliate level, cable operators are well aware that they are often one of the first calls when a customer can't view something on television. **Hearst** and **Scripps** confirmed they will air the show tonight. Presumably, other broadcasters that didn't respond to ***CFX***'s requests for comment will as well. Sinclair and Nexstar announced late Wednesday that they wouldn't air Kimmel following comments he made about *Charlie Kirk*'s killer, with ABC then suspending the show. Meanwhile, lawmakers continue to demand **FCC** Chairman *Brendan Carr* testify on the Hill about the lead-up to all this. "Brendan Carr should come before the Commerce Committee and talk about his actions that look like he's trying to influence these decisions that are licensure decisions based on what the President wants, and that has no place in the FCC," Commerce Ranking Member *Maria Cantwell* (D-WA) said during **MSNBC**'s "Morning Joe" Monday. Commerce Chair *Ted Cruz* (R-TX) has voiced some criticism for Carr, which feeds Cantwell's hope that there may be a hearing. "Then you could expound on this in a very broad way and show the American people that there is a bipartisan move to keep local journalism per se in America," she said. Jimmy Kimmel Live! is available nationwide on multiple **Disney**-owned streaming products. Sinclair said it'll air local news programming instead and is in discussions with ABC as it evaluates the show's potential return. Nexstar said its stations "will focus on continuing to produce local news and other programming relevant to their respective markets."

DISNEY RAISES STREAMING PRICES

Disney chose a heck of a week to raise prices for its **Disney+**, **Hulu** and **ESPN** streaming services. Amid the ongoing *Jimmy Kimmel* drama, the company announced that the price of Disney+ will go up \$2 to \$11.99/month with ads and up \$3 to \$18.99/month without ads. Hulu will also increase from \$9.99 to \$11.99/month for the ad tier but premium will remain at \$18.99/month. ESPN Select, formerly known as **ESPN+**, goes up a buck as well to \$12.99/month, while ESPN Unlimited stays at \$29.99/month. Annual sub prices are all being raised as well: Disney+ Premium goes from \$159.99 to \$189.99/year, Hulu (With Ads) goes from \$99.99 to \$119.99/year and ESPN Select will go up \$10 to \$129.99/year. Bundles aren't immune, either. Disney+, Hulu, ESPN Select Bundle Premium, for example, will go from \$26.99 to \$29.99/month. Meanwhile, the Disney+, Hulu, **HBO Max** bundle is now \$19.99/month with ads and \$32.99/month without ads, a \$3 increase in both cases. On the vMVPD side, **Hulu + Live TV** customers will see prices raised by \$7 to \$88.99/month. Hulu + Live TV bundles with Disney+ and ESPN will also get increases. The changes will go into effect on Oct. 21.

REPORT: COMCAST TO MAKE STRUCTURAL ADJUSTMENTS

In an effort to give a jolt to its broadband subscriber metrics, **Comcast** is making changes to its overall Connectivity & Platforms sector. According to *Reuters*, which cites a source familiar with the matter, Comcast is doing away with the larger division management layer that previously stood between the company's regional operations and corporate hierarchy. In January, it'll shift to a model in which regional leaders will report to a President, Regional Operations. Assuming the newly created role will be *Amy Lynch*, who's currently the chief of Comcast's Northeast

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Division. Comcast's Connectivity & Platforms division contains Xfinity Internet, **Xfinity Mobile**, **Comcast Business** and **Sky Broadband** in the U.K. With the structure shake-up, Reuters notes layoffs are expected to arrive, though it's unclear the scope and which roles will be affected. Comcast, however, said customer-facing frontline employees wouldn't be impacted.

FCC WANTS REIMBURSEMENT ON EBB/ACP OVERBILLING

The **FCC** is going after two providers that it said submitted claims for connected devices that were above market value, demanding they repay $1.18 million. The agency said **Boomerang Wireless** and **Assist Wireless** sought reimbursement of as much as $100 per tablet for devices that were widely available for half that price. Providers that participated in the since-ended Emergency Broadband Benefit Program and Affordable Connectivity Program could receive reimbursement for devices provided to eligible households, with reimbursement limited to the market value of the device up to $100 (minus a household co-pay). According to the FCC, Boomerang and Assist submitted claims and received $100 per tablet for more than 7,000 and 6,000 devices, respectively, between May 2021 and August 2023, even though **Amazon** Fire 7 tablets were available for $49.99 or less. "After the Universal Service Administrative Company began a program integrity review, the companies revised their market value assessment to $69.99, which was still above actual market value, and continued to submit thousands of additional claims," the FCC said. It said Boomerang has 30 days to pay more than $644,000, with Assist on the hook for nearly $538,000.

DISNEY, FOX ENJOY BOOST FROM FOOTBALL SEASON

The return of football made its mark on **Nielsen**'s Gauge last week, and it was a primary factor in its Media Distributor edition of the report for August. Although **YouTube** led media companies in total TV usage with 13.1%, **Disney** and **Fox** were the only share increases among companies, with the former achieving 9.7% (up 0.3 points from July) and the latter reaching 6.7% (up 0.2 points). **ABC** affiliates witnessed a 4% bump throughout the month (we're looking forward to how September shakes out given the *Jimmy Kimmel* saga), while **ESPN** had a 25% spike. Fox affiliates, meanwhile, jumped 14% in August. While Disney's 9.7% lifted it to second place on the Media Distributor chart, **Netflix** and **NBCUniversal** followed at 8.7% and 7.8%, respectively. **Paramount**'s 7.1% edged Fox, which was followed by **Warner Bros. Discovery** with 5.8%.

ESPN RE-UPS WITH OVC

The **Ohio Valley Conference** is sticking with **ESPN** for another six years. The two inked a media rights deal that'll put a minimum of 725 OVC events per year on **ESPN+**. Regular-season basketball telecasts will be on ESPN, **ESPN2** or **ESPNU**, while the semifinals of the OVC Men's Basketball Tournament will be on either of those three or **ESPNEWS**. The title game will air on ESPN or ESPN2. Another facet of the deal: OVC retains the rights to telecast up to 50 linear events per year locally within the conference's footprint.

CARRIAGE

It's almost time for the **NBA** and **NHL** to return to action. **Kroenke Sports & Entertainment** struck an extension with **TEGNA** to broadcast 20 Denver Nuggets and Colorado Avalanche games apiece for free over the air. All 40 of those games will be on KTVD-TV (**MyNetworkTV**), while five Nuggets and five Avalanche broadcasts will be available on KUSA-TV (**NBC**) simultaneously. Games will remain produced by Altitude Sports.

FIBER FRENZY

Lumen announced that it has made significant progress in its multi-year infrastructure project to support the AI economy, with plans to add 34 million new intercity fiber miles by the end of 2028, for a total of 47 million. So far in 2025, the company has added more than 2.2 million new intercity fiber miles and plans to reach 16.6 million total by EOY. Construction of 176 in-line amplifier sites is also underway. Lumen has also earmarked more than $100 million to bring speeds of up to 400 Gigs across cloud, data centers and metros to create a more high-performing pipeline for AI workloads. That 400 Gig-enabled network now reaches more than 100,000 route miles. – **Orbitel** customers are being automatically upgraded to faster speeds at no additional cost or change to their monthly bills. The upgraded speeds range from 300 Mbps to 1 Gig depending on the customer's plan. Speeds of up to 5 Gigs are now also available in select areas with Flight Fiber. – **Vyve Broadband** has expanded its 2.3 Gig network to 13 new markets across its 16-state footprint. More than 45% of homes passed by Vyve now have access to multi-gig service. Additionally, some markets now offer speeds of up to 8 Gig speeds.

FREE LIVE SPORTS DIPS MORE INTO AMAGI TECHNOLOGY

Free Live Sports, a service that entails more than 125 live sports channels in 71 countries, is expanding its partnership with the cloud-based SaaS provider **Amagi**. Free Live Sports is making Amagi ADS PLUS—a CTV marketplace—its exclusive monetization partner for its FAST advertising inventory. In addition to 125+ channels, Free Live Sports offers on-demand content spanning from college football to motorsports.

TNF RATINGS

Prime Video is off to the races on another season of Thursday Night Football. Last week's Dolphins-Bills bout saw the streamer average 16.45 million viewers, marking the first time TNF on Prime averaged above 16 million viewers in consecutive weeks.