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WHAT THE INDUSTRY READS FIRST

Definition Please?: PK Event Tackles FCC, Public Interest

With Congress not yet holding any oversight hearings on independent agencies, such as the **FCC** and **FTC**, frequent GOP critic **Public Knowledge** decided to hold its own Wednesday, dubbing it the "People's Oversight Hearing." Not surprisingly, the day-long event had a list of criticisms, including how the FCC enforces the public interest standard. We'll have to wait until next month's **Senate Commerce** hearing to get an official FCC oversight hearing with Chairman *Brendan Carr* in the hot seat, but the PK stunt perhaps offers a window into some of the questions he may face. At least from his critics.

Carr often cited the public interest standard when discussing his agency's role in transactions such as **Paramount-Skydance**, or when it comes to whether **ABC, NBC** or **CBS** should have their broadcast licenses revoked. More recently, it was a focal point throughout the brief suspension of ABC's "Jimmy Kimmel Live!" and the backlash from Nexstar and Sinclair's decision to preempt the show.

While it's a familiar term born from the 1927 Radio Act and later adopted in the Communications Act of 1934, it's taken on a more ambiguous—and prominent—position as the FCC ponders how to govern communications. Former FCC Chair *Tom Wheeler*, who served under President *Obama*, recalled that Carr had suggested it could be worth proposing a rulemaking to solidify what the public interest is defined as shortly after he was named chairman. Wheeler said he was skeptical about that coming to fruition, blaming it on the perceived influence he thinks President *Trump* has and the authority Carr holds in enforcing orders. Still, he thinks the discussion should be opened for public input.

"It's interesting that all the things that have been talked about here, in terms of actions affecting broadcasters in particular, haven't been final actions—they've been coercive actions that, going back to the [Administrative Procedure Act], are informal activities that are not reviewable," Wheeler said. "What we need to be doing is to have a debate. I think reaching an agreement on the public interest standard is a very tall order, particularly in these times, but I think the debate over that is terribly important, and we ought to have it, and it's not something that exists in the head of one man."

Something the FCC is actively reviewing is the 39% national ownership cap, which has also garnered more attention (and that was before **Nexstar** and **Tegna**'s proposed merger came to light). Although the current momentum points to the limit being raised, former FCC nominee and current Executive Director of the **American Association of Public Broadband** *Gigi Sohn* believes the 39% rule "is set in law." One of the arguments she's heard is that it's a loose cap because it's part of the FCC's quadrennial review. The problem with that, she said, is that Congress removed it from the quadrennial in 2004 when it raised the cap from 35% to 39%.

Sohn added that she thinks it's not going to be easy for the FCC to enforce any changes, given the U.S. Supreme Court's decision regarding the Chevron Doctrine. "I don't know how they think they're going to do it, and particularly in light of the demise of Chevron and the rise of [Loper Bright Enterprises v. Raimondo] which says that the agency doesn't get the discretion that it would normally get when it's interpreting its organic law, I don't know how they win in court."

Regarding Nexstar and Tegna specifically, Sohn said there's a level of "danger" felt that was magnified by the Kimmel situation. While the focus has been on figuring out how to better position broadcasters against big tech companies like **Google**, the decision to preempt Kimmel's late-night show from 60+ stations brings more concern in her eyes.

"Witnesses" at Public Knowledge's hearing–which leaned heavily toward the left–agree actions need to be taken in order to prevent abuses of power. But for now, *Bob Corn-Revere*, Chief Counsel for the **Foundation for Individual Rights and Expression**, believes the public interest is what the FCC and Trump administration will continue to lean on, as well as rules pertaining to news distortion and broadcast hoax prosecution.

"The current administration is using those concepts and the public interest standard as a whole as a blank check for leaning on broadcasters and regulating content. It has never been that, and you can trace that back to its beginnings in 1927 with the Radio Act through the Communications Act of 1934," Corn-Revere said.

CHARTER'S 'GIG WEEK' PROMO

It was a tough 3Q25 for cable operators, including **Charter**, which shed 109,000 internet customers in the quarter, making the company's eighth consecutive quarter of internet sub losses. It's why Charter and other operators are working to up their game in terms of retaining customers and earning back their trust, including by implementing initiatives such as multi-year price locks and free mobile line bundles. This Thanksgiving, Charter is trying something new. ***CFX*** has learned that Charter is launching a promotion offering customers a week of Gig-speed internet at no additional cost. "Gig Week" runs from Nov. 24 to Dec. 1. Customers with Spectrum Internet Premier and eligible legacy Spectrum Ultra and Flagship internet plans, as well as compatible equipment, can activate the temporary speed increase in the My Spectrum app anytime through Nov. 24 Subs will be automatically reverted back to their usual speed on Dec. 2. "Our customers are at the heart of what we do, and this holiday season, we're excited to bring a little extra joy," reads the Gig Week webpage. "No strings. This is not a trial. Just a thank you for being with us." Charter also posted a Facebook video about the promo, featuring a family streaming and online shopping on their phones while sitting around their Thanksgiving table. This is the first time Charter has done "Gig Week." Charter EVP/CMO *Sharon Peters* said in a statement that the promotion is "our way of saying thank you on one of the busiest online weeks of the year—by giving families the extra bandwidth to keep all their devices running smoothly, whether they're catching up with family with video calls, streaming their favorite sports or grabbing the best Cyber Monday deals." The move follows CEO *Chris Winfrey*'s comments last month that the industry's "number one issue is—this may shock you—customers don't trust the cable company." This was in reference to Charter's efforts to educate customers about the streaming services bundled in their TV packages and being more transparent about what's included on monthly bills, but the operator clearly knows that its internet subs could use a bit of love, too.

SHUTDOWN MAY END AS FCC PERMITTING INQUIRY HEATS UP

With it increasingly looking like the government will reopen this week, it appears the deadline for opening comments in the **FCC**'s Notice of Inquiry on permitting reform will hit soon. That's welcomed news for ISPs who have long complained that it's one of the biggest barriers to broadband deployment. "As I have traveled around the United States over the last three years in this job, consistently, the number one thing my members talk to me about is this issue," **ACA Connects** CEO *Grant Spellmeyer* said in a briefing with reporters Wednesday. "We've faced many challenges, from Title II regulation to broadband funding, but day in, day out, the thing that will make the biggest difference to future deployment is how proceedings like this play out." One ACAC permitting horror story had a provider facing an 18-month delay while a city pursued its own network project. As part of Chairman *Brendan Carr*'s Build America agenda, the FCC is seeking comment on whether state and local permitting fees, in-kind compensation requirements and other processes unnecessarily delay or burden the deployment of wireline broadband infrastructure. Comments are due Monday, though that deadline may be extended given the shutdown. Spellmeyer reflected that he had hoped there would have been regulatory relief from Congress, but he'll take what he can get and hope the legislative branch eventually addresses some of the other problems with permitting, including reform in the energy space and federal permitting (ie, federal highways, railroads, etc).

PERMITTING PREVIEW

While we'll have to wait for comments to trickle in (once we know for sure when the deadline is), **ACA Connects** SVP, Legal and Regulatory Affairs *Brian Hurley* previewed that the association will recommend the **FCC** come up with a shot clock framework

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In The WILD

A Cablefax feature highlighting industry doings spotted in the real world.

Netflix Housewarming Party in Philly

Philadelphia's tallest skyscraper, the Comcast Technology Center, may tower over the city, but competitor Netflix's new space is stealing the spotlight this week. Netflix House Philadelphia opened at King of Prussia Mall, with the public able to explore 100,000 square feet of immersive experiences tied to Netflix titles.

Once you walk through the "red envelope" entrance, a nod to the old DVD-by-mail offering, there's an atrium filled with photo ops and art installations. Visitors can dine at casual, full-service restaurant Netflix BITES, which serves up a WWE Smashed Burger, Featherington French Toast and other themed dishes and drinks. It's free to walk around the space, but featured experiences require a ticket. Right now, it's offering "Wednesday: Eve of the Outcasts," for $39, which lets folks wander through the festival at Nevermore Academy, complete with carnival games, photo opps and solving puzzles with Thing. The other experience offered at that price point is pirate-themed escape room adventure "Quest for Devil Fruit," tied to Netflix's "One Piece" live-action series. Other ticketed offerings include mini golf and multiplayer VR games from Sandbox VR, including: "Stranger Things," "Squid Game" and "Rebel Moon." There is a 229-seat theater that has some free screenings with reservations.

The streamer has created a local connection as well, with Philadelphia artists featured throughout, including an Emily White mural of Netflix characters on the building exterior. Netflix boasted that the venue supports nearly 300 permanent jobs. Oh, and the gift shop has NetPHLix-branded local merchandise.

On Monday, Pennsylvania Governor Josh Shapiro joined Netflix co-CEOs Ted Sarandos and Greg Peters and other dignitaries for a red carpet grand opening. Philadelphia's DJ Jazzy Jeff kept the music flowing for the shindig, which included "Emily in Paris'" Ashley Park (Mindy Chen), "WWE Raw's" Chelsea Green, "Wednesday's" Luis Guzmán (Gomez) and other talent.

Netflix is on track to open a similar space in Dallas on Dec. 11 at Galleria Dallas, with Netflix House Las Vegas at BLVD on the Vegas Strip slated for a 2027 grand opening.

– Amy Maclean

for states and localities to act on permits and urge it to establish limits on fee amounts that are presumed to be permissible (and that in-kind contributions, such as deploying fiber to a municipal building, should go toward the figure). ACAC, which challenged NY's affordable broadband law for low-income households, is also urging the Commission to adopt a rebuttable presumption that state broadband rate regulation violates Section 253 of the Communications Act, which defines the FCC's preemption authority over state laws regulating telecommunication services. When it comes to enforcement of any new permitting rules, the group likes the idea of setting up a mechanism similar to what was recently adopted for pole attachments. "It's a relatively new process. We're still kind of learning how it works and evaluating it, but… it strikes us as a reasonable starting place to look there for lessons and there could be borrowed for minimizing dealing with disputes on the wireline in this other context," Hurley said.

VERSANT LAUNCHES USA SPORTS

USA Sports, a new brand launched by **Versant Media** on Wednesday, will house the spinoff company's sports portfolio, including all **NASCAR, Premier League, WWE, WNBA, League One Volleyball** and golf programming on **USA Network** and **Golf Channel**. All together, USA Sports will deliver more than 10,000 hours of event, studio and original sports programming across USA, Golf Channel and **CNBC** in 2026, including approximately 1,000 hours of women's sports content. *Matthew Hong,* who joined Versant as President, Sports in June, will lead the new division.

FIBER FRENZY

Charter is expanding **Spectrum** services to two previously unserved or underserved counties in Indiana. The project will connect nearly 5,400 homes and businesses in Montgomery County and almost 1,320 in Grant County. Customers will be able to sign up for speeds of up to 1 Gig.

PROGRAMMING

"Alien: Earth" fans no longer have to worry about the show ending on a cliffhanger: **FX** has green lit a second season, with filming set to begin in 2026 in London. – Late-night comedy series "It's Florida, Man" is back for Season 2 on Nov. 28 at 10pm, airing on HBO and streaming on **HBO Max.**

PEOPLE

Former **Dish Network/Sling TV** Group President *Gary Schanman* joined **AthleteAgent.com** as an advisor. The platform, co-founded by actor *Ryan Rottman* and Steelers QB *Aaron Rodgers,* connects businesses with athletes and teams for endorsement deals. Schanman says AthleteAgent has raised $3 million+ to date and is now closing a $2.5m million seed round to accelerate growth.

O'Rielly's TMT Whiteboard

Senator Ernst is Right on the (Broadband) Money

By Michael O'Rielly

A lot of digital ink has been used identifying and discussing the vast number of federal programs dedicated to promoting broadband. While broadband technology is without a doubt incredibly beneficial, maintaining a wide array of separate bureaucratic fiefdoms, often overlapping and serving duplicative purposes, should stir outrage. Yet, pinpointing such inefficiency hasn't exactly led to reforms. That's why Senator Joni Ernst (R-IA) should be applauded and supported for moving aggressively earlier this year to eliminate the Community Connect Grant (CCG) program via the "Streamlining the Rural Broadband Act of 2025."

To provide context, the CCG, which is managed and overseen by the U.S. Department of Agriculture (USDA), provides more than $25 million in annual grants according to its website for "financial assistance to eligible applicants that will provide high-speed internet service in rural communities." For communications practitioners, it should sound eerily similar to the purpose of the $42 billion within the Broadband Equity, Access, and Deployment (BEAD) program at the Commerce Department. At more than 1500 times larger, BEAD funding will likely flood the marketplace in the next 18 months with the designed goal of bringing rural broadband networks to every unserved household.

As with almost every program comparison, there are slight nuances between CCG and BEAD. Interestingly, CCG allows the use of funds to cover internet consumer costs for up to two years. This seems questionable given Congress' disagreement over broadband affordability subsidies. Moreover, there are openly objectionable parts of CCG, like providing grants so entities can lease spectrum. Depending on one's view, CCG's provisions are head-scratching or not significant enough to justify separate programs.

On a larger scale, eliminating CCG is a small but extraordinary step toward fiscal and programmatic sanity. Notably, the Government Accountability Office identified in 2023 that there were at least 133 federal programs managed by 15 agencies that had some broadband-related component. For programs directly on point, "25 have broadband as their main purpose and 13 of those programs overlap because they can each be used for the purpose of broadband deployment." Most of these programs are over and above the more than $100 billion Congress provided during COVID-19 that either was required or permitted for broadband builds.

Senator Ernst deserves credit for her strong position. It is not exceptionally common for an Agriculture Committee Member—House or Senate—to take such a forward, defensible approach toward existing USDA broadband programs. Even with her intention to retire at the end of this term, there is still opportunity to enact her legislation as part of any larger Farm Bill rewrite, which might be a heavy lift, or some type of extension effort. No matter what the mechanism, the bill is needed.

Remember that Biden-era USDA officials made clear that they had no desire to coordinate program management in a way that would eliminate duplication and waste. To be sure, the Biden team sought to specify that they intended to maintain separate programs in order to allow the department to fund projects in direct competition with other federal programs. They didn't see the plethora of broadband programs as a flaw, but an opportunity. And this vision resided in the then-Secretary and flowed downward through USDA's broadband spending.

If there is a criticism of the Ernst bill, it is that it doesn't go further, as the bill would divert any CCG savings to another USDA program. But there are other duplicative broadband programs in USDA—like the Telecommunications Infrastructure Loan Program, Rural Broadband Access Loan Program and others. Indeed, there is a sound case to be made that almost all of USDA's broadband spending can and should be eliminated. That is, if policymakers in the Trump Administration and Congress believe that a successful BEAD program will reduce unserved broadband households to zero or relatively close, then there is little need for USDA's broadband buildout spending. In fact, in President Trump's budget request to Congress for FY2026, the Administration already identified many of these types of programs as "duplicative, too small to have a macroeconomic impact, costly to deliver, in limited demand, available through the private sector, or conceived as temporary."

On the other hand, maintaining USDA's multitude of broadband programs after BEAD has been implemented will only cause further problems and wasteful spending. Consider that in a post-BEAD world, USDA spending could lead to subsidizing multiple providers in an area that couldn't attract one provider without subsidies.

In the end, Senator Ernst's bill to bring one narrow and important fix to the scores of broadband funding programs shows the need for more reform. Not only should her bill be approved, but policymakers also should strike most—if not all—of USDA's broadband funding.

(Michael O'Rielly is a former FCC Commissioner and congressional staffer who serves as President at MPO-Rielly Consulting. His views do not necessarily reflect the views of Cablefax.)