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WHAT THE INDUSTRY READS FIRST

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DID YOU KNOW?

Need more of NCTA President/CEO Cory Gardner? The former Republican senator from Colorado will join former Sen. Heidi Heitkamp (D-ND) on C-SPAN's "Ceasefire" tonight at 7pm and 10pm ET. The two discuss how difficult it's become for politicians from different parties to work together, as well as polling and the midterm elections. "I think the October surprise here is going to be that Republican turnout, if they can achieve what they're trying to," said Gardner.

NCTA CEO EYES SPRING POLICY SUMMIT

Cory Gardner is the first **NCTA** President/CEO to take the helm of the association without the **Cable Show** (also referred to as **INTX: The Internet & Television Expo** or the **National Show**) as a platform for the industry's agenda. NCTA shuttered the 65-year-old convention in 2016. While it's not coming back, Gardner does think there's room for some industry show-and-tell.

"We're working toward a bigger summit in the spring, where we can bring policymakers together and have a big event," he told ***CFX***. "I'd like to build some policy program—not bringing the Cable Show back and all of its grandeur, but having more visibility through the kinds of conversations that it created."

Gardner has some experience here. Not only has he served in the U.S. House and Senate, but he also got to see how **SCTE TechExpo25** sparked some of those conversations with lawmakers. The SCTE conference was held in D.C. last year, which let Gardner show some of his former colleagues around the show floor. He was able to talk policy with many of them, and NCTA even put on a public policy track for the expo. But the show was in Atlanta this year, and it moves to Denver in 2027, so there's not a similar event for the Beltway crowd.

The idea is to bring in some key leaders in the administration, Congress and industry. "I don't just mean the cable industry itself, but I also mean the leaders in technology—the AI side of things, where that growth is happening. The gaming community," he said, describing how the highest internet traffic days on record have come in the past year, usually tied to sports and gaming. Next month's release of "Grand Theft Auto VI" is expected to shatter all previous internet usage records, according to **Comcast**'s Chief Network Officer.

Gardner wants to use those things that ride on cable's network to show off the industry's might. **Charter** President/CEO *Chris Winfrey* made a similar pitch at last month's **SCTE TechExpo26**, saying his company wants to act as a "platform for development and testing" of innovative products.

"I always tell people, in politics in particular, that there are no thank-you votes. You don't get credit for what you did last year. You don't get credit for what you did yesterday. The credit you're going to get is, 'How am I going to be better off with you tomorrow?'" Gardner said. "That's the same thing that our industry faces."

For cable, that boils down to giving consumers the confidence that "it's better with us than it is with the other guy," he said. "That's what we're doing for them tomorrow, and that's how you gain more subscribers, more viewers, more connectivity to be a success."

Gardner believes people often take the cable industry for granted, which is why it's important to share what all it's powering. He likened it to pulling out a jacket from the closet when the weather changes and finding a $20 bill you'd forgotten about in

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the pocket. “It’s a little bit like our industry right now. People don’t know the value of what they have until they reach into their pocket.”

NCTA will help share that message at **CES** in January, with a heavy focus on WiFi since the show itself runs on the technology. Since taking the CEO job, Gardner has been advocating for more unlicensed spectrum for WiFi. To sharpen the point, he said NCTA has stopped calling it the 6 GHz band and is referring to it as the WiFi band.

WiFi has become so synonymous with the internet for consumers that Gardner joked about borrowing the 1990s “Got Milk?” slogan for “Got WiFi?” Mention a threat to it, he said, and people outside the industry take notice. Some of that unlicensed spectrum could be carved out for other purposes, such as mobile carriers’ 5G services. “If we lose the spectrum to do this… your costs as a result are going to dramatically increase,” he said, because consumers would have to pay for what they now get at a far reduced cost.

While spectrum and WiFi lead “the horse race” of legislative priorities, Gardner also rattled off permitting reform, network vandalism, memory chip shortages, intellectual property rights and film incentive tax credits as key initiatives. There’s also the government funding around BEAD, USF, the Capital Projects fund and other programs. “All those things together in one big bucket of government funding and how that works, the risk that it creates in terms of creating unfair competition or duplicative spending, those are all important,” he said.

There are plenty of other things to keep an eye on. NCTA opposed the **FCC** removing the 39% broadcast ownership cap, and it will stand by that. Several state cable associations have indicated they will file a legal challenge. There’s also a lot of activity around AI data centers, with NCTA watching closely to make sure members’ headends aren’t accidentally being impacted in some of the fights. The industry also has opportunity with AI. “I think *Sam Altman* would probably be the first to say that for [**OpenAI**] to succeed with AI, they have to have the size of connectivity that our pipeline can bring because of the download/upload requirements,” he said.

As for the upcoming midterm elections, he’s not rewriting NCTA’s policy playbook based on the outcome.

“You may have less opportunity to pursue permitting reform if there’s a change in either chamber, but it’s still something that we’ll continue to pursue because we need it. We have to have it,” Gardner said. “But spectrum will remain consistently important. WiFi as part of that will remain consistently important.” But overall, nothing really changes, he said.

Even mergers? “It’s possible, although I don’t necessarily see where the next merger is... I don’t know that there’s a risk to anything at this point,” he said. “I just don’t see anything at this point that would be going forward that could be stopped.”

COMCAST HIT WITH $213M PATENT VERDICT

A federal court in Florida instructed **Comcast** to pay $213 million in damages as part of a patent infringement suit. **WhereverTV** first complained in 2018, alleging that Comcast’s X1 platform violated its patent to offer cable channels

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alongside streaming services on a single guide. Comcast denied those claims and said the patent was invalid. A judge previously ruled in favor of the operator back in 2023. However, that decision was reversed last year, and Comcast's request to put the case in front of the Supreme Court was subsequently denied. "While we thank the jury for their consideration, we strongly disagree with [the] verdict and the damages awarded, which are unsupported by the facts and law," Comcast said in a statement to ***CFX***. "We remain confident that our X1 guide does not infringe WhereverTV's patent, and we will pursue all of our legal options including appeal. This decision has no impact on our customers."

CABLE ONE VS COBANK

It doesn't look like **Cable One** and **CoBank** are in lockstep about how to proceed with the TRO blocking its pending transaction to buy the remaining 55% stake in **Mega Broadband Investments**. CoBank, the lender that obtained the TRO last Friday, filed an Order to Show Cause as well, which was followed by Cable One's motion to dissolve the TRO earlier this week. The U.S. District Court for the Southern District of New York told the two parties to discuss and submit an agreed-upon briefing schedule and hearing date regarding both the order and motion. How did that go? "The parties were unable to reach an agreement," Judge *Victor Marrero* noted, ultimately setting the hearing for Thursday at 2pm. Cable One's MBI takeover has been staggered, with the original closing date being Oct. 1 before it was delayed until Oct. 9 due to continued talks around financing. The operator is slated to pay $480 million to obtain the 55% stake, though CoBank thinks a recent non-cash impairment and $426 million "MBI option liability" makes that figure more like $54 million. CoBank also claims it holds $1.1 billion in secured loans to Cable One, while other lenders are owed over $2 billion.

APPEALS COURT SAYS 'NOT SO FAST' TO FCC'S USF PROGRAM

A U.S. Court of Appeals ruled Thursday that the **FCC** exceeded its statutory authority when it established the Universal Service Administrative Company to act as an agency in directing the Universal Service Fund. At the center of the issue is whether Congress had the power to delegate taxing authority under the 1996 Telecom Act, which expanded USF's scope to include rural health care providers, eligible schools and libraries and other areas. The appeals court found that because the FCC created the USAC without a law specifically authorizing the action, the Commission violated the Government Corporation Control Act, since GCCA prohibits federal organizations from establishing or acquiring a corporation to act as an agency without a direct order. "By relying on USAC's projections in setting the Fourth Quarter 2025 contribution factor, the FCC exceeded its statutory authority," Judge *Edith Brown Clement* wrote. The FCC said it's weighing all options on how to proceed next. Thursday's decision counters a 6-3 **Supreme Court** ruling in June 2025 that deemed USF constitutional as currently constructed, which at the time overruled the Fifth Circuit's original verdict that was made more than two years ago.

PLUME'S NEW AGENTIC CONSOLE

Plume unveiled its AI-powered Plume Console solution, which gives ISPs a single place to investigate subscriber issues, create and deploy agents and direct actions across existing business systems. The product allows operators to leverage agents to autonomously identify issues and potential actions, spot a churn indicator or identify a revenue opportunity in a matter of clicks, faster than it would take an ISP's data science team.

DOING GOOD

The Foundation for Rural Service, **NTCA–The Rural Broadband Association**'s philanthropic arm, announced the recipients of its 2026 Community Grants Program. Thirty-three rural-based organizations received more than $151,000 combined to support projects in public service, health and business development. That includes the Anita Public Library in Iowa, which will use $5,000 to replace equipment and improve engagement between staff and patrons, and the City of Jenkins, Minnesota, which plans to install ADA-accessible picnic tables and additional seating in a nearby public park.

PROGRAMMING

Scripps Sports Network will debut a new original series "Total Replay with the Makeshift Project." It's a popular **YouTube** channel/podcast tackling sports, entertainment and beyond. Season 1 will span 10 episodes.