

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Here We Go: Biden's Net Neutrality Mandate Arrives

Since Joe Biden was elected president, the industry has been anticipating a call for a return to Obama-era net neutrality rules. On Friday, it was delivered in the form of a [White House Executive Order](#) on "Promoting Competition in the American Economy" that encourages the **FCC** to reinstate the 2015 order that regulated ISPs under Title II.

Of course, with the FCC deadlocked at 2-2 and still no word on a nominee from the president, a net neutrality overhaul doesn't appear to be on the fast track right now. And even when the FCC acts, you can bet there will be (yet another) court battle. "So long as the order is consistent with the 2015 order in forbearing from rate regulation and unbundling, we don't see it as material to the economic performance of the ISPs," **New Street Research** analysts said.

Except it's not quite clear if the FCC would forbear rate regulation again, particularly given that Biden's Order declares that Americans "pay too much for broadband, cable television, and other communications services, in part because of a lack of adequate competition." One of the industry's arguments against the 2015 net neutrality order was the while one FCC might forbear some Title II rules, another Commission might undo that forbearance, creating constant uncertainty. Or, as we saw in 2017, a new FCC could completely rip up the previous rules, creating a never-ending regulatory ping pong match.

Reactions to the Order Friday were the same as they have been

for the past 15 years. Sen *Ed Markey* (D-MA) is thrilled, calling on the FCC to act as soon as three Democratic commissioners are in place. He pledged to introduce legislation as well that would restore Title II classification for broadband by statute. Broadband associations were incredulous, with **USTelecom** describing the Executive Order as a time capsule exhumed from an alternative universe.

"To look back on the last 15 months and the explosion of streaming, zooming, distance learning and digital transformation—made possible by the world's best performing and most resilient networks—and conclude that America has a *net neutrality* crisis is neither a credible nor productive policy debate 15 years on," USTelecom said.

NCTA wasn't quite as colorful with its disapproval, but decried the Order as rehashing misleading claims about the broadband marketplace, "including the tired and disproven assertion that ISPs would block or throttle consumers from accessing the internet content of their choice." The association called on the Administration to "put the rhetoric aside and focus on constructive solutions."

Those last two words in NCTA's statement are worth some contemplation. It seems like the best shot for the net neutrality debate to be different this go-round is the increased focus from all sides on getting affordable broadband to all Americans. Is there enough common ground there to move the conversation beyond Title II and on to other elements, such as a permanent broadband subsidy for low-income households? It's a tough road given comments by the FCC's two Democratic commissioners.

To be clear, Biden's Order isn't just about net neutrality. It also

SCTE
CABLE-TEC EXPO®
FAST FORWARD
2021

**UNLEASH THE
POWER OF LIMITLESS
CONNECTIVITY**

OCTOBER 11-14
ATLANTA, GA

**WE'VE
UNLEASHED
THE POWER...**

**Act Now, Exhibit &
Sponsorships Available!**

#cabletecxpo · expo.scte.org

calls for the FCC to initiate rulemakings to:

- Prohibit unjust or unreasonable early termination fees for broadband service
- End landlord exclusivity arrangements that leave tenants with only a single internet option
- Revive the “Broadband Nutrition Label” concept to provide info about the internet service offered so people can comparison shop
- Require providers to report prices and subscription rates to the FCC

The Executive Order also directs the FCC to conduct future spectrum auctions under rules designed to help prevent spectrum stockpiling or the creation of barriers to entry. It also focuses on antitrust, naturally, directing **DOJ** and the **FTC** to challenge bad mergers and enforce antitrust laws “vigorously.”

LONG, HOT WASHINGTON SUMMER?

In a Dear Colleague letter Friday, Sen Majority Leader *Chuck Schumer* (D-NY) said his intention is for the Senate to consider both bipartisan infrastructure legislation and a FY22 budget resolution to enact a range of priorities without GOP support. And that may mean working into the August recess. “Please be advised that time is of the essence and we have a lot of work to do. Senators should be prepared for the possibility of working long nights, weekends and remaining in Washington into the previously scheduled August state work period,” he wrote. The Senate is scheduled to be on recess Aug 9-Sept 10. The compromise infrastructure plan would invest \$65 billion into broadband deployment.

TICKET! TICKET! WHO NEEDS NFL SUNDAY TICKET?

Bookmakers may want to start taking bets on who NFL Sunday Ticket goes to when **DirectTV’s** exclusivity window ends at

the end of the 2022 season. **Reports** Friday that **Apple** has held preliminary discussions with the League only beget more speculation on which digital players make the most sense for the package, with **Amazon** and **ESPN+** heavily favored.

FCC PLAYS NFL REFEREE

The **FCC** granted the **NFL’s** request for a waiver that will allow the League to continue to operate its coach-to-coach communications system in the limited circumstance of an internet outage in NFL stadiums during football games. The League made the request in February, seeking a waiver of CBRS rules that are intended to prevent harmful interference to other CBRS operators. In a joint filing, **Charter**, **DISH** and the **Open Technology Institute at New America** said what the NFL described appeared sufficient to avoid interference, but they asked the FCC’s Wireless Telecom Bureau to explicitly limit any grant of the NFL’s requests to the facts presented to avoid undermining the 3.5 GHz band framework. **NCTA** asked that any relief offered be narrowly tailored. In granting the waiver, the Bureau put several conditions on the NFL, including that it must utilize at least two independent, unaffiliated ISPs with separate physical connections at each NFL stadium throughout the season. The waiver lasts through Super Bowl LVI, currently scheduled for Feb 13, 2022. After the big game, the League must submit a report detailing all ISPs used for connectivity at each NFL stadium and details about any games in which it operated its coach-to-coach communications system pursuant to the waiver.

MSG ENTERTAINMENT, MSG NETS TOGETHER AGAIN

MSG Entertainment closed its acquisition of **MSG Networks** Friday. The deal, announced in March, is right on track

HELP CABLEFAX RECOGNIZE THE TOP MULTI-ETHNIC EXECUTIVES IN THE INDUSTRY

In addition to The Diversity List honorees, nominate for your company’s D&I Champion, D&I Mentor, Thrivers Under 30 and LGBTQ+ Executives of the Year. Company categories include recognitions for DEI Initiatives, Community Outreach and Public Affairs.

DEADLINE: Friday, July 16

www.cablefaxdiversity.com



Cablefax Daily (ISSN 1069-6644) is published daily by Access Intelligence, LLC | www.cablefax.com | 301.354.2101 | Editorial Director: Amy Maclean, 301.354.1760, amaclean@accessintel.com | Publisher, Cablefax and Synopsis: Robbie Caploe, 917.974.0640, rcaploe@accessintel.com | Managing Editor: Sara Winegardner, 301.354.1701, swinegardner@accessintel.com | Assoc Editor: Theresa Maher, 301.354.1704, tmaher@accessintel.com | Director of Business Development, Cablefax: Ellen Kamhi, 917.626.5574, ekamhi@accessintel.com | Dir of Marketing: Kate Schaeffer, kschaeffer@accessintel.com | Production Manager: Joann Fato, jfato@accessintel.com | Kerry Smith, Divisional President, Marketing & Media Group, ksmith@accessintel.com | Group Subs/Subscription Questions, Client Services: 301.354.2101, clientservices@accessintel.com | Annual subscription price: \$1,799.00/year | Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

with its 3Q21 expected completion date. *Andrew Lustgarten* will continue to serve as president, while *Andrea Greenberg* will join MSG Entertainment to serve as president/CEO of MSG Networks. The companies, which split in 2015, are reuniting post-pandemic after the entertainment company previously explained the buy would give it a stronger position to support its live entertainment business, which suffered in the pandemic shutdown.

PROGRAMMING

ESPN signed an agreement with the **AELTC** to extend its relationship for Wimbledon through 2035. Under the deal, **ESPN**, **ESPN2** and **ABC** will add live coverage of Wimbledon on ABC on the middle weekend of the event, meaning that beginning in 2022, there will be matches on the traditional day of rest, “middle Sunday.” The addition of ABC will begin next year, two years before the new agreement takes effect. **ESPN+** will have live streaming of all courts throughout the two weeks and will be the only place to get full match replays for all matches. ESPN+ will also have exclusive live coverage of the qualifying rounds and access to all ancillary content produced by AELTC like films, classic matches, highlight shows and press conferences. Wimbledon coverage will appear across all screens via ESPN and **Disney** platforms. ESPN’s coverage rights include Canada, Latin America, The Caribbean and Brazil. **Tennis Channel** and the **AELTC** also reached a new Wimbledon agreement. The new media rights partnership will be effective through the 2036 edition of the event, extending the previous relationship, which was set to run through 2024. Under the new pact, Tennis Channel will produce a daily afternoon/evening show with highlights, match segments, features, exclusive interviews and commentary throughout the competition. – **ESPN** and the **Big West** announced a multi-year, multi-platform media rights agreement that brings more than 600 Big West events to stream on **ESPN+**, including the men’s semifinals and title game of the Big West Basketball Championship.

CABLEFAX DASHBOARD

Twitter Hits

Charles Gasparino @CGasparino
 (1/2) I spent a considerable amount of time talking to the locals in #SunValley and it would be nice if the Allen & Co crowd did the same. Severe lack of affordable housing in the area. It's so bad that small biz can't find employees. The problem was a long time in the making but
 10:52 AM - Jul 9, 2021 - Twitter for iPhone

davemadden @davemadden
 #sunvalley
 [Photo of a man in a white space suit and a woman with a bicycle standing next to a sign that reads: 'JEFF BEZOS: SEEKING MOON COLONY LISTINGS. CAN SPEAK KLINGON. LET'S HAVE DINNER. DUSKINER GASHUGL REALTOR 200 WILSON L. PHOENIX/ARIZONA AZ 85024 KVV BEVERLY HILLS 920.441.1111']

Rosie Downey @SVBizRosie
 Ahhh...those few days each summer when us #journalists examine the #SunValley Allen & Co. conference photos with the same intrigue that we applied to the photos of the popular kids in our high school yearbooks! #NatureIsHealing 📷 🌲 🍷 🍷
 Variety @Variety · 13h
 Sun Valley Scene: Mark Zuckerberg and Bill Gates Take a Walk, Disney's Bobs Make the Rounds variety.com/2021/tv/news/m...
 12:55 PM - Jul 9, 2021 - Twitter Web App

Research

(Source: *IDC Quarterly VR & AR Headset Tracker*)

- > Global shipments of virtual reality headsets grew 52.4% year-over-year in 1Q21
- > IDC forecasts VR headset shipments to grow 28.9% YOY in 2021, with the forecast reflecting supply-side constraints as some vendors will struggle with component shortages during the year.
- > Standalone headsets, such as the Oculus Quest 2 or the HTC Vive Focus, accounted for 82.7% share in the quarter. That's up from 50.5% in 1Q20.

Up Ahead

- JULY 13-15:** NTCA Summer Symposium, Virtual
- JULY 16 :** CFX Diversity List Nominations Due
- JULY 25-28:** Fiber Connect, Nashville
- AUGUST 9-13:** CableLabs Innovation Boot Camp, Virtual
- AUGUST 11-12:** Kaitz Foundation Hollywood Creative Forum, Virtual
- SEPT 28:** T Howard Dinner, NYC

Quotable

“The movie business is over... The movie business as before is finished and will never come back... I used to be in the movie business where you made something really because you cared about it ... These streaming services have been making something that they call ‘movies.’ They ain’t movies. They are some weird algorithmic process that has created things that last 100 minutes or so.”

IAC chairman (and former Hollywood studio chief) Barry Diller in an exclusive interview with NPR on the sidelines of the Allen & Company Sun Valley Conference