

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Back to Court: AT&T, Others Take on FCC Over Opening of 6GHz Band

AT&T, utility providers and others took on the **FCC** Friday at the **D.C. Circuit Court of Appeals** over the Commission's unanimous decision in 2020 to open the 6GHz band for unlicensed users. The petitioners' primary concern is that incumbent users of the band will experience disruptions that can significantly impact existing operations.

"We think, and we showed, that it is very, very likely that at some point over the next 10 years, some of these billion-odd devices will interfere with some of the hundred thousand microwave links, and we don't know what the government's position on that is," counsel for AT&T told the court.

Some, including **NCTA**, **Google** and **Cisco**, have long supported the FCC's 6GHz decision as it paves a way forward for technologies like WiFi 6.

Judges seemed skeptical of AT&T's counsel's initial arguments, saying that the majority, if not all, of the challenges relied on the belief that the FCC's order was designed to eliminate all possible risk of interference between the new unlicensed users and those incumbent on the band. But the Commission acknowledged in its 2020 order that there was the possibility for rare instances of interference. In those cases where interference does occur, the FCC has reserved the legal authority to take action against bad actors and stop them in their tracks.

AT&T posited that there were a number of remedies the Com-

mission considered adopting as part of the order that would have eliminated the need for any conversation about harm. Specifically, it wanted to see the FCC require all unlicensed devices that would share spectrum with fixed microwave links to use automated frequency coordination. That would minimize interference risk by preventing unlicensed devices from transmitting on the same frequencies as nearby microwave links, potentially knocking the links offline.

"When one of these links goes down, the harm for that day is already done. There will be 911 calls that won't go through. There will be failures to communicate with nuclear power reactors. That's the concern that we have here," AT&T's lawyer said.

Counsel for the FCC argued that the Commission never proposed AFC for low-power operations in those portions of the 6GHz band where fixed microwave links are located. At most, it asked for comments via an NPRM. But the judges also expressed frustration with the FCC on that point, asking where in the record the Commission specifically responded to the concerns of AT&T and others and explained why AFC would not be used.

Judges also questioned AT&T on whether one device such as a Wi-Fi 6 router positioned just right in someone's house would have the capability or potential to disrupt 911 operations if it began using the same frequency as the microwave links operated by the 6GHz band's incumbent users. AT&T argued yes, saying it could take as long as 15 minutes for towers to re-sync and restore the microwave link connection.

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2021 CATEGORIES

In addition to spotlighting the industry's biggest leaders, Cablefax is promoting the power of one-to-one relationships. This year, we are looking for executives to sponsor a female candidate to be included in The Rising Tide and will be featured along with their sponsor in a special section of the Most Powerful Women edition of Cablefax: The Magazine.

FINAL DEADLINE: FRIDAY, SEPT. 17

www.CablefaxWomen.com



Former FCC chairman *Ajit Pai* took to **Twitter** to express his continued support for the opening of the 6GHz band. One of Pai's chief priorities when he served as head of the Commission was finding and opening more spectrum opportunities for 5G and the future of WiFi.

"Last year, I predicted this 'would help usher in next-gen WiFi offerings for consumers—and indeed, these days there's no shortage of routers and other devices touting they're capable of Wi-Fi 6,'" he said in a series of tweets. "Our spectrum work wasn't easy. Opponents threw the kitchen sink—will waste money, harm public safety, end weather forecasting, destroy GPS, etc. And press focus was on 'making lots of enemies' and 'angering...powerful people.' But we persisted. And Americans are better off for it."

HBO LEAVES AMAZON

With **HBO** dropping off **Amazon Video Channels** this week, **WarnerMedia** is hoping to incentivize Amazon customers to move to its **HBO Max** DTC option. It launched a promotion Friday to give former HBO Amazon Prime Video Channel subscribers six months of HBO Max at half price (\$7.49/month) through Sept 26. HBO left Amazon's VOD offering Wednesday, a move that was agreed upon late last year in a deal to get HBO Max on to Amazon's Fire TV service.

WICT REVEALS TOUCHSTONES HONOREES

WICT announced its 2021 Women of the Year and Women to Watch honorees Friday, acknowledging the individuals embodying WICT's mission to transform the industry through female leadership. *Noopur Davis*, evp, chief information security and product privacy officer for **Comcast Corp** and **Comcast Cable**,

earned the operator Woman of the Year honor, while *Nancy Daniels*, **Discovery, Inc.** chief brand officer for Discovery & Factual, received the award for programmers. **Charter** marketing svp *Sharon Peters* is this year's Woman to Watch among operators. **AMC Networks** svp, research *Stephanie Yates* tied up the programmer's award, while *Reshma Patil Bijoor*, managing director of communications and media strategy at **Accenture**, is the Woman to Watch in the technology sector. Honorees will receive their awards during the WICT Touchstones Luncheon Oct 20 at the New York Marriott Marquis. The lunch is scheduled as in-person event, with WICT offering a live-stream for those who prefer virtual.

GROUPS URGE CONGRESS TO PASS DEVICE VOUCHER

More than 100 public interest, consumer, education, and civil rights advocacy groups are asking the Senate to include a device voucher program within the budget reconciliation package to connect more low-income families to online society. "Even if a household lacks home internet computers and tablets enable consumers to leverage private and public WiFi networks across their communities," said the letter signed by the **National League of Cities, Consumer Reports, INCOMPAS, Windstream** and others. The groups want households to be eligible for more than one device with a voucher so that multiple household members can connect simultaneously.

ESPN WINS GOLD IN BETA RESEARCH'S LATEST

ESPN emerged as the top must-have basic cable network in **Beta Research's** latest study, being given a four or five on a five-point scale by 40% of adults over the age of 18. Falling just



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behind in a three-way tie with 37% were **Discovery Channel, Food Network** and **History**. ESPN was also mentioned as a top-five basic cable network by 32% of men 18+, but Food won over the hearts of women. Some 22% of women 18+ placed Food Network among their five favorites. **Disney Channel** came in with the highest average perceived value among network viewers (\$2.08). **ESPN** fell behind with an average perceived value of \$2.05 while **ID** and **Cartoon Network** shared the No 3 slot at \$2.04.

BLUE RIDGE BRINGS FTTH

Broadband internet provider **Blue Ridge Communications** is updating its networks to convert to complete FTTH service in rural Pennsylvania. The build started in Westfield, PA, and with that area successfully complete, Blue Ridge is beginning to rebuild 8,000 miles of the cable plant, serving more than 250,000 homes in Northeastern Pennsylvania. The FTTH decision, which will take place over the next few years, comes after the operator saw increases in customers and usage throughout the pandemic.

RATINGS

OWN's "Love & Marriage: Huntsville" led Saturday night's cable telecasts among all women 25-54 and 18-49, delivering its most-watched episode ever for its eighth episode of the season. It is OWN's most-watched unscripted series telecast since March 2019 ("Iyanla: Fix My Life").

PROGRAMMING

Five-part docuseries "The Earthshot Prize: Repairing Our Planet" will launch on **discovery+** in the U.S. Oct 3, followed by an Oct 16 U.S. launch on **Discovery Channel** at 4pm ET. The show will launch globally on discovery+ later this year. – Starting Saturday through Sept 27, **beIN SPORTS** is delivering 11 live Turkish SüperLig matches across nine days. Each match will be available for free on beIN Sports XTRA, beIN Sports XTRA en Español. – **BNC** is launching "Amplified with Aisha Mills" weeknights at 7pm ET, starting Monday. – **Fox News** is airing hour-long live special "A Gabby Petito Investigation with Nancy Grace" Sunday at 10pm ET.

CABLEFAX DASHBOARD

Twitter Hits


Amy Klöbucher @amyklobucher
Yes, I am.



Klöbucher confident Congress can pass legislation targeting tech giants
"I think we can get this done," Klöbucher said.
politico.com

Preston Padden @BoulderPreston
Kudos to Curtis LeGeyt, Chris Brown and the entire NAB Staff for making the very tough decision and doing the right thing to cancel the in-person NAB Show in Las Vegas. @nabtweets @clegeyt @rakaplan @AirWharton @hajessell @eggerton

SYFY @SYFY
From the far depths of outer space, through the glass ceiling, and into the record books. And still, we're not done yet! Celebrate Hispanic Heritage Month with us! #HHMNBCU



Research

(Source: [The NPD Group](#))

- > Viewing hours from January through June 2021 made up 30% of the time U.S. consumers spent entertaining themselves.
- > Reported time spent watching TV shows and movies in the U.S. in the first half of 2021 rose 4% over last year.
- > SVOD engagement has pulled back as consumers spend more time on travel and going out to eat. Time spent on experiences has grown 104% this year compared to last year's numbers.

Up Ahead

- SEPTEMBER 19-22:** [NTCA 2021 Fall Conference](#), Nashville & Online
- OCTOBER 4-5:** [WICT Leadership Conference](#), Online
- OCTOBER 5-6:** [The Independent Show](#), Online
- OCTOBER 5-8:** [NAMIC 35th Annual Conference](#), Online
- OCTOBER 6:** [Kaitz Virtual Event](#)
- OCTOBER 11-14:** [SCTE Cable-Tec Expo](#), Online

Quotable

"We're exactly where we thought we would be at this stage of the process, and we expect the transaction to close in the first half of 2022. So we're really pleased with how that's moving along... here's the reality. When you look at the rules around antitrust, there is no reason why this merger should not be approved, especially with the participation of big tech companies in media. When you look at the traditional rules of antitrust, we feel really good about the ability of this to be approved."

– **AT&T CFO Pascal Desroches speaking to investors at the Bank of America 2021 Media, Communications & Entertainment Conference**