

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Error Alert: ISPs Want More Time For ACP Usage Monitoring Systems

The **FCC** has put in a number of safeguards to prevent waste, fraud and abuse in the Affordable Connectivity Program, but providers are having trouble putting the most recent policies into action in a timely fashion.

A wave of support has emerged for a **USTelecom** request for a waiver of a Commission rule that requires providers participating in the ACP to track the broadband usage of ACP-enrolled subscribers that are not assessed any monthly charges once the program's subsidy, generally \$30/month, is applied to their monthly bill. The deadline to implement the new tracking systems in compliance with the FCC mandate is April 15, but USTelecom has asked the agency to push that back by 60 days.

"The comments in the record in this proceeding make clear that changing the measurement of non-usage from the service month to a rolling 30-day non-usage period, a mandatory notice, a 15-day cure period, and then mandatory de-enrollment from ACP if there is still no usage requires significant modification to a participating providers' systems," USTelecom argued in the request.

The usage monitoring is a new requirement developed based on learnings the FCC took from the Emergency Broadband Benefit Program, ACP's predecessor. In November, the **Office of Inspector General** notified participating providers of sales agents improperly enrolling households in the EBB by falsely claiming a child in the household attended a school providing breakfast and lunch at no charge to all students. FCC Chair

*Jessica Rosenworcel* reassured members of the **House Communications Subcommittee** last week that the agency has since moved quickly and aggressively to plug identified holes in the program's mechanisms and would act similarly should any arise in the ACP in the months to come.

"We had to get the program up and running in 60 days, and you in a smart effort asked the Inspector General to take a close look at it because... you've got to make sure there are no loopholes," she said. "Immediately upon learning that, we shut down our portal for collecting those applications. We added additional documentation, we referred bad actors to our Enforcement Bureau and we also made sure we reached out to every single provider and every single subscriber that had signed up through that portal to re-certify and re-verify them."

Taking a look at the challenges tied with the new ACP usage tracking, **NCTA** said the rolling 30-day tracking requirement means that providers must ensure their systems are checking each ACP customer on a daily basis and tracking them through each of the designated periods before triggering de-enrollment. "Such development becomes even more challenging for providers bundling fixed and mobile broadband for ACP subscribers because changes must be made to, and coordinated among, multiple systems," the organization said in comments submitted last week. "Notably, the entire ACP and EBB programs, as well as the reimbursement mechanisms for those programs, are based on calendar month and not a 30-day rolling basis."

**NTCA-The Rural Broadband Association** said in its com-



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ments that many of its members don't have the resources to develop the appropriate systems on their own and their ability to comply with the FCC's rules by April 15 relies solely on the availability of vendor solutions. Those providers said they have already been informed that those solutions will not be available in the needed timeframe, leaving them with no other options. With that in mind, the organization is asking for the addition of a provision to the requested waiver extending the deadline for smaller providers for "at least 60 days," with those unable to obtain vendor solutions being granted additional time to comply.

**ACA Connects** warned there could be unforeseen consequences if providers aren't given more time to appropriately implement the required systems, including that some could be forced to abandon plans to offer ACP benefits on certain plans.

"ACP providers that are struggling to meet the April 15 deadline, especially smaller providers, may think twice about making available any plans that would trigger application of the usage requirements by virtue of being free to the customer," the association said in its comments. "The Commission can mitigate this risk—though it cannot eliminate it entirely—by providing a more realistic and achievable timeframe to implement the usage requirements, as outlined in USTelecom's request."

#### BNC STILL ON THE AIR

**Black News Channel** may have let go of most of its employees and announced it was ceasing operations on March 25, but the channel is still up and running on MVPDs. It appears to be all reruns, but the net's still showing BNC content and ads. No word from BNC at our deadline. Black News Channel filed for Chapter 11 bankruptcy last week, listing between 200-

999 creditors and up to \$50 million in liabilities. Jacksonville Jaguars owner *Shad Khan* was BNC's majority investor. The net was founded by former Oklahoma Rep *J.C. Watts*.

#### OAN LEAVING DIRECTV LINEUP MONDAY

**One America News Network** is officially leaving **DirectTV's** lineup Monday night following the expiration of the pair's carriage agreement. The video provider announced its intentions to not renew the deal back in January, dealing a substantial blow to the future of OAN and its viewership numbers. It will remain on **Verizon Fios'** programming lineup as well as on digital platforms like **Roku**. OAN has since filed a suit against both DirectTV and **AT&T** alleging multiple breaches of the network's partnership agreements. "In violation of contracts with and duties to [**Herring Networks**], AT&T, **AT&T Services**, and DirectTV have bowed to political pressure and have put their unlawful interests and the unlawful personal, political and financial interests of their management ahead of contractual and legal obligations," the suit states. "Defendants have egregiously disparaged Herring, disclosed confidential contractual terms and conditions, and interfered with Herring's reasonable expectancy of a continued business relationship with DirectTV."

#### TRACFONE SIGNS LIFELINE SETTLEMENT

The **FCC** and **DOJ** have reached a \$13.4 million settlement with **TracFone Wireless** tied to violations of Lifeline program rules. Specifically, the settlement is tied to allegations the provider signed up more than 175,000 ineligible customers to the Lifeline program between 2012-2015 and poorly monitored its Lifeline customer base. The agencies allege that for several years, TracFone's sales agents in Florida exploited a loophole in the company's process for



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verifying eligibility and targeted Medicare patients, law enforcement, non-low income veterans and others who did not qualify for Lifeline. In addition to the settlement, TracFone has signed a three-year compliance agreement ensuring its adherence to the rules. With **Verizon's** acquisition of TracFone earlier this year, the compliance agreement from the FCC and DOJ requires that it continues overseeing and continues to audit TracFone's Lifeline processes.

### RATINGS

Saturday's Final Four contest between Duke and North Carolina was the most-watched NCAA Men's Basketball Tournament semifinal game since 2017. Airing on **TBS**, the game averaged 16.3 million viewers and is projected to be the second most-viewed college basketball telecast in cable TV history after out-of-home viewership is included. The Kansas-Villanova game averaged 10.3 million viewers, bringing the overall average to 13.5 million viewers—up 9% over last year.

### METRONET INVESTS IN COLORADO SPRINGS

**Metronet** is entering its first market in Colorado, with a \$130 million investment to bring FTTH service to Colorado Springs. Construction is expected to begin in the coming weeks and will connect customers later this year.

### ALTICE USA RECONNECTS WITH CUSTOMERS

**Altice USA** is kicking off a new customer campaign ahead of the rebrand from **Suddenlink** to the **Optimum** name later this year. Called "Let's Reconnect," the movement aims to enhance customer service with 24/7 support online and over the phone, as well as improving speed and reliability in Altice's services. "We're making sure that we're there for you whether that's in-store or through 24/7 support online and over the phone. This year we're excited to hire thousands of local employees across the country, open more than 70 retail stores and we've raised wages for our customer service teams," the company said in a letter to customers.

### BREEZELINE APP TAKES OFF

**Breezeline** launched a new app giving customers tools to maximize use of Breezeline services. With My Breezeline, customers can view account history, enable automatic payments, set up paperless billing, schedule future payments, manage modems and more. Additional features will roll out later this year, including the ability to change services and monitor and report service problems.

### CARRIAGE

**Roku** and **Amazon** agreed to a multiyear extension for their distribution agreement. Customers will continue to have access to **Prime Video** and **IMDb TV** apps on **Roku** devices.

### CHARTER GROWS SPECTRUM COMMUNITY ASSIST

**Charter** will launch Spectrum Community Assist programs in 20 new markets in 2022 as part of the company's five-year, \$30 million initiative to re-energize 100 community centers and invest in job training programs in underserved communities. Urban centers like NYC, Denver and Dallas have made the list, but so too have rural communities like Missoula, Montana; Kearney, Nebraska; and Oconee County, South Carolina. Charter partnered with Jobs for the Future to identify the various community centers in selected areas. The program began last fall in St.

Louis, Charlotte, Orlando, Stamford and South Glens Falls, NY.

### SEATTLE SUPPORT SERVICES FOR WOMEN

**Comcast Business** is providing Dignity for Divas, a non-profit based in Seattle dedicated to helping homeless people, with its Business VoiceEdge voice solution. The technology allows for improved communication and call management between Dignity for Divas and its clients and employees. The organization serves six cities in Washington and offers survival kits, rehousing support, workshops and wellness centers.

### MLB HIGHLIGHTS ROBINSON'S LEGACY

MLB is refreshing tributes ahead of the 75th anniversary of *Jackie Robinson* breaking the MLB's color barrier. "Play, Run, Win, Rise" will highlight Robinson's legacy on and off the field on **MLB Network**. It'll also appear in all MLB ballparks on Jackie Robinson Day (April 15). New interviews with President *Bill Clinton*, former MLB commissioner *Bud Selig*, *Spike Lee* and *Bo Jackson* will also appear in MLB Net programming April 15.

### PEOPLE

**FCC** Chair *Jessica Rosenworcel's* Acting Chief of Staff *Travis Litman* is leaving the agency. He's been a part of her team for seven years, acting as her Chief of Staff and Senior Legal Advisor during her time as a commissioner. In mid-April, *Narda Jones* will return to the FCC and assume the role of Chief of Staff. Jones, who formerly spent more than a decade in the FCC's Wireline and International Bureaus, will rejoin the agency from the White House where she has served as Director, Legislative Affairs for the Office of Science and Technology Policy. Additionally, *Priscilla Delgado Argeris* will serve as Chief Legal Advisor to Rosenworcel. She comes from **Meta Platforms** where she focused on spectrum policy issues. – **NCTA** added *Kyle Dixon*, *Jeff Freeland* and *Becky Tangren* to its legal and government relations teams, and promoted *Lee Friedman* to Deputy Chief, Federal Legislative Affairs. Dixon is the new VP and Deputy General Counsel, Program Network Policy and has made stops at **WarnerMedia** and the **FCC**. Freeland, who joins as VP of Government Relations, spent more than a decade in legislative roles in the White House and House of Representatives. Tangren rounds out the new hires as VP and Associate General Counsel, with a focus on spectrum issues. Friedman has been at NCTA for over a decade, where he's focused on policy issues and relationships with third-party organizations.

### DOING GOOD

When *Rick Chessen* isn't lobbying on behalf of **NCTA** as the association's SVP of Law & Regulatory Policy, he's influencing foodies on the best places to eat with his food blog [Rick Eats DC](#). But his passion for food is about more than finding the best brunch. Chessen just returned from a week volunteering in Poland with *José Andrés' World Central Kitchen*. "It was a privilege to do even a small part to help Ukrainian refugees cross the border with a hot meal, a sandwich or a cup of hot chocolate," Chessen writes. "It's an overwhelming situation but WCK and so many others are there to help. Please give what you can." You can donate to WCK [here](#).