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WHAT THE INDUSTRY READS FIRST

Off the Map: Small Iowa Town Shows the Challenges of FCC Data Collection

If you're one of the approximately 258 people living in the town of Lu Verne, Iowa, your connection to the internet most likely rests in the hands of 80-year-old *Michael Steil*.

Twenty years ago, town officials asked him to install high-speed internet since he had been operating a cable TV system in the community. At that time, he said he didn't even know how to turn on a computer. Today, he offers speeds of 30 Mbps downstream/10 Mbps upstream; 50/20; 100/30; and 200/40 under the name **Signal, Inc.** Two years ago, he shut down the cable TV system, but he's maintained the internet service on a "voluntary basis."

"There are other people in the community that volunteer also. I know just enough about a computer to be able follow the instructions of those that set up things for me," he wrote in recent **FCC** comments asking the agency to waive its new Broadband Data Collection requirements. "There are no funds to hire someone to do what the FCC is asking. I have not found anyone that would donate their time to do so. I am afraid of FCC fines and if I can't get some sort of waiver to keep operating the system, I will just have to shut it down."

If that were to happen, the City Clerk, Library, Water Department and Fire Station would all lose internet service, according to Steil. He said he's asked four different neighboring ISPs over the years to consider taking over the system, but no one has bit. As for wireless providers, he said trees and other

obstructions keep them from reaching less than half of the customers Signal serves. **Cablefax** made contact with Steil, who promised to provide more info when he has time.

The FCC's Broadband Data Collection program is designed to help the agency implement a comprehensive overhaul of its broadband data mapping and collection process—particularly important given the billions in broadband funding that the government is preparing to dole out. All facilities-based providers of fixed and mobile internet are required to submit broadband data on a biannual basis, with the current filing window open between June 30 and Sept. 1, 2022.

Steil's story is not the norm, but it's a stark reminder of the underserved and unserved communities the FCC is trying to bring broadband to. The Commission is also trying to help providers submit their broadband info, scheduling four different technical assistance workshops for this month, the first set for Thursday. The FCC is also maintaining a well-staffed support desk, and FCC Wireline Competition Bureau Chief of Staff *Kirk Burgee*, who is also serving as Senior Counsel to the agency's Broadband Task Force, encouraged Independent Show attendees last week to head to the FCC's help page and fill out an inquiry to quickly receive assistance with their filing. Similarly, organizations like **ACA Connects** and the **Fiber Broadband Association** have launched various initiatives and resources to help members fulfill their obligations.

With everyone aware that current FCC broadband maps are inaccurate, there's a lot riding on the Broadband Data Collec-

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tion program. At the same time, there seems to be an understanding that new maps will be better, but still wrong. Last month, **GCI** met with FCC staffers to discuss the Broadband Serviceable Location Fabric that gives a preliminary starting point for where broadband has been or could be installed. The Alaskan operator found plenty of problems, declaring that entire communities are missing and others have far fewer Fabric points than actual locations.

The provider is encouraging the FCC to work with **CostQuest** to leverage available data sources before opening the window to challenge the Fabric and that data from the **USAC's** High-cost Universal Broadband portal be imported into the Fabric. Of the more than 68,000 unique Alaska location geocoordinates in the HUBB, 45% are reported at speeds less than 25/3 Mbps.

“The potential consequences for Alaska are serious. Alaska’s allocation under the BEAD program would be adversely affected by a statewide undercount of locations,” GCI said in its filing. “In addition to a Minimum Initial Allocation of \$100 million, each state will receive a share of the remaining \$36 billion in BEAD funding based on the number of ‘unserved’ locations in the Fabric.”

TEXAS TOWNS GOING AFTER STREAMERS

Some 25 Texas cities filed a lawsuit against **Disney, Hulu** and **Netflix** last week accusing the streamers of failing to pay municipal franchise fees dating back to 2007. The suit was filed in Dallas County on behalf of Rowlett, Abilene, Allen, Amarillo, Arlington, Austin, Beaumont, Carrollton, Dallas, Denton, Frisco, Fort Worth, Garland, Grand Prairie, Houston, Irving, Lewisville,

McKinney, Mesquite, Nacogdoches, Pearland, Plano, Rowlett, Sugar Land, Tyler and Waco. They’ve based their suit on the Texas Public Utility Regulatory Act, which requires that a video service provider pay a Texas municipality a 5% franchise fee if the video service’s programming is delivered via wireline facilities located at least in part in the public right of way. That includes utility poles and beneath roads, with franchise fees being used to fund city services. Additional cities are expected to join the lawsuit.

CABLE WANTS RETRANS CONDITIONS ON TEGNA

Cable industry stakeholders want the **FCC** to impose conditions on **Standard General's** acquisition of **TEGNA** that would prevent it from jointly negotiating or sharing information tied to retransmission consent. The broadcasters have said in their own filings that Standard General and TEGNA would not engage in such behavior, saying the companies would be precluded from jointly negotiating anyway because their respective national agreements would typically cover both overlap and non-overlap markets. But the **American Television Alliance** argued in reply comments that those promises aren’t enforceable absent Commission action and contain loopholes tied to **Cox Media Group** and **Apollo Global Management**, two entities that are financing the transaction in exchange for non-voting equity. “The Commission would want to ensure that any promises regarding or conditions to the transaction cover such affiliates, particularly in light of Applicants’ criticisms of our allegedly ‘indiscriminate’ use of corporate forms,” ATVA said. “Second, it states that ‘Standard General and AGM have never considered jointly negotiating and will not jointly



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negotiate retransmission consent' without mentioning Cox Media Group." The association also pointed out that Cox and TEGNA have previously been found to have shared information illegally, entering into a settlement agreement in 2019 tied to the sharing of competitively sensitive information about spot-advertising. **Altice USA** chimed in with its own take, agreeing with Standard General and TEGNA that the FCC cannot prohibit every transaction in which after-acquired or divested station clauses exist and result in higher retransmission consent fees. However, the cable operator does think the Commission can conclude that some engagements of those clauses can cause a public interest harm. That would include when parties artificially engineer a transaction in order to raise retrans prices. "It may be that, in the normal course, the Commission can leave after-acquired and divested station clauses to private negotiations," Altice said. "The structure of this transaction, however, is highly unusual."

IMAGICOMM ACQUIRES 12 CMG STATIONS

Cox Media Group closed the deal to sell TV stations in 12 markets to **INSP** affiliate **Imagicomm Communications**. Imagicomm now owns **KLAX** (Alexandria, LA), **WICZ** (Binghamton, NY), **KIEM/KVIQ-LD** (Eureka, CA), **WABG/WNBD/WXVT** (Greenwood, MS), **KPVI** (Idaho Falls, ID), **KMVU/KFBI-LD** (Medford, OR), **WHBQ** (Memphis, TN), **KAYU** (Spokane, WA), **WSYT** (Syracuse, NY), **KOKI/KMYT** (Tulsa, OK), **KCYU-LD/KFFX** (Yakima, WA) and **KYMA** (Yuma, AZ). The deal was [originally announced](#) in late March.

FCC, NTIA SIGN NEW MOU

The **FCC** and **NTIA** revealed an updated Memorandum of Understanding Tuesday tied to spectrum coordination, marking the first time in nearly two decades that it has received a facelift. NTIA Administrator *Alan Davidson* and FCC Chair *Jessica Rosenworcel* will hold formal meetings at least quarterly to discuss joint spectrum planning, and their staffs will meet at least monthly to exchange information and, if possible, their planned spectrum activities for the next year. They'll aim to be more transparent and diligent in their data sharing, with NTIA also bringing forth concerns and views from other federal agencies. The MOU also includes provisions that require the FCC and NTIA to work together to develop and implement a process for escalating disputes for consideration by agency leadership. Moving forward, the agencies will revisit the MOU every four years to maintain its relevance amid shifting spectrum needs.

COMMSCOPE TO ENHANCE AT&T CENTER NETWORK

Spurs Sports & Entertainment, owner and operator of the San Antonio Spurs, selected **CommScope** to provide 4G, 5G and private network access in the **AT&T** Center. The arena will increase its mobile broadband wireless capacity to provide an augmented experience using ultra-wideband 5G, allowing fans to have cashless payments, in-seat ordering with smartphones and more. Additionally, CommScope CBRS will create the arena's first private wireless network dedicated to operations and security.

RATINGS

Fox News topped basic cable networks in prime and total-day viewership for the month of July. Throw in the broadcast networks and it ended the month behind only **CBS** and **NBC** during weekday prime. It checked in with an average of 2.12 million viewers P2+ for prime, followed by **MSNBC** at 1.3 million and **Hallmark Channel** at 940,000. **HGTV** and **TLC** took the fourth and fifth spots among ad-supported cable networks with 926,000 and 803,000, respectively. In total day, Fox News led with 1.35 million and MSNBC came second at 765,000. Hallmark Channel (543,000), **CNN** (541,000) and HGTV (513,000) completed the total-day top five. – **Spectrum News** accumulated more than 2.3 million daily viewing households over the month of July, out-performing **ABC, CBS, CNN, Fox, Fox News, MSNBC** and **NBC** in average daily viewership. The network's coverage of the Jan. 6 hearing on July 21 from 7:55pm-11pm saw a 13% increase in viewership across all markets. – This past weekend's **WWE** "SummerSlam" in Nashville saw an 18% jump in global viewers YOY and became the most-watched SummerSlam in the event's history. WWE also surpassed 90 million subscribers on **YouTube** and 18 million followers on **TikTok**. – **Hallmark Channel** was the most-watched entertainment cable network in total day and primetime among women 18+ and total viewers for its "Christmas in July" programming event. The premieres of "My Grown-Up Christmas List," "Campfire Christmas" and "Christmas in Toyland" averaged 197,000 viewers W25-54 and had 5.1 million unduplicated total viewers.

PROGRAMMING

FX greenlit limited series "The Veil," which will be available exclusively on **Hulu**. – Season 2 of **Epix's** "NFL Icons" is returning Sept. 10 at 10pm. The eight-episode season will begin by highlighting the career of former coach and broadcaster *John Madden*.

PEOPLE

Craig Stimmel is the new SVP and Head of Global Sales & Partnerships at **WWE**. He'll manage day-to-day operations and oversee WWE's sales organization, while also expanding sponsors and promotional partnerships. Stimmel will report to Chairwoman and co-CEO *Stephanie McMahon* and co-CEO *Nick Khan*. – **BBC Studios** appointed *Janet Brown* as President, Content Distribution, North America and Latin America, and promoted *Tara Maitra* to Chief Commercial Officer, Global Distribution. Brown will be tasked with setting the vision and strategic direction to continue growth in North and Latin America and also lead the company's global distribution relationships. Maitra, who joined BBC Studios in Jan. 2021, will oversee global syndication and advertising sales as well as digital business development. Both report to CEO, Global Distribution *Rebecca Glashow*. – **Comporium** promoted *Roger Parker* to EVP, Technology and Facilities, filling in for *Jack Holaday* who retired after 38 years with the company. Parker will oversee Comporium's facility and construction, engineering, network services, supply chain and IT. Parker has been with the company since 1994 when he joined as a custodian.