

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

No More Roadblocks: Industry Asks for Permitting Portal

Delays in permitting are a huge threat to the success of grant programs like the BEAD program, and ISPs continue to be baffled with both how long it takes to get a response to an application and their inability to track an application's progress through the system.

"At a time where we can track so many things in our daily lives online and check on the status of different things from airline flights to train schedules, it is difficult to understand why we cannot keep track of these significant investments in our future," *Mike Romano*, EVP of **NTCA-The Rural Broadband Association**, said during a **House Communications** Subcommittee hearing focused on roadblocks to broadband buildouts Wednesday.

The visibility into progress on a permitting application once it is submitted isn't much better when you're at a federal agency. Former **FCC** Commissioner *Michael O'Rielly* said during his time at the Commission, he wasn't able to see the work that was being done at other agencies and could only try and get the ball moving internally. That's why multiple witnesses advocated for the creation of permitting portals that would allow providers to see their application's status and get an estimated timeline on when they would receive a final decision. Such portals would also open the door to greater cooperation between government entities.

"Portals are one of the things our members have talked about. It's a simple fix that would add so much transparency to what's going on and allow more transparency to what's going on and allow more predictability in the overall build cycle,"

Wireless Infrastructure Association SVP, Government Affairs/Chief Strategy Officer *Michael Saperstein* said.

But systems, no matter how masterfully crafted they are, still require people to power them, manage day-to-day operations and answer questions. **Electronic Frontier Foundation** Senior Legislative Counsel *Ernesto Falcon* said a number of complications arise because there aren't enough people at permitting agencies to allow applications to move through them swiftly, and that's during normal times.

"This is the largest public works project happening in many areas for decades, and they don't have the staffing in place to handle that," he said when talking about the BEAD program. "The government is an inherent and necessary partner for successful deployment in these areas. The ISPs cannot go it alone to be successful at their deployment plans."

More legislation aimed at removing roadblocks to broadband buildouts is coming every day. Reps *Anna Eshoo* (D-CA) and *Cory Booker* (D-NJ) introduced legislation Wednesday that would eliminate legal barriers that prevent local communities from building their own broadband networks. Called the Community Broadband Act, the legislation has received support from the **Fiber Broadband Association**, **Common Cause**, and **New America's Open Technology Institute**, among other organizations. It also won the support of the **Electronic Frontier Foundation** during the hearing. "If we're serious about good ideas, if we're serious about getting everyone connected, all hands have to be on deck," Falcon said.

There are some, though, that have voiced concerns about the

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huge number of proposals on the table right now to change systems in an effort to make broadband easier to deploy. The list of bills being considered during Wednesday's hearing counted more than 30 proposals, and Rep. Frank Pallone (D-NJ) cautioned his colleagues about being too broad when setting hearings and throwing solutions at the wall and seeing what sticks.

"Republicans have skipped right past an examination of the issues to potential solutions, which is unfortunate and defies logic. The subcommittee should first take the time to identify where the problems are before examining solutions," he said. "To be clear, if there are real obstacles in deploying broadband universally, we want to know about them and find ways to address them. But some of the Republican proposals before us today are solutions to problems that simply do not exist."

CHARTER CLAIMS LIONSGATE STIFFED IT OVER 'MANHUNT'

Charter has filed a lawsuit against Lionsgate Television in a case that involves carriage of Pop TV as well as the series "Manhunt." Pop, then owned by CBS and Lionsgate Entertainment, struck a deal in 2018 in which Charter would pay a \$20 million fee to carry the channel for approximately three years, but would receive something identical in return—the ability to co-produce, co-own and exclusively premiere Seasons 2 and 3 of Manhunt. It was first released by Lionsgate in 2017 as an eight-ep miniseries focused on the Unabomber, with the studio interested in turning it into an anthology series focused on various historic manhunts. This gave Charter content for its Spectrum Originals arm and effectively let it get Pop TV for free without triggering a Most Favored Nation clause. "To protect Spectrum and ensure it received the benefit of this trade, the parties inserted an express damages provision into the co-production agreement for Manhunt stating that Lionsgate would pay damages of \$10 million to Spectrum Originals for each of Seasons 2 and 3 of the show that it failed to deliver," according to the suit. While Charter described the series which focused on the terrorist attack at the 1996 Olympic Games in Atlanta as a "great success" for Spectrum, it said it was an "economic failure" for Lionsgate. "The economics of the Manhunt deal became even less palatable to Lionsgate when Lionsgate Entertainment sold its interest in Pop TV to CBS and was no longer receiving the benefit of Spectrum's carriage of Pop TV," Charter said. The cable operator said it quickly became clear that Lionsgate had no intent to take on the burden of Season 3 and eventually it pleaded with the company to consider an alternative series. But Charter balked at what was offered up, saying the only alternative submitted was a low-budget, half-hour comedy that was a "hard pass." Charter said that after "months of silence" it demanded the \$10 million. Lionsgate didn't pay and then started working with Apple Studios on a

The WHO and the WHY

CFX's spotlight on recent new hires & promotions



KATHY Kirchner
VP, OPERATIONS
ARCHTOP FIBER

3 THINGS TO KNOW

- The former Altice USA executive will manage Archtop's day-to-day field operations and head up the effort to improve the customer service experience. In the short term, she told CFX she's focused on building out her team while establishing relationships with key partners and suppliers. Longer term, she'll look to help scale operations to support the company's growth plan.
- Kathy has more than 30 years of experience in the industry. She began as a technical applications consultant for T-Mobile before joining the Mid-Rivers Telephone Cooperative in eastern Montana. While there, she assisted with the buildout of cellular service. "It was life-changing in the very rural areas—critical for safety in harsh weather and on rural roads with little to no traffic," she said. After stops at Onvoy, Vision Net and Bresnan, she was at Comcast from 2008-21. During her time there Kathy was part of the team that built Xfinity Mobile and brought it to scale.
- She knows a thing or two about juggling multiple things. Kathy completed her bachelor's in telecommunications in less than three years while working three jobs. She said it was part of her goal to retire by the age of 50, and while she accomplished that in Sept. 2021, she returned to work after a few months. Outside of the office you might find Kathy doing yoga, taking long walks with her husband and dogs or planning voyages to Machu Picchu or Antarctica.

show with an identical concept, this time centered on the search for John Wilkes Booth, Abraham Lincoln's assassin—and with the identical title, "Manhunt," according to the lawsuit. "Lionsgate never pitched this idea to Spectrum Originals for use in Season 3 of its Manhunt show. Clearly, Lionsgate made a calculated decision to produce and profit from this identical series with Apple now, and deal with the consequences of breaching the Spectrum Originals agreement later," Charter said.

DIAMOND SPORTS MISSES PAYMENTS FOR REDS, RANGERS

Diamond Sports has missed another set of rights payments tied to its RSNs, this time to the Cincinnati Reds and the Texas Rangers. The Reds are staying out of the courtroom

for now as the team waits for a 15-day grace period to expire, but the Rangers are now seeking to join in the **MLB's** motion to compel Diamond Sports to pay interim rights payments as the company moves through its Chapter 11 bankruptcy proceeding. "That 'there ain't no such thing as a free lunch' is a well-recognized, simple, but axiomatic economic principle. Everyone understands it—everyone, apparently, except the Debtors," **Rangers Baseball Express LLC** said in a court filing Monday. "Under no circumstance, however, should the free lunch be permitted to continue. The Debtors need to make reasonable interim payments for the rights they are using."

NETFLIX ON WRITERS' STRIKE, 'LOVE IS BLIND' STUMBLE

Netflix leadership wants anything but a writers' strike. On the company's 1Q23 earnings call, co-CEO/Chief Content Officer *Ted Sarandos* talked about the last strike, calling it devastating to creators and really hard on local economies that support production as well as the entire industry. It's at the table now negotiating to find an equitable solution, but if something does happen, Sarandos believes the streamer will be able to weather the storm. "If there is one, we have a large base of upcoming shows and films from around the world, we could probably serve our members better than most," he said. "And we really don't want this to happen, but we had to make plans for the worst and so we do have a pretty robust slate of releases to take us into a long time." The debate about whether "Love Is Blind" rages on, but fans were decidedly disappointed in Netflix's performance when it came to the show's live reunion Sunday. The event began more than an hour after its 8pm ET scheduled start due to a technical bug that was the result of changes made after the streamer aired its last live broadcast, *Chris Rock* comedy special "Selective Outrage." "We just didn't see this bug in internal testing because it only became apparent once we put multiple systems interacting with each other under the load of millions of people trying to watch Love is Blind," co-CEO *Greg Peters* said. "I would say the good news is that ultimately 6.5 million viewers watched and enjoyed the show." He added that the team will learn from it and get better and the fundamental infrastructure is there and is sound. Sarandos said the streamer will continue to use live when it makes sense creatively and helps the content.

FCC WANTS SPECTRUM AUTHORITY BACK

It has been more than a month since the **FCC's** spectrum auction authority expired for the first time in 30 years, and the agency's leaders are asking Congress directly to restore it. Chair *Jessica Rosenworcel* and Commissioners *Brendan Carr*, *Nathan Simington* and *Geoffrey Starks* sent a joint letter Tuesday to the leaders of **Senate Commerce** and **House Commerce** asking them to act promptly and give the agency

that power once again. "Importantly, the United States cannot afford to wait," the foursome wrote. "The global community will soon convene for another World Radiocommunication Conference to determine the future of spectrum policy, and we must send a strong signal in advance of that meeting of our continued commitment to lead in coming generations of wireless technologies."

ONLINE PRIVACY ACT IS BACK

Reps. *Anna Eshoo* (D-CA) and *Zoe Lofgren* (D-CA) reintroduced privacy legislation that covers user data rights and limitations on the ability of companies to collect and use user data. The Online Privacy Act would also establish a Digital Privacy Agency that would enforce privacy protections and investigate abuses and give state attorneys general more room to enforce violations of privacy laws.

CARRIAGE

Frndly TV is now available on **VIZIO** smart TVs, thanks to a new deal between the two. VIZIO users will be able to use the service free for seven days before purchasing a subscription.

DOING GOOD

Comcast is extending its partnership with **The Arc of the United States** to build digital and advocacy skills in individuals with intellectual and developmental disabilities. The provider is giving two grants to The Arc totaling \$710,000 that will give the organization the ability to establish more centers offering a special education advocacy curriculum, including courses for Spanish-speaking families.

PEOPLE

Paul Pecora is moving up at **Mediacom**, being promoted to Group VP, Operations for the operator's Coastal Region. He's a mainstay at the company, joining it in 2009 as Area Director of its Arizona and Southern California markets. Pecora will replace *Doug Frank*, who is retiring from Mediacom after 36 years in the industry.

EDITOR'S NOTE

Nominations are open for **Cablefax's** 2023 Diversity and Pride Lists, which debut in **Cablefax: The Magazine's** Diversity issue. We will recognize the top multi-ethnic executives based on their influence and power within the industry as well as outstanding LGBTQ+ execs who are making their mark on the industry. Cablefax also is seeking nominations for a number of individual and organization awards, including D&I Mentor of the Year and Employee Resource Group of the Year. Additionally, this magazine features our Thrivers Under 30, the industry's rising stars under 30. Enter [here](#) by the first deadline of May 12.

Think about that for a minute...

Dialogue Boost

Commentary by Steve Effros

Someone at Amazon finally heard the increasingly loud grumbling. Yes, it may only be grumbling by older folks like me. But we've been complaining for a while now about the media; video and print, ignoring the older generations in the headlong rush to cater to what advertisers claim they want: the 18 to 49 year old eyes, ears, and wallets.

That demographic preference is based on a (questionable) premise. According to one widely available explanation, "... Adults ages 18-49 are known as the key demographic because advertisers believe they have the most disposable income and least brand loyalty, which may make them more susceptible to advertising."

Well, since the pandemic, a whole lot of folks in that demographic moved back home... with us "old folks," or we're the ones paying the subscription fees! As Netflix and all the other streaming services are now realizing, the often remote use of our passwords and subscriptions has fueled their numerical success, but has drained potential income. They're now trying to change that. But that's not the point of today's mini-rant.

I'm just tired of trying to watch a television show or movie and having to use closed captions not because of bad hearing, but because of decisions by producers and directors who think it's a good idea to have actors walking away from the microphone and camera, down a corridor, all talking very fast at the same time making references to other characters, singers, songs and shows many folks have never heard of! I call it the "West Wing" syndrome. Great program but it triggered a lousy trend.

Have any of these directors actually tried to hear the dialog they have so lovingly larded with 18 to 48 year old banter? Or, to put it another way, have they tried to read the closed captioning that is whizzing by so fast trying to keep up with the overlapping dialog that it's virtually impossible to scan before it's gone?

And while we're at it, who's the brilliant one who thought that a great idea would be to have actors read text messages on their phones (smaller type on tiny screen on an already small

screen) as a way to advance the plot? Well, you get my point. It may very well be that the advertisers want to cater to a specific audience, and the cultural references may be cute and fun, but it's a huge mistake to simply ignore all the other audiences, especially the older ones, who still have a sizable influence on purchasing power these days.

I won't bother getting too deeply into the issue of the font size in newspapers and books these days. Why buy a newspaper when you can't read it anymore? Who is at home reading it other than the "older folks?" Why do you think print book sales are down, but Kindle is doing just fine? We can make the font larger!

So back to Amazon; they've just announced that they're introducing something called "Dialogue Boost." It allows a setting on your television audio (first available on Amazon's own programs) that boosts the audibility of dialog that has been masked by other sounds and music on the program. Brilliant! Someone has finally realized that there are a whole bunch of us who would like to continue enjoying good programming, but can't hear or read, let alone understand the references or jargon of an 18 year old! At least now we may get a fighting chance.

And oh, by the way, are we old folks the only ones who watch some commercials and can't even figure out what they're trying to sell, or who's commercial it was? Again, I get it, they're not trying to sell to me, but my underlying suggestion: follow Amazon's lead, aim to satisfy the whole audience, not just some.



Steve

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(Steve Effros was President of CATA for 23 years and is now an advisor and consultant to the cable industry. His views do not necessarily reflect the views of Cablefax.)



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