

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Review Time: FCC Questioned Over TEGNA-Standard General Treatment

The FCC's commissioners fielded numerous questions at a House Communications Subcommittee oversight hearing Wednesday on its handling of the review of the **TEGNA-Standard General** merger, and some at the agency believe it is time for Congress to take a closer look at the ALJ process.

Chair *Jessica Rosenworcel* made the decision to send the review of the TEGNA-Standard General merger to an administrative law judge at the Commission, a move that was viewed by many as effectively killing the deal due to a lack of time to effectively examine it before a key funding deadline. Commissioner *Nathan Simington* agrees that Rosenworcel has broad authority to delegate matters to career officials, but he has concerns that doing so weakens Congressional oversight by removing accountability from Senate-confirmed officials.

He suggested that it would be useful for the FCC to adopt or for Congress to propose to the FCC a means of ensuring that every such transaction is able to receive timely review at the Commission level.

"I still believe that it is in Congress's interest for administrative agencies to retain discretion on issues that are too granular for Congress to effectively address. However, this is likely to be challenged in the courts or by Congress itself if we abuse this discretion by taking issues away from the Commission and giving them without timely recourse to the staff," Simington said in his opening remarks.

Rosenworcel said the proceeding is still restricted, so there are limitations to what she can publicly discuss. However, she believes the Commission had plenty of precedent for sending issues to administrative law judges at the Bureau level.

"This is a provision that's been in the law since the 1930s and if, of course, this committee has difficulties with it, we would work with you to change it and adjust it," she said. "But to be clear, our efforts and our process is held up in court on two separate occasions."

Also getting some time in the spotlight was the FCC's Rip and Replace program, a \$1.9 billion initiative to reimburse with 10 million or fewer customers for reasonable expenses incurred in the removal, replacement and disposal of communications equipment and services produced or provided by **Huawei** or **ZTE**.

The demand for the program far outweighed the funds originally allocated by Congress, and that has resulted in some hurdles in getting the unsecure equipment out of the networks of those small providers. There is some legislative movement on solutions. The Spectrum Reauthorization Act of 2023 would fund the shortfall in the program while also restoring the FCC's spectrum auction authority.

Rosenworcel said without additional monetary support from Congress, small carriers are either going to get paid approximately 40 cents on the dollar in support from the original funding allocation or leave the equipment in their networks. She said that's really not an acceptable choice, and Commissioner *Brendan Carr* agreed.

THE FAXIES

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“In some extreme circumstances, we could be seeing small rural ISPs and other sorts of wireless providers that might be the only option in the area and potentially go out of business,” he said. “Otherwise, entities could stay in business, but they’d have holes in coverage, which itself is a public safety challenge.”

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2023 FAXIES WINNERS UNVEILED

Cablefax proudly presented its 2023 Faxies winners and honorable mentions Wednesday, celebrating the best of the best in PR & Marketing. **Hulu** took home some of the biggest prizes with its Hulu Originals Publicity team receiving top marks in the PR Team of the Year category. Publicity Director *Yasamin Azarakhsh*, one of its leaders, was also named 2023’s PR Executive of the Year. **INSP** was also celebrated with a number of wins. EVP Marketing *Hayes Tauber* is the Marketing Executive of the Year, and campaigns like the Cowboy Way FAST Channel Launch (New Product or Launch winner) and the INSP “Always On” 2022 Marketing Campaign (Acquisition & Upgrade Marketing winner) were created under his watch. **Hallmark Media**’s Countdown to Christmas continued to bring the holiday spirit, winning Campaign of the Year (Programmer), and **Cox Communications**’ “Internet built for tomorrow, today” TV campaign won Campaign of the Year (Operator) for its futuristic and relatable approach to showcasing the power of broadband. Find a full list of the winners and honorable mentions as well as individual company celebration videos [here](#).

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GOP SENATORS WANT COVID FUNDS REALLOCATED TO ACP

Sen *Roger Wicker* (R-MS) and several Republican colleagues have asked President *Biden* to repurpose a portion of unobligated emergency COVID relief funds to the Affordable Connectivity Fund (ACP) while they explore “alternative sustainable funding mechanisms and updated parameters.” They made the request in a letter sent Tuesday that cited the possibility of ACP funding running out in 1Q24. The senators, which also include *Mike Crapo* (R-ID) and *Shelley Moore Capito* (R-WV), note that with the networks being built through BEAD and the Capital Projects Fund, “the significance of the Affordable Connectivity Fund will become even more important as it ensures our constituents can benefit from these historic investments in connectivity.”

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ATVA BLASTS MISSION-NEXSTAR

The **American Television Alliance** is opposing the sale of Detroit broadcast station WADL from **Adell Broadcasting** to **Mission Broadcasting**, saying it highlights **Nexstar**’s continued use of “sidecars” to evade television ownership rules and raise prices

The WHO and the WHY

CFX’s spotlight on recent new hires & promotions



BELAL Hamzeh
VP, TECHNOLOGY & SYSTEM ENGINEERING
COMCAST

3 THINGS TO KNOW

- Belal is joining Comcast after spending 10 years at CableLabs, where he was most recently as SVP/CTO. He’ll be involved in Comcast’s DOCSIS 4.0 efforts—something he’s had his hands on in the development process and industry alignment while at CableLabs.
- Belal called Comcast “a company and team that I long admired for pushing the edge of innovation, execution and delivering next generation broadband with the Xfinity 10G network” when announcing his move on LinkedIn. He helped lay some of the groundwork for 10G with the introduction of Dual Channel Wi-Fi technology in 2019, which addressed network congestion by offering multiple channels for downstream-only data to travel on.
- He’s long been a player in wireless communications technology. He spent 2005-2013 at Intel Corp. and drove product technical requirements, specifications, definition and architecture development for 3G, 4G and LTE platforms. Belal has both doctorate and master’s degrees in Electrical, Electronics and Communications Engineering from Penn State University.

for consumers. “Nexstar cannot own WADL itself, as doing so would place Nexstar above the national ownership cap. Yet Nexstar proposes to guarantee transaction financing, to negotiate retransmission consent for the station (at inflated rates, bundled with its own stations), to sell all of the station’s advertising, and to at least ‘assist’ Mission with every aspect of the station’s operations,” ATVA said in comments filed at the **FCC** late Tuesday. Nexstar has faced plenty of criticism recently with **DirectTV** filing an antitrust lawsuit against the broadcaster that claims it’s using sidecars to inflate its retrans consent prices. **Comcast** also has filed a petition at the FCC that seeks to have Mission-owned WPIX attributed to Nexstar, which would put the broadcaster over Congress’ 39% national ownership cap. ATVA’s calculations estimate that Nexstar would reach more than 40% of the national audience if it purchased WADL. ATVA members include **Charter, DISH, DirectTV, Mediacom, Verizon** and **ACA Connects**.

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ACA CONNECTS UPDATES BEAD FUNDING FRAMEWORK

ACA Connects released [Version 3.0](#) of its “BEAD Program: A Framework to Allocate Funding for Broadband Availability” that

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was developed in partnership with consulting firm **Cartesian**. It uses the latest FCC broadband mapping data along with Cartesian's propriety network cost model to estimate the share of BEAD funding each state and territory will receive, projecting that subgrantees will contribute \$22 billion in total matching funds on top of the \$42 billion appropriated by Congress. The framework estimates that under a baseline fiber approach, which would see fiber deployed only to locations at or below its estimated extremely high-cost threshold of \$9,000 per location, 71% of the estimated 7.4 million eligible locations would receive fiber and the remainder would receive fixed wireless or other technologies, at a total cost of \$45 billion. Under a maximum fiber scenario, 82% of locations are projected to receive fiber with the total cost at \$59 billion.

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MAFFEI: AI IS EVERYWHERE

Liberty has its fingers in a slew of different businesses—from broadband to sports to home shopping—and it sees AI impacting each one. “I’ve had dialogue with *Alex Anthopoulos*, our GM at the [Atlanta] Braves, about AI and how we’re using it with the Braves. **TripAdvisor** is very focused on using AI. **Charter’s** got a session at the next upcoming board meeting about how they’re going to be using AI, mostly around consumer interactions,” Liberty Media President/CEO *Greg Maffei* said in a webcast Wednesday with **Walker & Dunlop**, one of the largest commercial real estate finance and advisory services firms in the U.S. “There isn’t a business that’s not going to be impacted. There are businesses that have already been enormously impacted and have been using it for a while. It’s just now caught the common conscience.” He thinks TripAdvisor is especially well positioned for AI given the enormous amount of data supplied to it through travelers’ reviews. “It’s the nuanced information that we can provide to travelers that I think is going to be very powerful,” he said. One business Liberty is happy to have exited is scripted video, with **Lionsgate** acquiring **Starz** in 2016. “**Netflix**, **Disney**, **Warner Brothers Discovery**—there are a lot of huge companies competing there. Not all of them are making the money they hope. The winner here has been the consumer,” Maffei said, pointing to the plethora of content produced each year at a high cost. “And you’ve gone from a world of the cable networks, which were bundled and had relatively low churn, to a world of streaming with high expense in making content, high expensive in marketing that content, and then it’s really easy for people to disconnect... We didn’t find that attractive. There were a lot of, as I said big players. We weren’t going to be one of them and have stayed away.”

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FTC SUES AMAZON

The **FTC** is suing **Amazon** for allegedly misleading customers into buying Prime subscriptions while intentionally making it difficult for them to cancel. “For years, Amazon also knowingly complicated the cancellation process for Prime subscribers who sought to end their membership,” the FTC said in a [complaint](#) filed Wednesday. “Under significant pressure from the Commission—and aware

that its practices are legally indefensible—Amazon substantially revamped its Prime cancellation process for at least some subscribers shortly before the filing of this Complaint. However, prior to that time, the primary purpose of the Prime cancellation process was not to enable subscribers to cancel, but rather to thwart them,” the FTC said. The Commission said in some cases, Amazon failed to make it clear to consumers if they were purchasing items along with a recurring Prime subscription. But if one were to end their subscription, they were faced with numerous steps to successfully accomplish the cancellation process. Amazon said in a statement, “The FTC’s claims are false on the facts and the law. The truth is that customers love Prime, and by design we make it clear and simple for customers to both sign up for or cancel their Prime membership.”

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A MONUMENTAL REBRAND

It’s a new era for **NBC Sports Washington**. [After being acquired](#) by Monumental Sports & Entertainment last year, the company is rebranding the net to **Monumental Sports Network**. It’ll go into effect in September and replace all NBC Sports Washington logos and brand markings, while also introducing a new on-air look and graphics. The network is also making programming adjustments with the additions of two new studio shows, behind-the-scenes team magazine shows and a program featuring former **ESPN** and **Turner Sports** pundit *Rachel Nichols*. Monumental Sports Network will have the local rights for the Washington Capitals (**NHL**), Washington Wizards (**NBA**), Washington Mystics (**WNBA**) and will also carry various college and high school games in the D.C. area.

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RATINGS

Fox News reigned supreme in both primetime and total-day ratings among cable nets this past week. It led the way with 1.57 million viewers P2+ in prime, edging out **MSNBC’s** mark of 1.44 million. **ESPN** came third with 997,000, and **HGTV** (806,000) and **TNT** (751,000) rounded the top five. Fox News also edged MSNBC in total day, with the former averaging 1.11 million and the latter 911,000. **CNN** was behind at 508,000, and ESPN and HGTV had 453,000 and 409,000, respectively. – Sunday’s linear premiere of “1883” scored 3.8 million viewers on **Paramount**, making it the No. 1 scripted series debut on cable since “The Walking Dead: World Beyond” in October 2020.

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ESPN MARKETING HEAD EXITS

After 20 years at **ESPN**, EVP of Marketing *Laura Gentile* has decided to leave to start her own business. With her departure, *Tina Thornton* is being promoted to EVP, Creative Studio and Marketing. In a memo announcing the change, ESPN chief *Jimmy Pitaro* said Gentile’s role championing and empowering women in sports cannot be overstated. “She has made an enormous difference in the industry. A passionate athlete and leader, Laura managed the creation of **espnW** from an idea to a fully

developed brand, built the espnW Summit into a powerhouse event, and led ESPN's partnership with the State Department to create The Global Sports Mentoring Program, which celebrated its 10-year anniversary last year," he wrote. Pitaro also praised Thornton, saying she's touched almost all areas of the content organization in her 30 years at ESPN. She previously served as Head of Content Operations & Creative Surround. Gentile will stay with ESPN to aid in the transition through the beginning of October.

ESPN CONTENT REORG

We're seeing how *Burke Magnus* plans to organize the sports giant after his promotion to President of Content in March. With Tina Thornton's new role, he's tapped *Stephanie Druley* as Head of Content Operations. Magnus is also simplifying ESPN's structure by consolidating live events and studio production under the leadership of *David Roberts* and *Norby Williamson*. As Head of Event and Studio Production, Roberts will add new areas of production oversight including college sports (excluding football and baseball), ACC Network, Formula 1 and special event productions like the ESPYS to his role in leading NBA, WNBA, as well as studio content for multi-platform shows. Williamson, Executive Editor & Head of Event and Studio Production, will continue to oversee "SportsCenter," MLB, NHL, UFC, Boxing, Tennis, Investigative Journalism and Newsgathering, while adding NFL, College Football, XFL and SEC Network. *Freddy Rolón* moves from Programming to Content as Head of Digital Content & Audience Expansion, a new role focused on digital content and audience expansion. Magnus' other direct reports are VP, Social Media, Content Optimization, NEXT *Kaitee Daley*, VP, Talent & Negotiations *Rosetta Ellis-Pillie*, SVP, Original Content and ESPN Films *Brian Lockhart* and SVP, ESPN Deportes & International Production *Rodolfo Martinez*.

ESPN PROGRAMMING REORG

ESPN's new programming chief *Rosalyn Durant* also announced several changes to the streamline the responsibilities of her department. *Nick Dawson* was promoted to SVP, College Sports Programming & Acquisitions, with his role expanding to include oversight of college networks. *John Lasker* was upped to SVP, ESPN+. In addition, *Julie Sobieski*, SVP, League Programming & Acquisitions, expands her responsibilities to add MLB and NHL programming to her portfolio of NFL, NBA, WNBA and Combat Sports. *Tim Bunnell*, SVP, Programming & International, now has oversight of all international sports channel business performance, which moved to ESPN as part of the The Walt Disney Company reorg. *Ilan Ben-Hanan* serves as SVP, Programming & Content Strategy and *Susie Piotrkowski*, VP, Women's Sports Programming & espnW, will broaden her scope to lead women's sports strategy.

CARRIAGE

Frndly TV has brought its app to Samsung Smart TVs in the U.S. Frndly features more than 40 live channels, including **A+E**, **Hallmark Channel**, **Lifetime** and **History Channel** for \$6.99/month.

FIBER FRENZY

Windstream's Kinetic is rolling out 8 Gig speeds to additional households in the coming weeks. The company has 330 exchanges across its footprint that will be eligible for 8 Gig service in their homes, meaning over 400,000 households will have access to the increased speed. It's part of Windstream's multi-year, \$2 billion capital investment to deploy fiber across the 18 states it services.

DOING GOOD

The latest slate of PSAs in **NBCUniversal's** "The More You Know" campaign was unveiled Wednesday. Several of NBCU's talent will appear on the content, which will be featured across Comcast NBCU platforms. Topics range from media literacy—which will feature "NBC Nightly News" and "Dateline NBC" anchor *Lester Holt*—to mentorship and the power of reading. Other areas of focus are food insecurity, playing outside and supporting U.S. veterans.

PROGRAMMING

To celebrate the 25th anniversary of "Sex and the City" and tomorrow's Season 2 premiere of "And Just Like That..." **Max** is partnering with NYC Tourism + Conventions to illuminate a pink display on several prominent NYC buildings. The Empire State Building, One World Trade Center, Pier 17 and more will don the pink light. – **A&E Network's** new series featuring *LL Cool J* and *Ice T* "Hip Hop Treasures" will premiere Aug. 12 at 10pm. The show will dive into the stories of famous hip hop artists and items they made famous in music videos or performances. – Ever wonder what a combination of basketball, football, hockey and trampolines would look like? **ESPN** can help. The sports net signed a two-year exclusive national broadcast partnership with SlamBall, which combines elements from the three sports all on a trampoline surface. ESPN, **ESPN2** and **ESPN+** will combine to air over 30 hours of live SlamBall programming across five weekends. Opening night is set for July 21 from 7-9pm, and the season culminates Aug. 17-19 with the SlamBall Playoffs and Championship. All games will be played in Las Vegas and a full broadcast schedule will be announced in the next few weeks. – **NBC**, **Peacock** and **Golf Channel** will have a record 26 hours of coverage of the Women's PGA Championship. It'll start Thursday at 11am on Peacock and Golf Channel (Peacock coverage starts at 10am) before moving exclusively to Peacock from 5-7pm. Friday will follow the same format. Then Saturday will see coverage begin on Peacock from 11am-3pm before also moving to NBC from 3-6pm. The final round on Sunday will also start at 11am, but NBC will pick things up starting at 2pm.

Think about that for a minute...

Try, Try Again

Commentary by Steve Effros

President Biden presided over another meeting regarding “what to do about AI” the other day. I guess he hasn’t been reading my column, so I’ll try to make my case once again; the issue is not how to “regulate AI,” it’s an issue of regulating or controlling the things that AI can be used (or abused) for. There’s a difference.

To be sure, the rapid, almost startling developments in the use of Large Language Models (LLMs) and the breakthroughs in massive computer processing and algorithm development have caused everyone to wonder what should be done about what we are characterizing as “AI.” As I’ve noted before, it’s neither actually “intelligence” nor “artificial” but if that’s what everyone has agreed to call this surge in the development of capabilities in computing input and output, far be it for me to try to change the sobriquet.

So “AI” it is. But there’s no real definition of that, just as there’s no hard and fast rule as to how large a database is before it’s considered a “large language model.” We’ve been using large databases to derive and manipulate information for a long time now. Think Google. Consider all the advertiser parsing that goes into deciding which ad goes to whom. This is not new. It’s just that now the apparent “output” is somewhat different. Instead of an ad popping up, while you are searching for the weather. about some item you were researching to buy yesterday, the “AI” version writes a short note to you about which one of those items its calculations have shown is the best. Just an ad in a different form, but now it’s generated by that magic thing we call “AI.”

The point behind all this is that of course we need to put guardrails around the use of databases (do we want realtime facial recognition cameras in the streets?) The idea that the solution is to “regulate AI” is a misimpression. We’d be regulating privacy. We also need to regulate transparency, for instance where information comes from. And we need to assign responsibility (and potential liability) for intentional distribution of misinformation. But all of that applies across the board, to

television, newspapers, corporations, and wouldn’t it be neat if it applied to politicians as well!

What I keep trying to say is that it’s the use of technology, not the technology itself that has to be the focus. If we don’t want someone or something to accumulate personal information about us and distribute that to others, then we have to regulate that action, regardless of how it’s done. What difference does it make if someone prints up a sheet of our personal passwords and sells it versus that happening through a computer “bot” search which gleans that information and then spits it out in Shakespearean prose?

Yes, “AI” can do it faster, distribute it farther, and maybe even disguise its origin more effectively, but it’s still the act of revealing the passwords that’s the issue, not which of the many ways that could happen. It should be guarded against no matter whether it’s via “AI” or smoke signals! The same is true about the need for transparency about sources of information, ownership of media, financing of advertising (particularly political advertising!) and loads of other things.

We have a unique opportunity right now triggered by the “AI” frenzy. Folks are finally thinking seriously about these things. And sure, some of the steps by the European Union focusing on “AI” guidelines, for instance, are a good start and we should probably emulate them. But the bottom line is that it’s not really the computers and the databases and the algorithms

that are challenging privacy, accuracy, transparency, etc. As Pogo once noted, “...we have met the enemy, and he is us!”



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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