

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Show Goes On: Government

Shutdown May Not Impact Title II Vote

With federal agencies bracing for a government shutdown in a few days, it appears the **FCC** may continue to operate long enough to hold its Oct. 19 vote on *Jessica Rosenworcel's* Open Internet NPRM.

The Commission's plans for an orderly shutdown if government funding lapses notes that the agency will determine whether and for how long prior year funds will be made available to continue all agency operations during a lapse. On Thursday, a notice went out agency-wide informing employees and contractors that the FCC is expected to remain open until Oct 20.

"The FCC's current annual appropriation expires on Saturday, September 30, at 11:59pm. However, based on other available funding, the FCC plans to remain open for business and pay all employees and contractors through the close of business on Friday, October 20, 2023. Employees and contractors therefore should continue to work as scheduled through October 20. Approved leave during this time period is not affected. We will keep you updated on any changes to our operating status beyond October 20," read the notice obtained by **CFX**.

Indeed, even as the possibility of a government shutdown increased, the FCC sent out its tentative agenda for the Oct. 19 meeting Thursday. The **FTC** also is planning to stay open through Oct. 20 due to a surplus from last year's budget, *Bloomberg Law reported*. As promised, the Commission released the language of its proposed Title II Open Internet NPRM, which sets Dec. 14 as the

comment deadline and Jan. 17 as the deadline for reply comments.

It's pretty clear that this will be a 3-2, party line vote, with GOP Commissioners *Brendan Carr* and *Nathan Simington* already issuing scathing objections to the proposal to reclassify broadband as a telecom service instead of an information service. The NPRM seeks comment on the proposed Title II classification framework, particularly its benefits and burdens. Additionally, it asks for input on the impact of reclassification on small businesses, including small ISPs. The FCC seeks info on how consumers' usage of broadband has changed since Title II was reversed in 2018 and particularly since the onset of the pandemic. The proposal's repeated mention of COVID-19 as a reason to revisit broadband classification is sure to rankle ISPs that were praised for keeping people connected during lockdown orders.

Forbearance is a hot topic, with the item largely proposing the same forbearance that was adopted in the 2015 Open Internet order. "Notably, we propose to forbear from Title II provisions insofar as they would support the adoption of ex ante rate regulations for broadband Internet access service," the proposal reads. However, the item also looks to re-establish a formal complaint process for complaints arising under FCC Open Internet rules, as the Commission did in 2015, with some worrying this could open the door to rate regulation.

The item would also depart from forbearance of Section 214 of the Communications Act, arguing that Title III licensing and authorization statutory provisions could provide important additional tools to advance national security and public safety objectives. But

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given the language of Sect. 214, it raises the possibility that the FCC could potentially require approval for broadband expansion. Section 214 states: “No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction...”

Other areas explored include the 2018 Restoring Internet Freedom’s conclusion of alleged harm to investment by Title II classification. “We tentatively conclude that the Commission’s conclusions in the RIF Order that ISP investment is closely tied to the classification of BIAS were unsubstantiated. Instead, we agree with the RIF Order’s statement that ‘owners of network infrastructure make long-term, irreversible investments,’ which we believe makes it unlikely that changes in investment shortly following the adoption of each Order were actually related to the effects of each Order,” the proposal reads.

Oponents of a return to Title II were quick to argue that the internet has been just fine since 2018. “Consumers today connect to a thriving, open internet at faster speeds and lower prices. Retrofitting outdated rules onto today’s competitive broadband networks is simply the wrong approach. Congress must step in to end this ludicrous regulatory rinse and repeat cycle,” said **USTelecom** CEO *Jonathan Spalter*.

In addition to the Open Internet NPRM, the Oct. 19 FCC meeting agenda includes a declaratory ruling that would clarify that the use of WiFi on school buses is eligible for E-Rate funding and a Second Report and Order that would expand unlicensed use of the 6 GHz band by permitting very low power devices to operate in two sub-bands.

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XFL, USFL TO MERGE

Spring football has struggled to get sustained momentum in years past, and when both the **USFL** and **XFL** were in play this year, there were plenty of questions about the feasibility of both leagues surviving long term. Now, the two leagues announced their intention to merge subject to customary regulatory approvals. The news comes after the XFL reportedly lost an estimated \$60 million in 2023. There aren’t many details yet on what the future combined league would look like from an ownership or broadcast standpoint, with **Fox Sports** and **NBC Sports** holding the USFL’s rights and **ESPN** with the XFL’s.

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DISH TOPS J.D. POWER SURVEY

Make it six consecutive years **DISH** finds itself at the top of

J.D. Power’s 2023 U.S. Television Service Provider Satisfaction Study. The report evaluates six factors to determine satisfaction on a 1,000-point scale: performance and reliability; customer service; cost; billing; programming and communications. **DISH** topped the cable/satellite TV–national category with a score of 709, followed by **DirectTV** at 705, **Charter/Spectrum** with 700,

Cablefax Executive Round Up

We asked the [Cablefax Diversity List](#) what recent pop culture moment showed progress in diversity and inclusion in entertainment.



Bernard Gugar
General Counsel and EVP, Corporate Development
Fox News Media

“The 2023 Grammy Awards. People invited to perform were from varied backgrounds, covered a wide swath of genres, and yet collectively managed to electrify both the live audience in attendance and many of those (at least based on press reporting) watching from home. Voices and personas varied from Harry Styles to Bad Bunny, Luke Combs to Kim Petras, and Brandi Carlile to Stan Smith, all culminating with a celebration of the 50th Anniversary of Hip-Hop, during which the literal creators of Hip-Hop 50 years ago performed with some of today’s most popular artists within that genre.”



Kohposh Kuda
SVP, Xfinity Mobile
Comcast

“The one that jumps out for me is the movie ‘Everything Everywhere All At Once,’ starring Michelle Yeoh, Ke Huy Quan, Jamie Lee Curtis, Stephanie Hsu, directed by Daniel Kwan and Daniel Scheinert. When Michelle won her Oscar, she spoke about her success, her trials and tribulations, and how she embodies the true American success story of forging your own path. Yeoh’s Oscar win creates possibility for the younger generation to truly push the boundaries of what’s possible. That movie was also monumental in the diversity of the entire cast and crew. Daniel Kwan, the co-director said that “they wanted to make a move that everyone can relate with.” And that proved to be successful, as they received more Oscar nominations than any other film during the awards ceremony. Also, during the awards ceremony, seeing actor Jamie Lee Curtis champion Michelle Yeoh’s successful nomination, shows the power of sponsorship and allyship.”



Daphne Leroy
SVP, Advertising, Strategy & Culture
Paramount Global

“A significant moment occurred during this year’s Academy Awards when Malaysian actress Michelle Yeoh took home the Best Actress statue for her leading performance in the acclaimed movie ‘Everything Everywhere All At Once.’ Yeoh became the first-ever Asian actress and only the second actress of color to win in this category since Halle Berry in 2002. For me, Yeoh’s acceptance speech was truly inspirational as she addressed the little boys and little girls who look like her that this win was proof that dreams do come true. Additionally, Yeoh encouraged women of all ages not to let anyone say they are past their prime and to never give up!”

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Comcast/Xfinity with 697 and Cox at 692. DISH also took home a pair of regional titles in the north central (699) and south (725) regions. Verizon Fios grabbed the east with a 746 score while DirecTV claimed the west at 704. On the digital side, YouTube TV ranked the highest among live TV streaming services at 795, followed by Hulu + Live TV at 785. Sling (772), DirecTV Stream (748) and fubo (742) were included as well. The study also found the likelihood of streaming viewers making a switch in service is 12%, but that number rose for those watching on cable/satellite to 21%.

CARRIAGE

Speedvision launched a FAST channel on Xumo Play. The network made its return last October after an almost 27-year hiatus and will come to Xumo Play with more than 7000 hours of content, including shows such as “Graveyard Carz Classics,” “Caffeine and Octane,” “Zero to Sixty” and “Two Guys Garage.” – MyBundle struck a deal with Tastemade to make Tastemade+ available to MyBundle’s broadband partner network. Over 175 broadband providers will now get the food-centric SVOD. MyBundle will also handle billing and customer care for Tastemade+, which offers more than 750 hours of streaming content.

NBCU OPENS DOORS AGAIN FOR SMALL BUSINESSES

A year ago, NBCUniversal unveiled “Open Doors: Where Small Businesses Thrive,” a program part of NBCU’s One Platform that provides marketing and advertising resources to owners and entrepreneurs with the goal of sparking and sustaining growth. After a successful first campaign, Open Doors returns for a second iteration, and its partners State Farm and Walton Isaacson are growing their roles to keep the momentum going. This year, the initiative will include an anthem spot, small business spotlight in both English and Spanish and a bilingual visual marketing and creative playbook. “The Open Doors initiative is a true example of democratizing partnership,” NBCU VP, DE&I, Global Advertising & Partnerships Kimberly King told CFX. “State Farm has led the charge in selecting the small businesses for us to highlight in the Spotlight creative. Walton Isaacson leans in to identify the small business owner story, providing their storytelling expertise for the Small Business Spotlight that we are fortunate enough to highlight across the NBCUniversal ecosystem.” The spotlight will focus on a business relevant to a particular heritage month such as Hispanic Heritage Month in September or Women’s Small Business Month in October. For Walton Isaacson CEO Aaron Walton, it’s about making sure small businesses are up to date in an ever-changing world of advertising on top of the obstacles they face with daily operations. “We always envisioned Open Doors as a multi-year program, because the resources needed by small businesses is vast and the world of advertising and marketing is foundational to their success,” he said.

FIBER FRENZY

Lumos is expanding service to the South Carolina cities of Columbia, West Columbia and Irmo after receiving franchise approvals. Part of those franchise agreements entails Lumos providing free internet service to select public parks and recreational areas in Columbia and Irmo. The company is in the midst of a \$100 million expansion project in the Palmetto State that initially saw builds in Lexington and Richland Counties. – Google Fiber’s symmetrical 8 Gig speed has arrived in Charlotte. The company unveiled Charlotte as the third city to receive the speed plan, which also includes a WiFi 6 router, up to two mesh extenders and professional installation for \$150/month.

EPB QUANTUM NETWORK ADDS SOFTWARE PARTNER

EPB Quantum Network powered by Qubitekk, the nation’s first commercially available quantum network, now has a software partner. It has tapped Aliro as its partner for that side of the network, opening up options to reconfigure the network to fit the individual needs of those testing products on the quantum network. Open to customers, the EPB Quantum Network allows users to to build, test, validate and run products using pre-defined network configurations within AliroNet. “Nowhere else do you have a commercial network that people can subscribe to to actually increase access and allow everyone to utilize the unique resources of this network,” Qubitekk President/CTO Duncan Earl said during the announcement press conference at the Quantum World Congress in Virginia. “This system is really about allowing people to test new products and communications in quantum computing and quantum sensing and the network has the flexibility really to meet all of those different types of applications.”

PROGRAMMING

The stars are coming out for BET’s 2023 Hip Hop Awards. The show is set for Oct. 10 at 9pm and will be hosted by artist Fat Joe, but it’ll also have performances from Jermaine Dupri, Ludacris, Bow Wow, Bone Crusher and more. – NewsNation will have a primetime special “Sanctuary of Sin” on Sunday at 9pm. The program will look at the investigation into a religious order known as the Congregation of the Servants of the Paraclete and its role in the Catholic Church’s sexual abuse scandals.

PEOPLE

National Geographic made a pair of appointments: Tulani André as VP, Social Media and Soo-Jeong Kang as VP, Head of Visuals. The two will join the newly restructured Nat Geo content team headed by President Courteney Monroe. André arrives at the company from Prime Video where she was the global lead of social and editorial. Kang was most recently Executive Director, Programming for The New Yorker.

PROGRAMMER'S PAGE

Has 'Love is Blind' Lost its Heart?

Everyone's favorite dating show from **Netflix** is back. "Love is Blind" debuted the first four episodes of its fifth season on Friday, and it follows the formula many have come to know and love since the show premiered in February 2020. Singles in Houston are the ones calling the pods home this time around, talking through walls to those that they hope will become their future spouses. Heavy editing is obviously taking place throughout the process, but where this season differs from its predecessors is in its lack of obvious characters. Love is Blind fans can quickly identify the villain of the season or the couple destined to have the fairy tale ending. This time around, those lines are blurred while the drama around each couple or love triangle is ratcheted up. The focus is less on the romance blooming between the experiment's participants, but on what is keeping them apart. That's good news for those that watch Love is Blind for the drama, but has the pursuit of a juicy scene or wildcard cast member that will shake things up taken the show too far away from its beloved roots? This season is shorter with only 10 episodes, four of which are entirely within the pod dating environment. And, spoiler alert, only three couples leave the pods engaged at the close of the fourth episode. Of course, if we've learned anything from the last few seasons, it is that just because someone didn't leave the pod engaged doesn't mean we won't see them at the altar by the final episodes. But for those that love the show for its happy endings, it may be tough to find a reason to keep watching. Maybe what we're seeing is a dating show trying to better reflect the reality of trying to find that special someone, a process that can be messy and involve sifting through and accepting or rejecting the baggage of the past. But this writer can't help but wonder if the question being asked by the series is no longer if love is blind, but how much individuals are willing to go through for an honest chance at having it. – *Sara Winegardner*

REVIEWS

"Deadlocked," streaming, **Paramount+** with **Showtime**. *Alexander Hamilton* observed the Supreme Court lacks Congress's spending authority and the president's war-making power. Instead, the Court, he said, lives on its integrity. The irony is thick, of course, as reports arise about justices' ethics and public trust in SCOTUS sinks to a record low. On the other hand, this makes the publicity-shy court a fine subject for a 4-part docu-series. Fortunately, Emmy-winning filmmaker *Dawn Porter* is a first-rate storyteller. That Porter begins with a retrospective is a terrific way of reinforcing the point that the court, designed as an independent arbiter run by people of rectitude, has evolved. A lot. Was that inevitable? – "American Horror Story, Delicate," 10pm, **FX** and streaming the next day on **Hulu**. Again, we have a series whose backstory overshadows it at times. That's what you get with *Kim Kardashian* in the cast. Spoiler alert: she's not in the class of another Kim, (Cattrall), who played PR pro *Samantha Jones* in HBO's "Sex and the City," but she's at least convincing as ruthless publicist *Siobhan Corbyn*. Besides the Kardashian hoopla, "AHS" stands on its own. Fans of "Rosemary's Baby" (1968) will quickly notice similarities. Once again, we have a married couple desiring a baby and strange things happening in the life of the hopeful mother (*Emma Roberts*). It's deliciously horrible. – *Seth Arenstein*

BASIC CABLE		
P2+ PRIME RANKINGS*		
(09/18/23-09/24/23)		
MON-SUN	MC	MC
	US	US AA
	AA%	(000)
FNC	0.544	1699
MSNBC	0.386	1206
HGTV	0.277	864
HALL	0.235	733
ESPN	0.228	711
INSP	0.211	659
TBSC	0.209	651
TLC	0.206	643
FOOD	0.182	568
CNN	0.162	506
TVLAND	0.155	484
USA	0.155	483
DISC	0.148	463
HMM	0.146	455
HIST	0.140	436
ID	0.129	401
A&E	0.115	359
LIFE	0.113	353
WETV	0.107	334
REELZ	0.099	308
BRAVO	0.097	302
OXY	0.092	288
GSN	0.092	287
TNT	0.088	275
NFL	0.085	266
E!	0.081	254
NATGEO	0.078	244
ADSM	0.078	243
FETV	0.076	238
FX	0.076	237
AMC	0.075	235
NAN	0.075	233
NWSMX	0.073	229
FS1	0.065	204
SYFY	0.065	204

*P2+ L+SD rankers are based on national Nielsen numbers, not coverage.



Congratulations 2023 Diversity & Pride List Honorees!

The Cablefax team is thrilled to announce the Honorees for this year's Diversity & Pride List, recognizing the most influential multi-ethnic executives, LGBTQ+ executives and D&I Champions in the industry.

Visit www.CablefaxDiversity.com to view the digital issue and read the Q&As from the honorees.