

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

First Impressions: Wheeler, Lawmakers React to AI Order

Many individuals were still processing President Biden's executive order on AI late into the evening yesterday, and now folks are now sharing the good that comes with it and what it leaves on the table.

During a **Brookings** event promoting his new book "Techlash: Who Makes the Rules in the Digital Gilded Age?", former **FCC** Chair *Tom Wheeler* called President Biden's utilization of the Defense Production Act to require companies developing any foundational model that poses national security or safety risks to notify the federal government both innovative and essential.

"It puts enforceable teeth in. Everything else in the EO tends to be aspirational," Wheeler said. "Hurray for the president for stepping up and using the limited authorities that he does have to step out."

Senators *Peter Welch* (D-VT) and *Michael Bennet* (D-CO) were also on hand at the event, and while both also applauded President Biden for taking a step forward on AI, they don't want anyone to think this is the ultimate fix for everyone's concerns around the technology.

"I think that it was ambitious, but not the same as passing legislation, and we live in a world where I would argue that you can't regulate banks two years at a time," Bennet said. "We need Congress to legislate so that we can have predictable rules of the road so we can preserve

the innovation Tom talked about that's so important to our economy while still preserving and protecting our civil rights and our civil liberties. I don't think we're going to be able to do that by executive order."

Welch is of a similar mind, but also believes that the federal government needs to expand its focus beyond just AI. He wants lawmakers to look at the wider world of digital platforms and the issues that have arisen in American and global culture because they haven't been effectively regulated through their explosive growth. Those include mental health concerns and debates over data privacy.

"What we essentially did with Section 230 was give carte blanche to this new industry and the specific goal was to try to really encourage growth here in the United States and have us be the center of the universe," Welch said. "We got these big companies that have been extraordinarily successful, more important than many countries and probably with more wealth than many countries, but we also got all these things right now that are just freaking everybody out."

Welch and Bennet have been working together for some time to try and solve some of these digital age issues. They've reintroduced the Digital Platform Commission act, legislation that would create the Federal Digital Platform Commission and give it the mandate and jurisdiction to regulate digital platforms and protect consumers. While the **Department of Justice** and the **FTC** have largely taken



Cablefax MOST POWERFUL WOMEN

Honoring Women in Cable, Broadband and Fiber

WHERE: The Edison Ballroom, NYC

WHEN: Afternoon of December 6, 2023

ATTEND

Last Year's Honorees Include:



Jessica Fischer
Chief Financial Officer
CHARTER



Channing Dungey
Chairman, Warner Bros. Television Group
WARNER BROS. DISCOVERY



Rita Ferro
President, Disney Advertising
DISNEY



Dalila Wilson-Scott
EVP, Chief Diversity Officer & President,
Comcast NBCUniversal Foundation
Comcast

on the task of overseeing digital platforms as they've risen to prominence in our society, neither agency is known for having expert staff or resources for effective oversight.

"They are limited in their abilities because of the fact that their statutes were written in the industrial era. Running the FCC in the digital era trying to use a statute written in 1934 when television didn't even exist is what taught me this lesson," Wheeler said. "So we need to come up with a structure like they have proposed that is agile enough to deal with changes, one, and two, agile enough to promote innovation while still protecting the public interest, and that requires outside-the-box thinking."

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REP. RYAN TAKES STAND AGAINST SPORTS BLACKOUTS

Rep. *Pat Ryan* (D-NY) is speaking out against blackouts in sports and the problems presented by the patchwork of television and streaming rights that exist today. He sent a letter Tuesday to **MLB** Commissioner *Rob Manfred*, **NHL** Commissioner *Gary Bettman* and **NFL** Commissioner *Roger Goodell* as well as U.S. Comptroller General *Gene Dodaro* of the **Government Accountability Office** with concerns that fans in their home team's territory are blocked from viewing nearly all of their team's games on any platform other than their local RSN. "Even RSN subscribers can be blacked out when the league sells the exclusive rights to certain games to streaming services like Prime Video, as happened over 20 times to New York Yankees and Mets fans over the 2023 Major League Baseball regular season," he wrote. "This confusing patchwork leaves many fans without a reliable option for watching all of their team's games on one platform, even when they are subscribed to a service which should have all of the team's games." Ryan is now asking the agency to conduct a study examining the prevalence and adverse impacts to consumers of sports blackouts over the last ten years, including those stemming from league policies and carriage disputes. He also wants the GAO to examine steps the **FCC** can take to intervene in carriage disputes that are causing blackouts and to study legislative actions Congress could take to ensure fans can reliably watch each of their favorite team's games on a single platform regardless of where they live.

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WBD'S ROMM RETIRING IN 2024

Warner Bros. Discovery Chief People and Culture Officer *Adria Alpert Romm* is stepping down from her position at the end of June. The longtime adviser to CEO *David Zaslav* announced plans to retire upon her departure, marking the end of an over 40-year career. *Jennifer Remling*, who was most recently the CPO for the

advertising company **WPP**, will succeed Romm come January. "I have been incredibly fortunate to have Adria by my side for more than 30 years as one of my closest advisors. A strong people culture is critical to any successful company and Adria has fought every day to put employees first," Zaslav said in a statement, later adding, "While Jennifer has big shoes to fill, she is exceptionally talented and highly respected in her own right, having led large-scale HR teams in support of complex global organizations with tens of thousands of employees." Romm joined **Discovery** in March 2007 after having spent 25 years at **NBCUniversal**. Since joining the now-combined WBD family, she's been credited with having a key role in Discovery's acquisition of **Scrrips Networks** back in 2018 and the merger with WarnerMedia in 2022. Romm is also responsible for several employee development and wellness initiatives such as on-site daycare facilities and wellness centers. She's been an active participant in the DEI space as well, having been a board member for **The WICT Network** and a current member of the board for the **Emma Bowen Foundation**.

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BALLY SPORTS SUFFERS OUTAGE

The hits keep coming for **Bally Sports**. The company had an outage Monday evening that left users of its digital platforms unable to stream **NBA** or **NHL** contests. "Our service provider experienced a widespread outage that impacted multiple partners," Bally Sports [said](#) on **X**. "As it comes back online, signing in to Bally Sports will be impacted. We are currently working with our service provider on resolving this issue. We apologize and thank you for your patience." The issue didn't appear to impact those watching on linear platforms. According to the Detroit Free Press, the problem [stemmed from an outage](#) by a third-party identity service called Okta.

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TNT SPORTS JUMPING INTO SHARED REALITY

TNT Sports is making a foray into shared reality. The company and **Cosm**, an experiential media and immersive technology business, entered a multi-year broadcast partnership to have Cosm produce and present select live premium sports programming across the TNT Sports footprint in 8K+ at its planned venues. It'll start in 2024, and it's the first time a broadcast rights holder will present live sports in a shared reality experience that's powered by Cosm's technology and 87-foot diameter LED domes. Events to be presented at Cosm venues include select **NBA** on **TNT** regular-season and playoff games, Stanley Cup Playoffs as well as select U.S. men's and women's national soccer team matches.

The first two public Cosm venues are set to open in 2024 at Hollywood Park in LA and Grandscape in Dallas. Cosm and **Warner Bros. Discovery** will also look at potential opportunities involving non-scripted entertainment content in the future.

WEEKLY RATINGS

ESPN reclaimed the weekly primetime ratings crown among cable networks. The sports giant led with an average of 2.22 million viewers P2+, but it wasn't too far ahead of Fox News' 2.06 million. **TBS**, which had the seven-game NLCS on its network, came third with 1.66 million. **MSNBC** and **Hallmark** followed with 1.25 million and 1.01 million, respectively. **Fox News** was at the top of the total-day charts again with 1.41 million viewers. MSNBC came second with 907,000 and ESPN third with 797,000, while CNN (617,000) Hallmark (551,000) wrapped the total-day top five.

FUBO ADDS SHAREHOLDER PERKS

Fubo is partnering with the shareholder loyalty and engagement platform TiiCKER to introduce perks for investors. Fubo shareholders can get access to a tiered perks program, which includes a 20% discount on a one-month subscription to Fubo Pro for new customers and early access to product features via the vMVPD's beta testing program. More features, including discounts for Fubo's online store, will be rolled out in the future.

RATINGS

TLC's "90 Day: The Last Resort" and "90 Day Fiancé: The Other Way" boosted the network to the No. 1 spot among P25-54, W25-54 and W18-49 for cable nets on October 23. It marked the 17th consecutive week TLC topped the W25-54 and W18-49 categories. 90 Day: The Last Resort came in with a 1.55 L3 rating among W25-54, while 90 Day Fiancé: The Other Way had a 1.29 L3 rating in the same demo. – **Warner Bros. Discovery** networks took home a 58% share of viewing among A25-54 and a 61% share among A18-49 during primetime last Tuesday among ad-supported cable nets. The night was headlined by Game 7 of the NLCS on **TBS** and **NBA** opening night on **TNT**. Eight WBD networks also contributed to a 44% share of total TV viewing among A18-49 that night. WBD also had six of the top-10 programs in A25-54, led by the NLCS and Suns vs Warriors, respectively, as well as "My Big Fat Fabulous Life" on **TLC** at No. 4 at "Bobby's Triple Threat" on **Food Network** at No. 9. – **ESPN's** "College GameDay" averaged 2.03 million viewers Saturday, rising up to 2.7 million for the show's final hour. That led into the network's slate of college football, which was led by the 2.5 million viewers who tuned into Tennessee's 33-27 win over Kentucky and the 1.9 million for Texas A&M's 30-17 victory against South Carolina. – **Fox Business** ended October beating out **CNBC**

in business day and total day ratings, according to **Nielsen**. Highlighted by its programs "Kudlow" and "Varney & Co.," FBN came in at 138,000 total viewers and 15,000 A25-54 for total day. **CNBC** followed with 131,000 total viewers and 30,000 A25-54. For business day, FBN had 201,000 total viewers compared to **CNBC's** 191,000. **CNBC** did edge FBN out in A25-54 with 38,000 vs 12,000.

FIBER FRENZY

GoNetspeed wrapped up construction of its fiber optic network in Amherst, Massachusetts. Over 2,200 residents and businesses now have access to the company's services thanks to its \$3 million investment. GoNetspeed offers plans starting at \$59.95/month for up to 250 Mbps, \$69.95/month for up to 500 Mbps and \$79.95/month for up to 1 Gbps.

PROGRAMMING

ESPN will have over 230 women's college basketball games across its networks for the upcoming 2023-24 season. It'll begin with a top-10 matchup between No. 10 Notre Dame and No. 6 South Carolina on Monday at 1pm on ESPN. Other big opening-week matchups include No. 3 Iowa vs No. 8 Virginia Tech (Nov. 9 at 8pm on **ESPN2**) and No. 9 Indiana vs No. 15 Stanford (Nov. 12 at 5pm on ESPN). Additionally, ESPN's digital platforms including **ESPN+**, **SEC Network+**, **ACC Network Extra** and **ESPN3** will air more than 3,200 games. – **ESPN** inked a multi-year extension with **NBA** play-by-play commentator *Mike Breen*. Breen—who's in his 21st season with the network—will continue to call high-profile regular-season games, the NBA Playoffs and the new in-season tournament. – *Leo Reich's* debut solo stand-up comedy special "Leo Reich: Literally Who Cares?!" will premiere on **HBO** in December, available to stream on **Max**. – The second annual "TheGrio Awards" will air Nov. 25 at 8pm on **CBS** and **Paramount+**. *Sheryl Underwood*, host of "The Talk," and comedian *Roy Wood Jr.* will co-host the ceremony. – The documentary "Gumbo Coalition" will premiere on **Max** on Nov. 6. It follows two civil rights leaders and their work to empower Black and Latino communities amid turbulent times. – The inaugural **NBA** In-Season Tournament begins Friday. "NBA Countdown" will start the night at 7pm on **ESPN**, which will lead into the Knicks vs Bucks at 7:30pm. Mavericks vs Nuggets will cap ESPN's night at 10pm.

PEOPLE

As **Disney+**'s ad-supported tier expands, so too does the purview of *Rita Ferro*. She has been elevated to President, Global Advertising for **Disney** ahead of the tier's launch in Europe and other global markets over the next year. *The Hollywood Reporter* was first to announce the elevation.