

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Surround Sound: Netflix Smacks ISPs in Latest Title II Comments

The FCC's comment system can take some time to update, and a number of takes on the agency's proposal to reclassify broadband into a Title II service appeared in the docket overnight.

Netflix chimed in to say it supports open internet rules, and it agreed with the NPRM's tentative conclusion that ISPs have the incentive and ability to engage in practices that go against those principles.

"Many ISPs require subscription period lock-ins and impose penalties for early termination. Making switching costs higher, changing ISPs often requires lengthy phone calls, scheduling technicians of both the old and new ISPs to visit the household, and the installation of new equipment," the streaming giant said. "Most problematically, many Americans do not have an alternative broadband provider to switch to because they live in an area with limited or no choice of ISPs or in a multi-tenant building with an arrangement with a single ISP that is, explicitly or practically, exclusive."

Netflix also tried to poke holes in ISP arguments that there have not been any widespread reports of practices that would violate open Internet principles since the FCC overturned its 2015 Open Internet Order. It pointed to the moves of many states including Hawaii, Montana, New York and Vermont issuing executive orders requiring companies seeking to contract with those states to confirm they would meet the FCC's pre-2018 net neutrality rules, and California and Washington adopt-

ing their own protections in 2018. It also said there has been a widespread understanding across the industry since the FCC's leadership change in 2020 that the Commission would at some point move forward with a net neutrality proceeding.

"Given this environment, it would have been against ISPs' interests to exercise market power and engage in easy-to-detect, non-neutral behavior because doing so would have dramatically increased the likelihood that they would face enforcement in California and Washington, and that, in response, the Commission and additional states would adopt strong new rules," Netflix said.

Fresh off the Supreme Court's [consideration](#) of an overhaul of the Chevron doctrine, NCTA focused its reply comments on batting down arguments that the FCC could move forward with reclassifying Title II and avoid potential court battles. Specifically, it fired back against Public Knowledge's assertion in its comments that the FCC could avoid the obstacle of the major questions doctrine. The consumer advocacy group posited that the Commission could use pending petitions for reconsideration of the 2020 Order on Remand to potentially rescind previous FCC orders and effectively resurrect the 2015 Open Internet Order without triggering the major questions doctrine.

"For one thing, the major questions doctrine is concerned with the scope of the power asserted by the agency, not the procedural mechanism the agency uses to accomplish its objectives. Common-carrier treatment of broadband under Title II thus presents a major question regardless of how the Commission gets there," NCTA said. "Pursuing Public Knowledge's suggested procedural

2024

# CABLE HALL OF FAME

APRIL 18, 2024 • ZIEGFELD BALLROOM • NYC

RESERVE YOUR TABLES AND SPONSORSHIPS NOW  
**720.502.7513** | [chof@syndeoinstitute.org](mailto:chof@syndeoinstitute.org)  
[www.CABLEHALLofFAME.com](http://www.CABLEHALLofFAME.com)

2024 HONOREES

<p><b>LIZ CLAMAN</b> FOX Business Network</p>	<p><b>BONNIE HAMMER</b> NBCUniversal</p>
<p><b>YVETTE KANOUFF</b> JC2 Ventures</p>	<p><b>LARRY E. ROMRELL</b> Liberty Media and Liberty Global</p>
<p><b>STEVEN A. WHITE</b> Comcast Cable</p>	<p><b>ROUZBEH YASSINI-FARD</b> YAS Foundation</p>

THANK YOU TO OUR SPONSORS  
(AS OF 1/4/24)

path thus would only increase the legal peril for the Commission.”

**Altice USA** has two particular concerns with the FCC’s proposal beyond its overall opposition to the Title II reclassification. One of those is centered on the patchwork of state regulations that have emerged since the FCC voted in 2017 to revoke the net neutrality rules put in place by the Commission in 2015. It believes that should the FCC move forward with a Title II reclassification, it must exercise its authority to broadly preempt inconsistent state and local laws. That preemption should include ISP conduct rules, state or local price regulation, broadband entry regulation, service requirements and privacy laws.

“Many states have already adopted or are considering conflicting regulations that threaten the Commission’s goal of providing ‘consistent protections for consumers and certainty for ISPs.’ These regulatory inconsistencies include state requirements related to ISP conduct, price regulation, broadband entry, and service requirements,” the provider said. “If the Commission ultimately adopts open internet conduct rules in this proceeding, the record shows strong support for those rules becoming the uniform national standard, serving as both the ceiling and floor.”

.....

## **WBD SPORTS REBRANDING TO TNT SPORTS**

Exit **Warner Bros. Discovery Sports** and enter **TNT Sports**. WBD is officially rebranding its U.S. sports division to TNT Sports in a move that unifies its global sports portfolio with the TNT moniker. In July, WBD shifted its sports arm in the U.K. and Ireland from **BT Sport** to TNT Sports. All production and content will fall under TNT Sports, including the already-owned rights to the **NBA, MLB, NHL** and March Madness as well as other entities like *Golf Digest* and *Bleacher Report*. The move also comes as WBD continues to negotiate the NBA’s next media rights deal. The current deal—worth \$24 billion and held by **ESPN** and WBD—expires after the 2024-25 season.

.....

## **SINCLAIR, NCTC SIGN RENEWAL**

**Sinclair** and **NCTC** have renewed their distribution agreement, allowing the co-op’s member companies to continue to opt into a multi-year retrans consent deal for Sinclair’s O&O local stations. The renewal also includes an agreement for Sinclair-owned Tennis Channel.

.....

## **NIELSEN’S GRACENOTE FIGHTS FOR REPRESENTATION IN MEDIA**

**Nielsen’s** content metadata business unit **Gracenote** is working together with diversity advocates to push for equitable representation

in media with a new feature in its Studio System platform. The enhancement incorporates insights from **IllumiNative, Gold House, RespectAbility, National Hispanic Media Coalition** and **Coalition of Asian Pacifics in Entertainment** to highlight people and projects that meet diversity-specific criteria and open new casting, funding and collaboration opportunities.

.....

## **ACAC’S LATEST BEAD ANALYSIS**

**ACA Connects** released the newest version of its BEAD Program Framework that was developed in partnership with consulting firm **Cartesian**. Version 4.0 uses the latest FCC National Broadband Map data, finding that the number of unserved and underserved locations dropped to 10.3 million using June 2023 data from 12 million based on December 2022 data. That revised number puts the estimated number of BEAD eligible locations at 6.4 million, down from 7.4 million in Version 3. The drop reflects the various edge outs and existing government programs that are ramping up. “The number should decrease even further as you account for additional government-supported ‘committed’ and private sector ‘planned’ builds. At the end of the day, we estimate that the BEAD program should support the deployment of fiber infrastructure to at least 71% of eligible locations in the country—an excellent result for households that have so far been left behind,” ACAC President/CEO *Grant Spellmeyer* said in an introduction of the analysis. Another change in the new version is that updates to the map have reduced the number of unserved and underserved locations at the lower end of the fiber cost curve, resulting in a slight increase in the average cost to serve. The ACAC analysis puts the average cost to serve an unserved location at \$13,300 (up about \$175 from v3) and \$11,900 for underserved (an \$1,100 increase). When will we start to see states selected projects for funding? Not for a while, ACAC pushed back its assumed project award date to June 2024 from January, adding that “even that is optimistic.” The framework includes a national analysis and an analysis for each state, applying Cartesian’s proprietary and detailed model to develop fixed broadband deployment scenarios using a combination of BEAD funding and matching funds from providers.

.....

## **RATINGS**

**Lifetime** welcomed in 2024 with ratings winner “The Prison Confessions of Gypsy Rose Blanchard,” which had a linear delivery average of 1.1 million total viewers across all three nights of the docuseries. That makes it cable’s #1 new series of the 2024 TV season with A25-64, A25-54, W25-64 and W25-54. It’s been seen by more than 9.8 million total viewers across linear and digital to-date. – **ESPN’s** weekday lineup had itself a time Monday as five shows reached viewership milestones. The shows built up to the

Monday Night Football playoff game between the Buccaneers and the Eagles, which combined with the holiday meant more eyes on the network. “The *Pat McAfee Show*” had its most-watched episode since joining ESPN, bringing in 811,000 linear viewers. That’s a 70% improvement over the show’s previous record that came Dec. 26, and when including simulcast options like **YouTube** and **ESPN+**, that number grows to 946,000 total viewers. Morning debate show “First Take” beat its previous most-watched record of 918,000 average viewers with an average of 1.5 million viewers from 10am-noon. “Get Up” garnered 979,000 viewers Monday—up 34% from its previous high of 730,000 achieved last January—and the 2pm edition of “SportsCenter” had its largest single-day audience since being introduced in September with 727,000 viewers. “NFL Live” accumulated a record 937,000 viewers for Monday’s show.

\*\*\*\*\*

## HAPPY 5TH BIRTHDAY, 10G!

**CableLabs** celebrated the 5th anniversary of 10G at **CES** earlier this month. It has followed up by releasing a short [video](#) highlighting milestones along the way. 98% of homes passed by cable operators now have access to 1Gbps or greater broadband—a 50% increase from where the industry was five years ago. A new [blog](#) by *Carmela Stuart*, CableLabs’ Director of Future Infrastructure Group, dives into the 10G Lab in Louisville, Colorado and some recent collaborations. One example is **Flash Networks**, which is entering the cable industry. The company drives radio spectral efficiency and monetizes mobile internet traffic with its vHarmony Mobile Internet Services Gateway, but it was lacking access to a DOCSIS network to test its solution. The 10G Lab came to the rescue, providing the necessary infrastructure and networking to enable the company to gather informative metrics.

\*\*\*\*\*

## IFC BEGS YOUR PARTON

You usually don’t need a reason to celebrate *Dolly Parton*, but her birthday calls for a marathon on **IFC** starting Friday at 1pm and running through early Saturday morning. IFC will air three notable films featuring Parton: “Steel Magnolias,” “Nine to Five” and “The Best Little Whorehouse in Texas.” The event will also have interstitials titled “Dolly’s wisdom,” which will feature notable quotes from Parton during commercial breaks.

\*\*\*\*\*

## PEOPLE

*Jim Spadafore* is joining **Scripps Sports** as Senior Director, Revenue. He’ll start Jan. 22 and become the point of contact for **E.W. Scripps’** local stations with Scripps Sports assets in addition to being the sales lead for the **NHL’s** Golden Knights, Coyotes, the Big Sky Conference and for new deals signed in 2024 and beyond. Spadafore spent 19 years under the **Comcast Advertising** umbrella. He was GM, Comcast Spotlight from 2014-16 and was Regional VP, Midwest Region for **Effectv** for the past seven years. His career started as an intern with the Detroit Tigers, where he rose to become director of corporate sales.

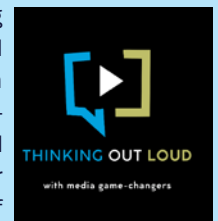
## What We’re Listening to

The latest episode in CTAM’s long-running “Thinking Out Loud” podcast just dropped with AMC Networks CEO Kristin Dolan on the mic, reflecting on the state of the business and the possibilities of Charter and Comcast’s Xumo venture. She’s a familiar industry name, having served as CEO of measurement firm 605 and COO at operator Cablevision, but she didn’t start out in the C-Suite.

She got her start in the business as an intern at AMC Networks (then called Rainbow Media) before accepting a paid job as a marketing coordinator 34 years ago, just two weeks after fellow AMC Networks alum Josh Sapan started. “He was really a creative visionary, as was Charles Dolan, in really being programming subject matter experts and picking interesting things that people wanted to watch,” she said during the conversation with CTAM President/CEO Vicki Lins. “I’m a huge consumer of television and film, but I’m not a visionary in that way. What my experience has led me to be good at, I think, is operating.” Dolan’s background also includes time on the boards of companies like Revlon and Wendy’s.

Looking back at everything she’s learned and what we know now about the initial transition from linear to streaming, Dolan said programming companies have been hit really hard with challenges related to the distribution of content through direct-to-consumer products. That’s why she is so excited about Xumo, and she said what she has seen from its initial launch to Charter customers has given her a lot of hope in the industry’s ability to stop the continued decline in video subscribers. “A company like Charter or Comcast is used to servicing customers, who is comfortable really evolving their products and taking the data and performance and the insights and the customer feedback and continuing to evolve in ways that provide a better experience for the customer, I think they will win out in the long run,” she said. “I think if they get this right, it really can give customers overall a much better experience in not having to switch HDMI’s and not having to worry about subscriptions. If it all can be managed through one really clever interface and backed by companies that can actually answer the phone and roll trucks, I think that it will make a lot of people’s lives a lot better.”

Another area where she wants to see programmers come together is in the development of better software that can better analyze content offerings across the wide libraries many companies hold today. There are solutions out there today, but they’re not that sophisticated. Dolan wants to see the development of a product that could dive deeper into the metadata and make it easier to introduce viewers to shows they have never seen before based on their previous choices. “How do we utilize everything we have in the cupboard and then augment it with great new shows?” she said.



# PROGRAMMER'S PAGE

## Nat Geo Has Disney+ Buzzing Like a Bee

Disney and Pixar struck gold with the 1998 movie "A Bug's Life," but it's taking things up a notch with a new, realistic spin. **National Geographic's** "A Real Bug's Life" will take viewers to a front-row seat of various critters when it premieres on **Disney+** on January 24. Each of the five episodes is set in a different environment with *Awkwafina* serving as the narrator and tour guide. Starting with a jumping spider surviving in the streets of New York City, the series makes stops in the jungle, at an English farm, in an overgrown backyard going through a makeover and in the African savanna. While the plot isn't centered around animated characters in a miraculous endeavor, it is a journey through what humans view as minuscule animals that are often deemed an annoyance. Series producer *Bill Markham* told **CFX** he and the production team were aware a program centered on bugs would be a hard sell for people, but the hesitation is answered with the question "What would Pixar do?" "[Pixar] made a hugely successful and entertaining series about a group of animals that some people call 'creepy crawlies,' and they've made these engaging characters, they've put them into an extraordinary situation and see what played out in unpredictable storylines," Markham said. The unpredictable storylines in *A Real Bug's Life* resemble an overview of life in general, giving these creatures a human and emotional feel. There's still the technological hurdle of getting up close and personal with these tiny insects, and considering that too much light can alter a bug's behavior, it was a delicate process to meander through. That was solved thanks to advances in LED lighting and with the cameras themselves. "The lenses and the cameras have become more light-sensitive, so you don't need as much artificial light to put on the subject," Markham said. "There's [also] a new generation of lenses called probe lenses, and they allow you to get up close with your subject tight on their faces, but also show the background." – *Noah Ziegler*

### REVIEWS

"Power Book III: Raising Kanan," new episodes stream Fridays, **Starz**. At the start of "Griselda" (see next review) a quote appears on screen attributed to the late drug kingpin *Pablo Escobar*: "The only man I was ever afraid of was a woman named *Griselda Blanco*" (again, see next review). Similarly, Escobar might have feared the dangerously gorgeous Raquel "Raq" Thomas (*Patina Miller*), matriarch of a successful drug family in Starz's "Raising Kanan." Unfortunately, despite her short fuse and enormous nails, Raq doesn't scare her son, Kanan (*Mekai Curtis*), who barely acknowledges her. As such, Raq's sudden departure from the drug trade doesn't discourage Kanan from building a thriving illegal enterprise. Other than Kanan, everyone else fears Raq, including Kanan's bud "Famous" Figueroa (*Antonio Ortiz*) and capo Stefano Marchetti (*Tony Danza*). Unfortunately, even Miller's fierce portrayal can't overcome weak storytelling. For no apparent reason, Raq resumes her career as a drug overlord, destroying her character's cred. Still, Miller's strong portrayal balancing motherhood and gang boss makes for entertaining viewing. – "Griselda," premiere, Thursday, **Netflix**. Meanwhile, over on Netflix, a IRL drug queen, the aforementioned *Griselda*, returns to life in the body of fellow Colombian *Sofia Vergara*, who gives a dazzling performance. Simply put, saying Vergara is outstanding here is an understatement. It's a shame the 6-ep series' plot, though good, isn't at her level. – *Seth Arenstein*

BASIC CABLE P2+ PRIME RANKINGS* (01/08/24-01/14/24)		
MON-SUN	MC US AA%	MC US AA (000)
<b>FNC</b>	<b>0.797</b>	<b>2513</b>
<b>MSNBC</b>	<b>0.493</b>	<b>1555</b>
<b>CNN</b>	<b>0.333</b>	<b>1049</b>
<b>HIST</b>	<b>0.275</b>	<b>867</b>
<b>HGTV</b>	<b>0.258</b>	<b>813</b>
<b>ESPN</b>	<b>0.253</b>	<b>797</b>
<b>USA</b>	<b>0.251</b>	<b>792</b>
<b>TBSC</b>	<b>0.234</b>	<b>737</b>
<b>TLC</b>	<b>0.194</b>	<b>612</b>
<b>HALL</b>	<b>0.188</b>	<b>592</b>
<b>INSP</b>	<b>0.186</b>	<b>588</b>
<b>TVLAND</b>	<b>0.155</b>	<b>488</b>
<b>FOOD</b>	<b>0.152</b>	<b>480</b>
<b>BRAVO</b>	<b>0.143</b>	<b>450</b>
<b>GSN</b>	<b>0.140</b>	<b>442</b>
<b>ID</b>	<b>0.136</b>	<b>430</b>
<b>A&amp;E</b>	<b>0.136</b>	<b>428</b>
<b>BET</b>	<b>0.127</b>	<b>399</b>
<b>DISC</b>	<b>0.126</b>	<b>398</b>
<b>HMM</b>	<b>0.122</b>	<b>385</b>
<b>LIFE</b>	<b>0.117</b>	<b>370</b>
<b>OXY</b>	<b>0.100</b>	<b>315</b>
<b>NATGEO</b>	<b>0.092</b>	<b>290</b>
<b>WETV</b>	<b>0.088</b>	<b>279</b>
<b>MTV</b>	<b>0.086</b>	<b>270</b>
<b>NWSMX</b>	<b>0.085</b>	<b>269</b>
<b>NAN</b>	<b>0.082</b>	<b>259</b>
<b>ESPN2</b>	<b>0.082</b>	<b>258</b>
<b>SYFY</b>	<b>0.081</b>	<b>256</b>
<b>AMC</b>	<b>0.080</b>	<b>253</b>
<b>FX</b>	<b>0.080</b>	<b>252</b>
<b>COM</b>	<b>0.077</b>	<b>244</b>
<b>ADSM</b>	<b>0.075</b>	<b>235</b>
<b>FETV</b>	<b>0.069</b>	<b>216</b>
<b>TRAVEL</b>	<b>0.068</b>	<b>215</b>

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

**THE FAXIES**  
RECOGNIZING EXCELLENCE IN PR & MARKETING

**NOMINATE NOW**

The FAXIES awards recognize excellence across all areas of marketing, communications, and PR within the industry, seeking groundbreaking, engaging, interactive and creative campaigns. Help us celebrate the people who keep our industry flourishing.