

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Gavel Bang: Supreme Court Strikes Down Chevron

The Supreme Court released three opinions Friday morning, but the one that sent shockwaves through the industry was the 6-3 overturning of the Chevron doctrine in *Loper Bright Enterprises v. Raimondo*.

Chevron came into play in times when laws passed by Congress were not entirely clear. Courts were directed to rely on federal agencies during these times for the interpretation of the statute. Chief Justice *John Roberts* said in the majority opinion that the doctrine was fundamentally misguided because agencies have no special competence in resolving statutory ambiguities. The courts, on the other hand, do.

“The Nation managed to live with busy executive agencies of all sorts long before the Chevron revolution began to take shape in the mid-1980s. And all today’s decision means is that, going forward, federal courts will do exactly as this Court has since 2016, exactly as it did before the mid-1980s, and exactly as it had done since the founding: resolve cases and controversies without any systemic bias in the government’s favor,” Associate Justice *Neil Gorsuch* said in a concurring opinion.

Associate Justice *Elena Kagan* wrote the dissent, criticizing the Supreme Court for too often in recent years taking decision-making authority into its own hands that Congress previously assigned to the agencies.

“In one fell swoop, the majority today gives itself exclusive

power over every open issue—no matter how enterprise-driven or policy-laden—involving the meaning of regulatory law,” she wrote. “As if it did not have enough on its plate, the majority turns itself into the country’s administrative czar.”

The decision comes at a time when the **FCC** is in the middle of major court battles over some of its most controversial decisions, including orders to reclassify broadband as a Title II service and to institute digital discrimination rules.

Some of those most impacted by the agency’s policy changes between different administrations were the first to respond to the news out of the Supreme Court. **ACA Connects** called the decision a game changer for its member companies, providing certainty and stability to justify long-term investment in their businesses.

“For too long, they have been subject to wild fluctuations in the regulatory environment that further political ends regardless of the law,” President/CEO *Grant Spellmeyer* said in a statement. “This decision puts legislative power back where it belongs: in the hands of Congress.”

Former FCC Commissioner *Michael O’Rielly* also celebrated the decision, saying in a post on **X** that he spent two decades writing laws only to watch as agencies would “interpret” the text, including at the FCC.

“Congress gets its authority back with burden to draft more precise laws,” the post said. “Jurisdiction/authority limits matter!”

**Public Knowledge’s** opinion lay on the other side of the

## DIVERSITY

## & THE PRIDE LIST

+ WORKPLACE CULTURE IN 2024 & BEYOND

PRESENTED BY CABLEFAX



It’s time to nominate for The Cablefax Diversity and Pride List! Cablefax annually recognizes influential multi-ethnic execs for their dedication to diversity in the industry. Our issue spotlights The Pride List, honoring impactful LGBTQ+ execs. Other categories include D&I Mentor of the Year and Thrivers Under 30.

**NEW: A Celebration of Work Culture in 2024**—We’re looking for innovative employers who are at the forefront of providing attractive and inclusive work environments.

**NOMINATE NOW**

Entries Close: July 19th, 2024

spectrum, worried that from this day forward, no consumer protection will be safe.

“Even if Congress can write with such specificity that a court cannot dispute its plain meaning, Congress will need to change the law for every new technology and every change in business practice,” SVP *Harold Feld* said in a statement. “Even at the best of times, it would be impossible for Congress to keep up. Given the dysfunction of Congress today, we are at the mercy of the whims of the Imperial Court.”

\*\*\*\*\*

## FIRST PRESIDENTIAL DEBATE OF 2024 IN THE BOOKS

Last night's presidential debate on **CNN** featured policy discussions and even arguments about the candidates' golf handicaps, and **Nielsen** Fast National data shows a combined 47.9 million total viewers tuned in to the event. That's a big drop from the nearly 73.1 million viewers who watched the first presidential debate of 2020, which was between President Joe Biden and former President Donald Trump as well. Notably, Thursday's debate did come earlier than when debates normally have occurred in the past (the first 2020 debate happened in September). It was also simulcast across broadcast and cable nets like **Fox News**, **CBS News** and **One America News**. Specifically under the CNN umbrella, 11.4 million viewers watched on CNN, CNN.com, CNN on Max, **CNN en Español** and **HLN**. The linear number from CNN (8.7 million), CNN en Español (46,000) and HLN (251,000) was 9.04 million, beating out Fox News' 8.8 million, **ABC's** 8.7 million and **MSNBC's** 3.97 million. Fox News' number increases to 12.74 million viewers when you include **Fox Business Network**, Fox Network, FoxNews.com and **Fox Nation**. Thursday's debate also came with some format changes. Candidates didn't have opening statements but were allowed closing remarks, microphones were automatically muted when the candidate's time to speak ran out and there was no in-person live audience. The next presidential debate is set for Sept. 10 at 9pm on **ABC News**.

\*\*\*\*\*

## NETFLIX OFFERS ENVIRONMENTAL IMPACT UPDATE

**Netflix** shared its fifth ESG report this week, and the streamer is on track to meet its goal of halving its carbon emissions by 2030. Due to reduced production work in 2023, the majority of Netflix's emissions came from its corporate operations with a small portion being attributable to its streaming service. Netflix is actively working to replace its diesel generators with clean mobile power and fossil fuel vehicles with electric or other low emissions vehicles. In 2023, all productions directly managed

by Netflix incorporated those solutions. The company also revealed its newly expanded west coast production facility in Albuquerque, New Mexico. The location features four new soundstages, three mills, one production office, two stage support buildings and two dedicated backlot areas across its 108 acres. On the campus, the company installed geothermal heating and cooling, built on-site solar and battery storage systems and EV charging infrastructure with fast chargers to power the electric vehicles used on productions.

\*\*\*\*\*

## AT THE COMMISSION

**FCC** Chair *Jessica Rosenworcel* sent letters to **AT&T**, **Charter**, **Comcast**, **Cox**, **DISH**, **Frontier**, **Lumen**, **T-Mobile** and **Verizon** Thursday questioning how the companies are taking steps to prevent robocalls using artificial intelligence for political campaigns. In the correspondence, she referenced the fraudulent robocalling campaign in New Hampshire that used AI to clone the voice of President *Biden*. “As AI tools become more accessible to bad actors and scammers, we need to do everything we can to keep this junk off our networks,” she wrote. She requested answers to a number of questions by July 15, including how each company is involved in the Industry Traceback Group and if they have dedicated resources, human and/or technological, capable of identifying generative AI voice.

\*\*\*\*\*

## CARRIAGE

OTT solutions company **Zeam Media**, which recently launched free streaming platform **Zeam**, added a few new channels to the service including some from **TEGNA** and **Hubbard Broadcasting**. Joining Zeam is **Always Funny TV**, which is made by the creators of “America's Funniest Home Videos.” **TEGNA's Locked on Sports** and **True Crime Network** will also be added to the lineup in addition to select Hubbard local stations spanning Minnesota, New Mexico and upstate New York. Zeam is available on Apple and Android mobile devices as well as CTV platforms **Apple TV**, **Amazon Fire TV** and **Roku**.

\*\*\*\*\*

## RATINGS

The group stage of **UEFA Euro 2024** was the most-watched group stage telecast average ever on English-language networks in the U.S. **Fox Sports 1** and **Fox** averaged 1.05 million viewers, up 30% from the 2021 Euro group stage mark of 806,000 and beats the previous record of 1 million set in 2012. Eighteen group stage telecasts surpassed 1 million viewers. – **Hallmark Channel's** “When Calls the Heart” finished its 11th season as the most-watched original program on

entertainment cable among households, total viewers, W18+ and P18+, according to Nielsen L+3 data. Season 11 reached 7 million unduplicated total viewers, which helped the show become the most-watched entertainment cable program every Sunday for 12 straight weeks across households, total viewers, W18+ and P18+. Hallmark Channel was also the most-watched entertainment cable network in weekend total day among households, total viewers, W18+ and P18+ in addition to No. 1 in weekend prime for households and W18+. Season 11 ran from April 7-June 23, and Season 12 will return in 2025.

Kong: The New Empire” will make its streaming debut on the Fourth of July. Max will roll out the film Thursday, which will be accompanied by a version of the film with American Sign Language. – Fox Sports’ next documentary will be “Welcome to the J-Rod Show.” It’ll follow the journey of Julio Rodríguez from his beginnings in the Dominican Republic to his MLB debut with the Seattle Mariners in 2022. The doc will premiere July 16 at 11:30pm on Fox Sports 1 following the network’s postgame coverage of the 2024 MLB All-Star Game. – Apple TV+’s live-action family series “Me” will premiere July 12.

PROGRAMMING

NASCAR is getting ready for a weekend in Nashville. The Xfinity Series Practice and qualifying will kick things off Saturday at noon on USA, with the Xfinity Series Tennessee Lottery 250 taking place that day at 5pm. Sunday’s Cup Series Ally 400 will be on NBC and Peacock at 3:30pm. – “Godzilla X

PEOPLE

Verizon elected Merck & Co EVP/CFO Caroline Litchfield to its board, effective Oct. 1. Her addition will bring Verizon’s total board membership to 11. She joined Merck in 1990, since holding a wide range of positions across the company’s country, regional and global finance functions.

CABLEFAX DASHBOARD

Social Media Hits

ESPN PR @ESPNPR In honor of John Anderson's final @SportsCenter episode Friday night (Midnight ET, ESPN) - take a look back at some of his most iconic 'This Is SportsCenter' commercials [Video player showing John Anderson]

NAB National Association of Broadcasters @nabtweets NAB Pres. and CEO Curtis LeGeyt and Eddie Harrell Jr., RVP/GM, Cleveland, Radio One, testified before a House Judiciary Subcommittee about the free, essential services local radio stations provide, which would be undermined by a performance royalty on our hometown broadcasters. [Grid of photos from the hearing]

Mike Romano @MikeRomanoNTCA Incredible week across Nashville TN, Brandon & Garretson SD, and Rock Valley & Sioux Center IA - broadband leadership talks, testing WiFi in a rural state park, & seeing impacts of devastating floods on communities & the promise of resilient networks, among other things. 1/ [Grid of photos showing rural broadband projects and flood damage]

Up Ahead JULY 2: Cablefax Diversity and Pride List Award Entry Deadline JULY 10-17: TCA Summer Press Tour JULY 14-16: NTCA 2024 Summer Symposium; Olympic Valley, CA JULY 28-31: Fiber Connect 2024; Nashville AUGUST 19-22: The Independent Show 2024; Nashville