

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Stay Granted: Court Hits Pause on Title II, Wants Oral Arguments This Fall

The U.S. Court of Appeals for the Sixth Circuit granted broadband providers' request for a stay of the FCC's Title II open internet rules pending their legal challenge.

"Because the broadband providers have shown that they are likely to succeed on the merits and that the equities support them, we grant the stay," the three-judge panel wrote in its decision Thursday. The court had [previously](#) granted a temporary stay until Aug. 5 to evaluate whether a longer stay was warranted.

The FCC rules returning broadband to a Title II regulatory regime were originally set to go into effect on July 22. Chairwoman *Jessica Rosenworcel* issued a brief statement after the stay was granted: "The American public wants an internet that is fast, open, and fair. Today's decision by the Sixth Circuit is a setback but we will not give up the fight for net neutrality."

The Sixth Circuit said net neutrality is likely a major question requiring clear congressional authorization. "The petitioners are likely to succeed on the merits because the final [FCC] rule implicates a major question, and the Commission has failed to satisfy the high bar for imposing such regulations," the court said. It declined to delve into petitioners' arguments that the FCC exceeded its authority. The panel also granted the stay because it said petitioners have shown the possibility of irreparable injury, such as delays in product rollouts and disadvantages in negotiating interconnection agreements.

Oral arguments are to be set for the court's fall sitting, Oct. 28-Nov. 1, which seems pretty aggressive (of course, there have been years of practice arguing about this). Petitioners, which include **NCTA**, **ACA Connects** and **USTelecom**, must submit their opening brief by Aug. 12, with respondents to submit their brief by Sept. 11 (or 30 days after petitioners file their brief).

The FCC voted 3-2 in April to reclassify broadband as a common carrier service, with opponents immediately arguing that it runs afoul of the major questions doctrine, the principle that courts should not presume Congress turned over major political and economic decisions to agencies. The Commission has used the Brand X decision as support for its net neutrality order, pointing to Brand X's silence on the major questions doctrine. "But silence is just that. It is particularly irrelevant when it comes to comparing the 2002 Brand X rule (which sought only light touch authority under Title I) and the 2024 rule (which seeks broad authority to regulate broadband providers like common carriers under Title II)," the court said.

The decision noted that the Commission argued that petitioners have not submitted quantitative estimates of their compliance costs or identified specific plans that the new rule threatens. But the court said the rule itself acknowledges that reclassifying broadband providers as a Title II telecommunications service may lead to some increase in compliance costs. "Although the Commission has found these costs to be small relative to the rule's overall benefit, we do not evaluate

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that tradeoff once we conclude that the Commission likely exceeded its legal authority,” the court concluded.

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ALTICE USA'S TOUGH 2Q

It's hard to look past **Altice USA's** 2Q24 broadband losses. The 51,000 residential losses mark the operator's worst loss to-date, and its share price reflected it, down 10% at market close. There is some hope things will get better. “In July, we see stabilizing broadband subscriber returns compared to the prior year July. We continue to see pressure from the low-income segments, but we are pleased with the underlying stabilization of the business which gives us confidence that we are well positioned to return to long-term growth,” CFO *Marc Sirota* said during Thursday's earnings call. While ACP played a part, Altice suggested it had a “nominal” impact on churn, with the company helping those rolling off right size their options. A bigger issue was less activity from the low-income segment, partly due to deep discounts from fixed wireless and ILECs. For the quarter, total revenue came in at \$2.2 billion, down 3.6% year over year. Adjusted EBITDA fell 5.9% YOY to \$867.2 million, and net income fell to \$15.4 million from \$78.3 million in 2Q23. One bright spot was mobile. Altice is not **Comcast** and **Charter**. It's never had the sort of take rate that they've had for mobile services, partly due to its use of **Sprint** (and now **T-Mobile**) for its MVNO. There are signs things are picking up, with mobile line net adds of 33,000 during the quarter, up from 16,000 a year ago. That's the best quarter for the service since the relaunch on the T-Mobile network. Altice recently began offering mobile in B2B. “If Altice has a way out of the mess that they're in—and it certainly is a mess—it will start with finding at least something that's growing, not least because they'll eventually need to convince creditors to roll debt maturities, (even if those maturities are thankfully still a few years out). That wireless doesn't just offer revenue and EBITDA benefit but also (eventually) broadband churn benefit as well is a bonus,” **MoffettNathanson** said in a research note. CEO *Dennis Mathew* has been clear that the operator is in the midst of executing a turnaround plan that will take time. Investors may wish there were more fruits from that work, though the company did tout Net Promoter Score growth of +34 points in the last two years and customer experience improvements that have resulted in a 56% increase in self-installs, 235,000 fewer truck rolls in the last 12 months and 1.7 million fewer inbound calls. A key component of Altice's plan is a hyperlocal focus. It launched a brand platform and marketing campaign in April dubbed “Where local is big time.” “Optimum's size, scale, and local leadership teams put us in a unique position to operate at a hyper-local level, and we are already seeing the benefits of this tailored approach, with subscriber stabilization in nearly 100 markets where we've

focused our hyper-local segmentation efforts,” Mathew said. “Our hyper-local go-to-market strategy is just gaining momentum, and we are confident that it will enable us to be more competitive in every market we serve.” Video losses during the quarter totaled 73,000. Mathew has touted an evolving video product, with Optimum launching an 80+ channel “Entertainment TV” package last month for \$30 for Optimum Stream customers (no major sports or news nets are part of it). Fiber expansion continues, with 62,000 new locations passed with fiber. Fiber adds fell to 40,000 from 53,000 in 1Q24. Penetration of the fiber network reached 15.3% at the end of the quarter, up from 9.4% a year ago.

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OLYMPICS OFF TO A HOT START

The Paris Olympics have taken the world by storm within less than a week since the Opening Ceremony, and it's no surprise that **NBCUniversal** and **NBC Sports** leadership were upbeat during a conference call Thursday morning with media. NBCU Chairman *Mark Lazarus*, NBC Sports President *Rick Cordella* and NBC Olympics Production EP/President *Molly Solomon* each noted how things have been so far, so good with Olympics coverage, and they've got the ratings to show for it. NBCU's total audience delivery (TAD) average through Tuesday was 34 million viewers across “Paris Prime” (2-5pm) and U.S. primetime, which is up a whopping 79% from the COVID-altered Tokyo Olympics in 2021. On the Spanish-language side, **Telemundo's** coverage recorded a TAD of 318,000 viewers across Telemundo, **Peacock** and Telemundo streaming platforms. “We set the goal early on to make sure that America is unproductive all day long,” Solomon said. “We did some research on our viewership ... One in four said their work productivity declines during the Olympics. Two of three people said the Olympics provide an escape, and half said they're changing their daily routine to watch the Olympics. That's success to us.” Maybe it's folks wanting to see what *Snoop Dogg* is up to as the Olympics' “Ambassador of Happiness,” with the rapper resonating with fans on social media and being a figure in viral clips. But for NBCU, this Olympics has seen success with its aforementioned Paris Prime and U.S. primetime coverage. Lazarus noted how the productions are building two shows: one that's for live viewing, and one for fans to return and watch from a different perspective. However, the time zone difference is an interesting puzzle to piece together, but Solomon leaned on storytelling aspects to ensure audiences remain captivated throughout the day. “That's why the prime time shows, I think, are resonating. You can watch live in the afternoon if you're a sports fan and want a quick hit of it. But when you come back in prime time, you get to see how it all happens,” Solomon said.

VENU SPORTS PRICE SET

At last, **Venu Sports** revealed the starting price point it'll be available for customers upon its planned release in the fall. The **Disney, Fox and Warner Bros. Discovery** JV will start at \$42.99/month with a seven-day free trial. Customers who sign up for the launch price will get that rate for 12 months while having the ability to cancel at any time. The \$42.99 gives subscribers access to 14 live sports channels: **ESPN, ESPN2, ESPNU, SEC Network, ACC Network, ESPNEWS, ABC, Fox, Fox Sports 1, Fox Sports 2, Big Ten Network, TNT, TBS** and **truTV**, in addition to **ESPN+**. Venu will focus on live games and event coverage spanning the **NFL, MLB, NHL, NBA, WNBA**, Division-I football and basketball, soccer, tennis, golf and more. It'll host studio shows like ESPN's "SportsCenter," "College GameDay" and "The Pat McAfee Show" as well as Fox's "The Herd with Colin Cowherd" and TNT's "Inside the NBA," which will air until the NBA's current media rights deal expires after the 2024-25 season. Additionally, it'll have on-demand content led by ESPN's "30 for 30" library and other documentary programming.

BULK BILLING BRAWL

Not much has happened on bulk billing since **FCC** Chairwoman *Jessica Rosenworcel* circulated a proposal in March to begin a rulemaking that proposes to ban the practice. Some public interest groups are hoping to change that. While there's been pushback against such a ban by nonprofits like the **Council of Large Public Housing Authorities** and **Education Superhighway, Public Knowledge, the American Economic Liberties Project** and nearly 30 other groups sent a letter Thursday urging the FCC to seek comment on the bulk billing proposal. "Bulk billing arrangements sacrifice consumer choice to preserve in-building monopolies at the expense of tenants. For the many tenants trapped with high-cost or less-capable internet that does not meet their needs, an opt-out option provides a vital escape," the letter said. "This is especially true for those eligible for low-income plans or the Lifeline subsidy, which, by definition, are not available in a bulk billing arrangement. It also introduces competitive pressure to ensure that landlords and [broadband providers] do not enter sweetheart deals at the expense of tenants—particularly low-income tenants." The newly formed **Bulk Broadband Alliance**, which counts **ACA Connects** and the **National Multifamily Housing Council** as members, countered that bulk billing arrangements have long provided lower-cost and higher-quality communications services for millions of Americans who live in multi-tenant environments, many of whom live on fixed incomes. "For that reason, the FCC in 2010 declared that these arrangements 'predominantly benefit consumers,' and the agency has not seen fit since then to alter that finding," the Alliance said. "The unsubstantiated claims of the public interest groups do not diminish that reality. Moreover, their proposal to enable a resident to 'opt-out' defies economic reality and would harm the greater good. The Bulk Broadband Alliance urges the FCC to withdraw its proposal to regulate bulk billing, thus ensuring more affordable, high-quality broadband

for American consumers and continued progress in closing the digital divide."

LAYOFFS HIT DISNEY

Disney Entertainment Television underwent layoffs Wednesday, impacting around 140 employees or 2% of its workforce. **National Geographic** was the hardest hit sector with 60 layoffs (~13% of its overall team). **Freeform**, Disney-owned TV stations as well as marketing and publicity teams were also affected.

SPECTRUM BUSINESS GETS IN ON SUNDAY TICKET

EverPass Media, the commercial rights holder of **NFL Sunday Ticket**, struck a deal with **Spectrum Business** to distribute Sunday Ticket and **Peacock Sports Pass** throughout its 41-state footprint. New and existing Spectrum Business customers across bars, restaurants, hotels and other commercial venues can get the out-of-market game package, but it's not the only feature Spectrum Business is rolling out this football season. It's introducing the Spectrum Business Sports Fan TV package, a new sports video tier aimed at commercial establishments and features over 40 live and local sports channels. It's available for \$79.99/month as a standalone offering or \$59.99/month when bundled with another Spectrum service for 12 months. Lastly, Spectrum Business revealed it'll again carry Thursday Night Football games for customers this season.

FIBER CONNECT SHIFTS TO JUNE

Fiber Connect is changing seasons from late summer to late spring next year, setting its 2025 dates for June 1-5 at the Gaylord Opryland in Nashville. The shift will likely ease the travel schedules of those looking to attend both the **Fiber Broadband Association's** keystone conference and **NCTC** and **ACA Connects' Independent Show**. This year, the conferences, both taking over Nashville, were set just three weeks apart.

MURPHY HEADS TO ASTOUND

Longtime **Comcast** mainstay *Toni Murphy* is joining the **Astound Broadband** team as its EVP/COO, replacing *Chris Fenger*, who retired after 13 years in that role. Murphy's new gig will have her handle the company's daily operations and set Astound's strategic direction. She joins after a 15-year endeavor under the Comcast umbrella, holding a litany of management roles that culminated by becoming SVP of the company's Keystone Region and then SVP, Sales and Marketing for Comcast's Central Division. While with the Central Division, she led consumer sales and marketing for Xfinity TV, internet, voice, home and mobile products. Murphy also sits on the board of Eat 'N Park Hospitality Group, a family-owned restaurant chain spanning Pennsylvania, Ohio and West Virginia.

In The WILD

A Cablefax feature highlighting industry doings spotted in the real world.

Comcast NBCUniversal returned to the French ambassador's residence in a tony section of D.C. Friday evening to celebrate the opening of the Olympics. The elegant Tudor was also the venue for its "Road to Paris" [kickoff event](#) in September, which started the company's unofficial count-down to the Summer Games.



Friday's soirée was yet another sophisticated affair, though it understandably lacked the star power of September's shindig given that many are in Paris for the big to-do. While partygoers noshed on American and French hors d'oeuvres, Mike Tirico was guiding NBC and Peacock viewers through an ambitious (and controversial) Opening Ceremony that used the City of Love as its main stage. There were some famous faces among the evening's crowd in D.C., including CNN anchor Jim Acosta and NBC Washington Chief Meteorologist Doug Kammerer.



Guests were treated to breaking (a new sport for this year's Games) and martial arts performances as they entered the residence. A costumed NBC Peacock made the rounds, while mimes mingled. In a clever twist, the evening's red, white and blue pins could be used to express support for either France or America—smart given that both English and French conversations could be heard throughout the night.

Let's do it all again in two years at Villa Firenze! Evviva!

LUMEN LOOKS TO CORNING FOR FIBER CABLE SUPPLY

To help support data center demands stemming from the rise of artificial intelligence, **Lumen** tapped **Corning** to supply next-generation fiber-optic cable. The agreement will more than double Lumen's U.S. intercity fiber miles, which enhances capacity for major cloud data centers that utilize high bandwidth applications. It also entails Lumen reserving 10% of Corning's global fiber capacity for each of the next two years.

COMCAST ADVERTISING EXPANDS COMSCORE PARTNERSHIP

Comcast Advertising is looking to work more with **Comscore**, and the two are growing their partnership to enable enhanced cross-platform signal validation through Comcast Advertising's Signal Authentication offering. The Signal Authentication offers a privacy-first scaled solution spanning nearly 32 million U.S. households. It helps deliver more accurate data regarding reach and frequency in addition to attribution measurement for linear and streaming TV.

PROGRAMMING

YES Network is coming out with a new baseball-themed animated children's series. "HexClad Presents Bronx Buds" will premiere the morning of Aug. 17, following the journeys of a fictional youth baseball team based in the Bronx. The series will be available to registered YES app users in its coverage territory. – **ESPN** is keeping **Paul Finebaum** around, signing the prominent **SEC Network** and ESPN Radio host to a multi-year extension. Finebaum will continue to headline "The Paul Finebaum Show" and will remain a commentator on "SEC Nation." – **Fox Business'** **Kelly O'Grady** will have a half-hour special "The Crypto Campaign" on Friday at 8pm. The program will look at the Bitcoin 2024 Conference and the relevance cryptocurrency has in society and in political campaigns.

PEOPLE

Tony Goncalves is joining the media measurement company **Mediaprobe** as an advisor. Goncalves is currently the Founder/CEO of the growth strategy and global media advisory firm **The Evrose Group**, which helps scale Portugal-based founders and businesses like Mediaprobe. Previously, he served as **Warner-Media's** CRO where he helped with the launch of **HBO Max**. Goncalves also was SVP, Strategy and Business Development for **AT&T**, in which he helped the company pivot into streaming video with the introduction of DirecTV Now.

EDITOR'S NOTE

Cablefax Daily will not publish Friday, but stay tuned to [Cablefax.com](#) for any breaking news and updates. Your next issue will arrive Monday, Aug. 5.

PROGRAMMER'S PAGE

Who is Being 'Influenced' Here?

Can influencers make the shift from TikTok and Instagram to an SVOD streamer? I'm not sure. Amazon debuted "Influenced" on Prime Video Thursday. Described as the next evolution of a talk show, Influenced features a panel of social media personalities (*Achieng Agutu, Eyal Booker, Tefi Pessoa, Taryn Delanie Smith and Cyrus Veys*) talking about everything from wellness to travel across 10 half-hour episodes. If you don't know who they are, this show is probably for you. Our bet is that their fans will continue to turn to social to hear their opinions, while those unacquainted can check out Prime Video to get a better grasp on who they are and what they think. Influenced's first episode is a prime example of how the series can bridge that gap with the panel delving into work-life balance. I'll admit to rolling my eyes when beauty influencer Veys talked about their hardest job, which was as an assistant. "Every time I did something, the person that I had to be the assistant for told me it was wrong. I knew I was right. But I just had to say 'yes.' That's hard for me," they said. But listening to Tefi Pessoa, the eldest daughter of immigrant parents, reminded me of the career struggles and bosses from hell that those just starting out can encounter. "In New York City, I was being paid like \$20,000 a year, no insurance. I was eating pasta and bodega olives for two years straight. I sat down with [my boss] and I can remember I was so hungry, I could feel my stomach hurting. I asked him for a raise and he said, 'are you bad at saving money?'" she recalled. "After I quit, he told me I was not going to be anything." With 1.8 million followers on TikTok, Pessoa proved him wrong. Influenced's greatest obstacle appears to be finding its audience. I'm not convinced the hosts' followers will take the road to Prime Video with them, but it's an interesting look-in at influencer culture for those of us not influenced. – Amy Maclean

REVIEWS

"Lady in the Lake," streaming, Apple TV+. Similar to Sir Anthony Hopkins in the sandals and swords series "Those About to Die" (Peacock, reviewed last week), there are some good things about "Lady in the Lake." Like Those About, some of the best bits are not the acting or the storytelling. In Lady, it's hair, makeup, costumes and sets. They're spot on in this drama set in 1960s Baltimore. Moreover, the series, from Laura Lippman's 2019 novel of the same name, offers a pair of stories about strong women. The first woman is Cleo Johnson (*Moses Ingram*), a wife and mother desperate to improve her life, which includes bartending and bookkeeping for a local crime boss. She wants out of her work situation and possibly her marriage. As a Black woman, her options are more limited than those of the second story's protagonist, Maddy Schwartz (*Natalie Portman*). She's a white, wealthy housewife and mother. When Maddy acts on her desire for change, she is considered more than slightly crazy. Maddy abruptly leaves her family for a small apartment in a Black neighborhood in Baltimore and simultaneously finds the body of a missing youngster. While the series has its moments, Ingram and Portman can't salvage clunky storytelling and wooden supporting characters. Moreover, the narration foreshadows the ending. – Seth Arenstein



Cablefax's Programmer's Page will move to a monthly column beginning in August so that we can bring you new features. The ratings chart will continue to appear every Thursday, with Programmer's Page running on the first Thursday of each month.

BASIC CABLE		
P2+ PRIME RANKINGS*		
(07/22/24-07/28/24)		
MON-SUN	MC	MC
	US	US AA
	AA%	(000)
FNC	0.888	2800
MSNBC	0.481	1517
USA	0.277	875
CNN	0.267	842
HALL	0.205	648
INSP	0.187	591
HGTV	0.165	519
HIST	0.158	498
ESPN	0.154	486
TBSC	0.149	470
DISC	0.147	462
ID	0.131	412
FOOD	0.126	399
NWSMX	0.125	393
TLC	0.122	386
TVLAND	0.110	347
GSN	0.100	316
HALLMYS	0.100	314
REELZ	0.095	300
LIFE	0.086	271
TNT	0.082	259
WETV	0.081	257
A&E	0.078	247
FX	0.077	242
BRAVO	0.077	241
OXY	0.075	235
BET	0.074	234
ADSM	0.066	209
AMC	0.066	207
SYFY	0.063	197
NAN	0.060	190
TRAVEL	0.057	179
FETV	0.057	179
SNDNCE	0.056	176
PRMNT	0.054	171

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



December 4, 2024 | City Winery, NYC

Cablefax recognizes the 2024 Most Powerful Women for outstanding qualities including influence and leadership within the cable and broadband industry, as well as dedication to empowering other professionals to grow and thrive. Join us in honoring these women who break boundaries and set new standards.