

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Wrong Way: Industry Groups Warn FCC Over AI Political Ad Direction

The cable and broadcast industry showed up in force to protest proposed **FCC** rules aimed at providing greater transparency over the use of AI-generated content in political ads. While the industries understand the desire to protect the public from potentially misleading information, they don't believe the Commission has authority in this area.

On the surface, it may seem puzzling that anyone would object to a mere disclosure of when AI is used. However, opponents say the proposed rules are painted with too broad a brush. "While AI potentially could be used to create a false image or recording of a political candidate committing a heinous act or endorsing an unpopular policy, it could also be used to enhance the quality of a sound recording or an image shown in the advertisement. By grouping all types of artificial intelligence into one bucket, the Commission risks invalidating any form of artificial intelligence used in political advertisements without considering potential benefits," **ACA Connects** and **NTCA - The Rural Broadband Association** said in a joint filing.

Put more simply: "generative AI is not the enemy," and its use in a political ad is irreverent, said **NAB**, pointing to the FCC notice's list of benefits AI affords as well as the administration's efforts to seize its potential.

Opponents of the rulemaking also complained that the proposal creates disparate treatment of political advertisements

depending on the media platform, since the FCC doesn't have regulatory jurisdiction over digital platforms. In the same vein, the Commission is proposing that broadcasters and MVPDs, which it does have jurisdiction over, have the responsibility of asking advertisers if any AI-generated content was used. "But since broadcasters have no way to determine if the answer is true or not (and the FCC cannot require them to investigate the veracity of the claim), the unaccountable advertisers can feel free to disclose use of AI; to falsely claim they did not use any generative AI, even if the ad contains a deepfake; to truthfully answer that the ad does not use AI, even if it deceives audiences using less sophisticated means (e.g., 'cheapfakes'); or to simply not answer at all," **NAB** said in comments that were due this week.

When it comes to jurisdiction, **NCTA** said Congress has made the **Federal Election Commission** the "cop-on-the-beat" for this issue, with that regulatory agency currently considering measures to address deepfakes in political ads. Congress and the states are also considering various AI elections rules. The cable association cited the Supreme Court's recent decision in *Loper Bright Enterprises v. Raimondo* that threw out the Chevron doctrine, saying there's a lack of clear statutory authority here that's fatal to the Commission's ability to act.

Even if the FCC did have the authority to act, broadcast and cable view this as a violation of the First Amendment. "The rules as proposed are content- and speaker-based restrictions that would burden political speech and compel cable operators



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to carry the government’s message,” NCTA said.

Those in support of the AI disclosure rule think it is needed, timely and fitting—though not without room for improvement. **Public Knowledge** agreed that the proposal is too broad covering all AI-generated content, and recommended the FCC narrow the definition to: “potentially deceptive AI-generated content defined as an image, audio, or video that depicts an individual’s appearance, speech, conduct, or an event, circumstance, or situation that has been generated, in whole or in part, using computational technology or other machine-based system that emulates the structure and characteristics of input data in order to generate derived synthetic content.”

Also voicing support for the rules is a group of Democratic senators that includes *Ben Ray Lujan* (NM), *Mark Warner* (VA) and *Amy Klobuchar* (MN), though they urge the FCC to include an updated definition of “AI-generated content” to clarify that longstanding, basic editing tools are not considered as covered content. “While more must be done to address the risks that AI poses to our elections, we urge the FCC to adopt these rules as the 2024 presidential election is less than two months away and, in some states, voters can begin casting ballots as early as this month,” they wrote.

As for the arguments that the disclosures are applied disparately, **Public Knowledge** said it makes sense since broadcast/cable ads still surpass online ads in terms of campaign spending. Though ACA Connects and NTCA note that with the rise of digital viewership, it’s reasonable to expect the prevalence of advertisements on digital platforms to continue to rise.

FCC GIVES GREEN LIGHT TO ECHOSTAR’S 5G ASK

EchoStar [asked](#) the **FCC** for an extension on some of its 5G deployment deadlines earlier this week, and the Commission is onboard with the changes. Late Friday afternoon, the Boost Mobile operator announced the FCC had approved EchoStar’s updated network buildout framework, and it will now need to cover 80% of the U.S. population by the end of this year. To do so, it plans to accelerate and grow its final buildout milestones in more than 500 license areas. EchoStar also, in exchange for the extension, committed to making a wireless plan with a monthly price of \$25 or less and at least 30 GB of data available nationwide for the duration of the extension. “EchoStar is proud of all it has already achieved in deploying a next generation cloud-native Open RAN network that supports 21st century innovations, including artificial intelligence and the many more advancements yet to come. EchoStar appreciates

the opportunities afforded by the FCC’s new framework for that work to continue efficiently and effectively,” the company said in a statement.

UTAH HOCKEY CLUB UNVEILS DTC OPTIONS, BUNDLES

Utah Hockey Club is about to celebrate its inaugural **NHL** season, and it launched a DTC service to open access to as many fans as possible. UtahHC+ became available Friday and offers access to more than 75 live preseason and regular season games as well as pre- and post-game shows. Live game coverage begins Sunday at 5pm MT when Utah Hockey Club takes on the St. Louis Blues in Des Moines, Iowa. Other content currently available on UtahHC+ includes the first episode of “Fresh Ice presented by Delta Air Lines,” a series documenting moments of the team’s inaugural season on and off the ice. Annual subscriptions to the service are available for \$69.99, and fans who purchase an annual subscription by midnight MT on Sept. 30 will receive two single-goal view tickets to a regular season Utah Hockey Club game. Monthly subscriptions are available for \$14.99 and pay-per-view options start at \$5 per live game. **SEG Media** is also launching SEG+, a bundle that provides seamless access to UtahHC+ and Jazz+, the DTC service for the Utah Jazz. It is only available as an annual subscription for a price of \$174.99, and those that purchase by the Sept. 30 deadline will have their choice of two tickets to either team’s game plus 50% off a purchase of up to \$250 at both their online team stores.

STARLINK CHARGES MORE IN AREAS OF CONGESTION

Starlink is asking prospective customers in areas where it is experiencing network congestion to pay a little more upfront for their service. The provider is adding a one-time \$100 “Congestion Charge” to customers’ bills when they purchase or activate a new service plan. The provider also warned on its site that if customers change their service address or service plan at a later date, they may also be subject to the fee. “Our intention is to no longer charge this fee to new customers as soon as network capacity improves,” Starlink said on its customer support page. “If you’re not satisfied with Starlink and return it within the 30-day return window, the charge will be refunded.”

FIBER FRENZY

Charter turned on its product suite for more than 1,700 homes and small businesses in Knox County, Ohio. The

Cablefax Daily (ISSN 1069-6644) is published daily by Access Intelligence, LLC | www.cablefax.com | 301.354.2101 | Editorial Director: Amy Maclean, 301.354.1760, amaclean@accessintel.com | VP/Group Publisher, Cablefax and Synopsis: Robbie Caploe, 917.974.0640, rcaploe@accessintel.com | Managing Editor: Sara Winegardner, 301.354.1701, swinegardner@accessintel.com | Associate Editor: Noah Ziegler, 301.354.1704, nziegler@accessintel.com | Director of Business Development, Cablefax: Ellen Kamhi, 917.626.5574, ekamhi@accessintel.com | Production Manager: Joann Fato, jfato@accessintel.com | Kerry Smith, Divisional President, Marketing & Media Group, ksmith@accessintel.com | Group Subs/Subscription Questions, Client Services: 301.354.2101, clientservices@accessintel.com | Annual subscription price: \$1,999.00/year | Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

areas impacted include parts of Butler, Clay, Clinton, College, Harrison, Jackson, Liberty, Miller, Morgan, Morris and Pleasant Townships. The buildout is part of Charter’s Rural Construction initiative, an investment of \$9 billion in funding that will connect approximately 1.75 million new locations.

BLUEPEAK GOES WITH HARMONIC

Bluepeak Fiber selected Harmonic’s cOS virtualized broadband platform, which is software upgradable to DOCSIS 4.0 and fiber ready. Bluepeak will deploy Harmonic’s cOS virtualized software in a distributed access architecture with Harmonic’s Pebble Remote PHY Device and Ripple modular DAA node. The solution will streamline Bluepeak’s operations by consolidating multiple hubs into one or two hubs per region, boosting operational efficiency and resolving space and power constraints.

RATINGS

Thursday’s season finale between the Washington Mystics and Indiana Fever went down as Monumental Sports Network’s highest viewership for a regular season WNBA game in more than eight seasons. The Mystics 92-91 win outperformed this year’s most-viewed game (P2+) by 12%, according to the RSN. The game was also the largest attended game in WNBA history with 20,711 fans in attendance.

PROGRAMMING

Paranormal investigator Zak Bagans will explore the world’s most cursed locations in Discovery Channel’s “Destinations of the Damned with Zak Bagans.” The show premieres Oct. 2 at 11pm and will stream on discovery+ with a same-day binge-drop.

CABLEFAX DASHBOARD

Social Media Hits

Cynthia Littleton @Variety_Cynthia

Hooray for the Universal lot. NBCUniversal is throwing a party to show off its thoroughly renovated lot. A small orchestra is playing themes associated with the company. Here’s @lawandordertv



Jason Kilar @jasonkilar

The invention - and emergence - of streaming has led to 4 streaming companies already being worth over \$1 trillion collectively (YT, NFLX, TikTok, Instagram) in just 19 years. Both the cultural impact and the economic value being created = remarkable.

Owl! at the Library @SketchesbyBoze

Hallmark needs to start making Hallowe’en romances. She’s a gal from the big city seeking a new life in a small town. He’s a mysterious horseman cursed to throw his flaming head at passersby for eternity. And when these two meet one night, sparks, and heads, will fly.

 **Up Ahead**

- SEPT. 24-26: [SCTE TechExpo; Atlanta](#)
- SEPT. 29-OCT. 2: [NTCA Fall Conference; Indianapolis](#)
- OCT. 21-22: [WICT Network Leadership Conference; NYC](#)
- OCT. 22-23: [38th Annual NAMIC Conference; NYC](#)
- OCT. 23: [The Kaitz Dinner; NYC](#)
- NOV. 14: [Horowitz Research Cultural Insights Forum; Miami](#)