

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## To the Courts: NCTA Wants to Click to Cancel Proposed FTC Rule

NCTA joined together with the **Electronic Security Association** and the **Interactive Advertising Bureau** to submit a petition for review Tuesday against the **FTC's** recently adopted “click-to-cancel” rule in the Fifth Circuit. The final rule announced just last week aims to make it easier for consumers to end recurring subscriptions and memberships, creating a framework requiring companies to offer simple mechanisms to cancel subscriptions and immediately halt any charges to consumers, among other things. The rule covers negative option programs in which a customer must take affirmative action to decline an offer or discontinue a service.

Many of the rule's provisions are scheduled to go into effect 180 days after publication in the Federal Register if it isn't blocked, but provisions blocking entities from making any material misrepresentations in connection with the sale of products and services sold through covered deals. NCTA and its co-petitioners argue the FTC's order should be reviewed on the grounds that it is arbitrary, capricious and an abuse of discretion. They asked the Fifth Circuit to hold the rule as unlawful and determine it should be vacated.

“The Final Rule is an attempt to regulate all consumer contracts for all companies in all industries and across all sectors of the economy in which the customer purchases a service or subscription that will continue unless the customer exercises the option to cancel,” the petition said. “The Final Rule calls these ‘negative option’ contracts—estimated as covering over a billion paid subscriptions in the United States, Final Rule at 175—and deems

them all to be deceptive unless they comply with onerous new regulatory obligations regarding disclosures, how those disclosures are communicated, a ‘separate’ consent requirement, regulations of truthful company representative communications with customers, and prescriptive mandates for service cancellation, among others.”

As for NCTA's allies on the petition, the Electronic Security Association is the largest trade association representing the electronic security and life safety industry in the U.S. Services offered by member companies like **ADT** include fire detection, video surveillance and electronic access control systems. Its members employ more than 500,000 industry professionals and serve more than 34 million residential and commercial clients. The Interactive Advertising Bureau lives in the media and measurement space, looking to accelerate the transition from traditional analog media channels to digital platforms. Its members include **Disney, FreeWheel, EffectTV, NBCU, Netflix** and **Nexstar**.

The FTC will be busy at the Fifth Circuit in the coming months. The agency has appealed a ruling from a Texas federal court striking down its proposed rule banning new noncompetes with workers at all levels of organizations. Industry associations, including **ACA Connects**, have [spoken out](#) against the noncompete ban, arguing it will unnecessarily complicate efforts to close the digital divide.

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## KAITZ DINNER RAISES MORE THAN \$1 MILLION FOR DEI

Wednesday night's **Kaitz Dinner** raised more than \$1.1 million



VIEW HONOREES

## Congratulations 2024 Diversity & Pride List Honorees!

The Cablefax team is thrilled to announce the honorees for this year's Diversity & Pride List, recognizing the most influential multi-ethnic and LGBTQ+ executives in the industry along with our D&I Champion. New this year, we've interspersed Cablefax's Work Culture Awards to highlight the innovative and attractive work environments alongside the dynamic individuals of our Diversity and Pride Lists. [Visit our site to view the digital issue and read the Q&As from the honorees.](#)

for industry DEI efforts, including grants for **The WICT Network**, **NAMIC** and the **Emma Bowen Foundation**. Totals are still being calculated for the night's text fundraising campaign as well as a silent auction that included hot ticket items such as a signed *Pete Rose* jersey and tickets to see *Billy Joel* and *Sting*. Dinner co-hosts *Mark Greatrex*, President of **Cox Communications**, and *Angela Cannon*, **aspireTV** GM and SVP, Multicultural Networks, brought a few laughs to the evening when they were joined on stage by the Harlem Globetrotters, who will be starring in a travel series on **aspireTV** in December. Cannon impressively spun a basketball (with a Globetrotter assist), while Greatrex was a little flummoxed when asked to do a behind-the-back trick. "Oh Good Lord, you're talking to an Englishman!" he quipped. Cannon had the other winning line of the night when she declared that the Cox chief's "drip was drippin'!" *Ri-Karlo Handy* of The Handy Foundation was presented with Kaitz's 2024 Changemaker Award in the category of social impact for its work in helping underrepresented communities get below-the-line jobs in the entertainment and film industry. The Foundation was presented with a \$13,000 grant. The dinner marked the end of Diversity Week, but don't worry. The annual gathering is booked for Oct. 20-22 next year, once again at the New York Marriott Marquis.

## NBA COMMISH ON WBD

As the **NBA** and **Warner Bros. Discovery's** media rights conflict [continues in the courtroom](#), the upcoming season is [set to be the last](#) that **TNT Sports** will be part of before the league's partners become **Amazon**, **Disney** and **NBCUniversal**. NBA Commissioner *Adam Silver* spoke with **CNBC Sport** regarding several topics like sports betting, politics in the NBA, AI and more, but he also shed more light on what transpired between the league and WBD during negotiations. "I will just say absolutely there was a very good chance we were going to come to a deal with Warner Bros. Discovery, and we negotiated hard with them over several months, and they negotiated with us. And as I said, we just couldn't reach a deal at the end, but that was before we had the extensive negotiations with NBC," Silver said to **CNBC Sport**. He said there were discussions even before the exclusive negotiating period that entailed what the league wanted to see change and its ideal future landscape for media rights. That's when the idea of bringing in a third party (Amazon) began to make sense with the NBA wanting to expand its streaming presence. "I think there was a view that we could achieve those goals with it by adding a third partner, which we're also consistent with our current partners. That's how Amazon ended up coming to the table and we all worked hard to get to a deal with us and Warner Bros. Discovery, we weren't able to and of course, we could with Disney and essentially Amazon as

well," Silver said, before adding "when you're actually looking at the contract, that's a sign that the partnership isn't going as well, when people are bringing in the lawyers."

## T-MOBILE ON A HIGH AGAIN AFTER 3Q24 EARNINGS REPORT

**T-Mobile** continues to do what seems impossible, recording yet another quarter where they beat guidance across the board. Postpaid phone net customer additions reached 865,000, marking the company's best third quarter in a decade. Postpaid phone churn came in at 0.86%, a record low, and at the same time, T-Mobile brought in net broadband customer additions of 415,000. T-Mobile now claims a total of six million broadband customers served through its fixed wireless product. **MoffettNathanson** said in a note to clients that the strength in T-Mobile's core mobility business leaves it more bewildered than ever about why T-Mobile is diving into fiber. "The pushback we hear most often from nervous T-Mobile investors is that T-Mobile's diversion into wireline services, even if off balance sheet, is an admission that they see an end to their growth," the firm said, noting it often hears similar notes about T-Mobile's commitment to fixed wireless. "Today's results—they beat on every subscriber metric, and on revenue, margins, EBITDA, and free cash flow—offer a compelling reassurance that the company can walk and chew gum at the same time."

## ALTITUDE SPORTS LAUNCHES DTC

RSN **Altitude Sports** is the latest to launch a streaming option for consumers. **Altitude+** is available on the App Store and Google Play as well as on Apple TV. It will carry all live Denver Nuggets and Colorado Avalanche broadcasts not designated as exclusive to a national network will live on the service. Subscriptions are \$19.95/month within Altitude's nine-state territory and new customers who sign up via sports betting service **bet365** can receive their first two months of Altitude+ free. The app will also be available on connected smart TVs soon.

## CARRIAGE

**Philo** crossed the 100-channel mark after adding seven more to its free plan: **Architectural Digest**, **Bon Appétit**, **Christmas Plus**, **Electric Now**, **At Home with Family Handyman**, **Judge Nosey** and **The Design Network**. Philo's paid service comes with the 100+ free channels in addition to over 70 networks for \$28 per month. – **Cineverse** launched **GoPro Channel** on the sports and lifestyle streaming platform **Lights Out Sports TV**. The FAST channel will feature first-person action sports

content from around the world. Joining GoPro Channel soon will also be **Real Madrid TV**, which gives behind-the-scenes access to the Spanish soccer giant.

**FIBER FRENZY**

**WOW!**'s fiber services are now available in the Spring Hill area of Hernando County, Florida. That makes Spring Hill the 10th greenfield community in Florida, with plans to add 44,000 new homes in the area as part of WOW!'s ongoing expansion projects. – **Lumos** revealed plans to expand into Summit County, Ohio, thanks to a nearly \$110 million investment to build more than 1,400 miles of its fiber optic network. It's the second expansion news Lumos has made in the Buckeye State this year after announcing a \$240 million project in Mahoning Valley. – **Zipty Fiber** started construction of fiber networks in Homedale and Parma, Idaho. More than 1,100 homes and businesses across the two cities will get service once the project is finished. Today, over 350 addresses in Homedale and 100 in Parma can get the network, and over 300 additional addresses from each city will be added in the coming weeks.

**RATINGS**

The milestones keep coming for **ESPN's** "College GameDay." The show had its best Week 8 episode ever after averaging 2.3 million viewers during its stop in Austin for the Georgia vs Texas game. The final hour peaked at 3.8 million viewers, and College GameDay remains on pace for its best season in the show's history with an average of 2.2 million viewers. The **WNBA** also continued its strong 2024 season. Sunday saw the most-viewed WNBA Finals game in 25 years across ESPN platforms, averaging 2.2 million viewers as the Liberty clinched the title over the Lynx. Viewership peaked at 3.3 million viewers. The game was also a 142% improvement compared to last year's series-deciding Game 4 contest on ESPN. – The opening weekend of this year's Countdown to Christmas helped **Hallmark Channel** be the No. 1 entertainment cable network of the week among W18+. Hallmark was also the No. 1 entertainment cable net of the weekend among households and W18+. The first three original movies that are part of the event—"Twas the Date Before Christmas," "Holiday Crashers" and "Scouting for Christmas"—became the top three entertainment cable programs of the

week among households, total viewers and women and persons 18+.

**DOING GOOD**

The annual Making Strides of Hudson Valley walk was once again held at **Mediacom's** corporate HQ, and the company helped raise more than \$37,000 for the American Cancer Society. Employees, family members and friends raised an initial \$18,600 before the company matched that amount.

**PROGRAMMING**

The 10-episode second season of **Apple TV+**'s thriller "Severance" will premiere globally with the first episode Jan. 17. One episode will be released every Friday through March 21. Also in Apple TV+'s world, the conspiracy thriller "Prime Target" will make its global debut Jan. 22 with the first two episodes. One episode will drop per week through March 5.

**PEOPLE**

**NBCUniversal Telemundo Enterprises** named *Monica Albuquerque* as the SVP, Content and Development for Telemundo Studios. It's a newly created role that'll have Albuquerque manage the development of content for all linear and streaming platforms. She'll report to EVP, Telemundo Studios *Javier Pons*. Albuquerque arrives from **Warner Bros. Discovery Latin America** where she was Head of Scripted Content. – **Scripps** appointed *Matt Simon* as VP, **Scripps News**. He'll oversee the vision, leadership, editorial identity and programming for Scripps News' national coverage. Simon is currently the Deputy Managing Editor and Senior EP at Scripps News, managing the production of distributed and syndicated content across Scripps News and Scripps Local Media. He also had stints at the Chinese TV English-language network **CGTN** and **The Weather Channel**. – **The Syndeo Institute** at the **Cable Center** added four new board members: **BOYCOM Cablevision** President *Patty Boyers*, **AMC Networks** CEO *Kristin Dolan*, **Charter** EVP, Field Operations *Tom Monaghan* and **CableLabs** EVP, Chief People Officer *Lori Spencer*. "Their appointment is a testament to our ongoing commitment to innovation and forward-thinking leadership within the connectivity industry. We're confident their contributions will help accelerate our mission to inspire innovation, foster collaboration, and lead the next era of connectivity," said Syndeo President/CEO *Diane Christman*.

| BASIC CABLE<br>P2+ PRIME RANKINGS*<br>(10/14/24-10/20/24) |                 |                      |
|---|-----------------|----------------------|
| MON-SUN   | MC<br>US<br>AA% | MC<br>US AA<br>(000) |
| <b>FS1</b>  | <b>0.938</b>    | <b>2976</b>          |
| <b>TBSC</b>   | <b>0.824</b>    | <b>2614</b>          |
| <b>FNC</b>  | <b>0.809</b>    | <b>2564</b>          |
| <b>ESPN</b>   | <b>0.674</b>    | <b>2136</b>          |
| <b>MSNBC</b>  | <b>0.404</b>    | <b>1280</b>          |
| <b>HALL</b>   | <b>0.235</b>    | <b>744</b>           |
| <b>CNN</b>  | <b>0.193</b>    | <b>611</b>           |
| <b>HGTV</b>   | <b>0.157</b>    | <b>499</b>           |
| <b>INSP</b>   | <b>0.154</b>    | <b>489</b>           |
| <b>USA</b>  | <b>0.140</b>    | <b>443</b>           |
| <b>DISC</b>   | <b>0.138</b>    | <b>439</b>           |
| <b>TLC</b>  | <b>0.119</b>    | <b>378</b>           |
| <b>FOOD</b>   | <b>0.117</b>    | <b>370</b>           |
| <b>HIST</b>   | <b>0.114</b>    | <b>361</b>           |
| <b>ESPN2</b>  | <b>0.110</b>    | <b>349</b>           |
| <b>ID</b>   | <b>0.098</b>    | <b>310</b>           |
| <b>TNT</b>  | <b>0.097</b>    | <b>308</b>           |
| <b>TVLAND</b>   | <b>0.090</b>    | <b>287</b>           |
| <b>NWSMX</b>  | <b>0.087</b>    | <b>275</b>           |
| <b>HALLMYS</b>  | <b>0.086</b>    | <b>272</b>           |
| <b>REELZ</b>  | <b>0.075</b>    | <b>239</b>           |
| <b>GSN</b>  | <b>0.074</b>    | <b>235</b>           |
| <b>LIFE</b>   | <b>0.074</b>    | <b>234</b>           |
| <b>A&amp;E</b>  | <b>0.071</b>    | <b>226</b>           |
| <b>AMC</b>  | <b>0.069</b>    | <b>219</b>           |
| <b>FRFM</b>   | <b>0.067</b>    | <b>212</b>           |
| <b>BRAVO</b>  | <b>0.066</b>    | <b>210</b>           |
| <b>WETV</b>   | <b>0.065</b>    | <b>207</b>           |
| <b>BET</b>  | <b>0.064</b>    | <b>202</b>           |
| <b>OXY</b>  | <b>0.063</b>    | <b>201</b>           |
| <b>NAN</b>  | <b>0.059</b>    | <b>189</b>           |
| <b>FX</b>   | <b>0.058</b>    | <b>184</b>           |
| <b>PRMNT</b>  | <b>0.056</b>    | <b>176</b>           |
| <b>NATGEO</b>   | <b>0.054</b>    | <b>170</b>           |
| <b>ADSM</b>   | <b>0.052</b>    | <b>163</b>           |
| <b>FETV</b>   | <b>0.051</b>    | <b>161</b>           |
| <b>COM</b>  | <b>0.049</b>    | <b>155</b>           |
| <b>TRAVEL</b>   | <b>0.047</b>    | <b>150</b>           |
| <b>MTV</b>  | <b>0.045</b>    | <b>142</b>           |
| <b>SYFY</b>   | <b>0.041</b>    | <b>131</b>           |
| <b>GAF</b>  | <b>0.040</b>    | <b>128</b>           |
| <b>IFC</b>  | <b>0.040</b>    | <b>126</b>           |
| <b>HLN</b>  | <b>0.039</b>    | <b>124</b>           |
| <b>FXX</b>  | <b>0.037</b>    | <b>119</b>           |
| <b>FOXDEP</b>   | <b>0.037</b>    | <b>116</b>           |
| <b>NFL</b>  | <b>0.036</b>    | <b>115</b>           |
| <b>TRUTV</b>  | <b>0.036</b>    | <b>115</b>           |

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