

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Strike Out: SCOTUS Won't Hear NY Low-Cost Broadband Case

The **U.S. Supreme Court** on Monday declined to consider arguments from **ACA Connects**, **USTelecom** and other ISP groups regarding New York's Affordable Broadband Act, allowing the state to move forward with its law that ISPs offer qualifying households broadband for \$15/month (\$20/month for higher speed offerings).

Without comment, SCOTUS declined to consider a split Second Circuit decision that vacated a 2021 injunction that stopped the law from taking effect. The associations had argued that federal law pre-empted New York and other states' ability to regulate the rates charged for internet service. The low-income broadband cap was set to take effect in August, but NY Attorney General *Letitia James* agreed not to enforce the law against petitioners' member companies until 30 days after the date the Supreme Court ruled on the request for review.

"Today's decision leaves in place harmful rate regulations that will undermine the effective delivery of broadband services and discourage investment in broadband networks, particularly in unserved and underserved areas. We will continue to advocate for policies that support and sustain broadband access and protect the competitive marketplace that benefits all Americans," read a joint statement from **New York State Telecommunications Association**, **CTIA – The Wireless Association**, **ACA Connects**, **USTelecom**, **NTCA – The Rural Broadband Association** and the **Satellite Broadcasting and**

## Communications Association.

The law was initially set to take effect in June 2021, but a federal district court issued an injunction, finding that petitioners had shown irreparable injury and were likely to succeed on the merits of their preemption claims. However, in a 2-1 vote, a panel of the Second Circuit vacated that injunction in April. The majority said that while the Communications Act forbids the FCC from subjecting interstate information services to rate regulation, states are free to regulate the rates consumers pay for those services.

The groups representing ISPs have warned that the New York law could spark a wave of patchwork rules around the country—and that the Second Circuit decision would not preempt states from requiring streaming services, such as **Netflix** or **Spotify**, to offer cheaper plans to low-income households.

"A world in which States can countermand Congress's preclusion of rate regulation for such services will end long-standing national uniformity for broadband, to the detriment of providers, consumers, and the nation. Nor will the harms end with broadband," they said in their petition for review. "The many services that rely on broadband to reach consumers—such as video and music streaming, cloud storage, email and messaging, and video conferencing—are all themselves interstate information services. The Second Circuit's reasoning means the Communications Act also does not prevent states from regulating the prices those providers charge for those online services."



The Cablefax team is thrilled to announce this year's honorees for The Most Powerful Women Awards, recognizing the distinguished women leaders who are innovating and inspiring in the media and broadband space.

JUST RELEASED

[www.CablefaxWomen.com](http://www.CablefaxWomen.com)

## VENU ORAL ARGUMENTS SET

**Fubo** and **Venu**'s owners will kick off the new year with oral arguments. The U.S. Court of Appeals for the Second Circuit has scheduled arguments for Jan. 6 at 10am ET. **Warner Bros. Discovery**, **Disney** and **Fox Corp** are seeking to overturn a stay that has prevented them from launching the sports streamer while the judicial system considers Fubo's antitrust challenge of the streamer. On Friday, the Southern District of New York heard oral arguments on the programmers' motions to dismiss Fubo's antitrust case. Judge *Margaret Garnett* denied the motions to dismiss, as well as Fox's motion to sever claims and transfer the venue. For January's oral arguments, each side has been allotted 15 minutes. Venu's owners have sought an expedited hearing in the hopes of being able to launch Venu in time to take advantage of some major sporting events, including the Feb. 9 Super Bowl. The trial in the antitrust case is currently set for Oct. 6.

## BROADBAND PRICES CONTINUE TO DROP, USTELECOM FINDS

Prices for high-speed broadband internet have continued to trend downward, according to the fifth edition of **USTelecom's** Broadband Pricing Index (BPI). While upload and download speeds continue to improve, the price of providers' most popular services between 100 Mbps and 940 Mbps dropped by 9.4% YOY to \$49.25/month when adjusting for inflation, and the price of Gigabit service offerings fell by 3.9% to \$71.54/month. For comparison's sake, the average price for popular services was \$122.94/month in 2015 and \$125.53/month for gigabit service in 2017, good for 59.9% and 43% decreases, respectively. Amid that trend is the upgrading of speed as download speeds for popular consumer broadband service offerings have increased by 113.5% to 301 Mbps. Upload speeds also have jumped 88.5% to 96 Mbps.

## S&P COMPARES U.S. VIDEO PROVIDERS WITH STREAMERS

**S&P Global Market Intelligence** published a new report on how the top video providers in the U.S. compared with top streaming services during 3Q24. The firm looked at a subset of 29 leading video services and found a 7% increase during the third quarter to reach a combined 406.9 million subscriptions. S&P ranked eight streamers—**Netflix**, **Hulu**, **Disney+**, **Paramount+**, **Peacock**, **Max**, **ESPN+** and **Apple TV+**—before the top cable operator in **Charter** with an esti-

mated 13 million U.S. subscribers. Netflix had a substantial lead at the head of the pack with 76.1 million subscribers as Hulu came second with 52 million, Disney+ third with 50.2 million and Paramount+ fourth with 37.2 million. **Comcast** was close behind **Charter** with 12.8 million, while **YouTube TV** checked in with 8.7 million, **DirectTV** with 6.5 million, **DISH** with 5.9 million and **Hulu + Live TV** with 4.6 million. Other mentions include **Verizon Fios** (2.8 million), **Sling TV** (2.1 million), **Altice USA** (2 million), **Cox** (1.9 million) and **Fubo** (1.5 million).

## TV VIEWING UP IN NOVEMBER, NIELSEN'S 'THE GAUGE' FINDS

Total time spent watching TV reached its highest monthly point since February, according to **Nielsen's** "The Gauge" report for November. Viewing levels increased in November by 5% sequentially primarily in thanks to the presidential election, sports and live streaming. The streaming category saw a 7.6% viewership increase in November on the way to a 41.6% share of TV viewing. **YouTube** main led streaming services with 10.8% of usage, followed by **Netflix** with 7.7% and other streaming (non-listed platforms) with 6.3%. **Prime Video** and **Hulu** SVOD had 3.7% and 2.7%, respectively, while **Disney+** (1.9%), **The Roku Channel** (1.9%) and **Tubi** (1.8%) trailed. Second to the streaming category was cable with 25% of the TV pie. Broadcast came in with 23.7%, with other distribution methods filling the remaining 9.7%.

## T-MOBILE STARLINK ACCEPTING BETA SIGN-UPS

**T-Mobile** is [accepting](#) sign-ups for a beta offering of its direct-to-cell satellite service with **Starlink**. The beta service, set to begin testing next year, is free for all T-Mobile postpaid voice customers with a compatible device, including businesses and first responders. Initially, T-Mobile Starlink will support texting with voice and data coming in the future. Last month, the FCC gave **SpaceX** the OK to operate satellite direct-to-cellular service with T-Mobile.

## FIBER FRENZY

**Sparklight** rolled out multi-gig internet for customers in Lake Oconee, Georgia. Residents can now get 2 Gbps symmetrical internet speeds at no extra cost thanks to the upgrade. Additionally, Sparklight is offering Lake Oconee customers its advanced whole-home connectivity solution Wall-To-Wall WiFi. – The city of Danbury, Connecticut, is set to join **GoNetspeed's**

footprint in early 2025. The \$7.6 million project will connect over 14,300 homes and businesses in the area. GoNetspeed currently reaches more than 40 communities across Connecticut. – **Long Lines Broadband** is expanding its Flight Fiber network in rural areas across three states. Nearly 500 new miles of fiber will help connect Jefferson and Elk Point, South Dakota; Salix, Sloan and Sergeant Bluff, Iowa, and Dakota City and South Sioux City, Nebraska. Dakota City, South Sioux City and Sergeant Bluff were certified as Gigabit Cities, meaning those customers can get speeds exceeding 1 Gbps. The project was made possible through government grants from Iowa and South Dakota in addition to investments from Long Lines and its parent company **Schurz Communications**.

## TRUMP SAYS HE'LL SUE OVER ELECTION POLL

President-elect *Trump* held his first post-election news conference Monday, and the press is still very much on his mind. “We need a great media. We need a fair media. It’s very important,” he said just days after news broke that **ABC** had agreed to give \$15 million to his presidential library to settle a defamation suit. Trump said he plans to sue others, including the *Des Moines Register* over its election polling in Iowa. “In my opinion, it was fraud and election interference,” he said. The final poll from *J. Ann Selzer*, president of **Selzer & Co.**, had Harris 3 percentage points ahead of Trump. He ended up winning Iowa by 14 percentage points. Trump said he’s been meeting with top business execs, including **Apple’s Tim Cook** and will meet with *Jeff Bezos* later this week. He said “people want to get along with me this time,” describing it as the complete opposite of his first term. According to reports, Trump met with **TikTok** CEO *Shou Zi Chew* on Monday. The app has asked the Supreme Court to block a law that would potentially ban it in the U.S. as of Jan 19. During his presser, the president-elect told reporters he has a “warm spot” in his heart for TikTok and that his administration would look at the issue.

## NTIA OKS TRIBAL BROADBAND FUNDING, WASH. EQUITY PLAN

**NTIA** has recommended more than \$276 million in award funding to 44 Tribal entities to expand high-speed Internet access and adoption. The money is from the second round of funding for the nearly \$3 billion Tribal Broadband Connectivity Program, part of the *Biden-Harris* Internet for All initiative. Awards, which will support both internet infrastructure deployment and internet adoption, will be issued following budget review and processing. NTIA also gave the OK to an application from Washington, allowing the state to request access to more than \$15.9 million to implement its Digital Equity Plan. It plans to use some of the money for the development of a train-the-trainer certificate program for digital inclusion programs.

## PROGRAMMING

**NewsNation** inked a multi-year contract renewal with anchor/reporter *Chris Cuomo*. The former **CNN** pundit will continue hosting his weeknight 8pm show “Cuomo,” which increased by 54% in total viewers and 28% among A25-54 since its premiere in 2022. – The eight-episode third season of “The White Lotus” will begin Feb. 16 on **HBO. Max** will have it available to stream. – “Silo,” which made its Season 2 premiere last month, was renewed through Season 4 by **Apple TV+**. The fourth run will be its final season. – **Disney** Branded Television acquired a sci-fi animated show inspired by soccer great *Lionel Messi* “Messi and the Giants” from **Sony Music Vision** and Sony Pictures Television–Kids. The series will premiere on **Disney Channel**, followed by Disney Channel On Demand and globally on **Disney+**. Exact debut date is still TBD.

## FBA BOARD GROWS

The **Fiber Broadband Association** is expanding its board, announcing it will add an additional member each year for the next two years for a total of 12 members by 2027. **GFiber** Head of US Federal & State Policy *Ariane Schaffer* was elected as board chair for a one-year term that kicks off Jan. 1. **Adtran’s Ashley Brown** will serve as vice chair, with **EPB’s Evann Freeman** taking the role of secretary and **Nex-Tech’s Jimmy Todd** serving as Treasurer. New to the 2025 board are **altafiber’s Rob Shema** and **Corning’s Bob Whitman**.

## PEOPLE

*Lori Conkling* is making the move to **Netflix** to head up its film and TV licensing in the U.S., according to a [report](#) from *Bloomberg*. Conkling was most recently the Global Head of Media and Sports Partnerships for **YouTube**, having helped bring the **NFL’s** Sunday Ticket package to the platform. Netflix, however, noted Conkling’s new role won’t include sports-related responsibilities. – **Scripps** named *Adam Harman* as its new SVP, Programming. He’ll oversee the programming and content acquisition strategy for Scripps’ news and entertainment portfolio. Harman, who spent 11 years at **A+E Networks** helping lead its programming and content acquisition strategy, also made stops at **NBCU’s Style Network** and **Hallmark Channel**. – **Cablecast Community Media** unveiled a new executive team to lead the business after President *Steve Israelsky* steps into retirement at the turn of the year. *JJ Parker*, co-founder of CCM’s parent company **Tightrope Media Systems**, will succeed as CEO on Jan. 1 in addition to his Tightrope CEO duties. Also happening Jan. 1 is the addition of *Dana Healy* and *Ray Tiley*, who’ll become COO and CTO, respectively. Healy has been Cablecast’s VP since January 2022 while Tiley has 15 years of engineering experience at Cablecast. – *María Rozman* is heading to **Spectrum Noticias** to become its Senior Director, News. She’ll help manage Spectrum’s Spanish-language news programming after spending time as **Telemundo’s** Atlanta network’s news director.