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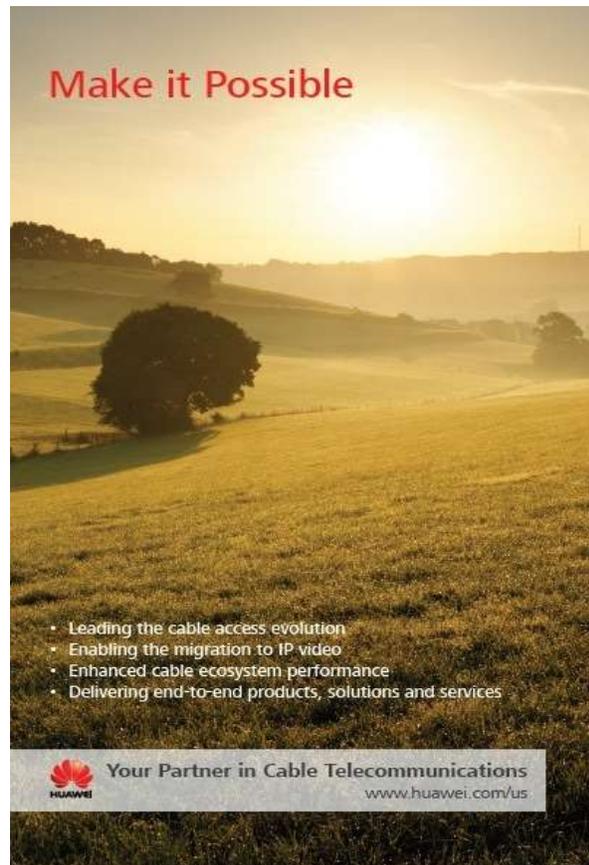
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Offering the gift of Netflix is becoming an increasingly popular customer-grabbing tactic among pay-TV providers.

Atlantic Broadband, one of several U.S. cable operators that offer direct access to Netflix via its leased TiVo platform, said it will boot up a promo centered on the popular subscription streaming service for the holiday season on Monday, November 3. During the promo, which runs through December 31, new and returning customers who subscribe to any Atlantic Broadband TiVo bundle will also get three free months of Netflix. Eligible customers can pick from a range of double-play (TV and Internet) and triple-play bundles, with prices starting at \$79.99 per month, the MSO said. Consumers who take the offer will receive a Netflix promotion code within five to seven days of service installation. They must redeem the code via Netflix.com by February 15, 2015.



Atlantic Broadband joins a small but growing group of MVPDs that have used Netflix to drive new customers. Verizon Communications, for example, recently offered six months of Netflix and a \$150 Visa gift card to new triple-play subscribers in the New York area. Dish Network tried a similar Netflix-focused promo earlier in the year to spark interest in its Hopper HD-DVR. “Our goal is to seamlessly deliver customers with all the entertainment they want – whether that is their favorite cable programming or streaming content from the Internet – quickly, easily and right to their TV,” said David Isenberg, chief marketing and strategy officer, Atlantic Broadband, in a statement. “That’s why we integrated Netflix access into our TiVo bundles last spring and why we are so excited to launch this special holiday promotion. This three month Netflix gift subscription will make it easier for potential customers to enjoy the integrated Netflix experience we

deliver through one device, on any screen in their home. We think it is a great way to kick off the holiday season.”

Atlantic Broadband serves more than 230,000 residential and business customers in Western Pennsylvania, Miami Beach, Maryland/Delaware, and Aiken, S.C. Corporate cousin Cogeco of Canada is **launching its own TiVo offering**, which also features integrated access to Netflix, on Monday in Ontario. Atlantic Broadband is deploying a TiVo model called the T6, which is essentially a leased version of the Roamio Plus. The T6 packs six tuners, 1 terabyte of storage, a CableCARD slot, and an integrated video transcoder for in-home streaming of live and recorded programming to smartphones and tablets. – **Multichannel News**

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Philadelphia Daily News
[Yo, voters: Thanks, but please do more](#)

Pittsburgh Tribune-Review
[Attorney General Kane to reveal workers' discipline in smutty email scandal](#)

The Federal Communications Commission is considering whether it should adopt specific requirements for backup batteries to residential phone systems to make sure that consumers can call 911 during a power outage. The proposal comes after the commission has noticed an increase in the number of 911 system outages in recent months, many of them unrelated to storms or natural disasters. The proposed rules would address measures to improve continuity of service for consumers.

“We have seen a spike in so-called sunny day outages, when failure comes from the failure of software or databases and not from natural disasters,” Tom Wheeler, the F.C.C. chairman, said **[in a blog post](#)** on the F.C.C.’s website on Friday. “As the Public Safety Bureau reported to the Commission earlier this month, a ‘sunny day’ outage this past April left consumers in 7 states without 911 service for up to 6 hours,” he said. “Some 6,600 911 calls were not completed during that time. This is simply unacceptable.” Residential phone systems are increasingly using an Internet protocol system that works over a broadband network rather than the traditional copper wire phone system. Copper wire systems usually continue to work during power outages, but broadband-based systems depend on backup battery power to work during a power outage.

On Friday, Mr. Wheeler said that he would seek new rules governing how responsibility for backup systems is divided between consumers and phone companies and seek public comment on whether specific battery requirements should be put into place. Mr. Wheeler circulated to the F.C.C.’s other four commissioners proposed rules and a policy statement regarding 911 service and placed the issue on the tentative agenda for its Nov. 21 monthly meeting. If approved by a majority of the five-member commission, the proposal would be put out for public comment before a final version is proposed and voted upon. – ***New York Times***

Aereo is that pesky gnat on broadcasters’ noses that just won’t go away.

Media mogul Barry Diller, who invested in the streaming TV service, has said there was “no plan B” for Aereo if it lost a Supreme Court battle with major broadcasters who accused it of copyright infringement. Yet four months after the high court delivered Aereo a seemingly crushing defeat, the startup is pursuing a backup plan – with a little help from regulators. Aereo sees a path forward if the Federal Communications Commission classifies online live TV providers as “multichannel video programming distributors” like cable and satellite providers.

On Tuesday, the FCC made such a proposal – part of a process that could lead to a formal rule change – following a meeting with Aereo executives earlier in October. Aereo cheered the decision, saying that “by clarifying these rules, the FCC is taking a real and meaningful step forward for competition in the video market.” FCC Chairman Tom Wheeler explicitly mentioned Aereo in his announcement, saying a rule change could lead to providers like Aereo offering consumers smaller (and therefore more affordable) bundles of TV channels in the Internet age. For Aereo’s backers, the FCC move is cause for optimism after several legal setbacks. “I’ll believe there is a future until someone tells me otherwise,” said Aereo investor Amish Jani, managing director of FirstMark Capital.

The classification as a cable TV provider could pave the way for Aereo to obtain a compulsory copyright license that’s available today only to cable systems through the U.S. Copyright Office. That license would allow Aereo to stream broadcast television content by paying limited royalties to the Copyright Office, without having to seek individual permission for every copyrighted piece of content. After that step, Aereo could sit down and negotiate “retransmission consent” agreements with broadcasters, much as cable and satellite operators do today. The FCC’s step is “certainly a positive move for over-the-top television,” Mr. Diller said in an interview. He acknowledged that

the full consequences at this point are “somewhat unknown.”

The major bright spot from such a classification by the FCC would be assurances that broadcasters would have to negotiate “in good faith” with Aereo. That is important, since broadcasters have so far focused their efforts on suing the company out of existence. In an Oct. 8 meeting with Chairman Wheeler, Aereo executives including Chief Executive Chaitanya Kanojia argued that under the “good faith” obligation, the FCC should require that broadcasters be open to licensing just their broadcast networks without bundling in other channels owned by their parent companies—a standard practice in media companies’ negotiations with cable operators.

Aereo suspended its service following the Supreme Court ruling. But its backers say the company hopes that if new regulations fall into place, it can re-launch a streaming service of local broadcast channels, this time by paying the broadcast networks. One Aereo investor noted that would likely force the company to raise the retail price of the service for consumers, from the previous price points of \$8 to \$12 per month to somewhere in the range of \$16 to \$20 per month. “I still think a lot of people may think a \$16 product that has the four (major broadcast) networks,” coupled with Netflix and Amazon subscriptions, provides “a pretty good package of a lot of entertainment,” the Aereo investor said. Obviously the market opportunity was “much more attractive” when Aereo didn’t have to pay content costs and could offer its services to consumers at a lower price, the investor said. One big challenge: cable operators already offer bundles of just the local broadcast stations for between \$15 to \$20 a month, though they charge some \$10 to \$15 extra for digital video recorder service.

There’s still other uncertainty. William Roberts, associate register of copyright at the U.S. Copyright Office, said a rule change from the FCC “does not” necessarily mean the Office will approve Aereo’s request for a compulsory license. Aereo already tried unsuccessfully in July to get such a license from the Copyright Office, drawing on elements of the Supreme Court decision – although that was before the latest FCC proceeding. The Office, which was unconvinced by Aereo’s argument, did leave the door open at the time that an FCC reclassification could impact its analysis. If the FCC does reclassify Aereo, the Copyright Office could choose to take action itself through a public rulemaking or advise Congress to clarify the wording of existing copyright law to address Internet-based services, according to people familiar with the Copyright Office’s thinking.

Separately, the New York federal judge who heard the underlying Aereo copyright case was also unconvinced by Aereo’s arguments that it should be treated like a cable system for the purposes of obtaining a compulsory license. That judge issued a nationwide injunction against Aereo on Oct. 23. Aereo investors are taking heart that the court kept its injunction narrow—focused on the live streaming portion of Aereo’s service. Aereo’s cloud-based recording service that allowed users to stream broadcast shows for later viewing is still under contention. UPDATE: This post has been updated to reflect that the Copyright Office would take into account actions by the FCC regarding reclassification of online video providers. An earlier version quoted a Copyright Office official who said FCC action would have “no bearing” on the Office’s interpretation of the matter. – *Wall Street Journal*



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