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A Maine federal judge is deciding whether to put a temporary hold on a first-in-the-nation law that requires cable companies to offer channels on an à la carte basis, a case that pits consumer choice against corporate control.

Federal District Court Judge Nancy Torreson did not indicate when she might rule on the request for a temporary restraining order sought by the Comcast cable company and nine cable broadcasters, including Disney, Fox Cable and NBC/Universal. The cable company and broadcasters **sued** the state and more than a dozen towns and cities in September over the new state law, which would require cable operators to allow customers to pick and pay for channels they receive on an individual basis.

Cable companies generally offer channels in bundled packages, and critics say that forces consumers to pay for channels they're not interested in watching in order to receive the channels they do want. The à la carte cable law was passed by the Legislature earlier this year and took effect in September. It would likely have to be enforced by individual towns and cities, because the cable companies have franchise agreements with municipalities. But the state has indicated it would hold off pushing for enforcement until the lawsuit is settled.

A restraining order would formally block enforcement of the law as long as the order remains in effect. If the law is upheld, Maine would become the first state in the country to require à la carte cable selections. That would explain the phalanx of lawyers sitting in Portland's federal courtroom Friday when the measure came before Torreson. Ten companies have signed on as intervenors or offered friends of the court briefs in the Comcast case.

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A lawyer representing Comcast told Torreson on Friday that the law would limit choices and lead to higher prices for consumers. Matthew Brill said that channels with more limited viewership would likely fold or no longer provide programming in places with à la carte systems. That would allow the more popular channels to raise prices for their programming, he said.

The Maine law “seeks to alter, fundamentally, the way cable service is provided,” Brill said. “It would upend the economics of this industry.” But Torreson replied that it appeared to her that “the state is trying to get a better deal for customers.” Brill said that federal rules appear to bar states and localities from imposing such restrictions on cable companies, and also said that the law would trample the cable company’s First Amendment rights to “editorial control” over what programming it offers and how it structures cable offerings.

But Christopher Taub, representing the state, told Torreson that Comcast was trying to cloak business decisions in the Constitution. “They’re saying they have a First Amendment right to require that if a customer wants CNN, they also have to buy HGTV,” he said.

The Maine Association of Broadcasters, the National Association of Broadcasters and the Motion Picture Association have all filed briefs in support of Comcast’s challenge to the Maine law. Suzanne Goucher, president and chief executive officer of the Maine broadcasters, said her organization’s concern is that the Maine law doesn’t exempt the basic tier of cable service, which includes local broadcast stations, from the à la carte requirement. Federal rules require cable companies to provide the basic tier as part of all cable packages.

If customers can pick and choose among local stations, she said, the concern is that they might pick only one, weakening financial support for the others. Goucher said when a similar law was considered by the Legislature four years ago, lawmakers in committee amended it to make clear that the à la carte requirement didn’t apply to the basic tier of channels. That measure was defeated in the full Legislature and the clarification wasn’t included in this year’s bill, which was sponsored by Rep. Jeffrey Evangelos, I-Friendship, and passed by the Legislature earlier this year.

Evangelos has said he championed the law after meeting senior citizens who said they could no longer afford cable service. Allowing them to pick only the channels they wanted to watch, he said, would save them money. “The cable companies are hemorrhaging customers. You’d think they’d embrace this bill as a savior for their industry,” Evangelos said. “The truth is they are already offering à-la-carte, pay per view, and streaming services when it suits them. Now it’s time they offered programming that suits their customers, who are demanding reforms and action. That’s why I introduced this bill. Because cable customers are tired of getting screwed, being forced to pay for scores of channels they don’t want.” – ***Portland (ME) Press Herald***

If you walk into a retail store in southern Ohio, you might see a "cash only" sign sitting in the window.

Cash, unlike credit card machines, does not rely on internet access to work. In an area with limited options for high speed internet access, some businesses struggle with credit card machines. Up until five years ago, M&M Feed Supply, in Guernsey County, was one of those businesses. It had dial-up internet, which allowed them to use the machine, but only in the store where it could be physically connected. This prevented the store from offering drive-through checkout, which the store owners, Darlene and Joe Miser, consider better customer service. Then, high-speed internet became not a luxury, but a necessity.

The Misers previously drove trucks for TimkenSteel, and when TimkenSteel switched to a system where they dispatched loads for drivers online, requiring drivers to respond within 15 minutes to get the loads, they knew the slow service they'd gotten in the past through satellite internet and hot spots wasn't good enough anymore.

So, over the last five years, the Misers have spent over \$30,000 just to get internet access for their store. Broadband isn't cheap for everyone, but expansion could offer nationwide economic benefits. A 2017 study by Ohio State University's C. William Swank Program in Rural-Urban Policy indicated if all households that do not have broadband access both received and used broadband services, the economic benefits would be \$728 million per year.

The Misers have seen some of these benefits, but getting them has been a challenge. They started their own trucking company in 1995, working from their farm and home in Guernsey County, and added the feed store in 2000. They later bought property and built the physical store they own today in Pleasant City, Ohio. They now have four semi-trucks and four dump trucks, with nine employees between both businesses.

While they no longer work with TimkenSteel, the Misers rely on broadband access to run their credit card machine and phone lines at the store. "We probably did about \$60,000 in credit cards last month alone," Darlene Miser said. Darlene worked with Frontier to get a line put in so the store could have high-speed access. She signed a five-year commitment. The agreement required her to have four phone lines and confirmed Frontier's right to add more customers to the line later.

Darlene pays \$553 per month for that high-speed internet, plus more for the phone lines. Overall, her bills for internet and phone access are just under \$1,000 per month. Experts say part of the reason the cost is so high is that it is expensive for providers to build this new infrastructure where it doesn't exist. If there aren't enough customers in the area, or if customers aren't willing to pay high prices, the cost can be prohibitive. In rural areas, where the population density is lower than in cities, this is a major part of access issues. Darlene's internet speed was originally at the high end of the parameters Frontier gave her, it but has been pushed to the low end as more customers have joined the line. Outages have also become more frequent, though she says her service is still "not terrible."

High-speed internet is an issue for those who work remotely as well. The Federal Communications Commission's National Broadband Plan, released in 2010, estimated increasing telework opportunities could open opportunities for 17.5 million people, particularly homemakers, retirees and adults with disabilities. Emily Harsh is painfully aware of the problem. She works remotely as a software engineer for Netflix, a job that requires her to have internet access to work.

Harsh pointed out many rural areas like Carroll County are shrinking as people leave to find jobs. She noted while not all companies support remote work, even being able to work from home for a few days can make a longer commute to a larger city less challenging. "I wanted the kids to understand that having a career like this doesn't mean you have to leave," Harsh said. But access is essential to remote work.

While Harsh has wireless internet at her house, it can be slow at times. When the internet is slow or goes out, she packs up her equipment and heads for the nearest library or McDonald's. "It's definitely the hub," she said. "My video conferencing at McDonald's is fabulous." When Harsh started having to use McDonald's for her remote work 12 years ago, she used to get dirty looks from other customers for bringing her laptop along. She speculated they assumed she was playing video games or bringing the computer for some other form of entertainment. "In the past, it's been sort of a luxury or sort of equated with entertainment," Harsh said.

Now, she sees more people at McDonald's with computers for similar reasons. "There's usually a student there, there's usually a teenager like, wanting to watch YouTube or something . there's other people working, there's like, older people maybe like doing shopping or like conducting some kinds of business . maybe they're into vehicles and they're searching for a specific auto part or something, they come in there for the internet access," Harsh said.

The Misers do not have the option to pack up their business and visit the library or a nearby McDonald's for internet. As her five-year commitment comes to a close at the end of the year, Darlene is worried about what comes next. "I'm kind of holding my breath," she said. Darlene considers internet and phone service an important utility for businesses, just like water and electricity. "It does affect business growth," she said. "When you know those services aren't available, you can't go in any direction that's gonna use those . the uncertainty, I guess, is what makes you not be as anxious to add on and grow." – **Associated Press**

The Pennsylvania Department of General Services and Agile Network Builders announced a partnership to rent excess and underutilized wireless capacity on towers, land and assets owned by the Commonwealth of Pennsylvania. The newly established Office of Enterprise Wireless Management and Agile will enhance telecommunications systems, consolidate the management of wireless assets, and generate revenue for the State.

Agile is an operating entity owned by InSite Wireless Group, an owner, developer, operator, and manager of telecommunication towers and in-building distributed antenna systems (DAS) throughout the United States. Agile is experienced in utilizing municipal and state-owned vertical infrastructure and leveraging the latest in wireless fiber and wireless technologies to provide creative connectivity solutions to residential, business, and governmental entities. "We realize the revenue-generating opportunity the Commonwealth has in renting excess space on communications towers and assets to third-party wireless providers," Pennsylvania Department of General Services Secretary Curt Topper said. "In addition to creating a revenue stream, we have the opportunity to contribute to more accessible and reliable wireless coverage across the Commonwealth."

The new Office of Enterprise Wireless Management will ensure Pennsylvania is maximizing critical infrastructure assets and is well positioned for new technologies such as Fifth Generation, or 5G, cellular network technology. Based on studies, the adoption of 5G will likely prompt the installation of over 25,000 small cell devices across the State. This new market segment has a robust projected total value and Commonwealth-owned assets will have the opportunity to attract a sizable portion of this investment based on the strategic partnership with Agile Network Builders.

The process of marketing preexisting space on State-owned towers and telecommunications assets also will streamline the process of locating broadband equipment on assets across Pennsylvania. This market-based initiative will lower barriers to entry for all market participants and may further promote broadband expansion using those towers and telecommunication assets located in remote and rural areas.

The creation of the Office of Enterprise Wireless Management is the result of a 2016 study by the Wolf Administration and a Pennsylvania research-university that reviewed the State's wireless communications infrastructure and benchmarked the value of excess and underutilized wireless capacity on those assets to serve as a viable new revenue stream for Pennsylvania. – **Broadband Communities**

