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November 22, 2017

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#### **Investors' Business Daily**

[How Hulu Live, YouTube TV Are Helping AT&T, Dish Streaming](#)

#### **Los Angeles Times**

[Millions of Dish customers lose CBS signals, face Thanksgiving without network's football](#)

#### **Wall Street Journal**

[Why Your Flat-Screen TV Would Cost More If Nafta Ends](#)

#### **Allentown Morning Call**

[Pennsylvania House's severance tax votes election-year ploy?](#)

#### **Pittsburgh Post-Gazette**

[As male politicians topple nationwide, Pennsylvania parties bypass women in special election picks for 18th District](#)

#### **Philadelphia Daily News**

[Some stuff Pa. pols should be grateful for this Thanksgiving](#)

#### **Pennlive**

As millions flocked to the web for the first time in the 1990s, President Clinton and a Republican Congress decided "to preserve the vibrant and competitive free market that presently exists for the Internet." In the Telecommunications Act of 1996, the government called for an internet "unfettered by Federal or State regulation." The result of that fateful decision was the greatest free-market success story in history.

Encouraged by light-touch regulation, private companies invested over \$1.5 trillion in nearly two decades to build out American communications networks. Without having to ask anyone's permission, innovators everywhere used the internet's open platform to start companies that have transformed how billions of people live and work.

But that changed in 2014. Just days after a poor midterm election result, President Obama publicly pressured the Federal Communications Commission to reject the longstanding consensus on a market-based approach to the internet. He instead urged the agency to impose upon internet service providers a creaky regulatory framework called "Title II," which was designed in the 1930s to tame the Ma Bell telephone monopoly. A few months later, the FCC followed President Obama's instructions on a party-line vote. I voted "no," but the agency's majority chose micromanagement over markets.

This burdensome regulation has failed consumers and businesses alike. In the two years after the FCC's decision, broadband network investment dropped more than **5.6%**—the first time a decline has happened outside of a recession. If the current rules are left in place, millions of Americans who are on the wrong side of the digital divide would have to wait years to get more broadband.

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*Philadelphia Inquirer*

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The effect has been particularly serious for smaller internet service providers. They don't have the time, money or lawyers to cut through a thicket of complex rules. The Wireless Internet Service Providers Association, which represents small fixed wireless companies that generally operate in rural America, found that more than **80%** of its members "incurred additional expense in complying with the Title II rules, had delayed or reduced network expansion, had delayed or reduced services and had allocated budget to comply with the rules." They aren't alone. Other small companies have told the FCC that these regulations have forced them to cancel, delay or curtail upgrades to their fiber networks.

The uncertainty surrounding the FCC's onerous rules has also slowed the introduction of new services. One major company reported that it put on hold a project to build out its out-of-home Wi-Fi network partly because it wasn't sure if the FCC would approve of its business model. Nineteen municipal internet service providers—that is, city-owned nonprofits—told the this past May that they "often delay or hold off from rolling out a new feature or service because we cannot afford to deal with a potential complaint and enforcement action."

This is why I'm proposing today that my colleagues at the Federal Communications Commission repeal President Obama's heavy-handed internet regulations. Instead the FCC simply would require internet service providers to be transparent so that consumers can buy the plan that's best for them. And entrepreneurs and other small businesses would have the technical information they need to innovate. The Federal Trade Commission would police ISPs, protect

consumers and promote competition, just as it did before 2015. Instead of being flyspecked by lawyers and bureaucrats, the internet would once again thrive under engineers and entrepreneurs.

The FCC will vote on this proposal on Dec. 14. If it passes, Washington will return to the bipartisan approach that made the internet what it is today. Consumers will benefit from greater investment in digital infrastructure, which will create jobs, increase competition, and lead to better, faster, and cheaper internet access—especially in rural America.

In the next few weeks, anti-market ideologues are going to try to scare the American people. They'll argue that government control is the only way to assure a free and open internet. They'll assert that repealing utility-style regulation will destroy the internet as we know it and harm innovation. They'll allege that free speech online is at risk. Don't fall for the fearmongering.

We have proof that markets work: For almost two decades, the U.S. had a free and open internet without these heavy-handed rules. There was no market failure before 2015. Americans weren't living in a digital dystopia before the FCC seized power. To the contrary, millions enjoyed an online economy that was the envy of the world. They experienced the most powerful platform ever seen for permission-less innovation and expression. Next month, I hope the FCC will choose to return to the common-sense policies that helped the online world transform the physical one. – **Guest opinion by FCC Chairman Ajit Pai in *Wall Street Journal*; [more in New York Times](#)**

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Over just two days this week, the Trump administration has both **sued** AT&T Inc. to block its planned takeover of Time Warner Inc. and **proposed** allowing internet-service providers—like AT&T—to form closer alliances with content companies, like Time Warner.

The two government moves seem to go in opposite directions, on the one hand restricting a major telecommunications merger and on the other giving internet providers broad new powers to shape their customers' online experiences. But the actions reveal one consistency, and what might be viewed as an emerging Trump administration regulatory philosophy: Instead of new bright-line rules, such as those put in place under the Obama administration, it is stressing the enforcement of longstanding laws and regulations.

The moves are a shift in emphasis from the approach taken by the Obama administration, which **in 2015 adopted highly specific rules** governing internet providers in the name of “net neutrality,” the principle that all web traffic be treated equally. The providers were prevented from cutting deals, known as “paid prioritization,” that would give fast lanes to some kinds of content in return for a price. And the Obama administration carried that approach into the antitrust realm, insisting **in Comcast Corp.'s acquisition of NBCUniversal, Inc.** earlier this decade that Comcast live up to elaborate net-neutrality restrictions, as part of the so-called behavioral remedies that were conditions of antitrust approval. In other words, net-neutrality regulation took the place of an antitrust challenge.

Now the tables are turned. When it comes to internet policing, the FCC will ease back on its rules and turn a measure of oversight authority to the antitrust cop, the Federal Trade Commission, a deliberate action outlined Tuesday by FCC Chairman Ajit Pai. “As a result of my proposal, the Federal Trade Commission will once again be able to police [internet providers], protect consumers and promote competition, just as it did before 2015,” Mr. Pai said. “Notably, my proposal will put the federal government's most experienced privacy cop, the FTC, back on the beat to protect consumers' online privacy.”

In the case of net neutrality, Mr. Pai's FCC moved fairly quickly by regulatory standards. It is too soon to know whether this enforcement emphasis will extend to other parts of the Trump deregulatory agenda, which involves rolling back a broad range of Obama-era rules covering **power-plant emissions**, financial services and other industries. In the financial sector, Mr. Trump's regulatory team has launched a review of stricter rules adopted after the 2008 bailouts. In general, officials say they want to recalibrate standards governing bank lending and other areas without scrapping them entirely.

It isn't clear whether financial regulators will maintain the streak of aggressive enforcement actions that began under the Obama administration. Fines levied by the Securities and Exchange Commission **fell to a four-year low in the last fiscal year**, though SEC officials caution against reading too much into a single year's data. At the Environmental Protection Agency, Administrator Scott Pruitt has touted a "back-to-basics" approach involving the reversal of numerous Obama regulations and has said he would emphasize enforcement. "There's a difference between creating regulatory certainty and holding polluters accountable for violating environmental laws," said EPA spokeswoman Liz Bowman.

Environmental groups say the EPA's actions so far this year don't suggest a robust emphasis on enforcement. The agency counters that those groups' estimates are low because it can take months or years before such an action can be completed. Consumer groups argue that clear regulations are necessary across industries to keep companies from harming consumers. With the internet, they say, antitrust enforcement is too cumbersome, slow and potentially arbitrary to keep up with the speed of technological change.

Because the FTC doesn't have the authority to create and enforce broad rules, it isn't in a position to police fast and slow lanes that may harm competition, said Jonathan Zittrain, professor of law and computer science at Harvard University and a former chairman of the FCC's Open Internet Advisory Committee. The agency can only take "individual enforcement action on the vague notion of unfair trade practices," he said.

Conservatives who believe in a lighter-tough regulation, like Mr. Pai, generally argue that hard-and-fast regulatory rules are overly prescriptive and will slow investment and innovation. Some free-market advocates take that even further, saying the antitrust action this week goes too far, especially given that the AT&T-Time Warner tie-up is a "vertical" merger, or one that combines two companies that operate at different stages of a supply chain. "If this one [transaction] isn't good, what vertical integration transaction is going to be good? Virtually none," said Fred Campbell, director of Tech Knowledge, a free-market think tank and a former head of the FCC's wireless bureau about a decade ago. "Isn't it a de facto regulation then that we're just going to prohibit vertical integration?" – *Wall Street Journal*

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Altoona's state representative was released from UPMC Altoona on Tuesday after suffering a moderate stroke, a state House news release said. **John McGinnis** was admitted to the hospital Saturday with stroke-like symptoms. Subsequent tests confirmed McGinnis had suffered a moderate stroke, the release said, adding the three-term representative is in good spirits and expected to make a full recovery, according to his doctors. During his recovery, McGinnis' district office at 1331 12th Ave., Suite 104, Altoona, will remain open to assist constituents.

McGinnis surprised many area residents by defeating 34-year incumbent state Rep. Rick Geist in the April 2012 Republican primary

by 182 votes. McGinnis had the backing of the Citizens Alliance of Pennsylvania, a Harrisburg-area political action committee, which reportedly spent more than \$100,000 to support his 2012 primary campaign. According to Blair County elections results, McGinnis finished with 2,718 to Geist's 2,536. McGinnis' third term ends in December 2018. He had said previously he would not seek more than three terms. – *Altoona Mirror*



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