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A group of key Senate Democrats on Tuesday unveiled a [sweeping online privacy bill](#), injecting new life into the stalled bipartisan efforts to draw up the country's first comprehensive privacy bill on Capitol Hill.

The bill introduced by Sen. Maria Cantwell (Wash.), the top Democrat on the Senate Commerce Committee, publicizes the Democrats' wish list for any federal privacy bill. The long-awaited Consumer Online Privacy Rights Act (COPRA) would enshrine online users' right to privacy and bar companies from obfuscating what they are doing with users' personal information. "In the growing online world, consumers deserve two things: privacy rights and a strong law to enforce them," Cantwell said in a statement. "They should be like your Miranda rights—clear as a bell as to what they are and what constitutes a violation."

Under the law, users would have the right to see and delete any personal information that companies have amassed about them. And tech firms — including Google and Facebook — would have to explain in clear terms what they are doing with users' data. If they fail to adhere to the law, they could face costly fines and lawsuits. Cantwell's legislation would give users more control over their data, allowing them to prevent their information from being accessed by third-party companies without their permission. It would also beef up the Federal Trade Commission's (FTC) ability to go after tech companies over privacy violations.

The legislation would require the FTC to draw up new rules and regulations around how companies should ask for permission to use data and how they treat biometric data, including fingerprints and facial scans. And it would build in new civil rights protections, ensuring that companies are not using sensitive data about race, sexual orientation, ethnicity or other protected identifiers to advertise

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BCAP offices will be closed Thursday & Friday, November 28 & 29

products that touch on employment, housing or credit in an effort to bring decades-old civil rights laws into the digital age. "In today's online economy, we have seen how the misuse of personal data can exacerbate discrimination in housing, employment, credit, and education," the Lawyers' Committee for Civil Rights Under Law said in a statement. "The Consumer Online Privacy Rights Act prioritizes civil rights by ensuring that individuals' personal data cannot be used for discriminatory purposes and that big data algorithms are assessed for bias."

The legislation emerges several years into a larger global awakening around the potential dangers of allowing tech companies to gather limitless reams of data about their billions of users. In the U.S., lawmakers began seriously looking at privacy legislation after Facebook's highly publicized Cambridge Analytica scandal, which saw a right-leaning political consulting firm obtain the information of millions of Facebook users without their consent. For months, a group of lawmakers on the Senate Commerce Committee have worked to put together a bipartisan federal privacy bill. Over the summer, Cantwell and Senate Commerce Committee Chairman Roger Wicker (R-Miss.) stepped aside to engage in bilateral negotiations, but those talks have yet to bare any significant drafts of potential legislation.

The lawmakers have blown past several self-imposed deadlines to put out a bill, but the Democrats on Tuesday sought to strengthen their hand in the negotiations by putting out their ideal privacy legislation. Meanwhile, Republicans — most prominently Wicker — have made it clear that several provisions in Cantwell's legislation, including allowing individuals to sue tech companies over privacy violations, are non-starters. Cantwell's bill would also allow states to write their own privacy laws, an issue that Republicans and the tech industry have largely opposed, warning that a "patchwork" of state laws would be difficult to navigate. Sources watching the legislation have said that it's unlikely any bipartisan legislation will be introduced ahead of 2020, when the presidential elections ramp up. However, Cantwell's legislation highlights that the efforts to put together the bill have not stalled entirely.

Senate Commerce Committee Democrats including Sens. Brian Schatz (D-Hawaii), Ed Markey (D-Mass.) and Amy Klobuchar (D-Minn.) are all co-sponsors of COPRA so far. "Companies continue to profit off of the personal data they collect from Americans, but they leave consumers completely in the dark about how their personal information is being used," Klobuchar, who's running for the Democratic presidential nomination, said in a statement. "Our legislation establishes digital rules of the road for companies, ensures that consumers have the right to access and control how their personal data is being used," she continued. "It's time for Congress to pass comprehensive privacy legislation."

Wicker, the chairman of the Senate Commerce Committee, in a statement emphasized that the Democrats' bill does not have bipartisan support. "The legislation released today reflects where the Democrats want to go," Wicker said. "But any privacy bill will need bipartisan support to become law." "I am committed to continuing to work with the ranking member and my colleagues on both sides of the aisle to get a bill that can get across the finish line," he said. The Senate Commerce Committee is set to hold a data privacy hearing

next week, during which lawmakers will discuss their own proposals. "I expect that we will have a bill to discuss at next week's hearing," Wicker said. – ***The Hill***

A federal court was asked Tuesday to force Pennsylvania to rescind its certification of a voting machine newly purchased by Philadelphia and at least two other counties in the state ahead of 2020's presidential election. The filing casts doubt onto how 17% of Pennsylvania's registered voters will cast ballots in the April 28 primary election, as well as next November, when the state is expected to be one of the nation's premier presidential battlegrounds.

Court papers filed by former Green Party presidential candidate Jill Stein and several supporters accuse Gov. Tom Wolf's administration of violating their **year-old agreement** in Philadelphia's federal court by certifying the ExpressVote XL touchscreen system made by Omaha, Nebraska-based Election Systems & Software. The plaintiffs say certifying the system violates their agreement, in part because the machine does not meet the agreement's requirements "that every Pennsylvania voter in 2020 uses a voter-verifiable paper ballot."

For one, the ExpressVote XL counts votes by counting machine-printed bar codes on paper, a format that is neither readable nor verifiable by an individual voter, they wrote in court papers. Second, the ExpressVote XL does not use a "paper ballot" and relies on software to record the voter's choice, they wrote. Third, it is not capable of supporting strong pre-certification auditing of election results because its paper records may not accurately reflect voters' intent, they wrote. Wolf's administration declined comment Tuesday. It has two weeks to respond in court.

The chairwoman of Philadelphia's city commissioners, who oversee the city's elections, declined comment through a spokesman Tuesday. In addition to Philadelphia, the machines were bought by Cumberland County, with a plan to use them in April, and by Northampton County, where the machines were blamed for election-day problems earlier this month. The initial lawsuit, filed after 2016's presidential election, had accused Pennsylvania of violating the constitutional rights of voters because its voting machines were susceptible to hacking and barriers to a recount were pervasive.

Wolf's administration settled the lawsuit in part by affirming a commitment it had made previously to push Pennsylvania's counties to buy new voting systems that leave a verifiable paper trail by 2020. Wolf's push to require counties to buy new machines began after federal authorities said Russian hackers had targeted Pennsylvania and at least 20 other states during 2016's presidential election.

Better than four in five Pennsylvania voters used electronic voting machines that lack an auditable paper trail in 2016's election, according to election security analysts. Earlier this year, Wolf's top election official **told lawmakers** that failing to replace those machines by 2020 would leave Pennsylvania as the only battleground state without voter-verifiable paper systems.

Shortly after polls closed on Nov. 5, Northampton County election officials found that the touchscreen machines had badly undercounted the returns for one candidate in a judicial race. Election workers counted the vote on paper ballots, resulting in that candidate being declared one of two winners, by a 1,054-vote margin. In a statement Tuesday, ES&S said the ExpressVote XL has been through hundreds of thousands of hours of testing, and was certified by the Federal Election Assistance Commission, in addition to Pennsylvania. "By all accounts, it meets and exceeds the highest standards for security, accuracy and accessibility," the company said. – **Associated Press**

EBay Inc. said it agreed to **sell its StubHub business** to Geneva-based Viagogo Entertainment Inc. for \$4.05 billion, a deal that would create a global ticketing giant in the booming live-events business. StubHub and smaller rival Viagogo are already among the largest players in the growing secondary market for sports, music and live-entertainment tickets, in which brokers and fans resell tickets purchased from primary vendors such as Live Nation Entertainment Inc. 's Ticketmaster.

While StubHub and Viagogo are both big online ticket resellers, StubHub is mostly present in North America, whereas closely held Viagogo is a significant competitor internationally—particularly in the U.K. and Europe. The deal would give the companies, which together sell hundreds of thousands of tickets daily across more than 70 countries, the benefit of scale in a \$10 billion global resale market. "The ultimate vision really is that fans can go to one place to buy any ticket for any event anywhere in the world in their own language and currency," Viagogo Chief Executive Eric Baker, a StubHub co-founder, said in an interview.

StubHub, the No. 1 competitor in the secondary-ticketing market, was founded in San Francisco in 2000 by Mr. Baker and Jeff Fluhr, both former Stanford Business School students. It essentially established the market for legitimate online resale of tickets. It has become so prolific as a destination for purchasing tickets that many fans don't realize it is a resale platform. The website had more than 240 million unique visitors last year and sold tickets valued at more than \$4.75 billion.

EBay has owned StubHub since 2007, when it **bought the business from Messrs. Baker and Fluhr for \$310 million**. StubHub accounted for about 14% of eBay's \$2.6 billion of revenue in the third quarter. Mr. Baker launched Viagogo in London in 2006. The company grew through partnerships with soccer, cricket, rugby and other sports leagues, as well as through ticketing for festivals and other music events. Both companies have faced criticism over the years for selling tickets marked up well above face value. The live-events business has been growing for several years as consumers, especially millennials, continue to shell out for premium experiences. Concerts, in particular, have been commanding record-high ticket prices amid rising demand for live shows.

StubHub faces competition from nimbler upstarts including Viagogo, Vivid Seats LLC and Seat Geek. Ticketmaster, the largest ticket seller, has been expanding its resale business, too. The secondary

ticketing market overall, meanwhile, has been contending with a more-aggressive primary ticketing market. Concert promoters, venues and teams have been pricing the most coveted seats and VIP experiences at a premium to capture more of the value of a ticket and squeeze out brokers.

Vivid Seats had been in discussions about buying StubHub, according to people familiar with the matter, a deal that many in the industry said would have consolidated market share and likely drawn antitrust scrutiny. Because of StubHub and Viagogo's largely complementary geographic businesses, industry experts don't expect significant regulatory hurdles. "Versus other potential buyers, this does the most to maintain the status quo in the ecosystem," said David Goldberg, a former Ticketmaster executive and now senior adviser to private-equity firm TPG's growth-investing arm.

eBay decided to explore selling StubHub shortly after two activist investors surfaced in January and **urged it to exit businesses** unrelated to its core marketplace. The company agreed to consider selling StubHub and its internationally focused classified business. **It also added board members** as part of a settlement with the investors, Elliott Management Corp. and Starboard Value LP. Elliott had said it believed StubHub could sell for between \$3.5 billion and \$4.5 billion, and eBay's classified businesses for between \$8 billion and \$12 billion.

In September, eBay CEO Devin Wenig stepped down, **in part because of disagreement** over selling StubHub and the classifieds business. eBay in October warned investors it could report **its first quarterly revenue decline in four years**. The company also said sluggish sales of merchandise through its main platform helped cause a 57% year-over-year decline in third-quarter profit. Its shares have slumped since then but are still up on the year, and rallied 2.1% to close at \$35.85 Monday. That gives the company a market value of about \$29 billion.

eBay has been working for years to redefine itself as shoppers increasingly turn to their phones, showing little patience for scrolling through thousands of listings. The company touts that 80% of items on its website are new, with the bulk sold at a fixed price rather than being auctioned. It has rolled out improved search features and personalized recommendations and reviews. It recently launched marketing campaigns aimed at shedding what some see as an outdated image. The all-cash takeover, reported Monday by The Wall Street Journal, was financed with cash on hand, debt underwritten by JPMorgan Chase & Co. and new equity funding from existing backers Bessemer Venture Partners and Madrone Capital Partners. — **Wall Street Journal**



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