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February 1, 2019

Washington Post
Net neutrality heads to court today. Here's what to expect.

Philadelphia Inquirer
Philadelphia's municipal IDs coming in the spring, city says, not this month

Inside Radio Broadcasters
Spent \$20M Lobbying Washington In 2018

Nielsen
How the Growth and Evolution of the Over-the-Air TV Home Fits into Today's Viewing Landscape

Politico
Facebook, Twitter take down disinformation campaigns linked to Iran, Russia, Venezuela

Reuters
Apple fixes FaceTime privacy bug, will issue update next week

Last summer, during the largest fire in California history, firefighters encountered an unexpected danger. It had nothing to do with flames or smoke or wind speeds. They couldn't communicate. In the middle of battling the Mendocino Complex Fire, Verizon was throttling, or deliberately slowing, internet speeds on their phones, Santa Clara fire officials wrote in email exchanges reviewed by ABC News.

"Verizon is currently throttling [our device] OES 5262 so severely that it's hampering operations for the assigned crew. This is the not the first time we have had this issue. In December of 2017 while deployed to the Prado Mobilization Center supporting a series of large wildfires we had the same device with the same SIM card also throttled," Santa Clara Fire Captain Justin Stockman wrote to his chief, in an email dated June 29, 2018.

"Verizon," Santa Clara Fire Department spokesman Bill Murphy told ABC News, "throttled down speed to below dial-up speeds, and they asked our guys to call customer service to upgrade their plan." The firefighters were forced to use their personal devices as internet hotspots instead. Rich Young, a Verizon spokesperson, told ABC News in an email that "the plan at issue here was permitted under the 2015 rules (and is still permitted today)" and that the company is "working with users to provide them multiple options to best fit their needs." "We've long been committed to an open internet and we stand by that pledge," Young wrote. "And we're equally committed to providing reliable services to public safety users, especially during times of emergency."

The issue of manipulating internet speeds for different companies, users, platforms or clients is at the heart of a federal appeals court hearing in Washington later today. Dozens of defenders of net neutrality, who are pushing for all data to be treated equally, include Santa Clara County and its emergency responders. Led by Mozilla, which created the Firefox web browser, these entities are suing the Federal Communications Commission to return regulation of the internet to Obama-era rules.

Joined by consumer rights groups, companies including Etsy and Vimeo, and nearly two dozen state governments -- New York, California, Maryland among them -- Mozilla is hoping the U.S. Court of Appeals for the District of Columbia Circuit will overturn the FCC's 2017 ruling that allows broadband internet service providers far more leeway in controlling internet speeds.

"Mozilla filed this lawsuit because fighting for a free, open and competitive internet is part of our DNA," the company's chief operating officer, Denelle Dixon, told reporters. "Net neutrality is still an essential consumer protection that everyone online deserves, and this case is the fight to save it. We are confident that the FCC's repeal lacks legal and factual support, and we look forward to having our case heard in court."

Pennlive
State rep from
Mercer County
arrested for DUI

Pittsburgh Post-
Gazette
Editorial: Secure
voting machines
– Pa. polling
places could see
paper ballots
soon

In April 2015, the FCC issued the Open Internet Order, which classified Internet access as telecommunications services, which, like public utilities, are tightly regulated. In December 2017, led by Trump-appointed chairman Agit Pai, the FCC reclassified broadband providers as information service companies, which are much more loosely regulated. Reversing net neutrality was a big win for providers like Comcast, Verizon and AT&T, and a blow to tech firms like Facebook, Amazon and Google's parent company, Alphabet.

The FCC did not immediately respond to a request for comment from ABC News. In addition to the tech companies, public officials have said that net neutrality is a matter of public safety. When the FCC repealed the 2015 rules "it failed to consider the public safety issues," James Williams, a lawyer for Santa Clara County, told ABC News. "Our first responders need to communicate in real time without throttling, without blocking, without paid prioritization, with citizens to give them emergency notifications and receive situational updates." – **ABC News**

Is a telephone pole or utility pole a "telecommunications tower"? Or is it a "wireless support structure"? Lancaster city's ability to regulate wireless equipment installed by cell phone companies may hinge in part on the answer to that question. The two terms appear in an ordinance City Council passed in 2016. It specifies that "telecommunications towers" are restricted to certain designated streets.

But "the eligible-streets restriction does not apply to wireless support structures," attorney Christopher Schubert told the Zoning Hearing Board last week. Schubert was speaking on behalf of New Cingular Wireless, a company better known as AT&T Mobility. It's seeking permission to place six so-called "small cell" antennas in the city. Four have already been installed; AT&T sought retroactive approval from the board for those, plus permission for two more.

The city is OK with three of them, because they're on the designated streets. After hearing lengthy testimony from AT&T's witnesses, the board signed off on them without discussion. The other three sites aren't on the right streets — including two of the four where antennas were installed. The decision on them is pending. In the city's view, the ordinance rules out installations at all three, attorney Neil Albert, representing the city administration, told the board. This marks the first time the measure has been put to use, he noted.

As part of the push to **5G**, the next generation of wireless service, telecom companies have started bolstering their wireless data capacity by installing **small-cell antennas** throughout their networks. The equipment fills gaps where networks have limited coverage and eases the traffic burden on larger antennas nearby. That has led to battles over local zoning, with municipalities seeking to retain control of their streetscapes facing off against large telecommunications firms seeking to keep pace with their customers' data demands.

In Lancaster, "there is concern about the potential proliferation" of small-cell antennas and related equipment "without regard to impact on neighborhoods and historic resources," director of economic development and neighborhood revitalization Randy Patterson told LNP. Hence the 2016 ordinance, with its two definitions. Schubert said the utility poles AT&T proposes to use aren't telecommunications towers, because they weren't built for the "primary purpose" of supporting wireless antennas, the criterion established in the ordinance.

Albert, however, said AT&T replaced the utility poles in question with new, taller ones to accommodate the antennas. That action makes the poles "telecommunications towers," he said. "It's a new pole built to a specific height for a specific reason," he said. AT&T has other rationales on its side, Schubert said. For one thing, the city already issued permits for the two antennas already installed where the city now says they shouldn't be. Even if the city erred, AT&T arguably has the right to be "grandfathered in" and held harmless, he said.

Moreover, federal law is on AT&T's side, he said: Last year, **the Federal Communications Commission ruled** that, under the Telecommunications Act of 1996, municipalities can't "materially restrict" small-cell deployments, he said. A radio frequency engineer testifying for AT&T said the antennas have to go pretty much where the company wants them. "These are surgical solutions," Andrew Petersohn told the board.

With a range of just 800 to 1,000 feet, he said, they must be placed at precise points within the network to be effective, and for optimum performance, they need to go on poles rather than buildings, which can partially block or “shadow” their range. But they’re unobtrusive, he added: “Unless you’re looking for them, you won’t notice them.” The two attorneys told the board they would follow up with written material in support of their respective positions. The board is expected to close testimony at its February meeting. Once it does so, it has 45 days to make a decision. — *Lancaster Intelligencer-Journal*

This media battle will be binge-worthy.

Netflix, the platform inspiring fear and mega deal-making among legacy media companies, is the dominant player with 60 million domestic subscribers and 84 million international. But deep-pocketed new rivals, some armed with unmissable content, are coming for it. The tactics being deployed in today’s increasingly crowded playing field won’t just affect how and what we binge in our living rooms or how much we might have to pay for the privilege. They can tell investors a lot about how each player defines victory in this multibillion-dollar battle royale.

Netflix just raised its U.S. prices a fourth time. Hulu has simultaneously raised the price for its live TV service and cut the price for its basic plan. Amazon and Apple are spending billions to develop original programming. Disney is planning to launch a streaming service later this year. Comcast, which lost the battle for Fox assets to Disney, is punching back with a free, ad-supported streaming service, set to debut in 2020. Meanwhile, CBS’s Showtime and WarnerMedia’s HBO, which is now under the umbrella of AT&T, also are ramping up their streaming investments.

Walmart wisely announced last month that it wouldn’t launch a streaming service after all. By the time this multibillion-dollar fight is over, others might throw in the towel, too. Disney is the best-positioned to challenge Netflix. Its content, from “Frozen” to “Avengers” and “Star Wars,” is must-have viewing for many households around the globe. Family programming may not win accolades like drama or comedy, but the dirty secret is that it drives a huge percentage of viewing.

Hulu, 60% of which will be owned by Disney once the Fox-Disney deal closes, is in a tricky spot. Because Comcast owns the other 30% (AT&T’s WarnerMedia has the remaining 10%), Disney is unlikely to invest in it wholeheartedly. Yet Hulu’s 25 million subscribers would be the envy of newer entrants. It has lowered the price for streaming shows with ads, probably in the hope of driving more subscribers to opt for that more profitable plan.

Comcast’s recent announcement that it will be throwing its hat in the ring with a free, ad-supported service is likely inspired by what it has seen at Hulu. It realized it will be better off selling ads than competing in price battles. If it succeeds in bringing viewers onto the platform, the cable giant could consider introducing a premium model later down the road. For Comcast, however, the game isn’t only about trying to grab a slice of the streaming pie. Though Comcast is losing pay-TV customers, its internet business is booming. The streaming craze has made high-speed internet all the more valuable. But as Netflix and others raise prices, they put pressure on Comcast’s ability to raise prices in its broadband business, says Barry Nalebuff, professor of management at Yale University. Consumers will shell out only so much to be entertained. What better way to create price competition than launching a free streaming service?

To that end, broadband providers should welcome the new streaming platform coming later this year from WarnerMedia (formerly TimeWarner), too. Its centerpiece will be HBO, which has fallen behind Netflix in subscribers, programming investments and even Emmy nominations. Yet, with the benefit of being part of the AT&T behemoth, it is rapidly adding more shows. The new streaming service also could draw on content from its other assets, including Warner Bros. shows, like “Friends,” and Turner Classic films.

CBS’s Showtime platform, meanwhile, has done well, but not as well as it could if CBS wasn’t divided from Viacom. If they pooled their content onto a single platform, they could provide a more serious threat, but their exploration of a merger last year ended in a nasty legal battle. For Netflix, the best strategy to withstand the challengers is to double-down on original, exclusive programming—as it has been doing—and to pursue international markets. The main concern for investors is that it could be running out of new markets.

The winners over the next few years might not be able to celebrate for long. Mr. Nalebuff points out that when 5G technology comes along it will drive down the price of internet service, giving content providers more pricing power. People already have multiple streaming subscriptions. Eventually it may be the norm to pay for a bundle of platforms like today's fading cable TV packages, clicking back and forth in search of the latest, greatest show. When the smoke clears, a new group of media companies may find themselves fighting the last war. – **Wall Street Journal**

The field for the special election in West Philly's 190th state House District is set. For now. Democratic leaders of the seven wards in the district on Saturday selected Darryl Thomas as their candidate. Two Democrats not selected, Amen Brown and Pastor Pam Williams, collected enough signatures on nomination petitions to get on the March 12 ballot. Michael Harvey is the Republican nominee.

Friday is the deadline to file legal challenges to a candidate's eligibility. And all eyes appear to be on Thomas, a barber who ran unsuccessfully in the 2016 primary for the 190th District. Thomas lists as his address a Powelton rowhouse he sold nearly four years ago to a woman described by his campaign as his girlfriend. Records from the Delaware Department of Elections show Thomas was registered to vote in that state from 2001 until 2017 at an address in Bear. Thomas, who is listed on the deed to that property, said it is his mother's home. He insists he never voted in Delaware. That state's records list him as doing so in 2002 and 2010.

Philadelphia voting records show Thomas casting ballots in most elections here for more than a decade. Together, the records show Thomas voting in the 2010 general election in Philadelphia and in Delaware, something he also denied. "We don't believe he voted in the same election twice," said William Dunbar, Thomas' campaign manager. "That would be voter fraud." The 190th District seat is open because former State Rep. Vanessa Lowery Brown, a Democrat, resigned in December after being convicted on bribery charges. Sonte Reavis, a lawyer, had been considered a front-runner for the Democratic nomination until **Clout last week raised questions** about whether he lived in the district. – **Philadelphia Daily News**

A Maine Democratic lawmaker is stepping down and heading to work for a telecommunications company. **Rep. Jennifer DeChant** in a Thursday press release says she's resigning, effective Friday. She's served as representative to House District 52 since 2012. Legislative staffer Katie Walsh says DeChant is headed to telecommunications and media company Charter Communications. DeChant calls the decision "extremely difficult" but the best for her family.

The company, which also operates as Spectrum, employs 780 individuals in Maine. Its officials announced in December that the company is launching faster internet service throughout the state, including in rural areas. – **Associated Press**

