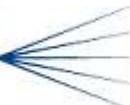


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A proposal to raise millions in phone bill fees to fund 911 centers passed the Pennsylvania House on Wednesday for the second time, but without a \$52-a-year fee that had been added by the Senate. The House voted 164-30 to raise the typical fees from \$1 to \$1.65 a month, generating \$314 million a year for emergency dispatch systems that now cost about \$292 million to operate. Democrats supplied four of the 30 "no" votes.

The bill gives 911 centers in Allentown and Bethlehem four years to work on consolidating their 911 centers with their respective counties. An earlier version would have forced consolidation sooner. "This legislation brings financial stability and greater financial accountability to our county 911 center operations and will indeed greatly enhance the public safety of residents across the commonwealth," said the main sponsor, Rep. Stephen Barrar, R-Delaware.

The bill was sent back to the Senate for its consideration. The Senate could pass the bill as is, sending it to the desk of Gov. Tom Wolf, or it could vote down the measure, setting the stage for a conference committee to hammer out a compromise. Rep. Jerry Knowles, R-Schuylkill, who has been a police officer, firefighter and county commissioner, said he was persuaded of the need for the additional funds, and was sure his constituents would understand. "This is a core and essential service of government," Knowles said. "We're not talking about tax credits for making movies, we're not talking about walking trails, we're not talking about subsidies for solar power."

The bill was changed from an earlier version to give Philadelphia a voting member on the board that will help distribute funds and to change the distribution formula. Rep. Cherelle Parker, D-Philadelphia, said the changes earned her support for the measure. "Those of us who are members of the Philadelphia delegation raised several concerns that we had that we felt would negatively impact the city administration," Parker said. "Leadership on both sides of the aisle here in the House, and also over in the Senate, have worked to address those issues." But Rep. Cris Dush, R-Jefferson, said the new revenues should come in the form of a tax, not fees that would be under the control of a board. –

Associated Press

'No, no, no, no!' Tom Wheeler shouted at the moderator. The Federal Communications Commission chairman was speaking at an Internet industry conference in March, soon after the FCC voted to regulate the Internet. His bureaucrats, he insisted, would never set rates, rule on tariffs or otherwise treat the Internet like an old-fashioned utility.

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Make that “Yes, yes, yes, yes!”

The regulations went into effect earlier this month, and the Washington Post last week got word about the first federal complaint to be filed. A company that streams live video wants regulators to set the price it pays to transport its content—at zero. The complainant is Commercial Network Services, whose video streams travel smoothly over networks thanks to the multibillion-dollar industry that provides the connections through content-delivery networks and peering and transit services. These “fast lanes” make the Internet possible by ensuring bandwidth-hogging uses such as video don’t slow everything else down. Netflix and YouTube, which at peak times use most of the Internet’s bandwidth, even built their own proprietary fast lanes. The FCC now claims authority over the entire system, and Mr. Wheeler’s assurances to the contrary were known to be false when he made them.

Among Mr. Wheeler’s whoppers: He claimed in Wired magazine: “There will be no rate regulation.” The FCC’s fact sheet on the new regulations repeated the claim, adding that “broadband providers shall not be subject” to rate regulation and that the new rules don’t include “utility-style rate regulation.” The truth is that the core of President Obama’s demand for change is the replacement of technologists operating freely in the market with rules and rates set by bureaucrats. The language of Obamanet was lifted from regulations governing railroads in the 1880s and the phone system in the 1930s. Bureaucrats will decide if “charges” and other “practices” on the Internet are “fair and reasonable.”

That vague “reasonable” is the most litigated term in utility regulation. The FCC also introduced an undefined “general conduct rule” for the Internet in case price regulations don’t give its bureaucrats enough power. The accused party in the streaming-video case, Time Warner Cable, said: “We are confident that the FCC will reject any complaint that is premised on the notion that every edge provider around the globe is entitled to enter into a settlement-free peering arrangement.” They have no reason to be. FCC bureaucrats can now overrule private network engineers and developers.

Expect more companies to demand similar favors from bureaucrats. If Obamanet had been in effect earlier, competitors would have objected to Amazon’s deal with Sprint that enabled instant delivery of e-books on the Kindle. Regulators could have rejected the iPhone for bundling Internet access with phone service. Newspapers could have lobbied regulators to block free news sites as “unfairly” priced. A streaming-video service could now petition the FCC to declare Netflix’s proprietary content-delivery system “unfair,” an argument similar to the one Commercial Network Services is making against Time Warner. An adverse FCC ruling could be fatal to Netflix—which would serve Netflix right for lobbying in favor of regulating the Internet as a utility.

Seven lawsuits have been filed in federal court to invalidate Obamanet. Their arguments include that its rules are “arbitrary, capricious and an abuse of discretion.” President Obama gave no notice of his new regulatory approach. He even bullied the supposedly independent FCC, leading Mr. Wheeler to complain, in an email to his staff obtained by Congress, how shocked he was by the political pressure. The power to micromanage the Internet has unleashed a new arrogance and partisanship among FCC commissioners, replacing the 20-year bipartisan consensus protecting the unregulated Internet. Last week, on a 3-2 party-line vote, the commissioners voted to fine AT&T \$100 million for slowing down broadband speeds among its most bandwidth-hogging users. AT&T had clearly disclosed its policies, which promised unlimited data but not unlimited speed.

One of the Republicans, Ajit Pai, wrote a stinging dissent: “A government ‘rule’ suddenly revised, yet retroactive. Inconvenient facts ignored. A business practice sanctioned after years of implied approval. A penalty conjured from the executioner’s imagination. . . . This enforcement action only confirms my concern that the Internet is now governed not

by engineers and innovators but by regulators and lawyers.” The success of the Internet should have taught that especially with fast-changing technology, government governs best when it governs least. Mr. Obama thinks he knows better, unleashing regulators to run the Internet. Only Congress or the courts can save the open Internet from becoming the bureaucratic Obamanet. – *Wall Street Journal*



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