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After a two-year fight in Nashville between telecommunication giants and the city, the Federal Communications Commission appears ready to make a Google Fiber-backed policy to expedite above-ground internet installation the new law of the land.

It would seemingly make moot a federal judge's ruling last November that the "One Touch Make Ready" policy, approved by the Metro Council in 2016, cannot be applied to utility poles owned by Nashville Electric Service and AT&T. That ruling, which came after lawsuits from AT&T and Comcast against Metro, claimed that Metro does not have jurisdiction over utility poles and that this authority instead belongs to the FCC.

But a proposed June 12 draft order and declaratory ruling prepared by the FCC, obtained Friday, would adopt a new national One Touch Make Ready process for "the majority" of pole attachments governed by federal law across the country. It would mark a seismic change granting Google Fiber — which has been rolling out its gigabit-speed fiber internet in Nashville since 2015 — the ability to move ahead with above-ground installations in a one-touch method anywhere.

One-touch refers to the modification or replacement of a utility pole, or lines on the utility pole, in which new providers perform all the work. Traditionally, new providers have been at the mercy of existing providers to move their equipment in order to give them access. The five-member commission will take up the change at its August meeting. The proposal is outlined in a 102-page order.

"Now, more than ever, access to this vital infrastructure must be swift, predictable, safe, and affordable, so that broadband providers can continue to enter new markets and deploy facilities that support high-speed broadband," the FCC draft order reads. "In today's order, we take one large step and several smaller steps to improve and speed the process of preparing poles for new attachments, or 'make ready.'"

Google Fiber, in a statement from a spokesperson, said, the company is "happy to see the FCC recommending new rules that propose to remarkably advance the deployment of high-speed broadband across the United States." "While we're still reviewing the language, we've long said that a strong One Touch Make Ready process is a common sense policy that will dramatically improve the ability of new broadband providers to enter the market and offer competitive service by reducing delays and lowering costs."

In a statement, Metro Department of Law Director Jon Cooper noted that Nashville, in addition to Louisville, Ky., was one of two cities to adopt a One Touch Make Ready ordinance. "The FCC's new order would apply nationwide some of the same OTMR principles addressed in the ordinance," Cooper said. "Ideally, the FCC would have acted before the city was faced with this issue, or before the court's ruling in the subsequent litigation, but the order would certainly clarify the

matter going forward." Joe Burgan, a spokesman for AT&T, said the company is "reviewing the FCC item."

In Nashville, AT&T owns about 20 percent of the poles in Davidson County, and NES owns the remaining 80 percent. Despite Google Fiber's support of One Touch Make Ready — which passed in the Metro Council by a 32-7 vote in September 2016 — the company has primarily used technology known as "micro-trenching to expand" into Nashville since announcing its expansion to the market in 2015. That was the case before One Touch Make Ready was blocked in court.

Nevertheless, Google Fiber supporters cheered the FCC's policy shift. "This is very good news for Nashville and the United States broadband effort in general," said Councilman Anthony Davis, who was among co-sponsors of Nashville's 2016 One Touch Make Ready ordinance. "The FCC in a draft order has made One Touch Make Ready the law of the land. Assuming this passes the vote, our work here in Nashville will be validated as visionary. I 100 percent assume AT&T and others may fight this, but the FCC would be making a very good and logical policy move here, helping move the Nation's broadband infrastructure forward dramatically over the coming years."

The council's approval of One Touch Make Ready came as the city's two largest internet providers, AT&T and Comcast, rolled out gigabit speed options for consumers and their new competitor Google Fiber began offering service. In contrast to a federal judge's decision in Nashville, a judge dismissed a similar suit filed by AT&T against the city of Louisville, determining the city has the right to control its public rights of way. — *Nashville Tennessean*

Twenty-First Century Fox finally got clearance on Thursday from Britain's culture secretary to pursue its takeover of Sky, after 18 months of trying. The decision came hours after Comcast seized the lead in the bidding for the European satellite broadcaster by offering £14.75 a share.

Yet it's a different British regulator, the country's Takeover Panel, which may have made Sky — and not Fox itself, which has drawn takeover bids from the Walt Disney Company and Comcast to expand their media empires — the center of the biggest media takeover battle today. But it could also lead to a peaceful compromise. To understand how the British takeover rules are having an effect, let's first set out some context:

- Fox already owns a 39 percent stake in Sky.
- In late 2016, Fox initially bid £10.75 a share for the 61 percent of Sky that it didn't own. Comcast later bid £12.50.
- On Wednesday morning, Fox raised its offer for Sky to £14 a share. By Wednesday evening, Comcast had countered with a bid of £14.75.
- Both Disney and Comcast have sought to buy the bulk of Fox, which would include that 39 percent stake. Disney initially bid \$52.4 billion; Comcast followed with a \$65 billion offer; and Disney returned last month with a **\$71.3 billion** proposal.

Now, here's where Britain's merger rules come in. A provision known as the "chain principle" essentially says all shareholders in a company must be treated equally. In this case, the concern is that Fox's shares of Sky would be valued higher than those of other shareholders. The chain principle first became a factor in April, when the Takeover Panel ruled that if Disney succeeded in buying control of Fox, it would need

to buy out the rest of Sky at £10.75 a share — assuming that Comcast didn't win.

Things got more complicated last month when Disney raised its bid for Fox to \$71.3 billion, presumably raising the valuation of its stake in Sky as well. The Takeover Panel hasn't yet decided whether the chain principle means that Disney would need to pay a higher price to buy out the rest of Sky. The chain principle could affect Comcast as well. What the cable giant may be wary of is essentially bidding against itself: Any new bid that it makes for Fox might mean paying more for Sky as well, making the whole effort more expensive.

Both Disney and Comcast are keenly interested in Sky, which would give either a big international business that includes both original programming and content distribution. But each must now potentially make some tough choices. Is it worth continuing to pursue Fox, knowing that it may end up entangled in Britain's takeover rules? Or is it worth keeping up a bidding war for Sky, given how high the price has gotten?

At the moment, Comcast is considering ending its race with Disney for the bulk of Fox and focusing on Sky, people briefed on the matter have said. For now, it looks like Sky shareholders may enjoy a bidding war, while Fox shareholders hoping for the same may be out of luck. But this scenario isn't out of the question: Comcast drops its takeover bid for Fox but continues to seek Sky — and Disney, happy to have averted a deal fight for Fox, lets that happen. It's a neat way of ending one of the biggest and most heated media fights in memory. — *New York Times*

Hearst's WTAE (ABC) and Cozi TV diginet in Pittsburgh (DMA 24) are moving frequencies on Aug. 24 at 10 a.m. Viewers who use an over-the-air antenna must "Plan to Rescan" that day to continue watching WTAE and Cozi TV. Rescanning a television requires only the remote control and takes five to 15 minutes, the station said. No new devices, equipment or services are needed.

"Pittsburghers depend on WTAE Channel 4 and Cozi TV as trusted sources for news, weather and entertainment," said WTAE President-GM Charles W. Wolfertz III. "We are committed to educating our viewers and make the rescan as easy as possible for them." If viewers watch WTAE Channel 4 and Cozi TV using cable or satellite, the rescan will happen automatically through their subscription-TV provider. Over-the-air viewers will need to follow simple steps to rescan. To learn how to rescan, log onto www.wtae.com/rescan

Nearly 1,000 television stations across the country are expected to move to new frequencies by June 2020. The move is a result of the FCC's recent incentive auction to make additional airwaves available for wireless internet services. WTAE says it will be the first in the market to comply with the FCC plan. — *TVNewsCheck*



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