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ACA CONNECTS: KEY DEVELOPMENTS

ACA Connects: Court Decision Upholding FCC Pole Attachment Order Will Drive Broadband Deployment

PITTSBURGH, Aug. 12, 2020 – The following statement may be attributed to ACA Connects President and CEO Matthew M. Polka:

“Today’s decision by the U.S. Court of Appeals for the 9th Circuit, upholding critical aspects of the FCC’s 2018 Pole Attachment order, is good news for anyone that wants to see broadband providers accelerate their network deployments in all areas of the country. As ACA Connects demonstrated to the FCC, far too often investor-owned utilities hold up or seek to impose excessive fees on new attachers, which can result in the new attacher deciding to walk away from a build.

“The FCC’s order seeks to draw clear lines preventing such behavior by utilities. ACA Connects members want to work cooperatively with utilities to expedite pole attachments and obtain access to conduit at reasonable cost, and they want utilities to reciprocate. With the court endorsing the FCC’s order, we hope that our aim becomes reality. In the end, we all should keep our eye on the prize — bringing high-performance broadband service to all Americans as quickly as possible.”

9th Circuit decision: City of Portland, Petitioner, v. USA; Federal Communications Commission

ACA CONNECTS: NEWS

ACA Connects Chairman Boyers Wishes NAB President & CEO Gordon
Smith A Speedy Recovery

The following ACA Connects statement on Aug. 6 may be attributed to ACA Connects Chairman Patricia Jo Boyers, who is President of BOYCOM Vision in Poplar Bluff, Mo.:

“On behalf of ACA Connects’ members and staff, we extend our best wishes to NAB President & CEO Gordon Smith for a speedy recuperation. May God’s peace and healing be with him during this time.

“We look forward to offering our best wishes to him personally during his recovery. He and his family are in our prayers and we at ACA Connects are encouraged by the positive prognosis as noted by the NAB team.”

Patricia Jo Boyers

ACA CONNECTS: FILINGS

ACA Connects has been actively representing independent cable in many other ways and on many issues in Washington, D.C. Those efforts are described in the filings, letters, and testimonies linked below for your review:

8/3: FCC Ex Parte Letter re International Bureau Releases Preliminary List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States

7/31: FCC Ex Parte Letter (w/ Others) re Expanding Flexible Use of the 3.7-4.2 GHz Band

ACA CONNECTS: NEWS HEADLINES

Trump Yanks O'Rielly's Nomination Over Social Media (Bloomberg, 8/3)
The White House withdrew the nomination of Michael O'Rielly, who has expressed doubt about President Donald Trump's plan to reduce legal protections for social media, for another term at the FCC. The White House announced the action in a notice sent to the Senate, which confirms nominees. The notice didn't provide a reason for the decision. The FCC has a 3-2 Republican majority, and the vote of O'Rielly, a Republican, could be needed to advance Trump's initiative.

DOJ Asks Court To Block Calif. Net Neutrality Law (Reuters, 8/5)
The Justice Department asked a federal judge to block California's net neutrality law, arguing that federal law preempts the state statute. In October, a U.S. appeals court largely upheld the FCC repeal of landmark U.S. net neutrality rules. In 2018, California agreed not to enforce its own state net neutrality law until a final court decision on the FCC repeal. The Trump FCC in 2017 voted 3-2 to toss out Obama-era rules prohibiting ISPs from blocking or throttling traffic, or offering paid fast lanes. The California law would reinstate those prohibitions in the state.

Cunningham Seeks Earth Station Reimbursement (MCN, 8/11)
Cunningham Communications, a small independent broadband, cable and phone provider in rural Kansas, has asked the FCC to add its earth station to the list of those whose move as part of the C-Band spectrum clearing the FCC is paying for. Cunningham said the failure of its earth station to make the list was due to its difficulty in navigating the registration process, and thus paying the $450 filing fee, and has asked either for the FCC to reverse the decision to exclude its earth station from moving expense reimbursement or waive the payment fee deadline that Cunningham missed.

SLING TV Pairs Local TV Chs. With OTT On New LG Smart TVs (Release, 8/6)
SLING TV announced a feature that integrates free, local over-the-air broadcast channels into the SLING TV guide on 2020 LG Smart televisions with webOS 5.0, without the need...
to switch inputs or applications. The channel tuning feature, available on all 2020 LG OLED and LG NanoCell TVs, allows consumers to easily access their local broadcast networks, including ABC, CBS, FOX, NBC and PBS, directly within the SLING TV app for free when connected to an OTA antenna. "The best value in TV today is SLING TV plus free live locals," said Jon Lin, vice president of product, SLING TV.

NewWave Communications To Rebrand As Sparklight (Release, 8/10)
NewWave Communications announced that it will be rebranding as Sparklight beginning this month. Cable One, which rebranded its products and services under Sparklight last year, acquired NewWave Communications in 2017. "We are very excited for this evolution to our new brand and the next chapter in our story," President and CEO Julie Laulis said. "Over the past several years we have evolved, and our new brand will better convey who we are and what we stand for – a company committed to providing our communities with connectivity that enriches their world. While we are introducing a new brand, our corporate name will remain Cable One, Inc."

Armstrong’s Broadband Investments Paid Off During Pandemic (PPG, 8/9)
While some in the U.S. may have experienced outages, Western Pennsylvania’s infrastructure did not fail its users. “Clearly there was a dramatic surge especially those first few weeks,” said David Wittmann, vice president of cable marketing for Armstrong, an ISP in the Pittsburgh region. Upstream traffic, meaning an output of data including video conferencing, increased during the day; downstream traffic, meaning streaming or downloading content, increased in the evening. “We were able to manage that, as most of the industry was, because we planned for significant overages,” Mr. Wittmann said.

SpaceX Making 120 Starlink Internet Satellites Per Month (CNBC, 8/10)
SpaceX is manufacturing its Starlink satellites at an unprecedented rate for the space industry, analysts say, as the company dives headlong into building a space-based global Internet service. Elon Musk’s company told the FCC in a presentation last month that its Starlink unit is “now building 120 satellites per month” and has “invested over $70 million developing and producing thousands of consumer user terminals per month.” “Invested hundreds of millions of dollars in Starlink to date,” the SpaceX presentation added.

CuriosityStream Enters Into $331M Reverse Merger (Variety, 8/11)
CuriosityStream, the nonfiction streaming company headed by Discovery Channel founder John Hendricks, is going public through a reverse merger with a firm set up to execute just such a roll-up deal. CuriosityStream is combining with Software Acquisition Group Inc., a special purpose acquisition company that raised about $150 million in November 2019. The merger is valued at $331 million, with the new entity carrying an equity value of approximately $512 million.

ACA CONNECTS: ACTION BRIEF TOP THREE

Most-Clicked Links From July 30 ACAAction Brief:
1. Pandemic Pressures Comcast Q2 (MCN, 7/30)
2. Sparklight Invests $75 Million In Boise, Western Idaho (Release)
3. Cox Media Stations Go Dark To Dish Subscribers (Next TV, 7/22)

ABOUT ACA CONNECTS

Across this vast country, small and rural markets participate in the digital revolution by receiving video, broadband, and phone services from more than 700 small and medium-sized independent operators represented by ACA Connects - America’s Communications Association.

ACA Connects' members -- cable, phone, and fiber-to-the-home operators and municipalities -- deliver affordable basic
and advanced services to nearly 8 million households and businesses. ACA Connects members operate in every state, offering high-definition television, next generation Internet access, and digital phone service.

Access to advanced communications is not a luxury but a critical necessity for consumers and companies, schools and hospitals. America's economic prosperity in smaller markets and rural areas depends on the growth and success of ACA Connects members, who believe a connected nation, is a united nation.

ACA Connects asks lawmakers and regulators to ensure fair treatment so that small and medium-sized independent operators may continue to supply affordable video, broadband, and phone services to Main Street America. Through active participation in the policymaking process, ACA Connects members and leaders advocate for the interests of their customers, their companies, and their communities to help ensure the continued viability of their way of life in hometown America.

For more information, visit [www.acaconnects.org](http://www.acaconnects.org), or contact:

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