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Broadband internet is available in all hamlets, villages and outposts across Pennsylvania — at least according to state standards.

Compared to the national definition, the Keystone State's minimum connection speed is lagging. The Federal Communications Commission redefined broadband in 2015 as 25 megabits per second (Mbps) download and 3 Mbps upload. That's 1,500 percent faster for downloads and 2,200 percent faster for uploads compared to Pennsylvania's 1.54/1.28 minimum split set by a 2004 law.

Advances in internet technology and resulting demands for greater bandwidth outpace the benchmarks called for 13 years ago. A 5 Mbps download speed is recommended by Netflix to stream in high-definition. Demand only grows with other users in a home or business simultaneously using social media, browsing web pages or streaming video to a second device.

Discussions in Harrisburg are ongoing toward raising the standards. The House Consumer Affairs Committee held a public hearing Wednesday on the issue, and a representative from Western Pennsylvania is readying legislation to boost speeds. “When I'm down there (Harrisburg) talking about autonomous cars this week, it's amazing to me we're still talking about broadband,” said state Rep. Lynda Schlegel Culver, R-108, of Sunbury.

The telecommunications industry is reluctant to build new infrastructure serving rural areas, with low population limiting returns on the investment. Jeanne Shearer, vice president, state government affairs, Windstream Communications, testified during the hearing new fiber optic lines cost between \$25,000 and \$50,000 a mile.

Frank Buzydlowski, director, state government relations, Verizon, told legislators the company invested \$16 billion in private capital to comply with standards. Thomas Bailey, director, state regulatory and legislative affairs, CenturyLink, said high speeds in rural areas mean more fiber cable run “further into the field,” closer to customer locations. “In most cases placing or extending fiber to increase broadband

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speeds is not economical because of its high cost, the low household density in rural areas and the fact that there is no guarantee customers will buy the service,” Bailey testified.



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Verizon North LLC of Philadelphia declined \$23 million in federal funds to build out its infrastructure to rural areas. The speed requirement under the Connect America Fund would have been 10 Mbps download and 1 Mbps upload. The funds are now subject to competitive bidding, with Sen. Bob Casey imploring to keep the money allocated for Pennsylvania.

As it stands, the Pennsylvania Public Utility Commission says all companies bound by current law report 100 percent coverage. By federal standards, 6 percent of the state lacks access to high-speed internet. The gap widens in the Valley where 45 percent of Snyder County residents lack access; Montour County, 32 percent; Union County, 21 percent; Northumberland County, 20 percent.

Nils Hagen-Frederiksen, press secretary, Pennsylvania PUC, noted how online habits evolved since 2004. There were no iPads or Facebook. Streaming video services were a concept only. Websites have become data-rich and video-driven, he said. “It’s a whole different concept of what the internet was,” Hagen-Frederiksen said. The commission hasn’t taken a position on potential changes to state standards. If and when legislation is introduced, PA PUC will weigh in if asked, he

said. “Changing the statute is something that requires legislation. It’s not something the PUC can do unilaterally,” he said.

State Rep. Pam Snyder, D-50, represents 650 square miles of largely rural communities in western Pennsylvania. She intends to reintroduce a bill this year, as soon as next month, requiring minimum standards of 10 Mbps/1 Mbps — equal to the federal government’s 10/1 reduced split for its rural infrastructure subsidy program, meant to entice telecom companies to build high-speed service in unserved areas. Should the federal standard rise, Snyder said her proposal is for Pennsylvania to match it.

Snyder said high-speed internet is an essential utility in modern times, as much so as roadways and water service. Constituents in Snyder’s district say current service makes it impossible for some to complete homework online, participate in web-based college courses or conduct business. “I recognize the investments for companies but let’s be real. The testimony we heard yesterday is that telecommunications is the largest industry in Pennsylvania. They’re booming. Yeah, it’s an investment, and it’s an investment we need,” Snyder said. Snyder is open to incentives to entice companies to invest in rural areas. Culver agreed a balance of burden is needed for companies and customers. — **Sunbury Daily Item**

Now that Republicans are in charge, the federal government is poised to roll back regulations limiting access to consumers’ online data. States have other ideas.

As on [climate change](#), [immigration](#) and a host of other issues, some state legislatures may prove to be a counterweight to Washington by enacting new regulations to increase consumers’ privacy rights. Illinois legislators are considering a “right to know” bill that would let consumers find out what information about

them is collected by companies like Google and Facebook, and what kinds of businesses they share it with. Such a right, which European consumers already have, has been a longtime goal of privacy advocates.

Two other proposals face a crucial Illinois House committee vote this week. One would regulate when consumers' locations can be tracked by smartphone applications, and another would limit the use of microphones in internet-connected devices like mobile phones, smart TVs and personal assistants like Amazon's Echo.

Should they be passed into law, these rules could end up guiding the rights of consumers far beyond Illinois — because they would provide a model for other states, and because it would be difficult for technology companies with hundreds of millions of users to create a patchwork of state- and country-specific features to localize their effects.

Congress is pushing to overturn regulations imposed by the Federal Communications Commission under the Obama administration that limit the collection of data by broadband providers like AT&T and Comcast. The Senate **approved the rollback** last week, and the House is expected to follow this week. Congressional Republicans argue that the rules would add an unneeded and confusing layer of regulation and that they fail to distinguish between broadband providers and content companies like Facebook and Google. They also assert, more broadly, that such regulation is onerous and stifles innovation.

Illinois is not the only place where state legislators are asserting themselves in the opposite direction. California and Connecticut, for instance, recently updated laws that restrict government access to online communications like email, and New Mexico could follow soon. Last year, Nebraska and West Virginia passed laws that limit how companies can monitor employees' social media accounts, while legislators in Hawaii, Missouri and elsewhere are pushing similar bills for employees, as well as for students and tenants. "More and more, states have taken the position that, if Congress is not willing or able to enact strong privacy laws, their legislatures will no longer sit on their hands," said Chad Marlow, a lawyer at the American Civil Liberties Union.

Online privacy is the rare issue that draws together legislators from the left and the far right. At the state level, anyway, some of the progress has come from a marriage between progressive Democrats and libertarian-minded Republicans, who see privacy as a bedrock principle, Mr. Marlow said. States have often been a kind of regulatory laboratory. Be it tax cuts, emission regulations, gay rights or gun laws, advocates on both the left and the right have long worked at the state level to push agendas that Washington is too busy or hostile to handle.

In the case of online privacy, consumer groups and civil liberties advocates had a friendly ear in many quarters of the Obama administration. Now they face a White House and a Congress that are looking to roll back regulations, not create them. But federal blockage can create local opportunities. "What you're seeing is this growing recognition of the intrusiveness of these technologies, and some efforts — not to regulate them out of existence, but to regulate them in ways that allow people who care about this to preserve their own privacy," said David Vladeck, a professor at Georgetown Law School, and the former director of the Federal Trade Commission's consumer protection bureau. "So what's going to happen is California is going to supplant Congress, and it's going to be augmented by states like Illinois, Minnesota and even Texas in efforts to protect consumer privacy."

In Illinois, the "right to know" legislation **recently cleared** the Senate Judiciary Committee, paving the way for a full vote sometime in the next few weeks. Technology companies and their trade organizations are lobbying fiercely against it. "I think I created 30 jobs when I filed this bill," said Michael Hastings, a Democratic state senator who sponsored the measure.

Mr. Hastings said lobbyists representing companies including Microsoft, Apple, Lyft and Amazon had visited his office to talk about amending the bill. Several technology trade groups, including the Internet Association and NetChoice, have pushed publicly against the legislation.

In an interview, Carl Szabo, senior policy counsel at NetChoice, said the law could add a burden of compliance costs and legal fees on essentially any company with a website that collects information, even routine things like creating email lists or giving online support to customers. "Hiring attorneys to write privacy policies, coming up with terms of service — that will be a real burden for small businesses," he said.

Illinois also has another dimension: class-action lawyers. Almost a decade ago the state passed a trailblazing law, the **Biometric Information Privacy Act**, that regulates the collection of things like facial scans, voice data and thumbprints. This has given rise to a series of potentially expensive lawsuits against Facebook, Google and others.

Last year, lobbyists for Facebook failed in a [push for an amendment](#) that would have weakened the biometric law by exempting photo-tagging technologies that are now commonly used on social media. In the interim, however, lawyers at Edelson PC, a Chicago-based class-action firm [that has become notorious](#) among tech companies for its prolific filing of privacy suits, have gone on offense with a lobbying campaign of their own. Firm lawyers have also helped found a new nonprofit group, the Digital Privacy Alliance, as an advocate for privacy legislation in Illinois and elsewhere.

“We were forced to get involved politically because once we started winning a lot of cases in court, they all went on the offensive,” said Jay Edelson, founder of Edelson PC. “It’s important because the Trump administration is doing so much to roll back privacy rights, so there is going to be a huge shift to state lawmakers and state attorneys general.” – *New York Times*

