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August 29, 2016

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On the campaign trail, Democratic presidential nominee Hillary Clinton sketches a vision where every home in the U.S. is connected to broadband.

In just four years, children in inner cities and rural areas alike will be able to access the internet to do their homework, Mrs. Clinton tells voters. And entrepreneurs everywhere in this country will be able to get online to sell their products or start new businesses. The cost? She doesn't say, but the former secretary of state urges a bold push to quickly close the digital divide. "I happen to think we should be ambitious," Mrs. Clinton said earlier this month. "Let's connect every household in America to broadband by the year 2020."

Experts say the Democratic nominee's proposal is indeed ambitious—and expensive. And some question whether her timeline is realistic. "I would be pleasantly surprised if the country could actually attain Secretary Clinton's goal in four years," said Sharon Stover, director of the Technology and Information Policy Institute at the University of Texas at Austin. But she's dubious. "Too many things have to fall into place."

Beyond the price tag, it is unclear which part of the federal government would execute this plan and whether Republicans in Congress would back the legislation that is needed to deliver on this campaign promise—a challenge Mrs. Clinton couldn't overcome when she was pushing similar initiatives while serving as a New York senator.

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Sara Solow, domestic policy adviser for the Clinton campaign, said the initiative has a

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good shot at drawing bipartisan support in today's digital age. "Universal broadband connections and really good fiber-optic networks are more and more perceived as something that is essential for the 21st century economy, and there are such economic payoffs to it," she said.

Mrs. Clinton's high-speed-internet initiative would be part of broader infrastructure legislation she has said she would push Congress to act on within the first 100 days of her administration. A study would be needed to determine the cost of the broadband plan, where coverage gaps remain and which federal agency

should take the lead, a senior Clinton campaign aide said.

Bradley Tusk, CEO of the tech regulatory and political firm Tusk Ventures, called Mrs. Clinton's plan to upgrade the country's digital infrastructure "pretty uninspired and general," deeming it a "very analog tech plan in a very digital world." Mr. Tusk, who supports Mrs. Clinton's candidacy and has donated to her campaign, also said the Democratic nominee's proposal lacks bold ideas and creative thinking about different ways to provide internet access to hard-to-reach areas. "The government is not going to become a giant telecom provider, and even if they were, they would not meet this 2020 deadline," he said. "Not every problem has to be solved with the most government-intensive, labor-intensive plan."

The federal government has played a role in bringing high-speed internet to more parts of the country. The 2009 American Recovery and Reinvestment Act included \$6.9 billion to deploy broadband infrastructure and expand access in rural areas. Five years later, the president's Council of Economic Advisers reported that 110,000 miles of broadband infrastructure had been added or improved, and 20,000 community institutions had gained access to high-speed connections.

If the former secretary of state is elected, one of the first steps she would take would be to examine federal broadband programs that were implemented under President Barack Obama and then build on efforts that have proved successful, said the senior campaign aide. In a report earlier this year, the Federal Communications Commission estimated that **10% of Americans lack access to what it considers quality broadband**. The digital divide comes into stark relief in rural areas, where 39% don't have access to quality broadband, the FCC said.

Ms. Stover, of the University of Texas, said Mrs. Clinton could struggle to deliver on her promise because the people who still lack broadband live in areas that will prove costly and logistically difficult to connect. Republican presidential nominee Donald Trump hasn't laid out a plan for expanding broadband access in this country. Trump campaign officials didn't respond to requests for comment.

Mrs. Clinton has tried with limited success to deliver on similar campaign promises. As a U.S. Senate candidate in 2000, Mrs. Clinton pledged to enact programs that would bring high-speed-internet connections to rural and underserved urban communities in New York. Six years later when she ran for re-election, Mrs. Clinton called for a rural renaissance, pledging to accelerate efforts to build networks and deploy broadband in communities that had been left behind.

But she struggled to pass legislation that would have advanced that cause. Mrs. Clinton introduced bills aimed at enhancing broadband access in upstate New York and other rural and underserved areas, but they failed to pass Congress. She did **co-sponsor legislation that became law**, requiring the FCC and the U.S. Census Bureau to track broadband access nationally.

Campaign officials have expressed optimism that in 2017, Mrs. Clinton could find a more receptive audience in Congress. Connecting every household to broadband is important to voters and should have resonance with lawmakers as well, they said. "When she's gone to various communities, this discussion and that policy area have gotten a lot of response," Ms. Solow said. "Sometimes it's the biggest applause line in her remarks in some rural places in particular. It really resonates with people, and we have seen how important it is to communities that this really be a high priority." – *Wall Street Journal*

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Comcast got welcome news from the FCC on Friday when the media agency dismissed a complaint filed by Liberman Broadcasting Inc., the owner of Estrella TV.

Estrella was removed last year from Comcast's service in Houston, Denver and Salt Lake City after negotiations for carriage broke down. Afterwards, Liberman **went to the FCC** with the claim that Comcast, in a bid to boost affiliated networks Telemundo and NBC Universo, was committing program discrimination and violating Section 616 of the 1992 Cable Act.

Friday, the FCC agreed with **Comcast's contention** that Liberman failed to establish a prima facie case of a program carriage violation because it has failed to prove that it is a "video programming vendor" within the meaning of the statute. The regulatory agency deems Liberman instead to be a "broadcast licensee." "While it could be argued that LBI is engaged in the 'production, creation, or wholesale distribution of video programming for sale' to the extent it seeks compensation from Comcast for carriage of its television broadcast stations, it is in fact negotiating compensation for the retransmission of its television broadcast 'signal' rather than carriage of the 'video programming' contained within that signal," explains the FCC in its order.

Accordingly, Liberman must look to the compulsory copyright rules, otherwise known as must-carry, if it wishes distribution and can't come to a retrans fee. Because Liberman lacks standing, the FCC dodges the arguably more provocative question Liberman brought up in its argument that Comcast's request for Estrella's digital

programming rights in negotiations constituted an impermissible demand for a "financial interest" in the station under Section 616. Comcast argued this interpretation would make it unlawful anytime a cable or satellite distributor had the gall to ask for digital rights.

In reaction to Friday's ruling, Liberman says it's disappointed, disagrees with the interpretation and is examining options to appeal the decision. – *Hollywood Reporter*



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