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The Federal Communications Commission has decided not to appeal a court decision that allows states to impose laws restricting the growth of municipal broadband.

The FCC in February 2015 [voted to block laws](#) in North Carolina and Tennessee that prevent municipal broadband providers from expanding outside their territories, but the states [convinced a federal appeals court](#) to keep the laws in place. The FCC could have asked for another appeals court review or gone to the Supreme Court but will instead let the matter drop. "The FCC will not seek further review of the [US Court of Appeals for the] Sixth Circuit's decision on municipal broadband after determining that doing so would not be the best use of Commission resources," an FCC spokesperson told Ars today. The decision was also [reported yesterday](#) in the *New York Times*.

The cities that were seeking to expand municipal broadband networks—Chattanooga, Tennessee and Wilson, North Carolina—were also involved in the case. The cities have not yet said whether they will appeal. The FCC relied on a novel legal argument in the case. Congress authorizes the FCC to promote competition in local telecommunications markets and to remove barriers that prevent infrastructure investment, and the FCC said that this authority allows it to preempt the state laws. But Congress never specifically authorized the FCC to preempt state laws, a fact that judges cited in overturning the FCC decision.

[About 20 states](#) impose limits on the rights of cities and towns to compete against private Internet service providers. Those laws face no immediate threat as a result of the FCC's court loss, but FCC Chairman Tom Wheeler may not be finished in his attempt to promote municipal broadband. He previously said the commission would consider both legal and policy options in response to the court ruling. – *Ars Technica*

Sling TV is using the football season's arrival to kickoff a new aggressive campaign to woo pay-TV customers. The commercials, videos and shareable social media bits will feature actor Danny Trejo (*Machete*, *Spy Kids*, *Heat*), who in one of the ads says, "People say I'm scary. I say scary is not knowing how a cable bill of over a hundred bucks got so expensive." Trejo "is the ideal person to amplify the frustration that many customers have with the traditional pay-TV model," said Glenn Eisen, Sling TV's chief

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marketing officer. "He mirrors this negative sentiment with a breakthrough style and delivery."

Overall, there will be 16 TV spots, two of which will begin airing today and spots will ramp up as the college and NFL seasons get underway. The videos vary in length from 15 seconds to 60 seconds and will be used on social media and digital video sites. Trejo will also share them on his social media accounts.

Sling is evolving its message, Eisen says, after consumer focus groups told Sling that price is a major pay-TV "pain point" for not only cord nevers and cord cutters, but also current pay-TV subscribers. The top pay-TV providers have about 93.8 million subscribers, having lost 665,000 in the second quarter of 2016 (April-June), according to Leichtman Research Group.

Sling TV, which parent company Dish Network launched in February 2015, starts at \$20 monthly for 25 channels including ESPN, TNT and Comedy Central, and nearly 50 channels including Fox and NBC for \$40 monthly, with an option to add more. The message from that consumer input has been that Sling needs to stress its strengths, similar to how John Legere has done with T-Mobile. Among the synergies: **new unlimited data plans** from T-Mobile and Sprint should spur Sling TV subscriptions, says Sling TV President Roger Lynch. "People have been concerned about the data caps ,now with these new unlimited plans taking hold in the market. We think that is quite positive for our service," he said.

Many of Sling TV's customers join via mobile, Lynch says. "They download the app, create the account and start streaming on the phone," he said. "Then, their viewing ends up being predominantly on TVs, but they do lots of sessions on mobile." Dish does not make public its subscriber numbers. However, research firm SNL Kagan estimates the service has 764,000, while market strategy firm The Diffusion Group estimates subscribers total about 700,000. "We said long ago that marketing would be key, and unfortunately Sling is spending little to no money on service promotion," said Michael Greeson, the firm's president. "I suspect this is due to concerns about cannibalization of their core service."

Another weakness: a full suite of on-demand episodes from the programmers on the service. To that end, the service recently added NFL and NBC channels, and also also has an NBC on-demand channel where subscribers can watch shows such as *Blacklist* and *The Voice* the day after broadcast. Sling TV "is not a skinny bundle or a re-creation of the pay-TV experience over the Internet," Lynch said. "It's a new consumer model." – ***USA Today***



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