

Cable Views

Ohio Cable Telecommunications Association

Issue Three 2012

FCC: Cable Broadband Delivers Outstanding Performance

by Steven Morris

Cable broadband technology "has a daily 24-hour average speed of slightly over 100 percent of advertised rates"

While the above statement may sound like an ad for cable broadband services, it actually comes from the Federal Communications Commission's Measuring Broadband America report analyzing performance of the largest Internet Service Providers (ISP) in America. Based on rigorous third-party testing, the FCC has again confirmed that consumers across the U.S. consistently are receiving faster and more robust cable broadband service.

The Commission's report includes a number of findings that demonstrate the strong performance of cable broadband services:

- On average, cable operators delivered 102.7 percent of advertised download speeds over the course of a 24-hour period, i.e., peak and non-peak hours;
- Cable operators delivered 110 percent of advertised upload speeds during peak periods;
- "PowerBoost" and other burst techniques deployed by some cable operators can more than double short-term download performance;
- Cable operators delivered 99 percent of advertised speeds during peak periods of usage.

As compared to the Commission's 2011 report, cable operators showed strong improvement on a number of fronts. Every cable operator that participated in the testing delivered at least 92 percent of advertised download speeds during peak periods and three operators were at or above 100 percent. In contrast, DSL providers averaged 84 percent and not a single one was able to deliver more than 90 percent. So much for the "conventional wisdom" that cable broadband performance suffers during peak periods because the network is shared among many customers. The ability of cable operators to consistently deliver such strong performance is even more remarkable given the continual increases in speed tiers that operators are offering their customers and usage demands being placed upon broadband networks.

The report represents a continuation of the successful collaboration between FCC staff, the FCC's contractor, and broadband providers. The process has enabled the parties to work through this complicated set of issues in an open, collaborative manner. As in other contexts, when the Commission opts for public-private collaboration over top-down government mandates it is able to

produce extremely positive results for broadband consumers.

With two successful tests of wireline broadband providers under its belt, it may be time for the Commission to turn its attention elsewhere. For example, slow speeds on content provider websites often prevent consumers from receiving the full benefits of the "last mile" broadband access service they have purchased. To obtain a fuller picture of the performance consumers are experiencing, the Commission may want to solicit the participation of popular content and application providers, such as Netflix and YouTube, in developing a voluntary testing regime for application providers.

Steven Morris is VP and Associate General Council for the National Cable Telecommunications Association. The Measuring Broadband America report can be found online at <http://www.fcc.gov>.

C-SPAN Visits Ohio Capital

As part of its C-SPAN 2012 Cities Tour, C-Span brought a production team to Columbus in July to film programming for airing during a "Columbus Weekend" on Book TV and American History TV in September. At a kickoff event sponsored by local partner Time Warner Cable, Mayor Michael Coleman thanked C-SPAN for choosing to feature Columbus during its bicentennial year celebration.

During its week-long visit, the network's "local content vehicle" stopped at more than a dozen sites around town, conducting interviews with local historians, authors and civic leaders. The result will be a series of Columbus vignettes that will be sprinkled throughout the weekend of September 1-2 on AHTV and Book TV. Each network will also have a special block of programming airing all of the Columbus features, with the Book TV Block set for Saturday, September 1 at 12 p.m. and the AHTV block on Sunday, September 2 at 5 p.m.



C-SPAN's LCV crew films a segment at Schiller Park in the German Village area of Columbus.

Face **to** Face

with PUCO Commissioner Lynn Slaby

Lynn Slaby was appointed to the Public Utilities Commission of Ohio by Governor John Kasich in March, 2012. Commissioner Slaby most recently served in the Ohio House of Representatives, representing the 41st District, which includes parts of Summit County. Previously, Slaby served on the Ninth District Court of Appeals and as Summit County Prosecuting Attorney, Assistant Law Director and Prosecutor for the cities of Akron and Cuyahoga Falls. Slaby has been a guest lecturer at the University of Akron Business College and the College of Law, as well a presenter at the Ohio State Bar Association. He is past president of both the National District Attorneys Association and the Ohio Prosecuting Attorneys Association. During his legal career, Commissioner Slaby was awarded the Ohio Forensic Leadership Award for his dedication and progressive efforts to study the insanity defense. Commissioner Slaby received both his Juris Doctorate Degree and Bachelor of Science Degree in Business Administration from the University of Akron.

Fast Facts:

Fictional Attorney Most Like You – There was a radio show called “Mr. District Attorney” that I listened to as a kid. I loved that program, so, “Mr. District Attorney”.

Memorable Mentor – Judge Bill Baird. I served under him when he was the City Law Director in Akron and during the time that he was on the Common Pleas Court. He mentored me in the court room, as well as in court proceedings, and especially when I went up to the Court of Appeals.

Summer Pastime – Boating. We have a boat up on Lake Erie that we use as a floating condominium on weekends. We bought her down on the Ohio River and brought her back ourselves on the Ohio, Mississippi, Illinois, up Michigan and around Mackinaw and back down here around St. Clair and back up to Erie. We used to travel a fair amount with her, but not now with the price of fuel.



Jonathon McGee: You have been a prosecutor, a judge, a teacher, a legislator – and now a regulator. Tell us about making those transitions over your career.

Lynn Slaby: I’ve been very fortunate in my life. There were things I thought I wanted when I graduated from Law School that I didn’t get, but then there were other doors that opened. As an example, I never thought I would get involved in politics. When I graduated Law School in 1972, my wife indicated that she thought I would get involved in politics and I said, “No, anyone who gets involved in politics has to be crazy”. In December of 1979 I told her, “It’s happened, I’m going to get involved in politics,” and she said “You’re not crazy, you’re nuts”. I was an unknown Republican in a very Democratic community, and in those days attorneys could not advertise legally. But I knew that if I announced that I was a candidate for office, put together a brochure and had fundraisers, and went door to door professing my qualities as an attorney, then even if I lost I had legally advertised. Well, we ended up with an issue and I didn’t lose. I won. I wasn’t sure what I was getting

into as County Prosecuting Attorney, but, I soon found out and I enjoyed it for 14 years. But it became an administrative nightmare in the Prosecuting Attorney’s office, too much administrative work and not enough legal work. When slots opened up in the Common Pleas Court and the Court of Appeals, I opted for the Court of Appeals. It was an extreme change from my many years as a county prosecutor, an assistant law director and policy advisor for the City of Akron. It took me a number of years to adjust to the constant reading, writing, and no communication other than twice-weekly hearings. I would have loved to stay in the Court of Appeals, but, I turned 70 and couldn’t run again. I flunked retirement 101 and decided that I had to do something. My wife had been in the House in 2004 and I thought about running myself. I called Speaker Batchelder and he said, no, you’re not thinking about it, you are going to do it. He twisted my arm a bit and I ran and won election to the Ohio House in 2010. The Speaker assigned me chairman of a committee, which doesn’t normally happen for a freshman. I enjoyed that work immensely. Chairmanship of a Committee in the Ohio House is different than any chairmanship of any committee in the community. I enjoyed it; that transition was very easy for me.

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Capital Update

Legislative

ISSUE: SB 271 (Telecom Deregulation) – SB 271 was passed by the Senate in mid-February after several changes were made at the behest of the cable industry. However, those changes did not resolve all of our issues, and the OCTA remains opposed. The House Public Utilities Committee heard the bill only once after receiving it from the Senate before going on summer break. It is possible that this bill will move after the fall election – the OCTA will continue to work to assure that before it is acted upon our concerns are addressed.

ISSUE: HB 414 - (Anielski) expands the offenses of menacing by stalking and telecommunications harassment. The cable industry had concerns with provisions of the bill but the OCTA was able to have the bill amended to resolve them. The bill was favorably reported out by the House committee and awaits a floor vote.

ISSUE: Scrap Metal Legislation – SB 193 (Seitz), which makes changes to the way scrap dealers are regulated, was passed by both chambers and signed into law by Governor Kasich on June 26. The bill has no impact on cable operators or utilities. The Ohio Department of Public Safety will begin seminars around the state to educate law enforcement on scrap theft. We are working with them to provide pictures of cable equipment commonly stolen so that law enforcement may better be able to identify them.

PUCO

ISSUE: Carrier-to-Carrier Rule Review – Under Ohio law, all administrative rules must be reviewed by the promulgating agency at least once every five years, and the PUCO is now reviewing the Carrier-to-Carrier rules that are set to expire in November. The OCTA filed comments in this docket, and we await further action from the PUCO in relation to comments it has received from interested parties.



Thanks to all who participated in the 2012 OCTA Golf Outing at Brookside Golf and Country Club in Columbus. Shown here: David Celona of Strategic Impact Consulting, Frank Polito of Comcast, Ed Kozelek of Time Warner Cable, and State Representative Bob Hackett. See p. 4 for more on the Golf Outing.

Congressional Hearings

Assess 1992 Cable Act

The U.S. Senate Committee on Commerce, Science, and Transportation held a hearing in late July on “The Cable Act at 20.” This hearing was a follow-up to a Commerce Committee hearing in April that examined the future of online video and a first step in assessing the impact of the Cable Television and Consumer Protection Act of 1992 on the television marketplace and consumers twenty years after its passage. Based on the competitive changes in the communications marketplace over those 20 years, the cable industry agrees that it may be time for a review – and possibly a rewrite – of the Cable Act.

A recent “then and now” comparison by the National Cable Telecommunications Association noted changes in the marketplace; including:

- In 1992, 98% of all multichannel households were cable; today that number is 57%.

- In 1992, 53% of all national networks had some cable operator ownership; today that number is 14%.

- In 1992, there were 101 national and regional cable networks; today there are over 900.

- Today four of the top 10 multichannel providers are not cable companies; in 1992, all 10 were cable companies.

- Today’s cable operators offer digital video, broadband and voice services, and other services – in 1992 those operators offered analog video service alone.

With Congressional interest in a rewrite of the ‘92 Cable Act – and the 1996 Telecom Act – growing, the cable industry hopes to work with committee members to develop policies that promote jobs and investment, recognizing the enormous changes to the marketplace that have occurred over the past 20 years.

Playing Through

It was a stalwart group of golfers who came to the 2012 OCTA Golf Outing on Monday, June 11th - AND STAYED! Yes, there were a few downpours, but they didn't dampen the resolve of scramblers set on completing their appointed rounds. Thanks to all our awesome sponsors, prize donors and intrepid golfers!

2012 Golf Outing Supporters

A&E Networks, Armstrong, BBC Worldwide, Bloomberg Television, BR Cablevision, Buckeye CableSystem, Comcast, Cox Communications, Davis Wright & Tremaine, Discovery



Judy Barbao of Time Warner Cable at Brookside Golf and Country Club

Communications, Disney & ESPN Media, Fox Cable Networks, G.L.W. Broadband Inc., Gospel Music Channel, Grant Street Consultants, Hogan & Lovells, Inspiration Networks, Massillon Cable, NBC Universal, OUPS, Outdoor Channel, OVATION, Precision Broadband, Ohio Council of Retail Merchants, Scripps Networks, Sports Time Ohio, Sprint, Telecom Marketing Strategies, The Cable Warehouse, The Inspiration Networks, Time Warner Cable, TV Guide Network, UNIVISION, and Vorys, Sater, Seymour & Pease LLP.

Cable-PAC/PAT Participation

(January 1 – July 11, 2012)

Company	Amount Raised	Goal	Company	Amount Raised	Goal
Armstrong Cable	\$50	\$2,496	G.L.W. Broadband	\$0	\$400
Buckeye CableSystem	\$5,133	\$10,972	Insight	\$50	\$5,252
Clear Picture	\$200	\$520	Massillon Cable TV	\$10,579	\$2,750
Comcast	\$2,820	\$1,430	Suddenlink	\$0	\$1,400
Cox Communications	\$519	\$3,068	TOTAL	\$19,351	\$28,288

Cable PAC/PAT Individual Contributions Thank You!

American Cable Association

Rob Shema

Buckeye CableSystem

Patti Ankney
Mike Bilik
Mark Boden
Florence Buchanan
Laurie Cichy
Patrick DeVille
John Ducat
Bonita Ehrhardt
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Doug Matthews

WGN America

Pat Van De Walle

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The transition from State Representative to a Commissioner on the Public Utilities Commission has been a significant adjustment. Primarily, it's that it's a lot of new regulations, new laws and a very complex process of electric utility regulations. With the spin-off of deregulation for generation capacity and the competitive environment that we are getting ourselves into Ohio, it's been a bit of a challenge to come up to speed, especially with the acronyms that they use here. I have four sheets of paper that give me the definitions to the acronyms.

JM: Do you find yourself drawing on your administrative, legislative, or your public judicial background?

LS: I find it's more, so far, my appellate background. The administrative background has helped me to come up to speed pretty fast on the process. But the Court of Appeals was a matter of bringing two arguments together, reading the material, reading the background of the cases and then properly applying the law. Here, we are assimilating all the arguments for all the various issues in any particular case, whether it be a rate case or a generation case, putting that all together and then ultimately coming back to the law as was passed in SB 3 and HB 221 a couple of years ago. Though the process is very similar to the Court of Appeals, here it's a little different because we are trying to balance two perspectives – the consumer and the supplier.

JM: How would you describe the mission of the PUCO?

LS: I think the mission here, as it has always been, is to provide reliable service to the consumer, whether it be residential or businesses or industrial purchasers of the electric, or gas, or transportation or water. Our role is to attempt to balance a fair return for the utilities who are investing billions of dollars in order to provide that service with reasonable, affordable rates for the consumer. We are moving to a competitive market in Ohio. We will be for the marketplace to bring utility costs down. There will be separation of generation, transmission, and distribution. In addition to the complex pricing mechanisms of these three functions, the Federal Electric Regulatory Commission will still have authority over the transmission portion. Therefore, the balancing of the cost to the consumer and the return to the company is intertwined among multiple interests.

JM: One of the stated goals of the PUCO is to utilize "advanced technology for monitoring and enforcing utility compliance, facilitating the provision of information to stakeholders, and sharing information..." How is that being accomplished?

LS: I think that's primarily being addressed with the new rate plans that are coming into effect. We are looking to have efficiency built into those plans. In any business organization you have supply and demand. If you can reduce the demand, the supply doesn't have to increase. If the supply increases typically the cost will increase. But, if you can keep the demand down with the efficiencies that are now available both to the utilities and to the consumers, the supply can stay the same and the cost can either come down or remain the same. I've seen costs come down in some areas, like the gas utilities, but, we

have openness in both the demand side and the supply side. I think that technology in the future is going to be helpful in keeping rates down with the efficiencies that can be built in on both sides.

JM: What is your personal philosophy about regulation of industries – both those considered utilities and others?

LS: I'm a firm believer that competition will drive the marketplace. Good competition will allow for people to hopefully invest where the rate of return is sufficient to also keep the price down for those who are buying the commodity, whatever that commodity might be. So, I support the whole free enterprise concept of the marketplace.

JM: Do you see the commission's role as evolving? In what way?

LS: It used to be that we would regulate everything from generation up to the consumer. Now, since that part is being deregulated and the marketplace is beginning to take effect, our responsibility is looking at the product in a somewhat different light, and how we get that product from the supplier to the consumer. The PUCO used to look at the whole gamut, now we are limited to where our power is.

JM: With your wife Marilyn having served in the House of Representatives previously and now appointed to replace you, can we assume there is much shop talk in the Slaby home?

LS: Our shop talk at home is a bit strange now because she's talking about things that are going on in the House and I'm talking about things that are going on at the PUCO. She's enjoying the challenge and having input over in the House and I'm enjoying the input I have here.

JM: Based on your experience as a legislator, and now as a commissioner, what advice would you have for the cable telecommunications industry?

LS: The thing that I look for in the future is as the technology grows, people have to be aware and open to what technology is available to them. I think, in the telecommunications area especially, folks need to communicate with the folks that are the consumers. They need to be open. They need to let people know that it is a competitive marketplace and that you can provide the better product of any business that's out there in the telecommunications business, but, you have to be open about it and let people know what's available to them.

**For the latest cable industry news,
visit www.octa.org**





Cable Calendar

WICT – Leadership Conference

www.wict.org

When: September 10-11, 2012

Where: Hilton New York
New York, NY

2012 CTAM Summit

www.ctam.com

When: October 14-16, 2012

Where: Swan & Dolphin Resort
Walt Disney World, FL

26th Annual NAMIC Conference

www.namic.com

When: September 11-12, 2012

Where: Hilton New York
New York, NY

SCTE Cable-Tec Expo '12

www.scte.org

When: October 17-19, 2012

Where: Orlando, Florida

Association of Cable Communicators Forum

www.cablecommunicators.org

When: September 12-13, 2012

Where: Hilton New York
New York, NY
Washington, DC

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50 West Broad Street, Suite 1118
Columbus, Ohio 43215

