

# Cablefax Daily™

Friday — June 12, 2015

What the Industry Reads First

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## No Stay for You: DC Circuit Denies Title II Stay Request

Any hope that cable operators would be spared Title II regulation going into effect Fri was dashed late Thurs when the **DC Circuit** curtly denied stay requests from **NCTA, ACA, US Telecom** and others. Court watchers said it would be tough, with the Circuit not known for granting many stays. The terse order said petitioners have not satisfied “the stringent requirements for a stay pending court review.” The good news? The court did agree to expedite the challenge of the order, telling the parties to file a proposed briefing format and schedule within 2 weeks. “This is a huge victory for Internet consumers and innovators,” **FCC** chmn *Tom Wheeler* said in a statement. “Starting Friday, there will be a referee on the field to keep the Internet fast, fair and open. Blocking, throttling, pay-for-priority fast lanes and other efforts to come between consumers and the Internet are now things of the past. The rules also give broadband providers the certainty and economic incentive to build fast and competitive broadband networks.” NCTA has indicated it won’t appeal the stay decision and focused Thurs on the positive news that the case is being fast-tracked. “While being granted a stay is always a long shot, we are pleased that the Court has agreed to expedite the review of our appeal of the FCC’s misguided decision to impose utility-style regulation on Internet networks. We are now ready to get to the merits of the case and are confident as ever that we will prevail,” the association said. The DC Circuit has a reputation for seeking concise, consolidated arguments—something to keep top of mind given the number of parties challenging the FCC’s Feb order (**AT&T, CenturyLink, NCTA, ACA, US Telecom**). It strongly urged them Thurs to submit a joint proposal. “Whether the parties are aligned or have disparate interests, they must provide detailed justifications for any request to file separate briefs or to exceed in the aggregate the standard word allotment,” the court said. This also applies to those filing in support of the FCC, including **Public Knowledge, Kickstarter** and **Netflix**. Sen Communications subcmte chmn *John Thune* (R-SD) used the denial as an opportunity to push for a legislative fix. “This decision underscores the need for Congress to find a bipartisan legislative solution to protect, preserve and promote the free and open Internet,” he said. “I will continue my work with Ranking Member Nelson to achieve that goal. Edge companies, broadband providers, and Internet users alike all need clear rules of the digital road so they can continue to innovate, invest, and use the Internet with confidence. Only Congress, on a bipartisan basis, can provide that legal certainty.” In his own statement, Rep *Bill Nelson* (D-FL) said that he’s committed to

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providing the certainty that only legislation can provide. "That legislation, though, must fully protect consumers, preserve the FCC's role, and leave the agency with flexible, forward-looking authority," he said.

**NHL-Fans Settle:** Fans and the **NHL** have filed a preliminary settlement with a federal court in an antitrust lawsuit in which fans accused the League and television providers of restricting their ability to watch their favorite teams by blacking out out-of-market games. The agreement comes after 3 years of litigation. Under it, the NHL will offer an unbundled "Game Center Live" Internet package for the next 5 years, allowing fans to purchase single-team packages for "at least 20% below" the price of bundled packages. An **InDemand** spokesperson said the company has not yet been contacted by the NHL to discuss the impact on the Center Ice out-of-market VOD package, but expects to speak to the League soon. The proposed settlement also has the NHL discounting prices by 17.25% over previous years. In addition, **Comcast** and **DirecTV** (which were named as defendants in the suit) will provide 3 weeks of free access to NHL Center Ice for subs for the next 2 seasons, thus reducing the package price by 12.5%. Plaintiffs are asking the court to expedite ruling on the settlement as the NHL has said it will offer the unbundled packages this season if final approval is granted by Sept 15. The fans also have filed a similar suit over **MLB** blackouts. That suit is still pending and not part of the settlement.

**Nevins Rises at Showtime:** After 20 years as chmn/CEO of **Showtime Networks**, *Matt Blank* will pass the CEO baton to current pres *David Nevins* on Jan 1. Blank will still serve as chmn, and Nevins will keep the pres title when he adds CEO to his business card. "I'm so proud of all the success at Showtime over the past few years. One of the great joys of my career has been working with David Nevins. I know he'll bring his great programming, business and leadership skills, as well as his passion for Showtime, to his new responsibilities," Blank said in a statement. A clear trail was blazed for Nevins eventual takeover, with the former **Fox Broadcast** programming evp securing the spot through hits such as "Homeland" and "Masters of Sex." We understand Blank will continue to play a part at Showtime, as he'll have a hand in guiding strategy.

**Mediacom-Granite Settle:** **Mediacom** customers who lost **Granite Broadcasting** stations on May 31 got them back Thurs. The new deal covers **NBC** stations in Duluth, MN, Fort Wayne, IN, and Peoria, IL. Not every Granite station in Mediacom markets will be returning though. In areas where Granite doesn't operate the primary network affil, the stations may be reinstated temporarily, but will be discontinued over the next several months. In other words, Mediacom is dropping the out-of-market NBC stations where they were duplicating the in-market NBC station.

**MLB Authenticated:** **MLB Network** became the 1st league-owned TV net to launch a live, authenticated stream of its programming on multiple devices (including iPhone, Android, PCs and tablets). Several MVPDs, including **AT&T U-verse, Bright House, Cablevision, Cox, DirecTV, DISH, Time Warner Cable and Verizon FiOS**, will authenticate the net via the MLB.com At Bat app. The TVE service launched ahead of Thurs night's Giants-Mets game. As with MLB Network game telecasts, games watched via the authenticated stream will be subject to local blackouts depending on the user's location. Users in areas subject to blackouts will be provided with an alternate game or other programming.

**Murdoch Era:** As news broke Thurs that **21st Century Fox's Rupert Murdoch** is expected to hand over the CEO reigns to son and co-COO of the company *James Murdoch*, the question remains what happens to co-COO and pres *Chase Carey*... "The unfortunate outcome of this transition will be that [he] will step down to take on a yet undefined advisory role at the company," **MoffettNathanson's Michael Nathanson** said in a research note Thurs. "The well-regarded executive's departure has been speculated since he signed a short-term contract renewal in June last year that provided him an option to leave in Dec provided he gave six months' notice." Succession is on the board's agenda at the company's next meeting.

**Houston RSN Aftermath:** **CSN Houston** may be gone, but its impact isn't. On Thurs, the **Houston Regional Sports Network Litigation Trust** filed a lawsuit in US Bankruptcy court against **Comcast** and related entities and individuals. The suit accuses Comcast of trying to impair the network so that it could acquire **Houston Astros** and **Rockets** rights at a discount. "Comcast and its affiliated entities and individuals vigorously deny the claims and allegations asserted by the HRSN Litigation Trustee and look forward to demonstrating in court that the lawsuit is entirely without merit," Comcast said.

**Dodgers Net:** **DirecTV** implied that **Time Warner Cable** gave its new buyer **Charter** a good deal on **TWC SportsNet LA**. In a statement, the satellite provider said "we continue to hope TWC and the Dodger front office will compromise with the rest of Southern California's providers so all Dodger fans can watch their games without burdening everyone else with significantly higher fees." Charter added the net on Tues, triggering DirecTV's message on DirecTVPromise.com, the com-

# BUSINESS & FINANCE

pany's online portal to communicate info regarding programming issues.

**Al Jazeera America Lawsuit:** The latest legal challenge against **Al Jazeera America** came from its former svp of programming and documentaries **Shannon High-Bassalik**, who worked at the net from July 2013 to Feb this year. The lawsuit, filed in a federal court in LA, alleged discrimination against women and non-Arab employees as well as the abandonment of "journalistic objectivity" to "advance a pro-Arabic/Middle Eastern agenda." The latest complaint followed a lawsuit filed by another former employee earlier this year alleging an anti-Semitic, anti-American and anti-woman bias (which the network denied). It also followed several female execs' resignations. In light of all the rumblings, AJAM named **Al Anstey** as the new CEO last month, replacing interim head **Ehab Alshihabi**, who helped launch the net in 2013. "The allegations made against Al Jazeera America are by a former employee whose conduct and performance went through a full process of investigation led by an external law firm before her employment ended, during which Ms. High-Bassalik made none of the allegations she makes in her complaint. We regret that Ms. High-Bassalik has now decided to make unfounded allegations against Al Jazeera and its employees. Al Jazeera values and respects all of its employees, and has zero tolerance of any form of discrimination," a rep said.

## Cablefax Daily Stockwatch

Company	06/11 Close	1-Day Ch	Company	06/11 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
DIRECTV:	92.47	0.40	COMMSCOPE:	25.96	0.01
DISH:	72.79	0.24	CONCURRENT:	6.45	(0.13)
ENTRAVISION:	7.46	0.05	CONVERGYS:	25.29	(0.09)
GRAY TELEVISION:	15.16	(0.07)	CSG SYSTEMS:	32.16	0.01
MEDIA GENERAL:	16.34	(0.25)	ECHOSTAR:	51.00	(0.53)
NEXSTAR:	56.86	0.42	GOOGLE:	534.61	(2.08)
SINCLAIR:	29.46	(0.62)	HARMONIC:	7.22	(0.02)
<b>MSOS</b>					
CABLEVISION:	23.98	UNCH	INTEL:	31.85	0.03
CHARTER:	173.92	1.53	INTERACTIVE CORP:	77.08	(0.46)
COMCAST:	58.76	0.53	JDSU:	12.96	(0.03)
COMCAST SPCL:	58.27	0.51	LEVEL 3:	55.55	(0.21)
GCI:	16.27	UNCH	MICROSOFT:	46.44	(0.17)
GRAHAM HOLDING:	1085.00	14.51	NETFLIX:	665.66	(5.44)
LIBERTY BROADBAND:	52.68	0.28	NIELSEN:	45.06	(0.16)
LIBERTY GLOBAL:	55.85	(0.3)	RENTRAK:	68.63	(0.8)
SHAW COMM:	21.98	(0.06)	SEACHANGE:	7.69	(0.09)
SHENTEL:	32.53	(0.53)	SONY:	30.51	0.53
SHENTEL:	32.53	(0.53)	SPRINT NEXTEL:	4.67	0.13
TIME WARNER CABLE:	179.39	0.29	TIVO:	10.79	0.07
<b>PROGRAMMING</b>					
21ST CENTURY FOX:	32.90	(0.06)	UNIVERSAL ELEC:	53.01	(0.14)
AMC NETWORKS:	78.26	(0.13)	VONAGE:	4.92	0.01
CBS:	58.77	(0.72)	YAHOO:	40.94	(1.13)
CROWN:	4.37	0.10	<b>TELCOS</b>		
DISCOVERY:	32.96	(0.27)	AT&T:	34.88	0.16
DISNEY:	110.62	0.62	CENTURYLINK:	32.73	0.47
GRUPO TELEVISA:	38.55	1.11	TDS:	30.56	0.09
HSN:	69.06	(0.14)	VERIZON:	47.76	0.29
LIONSGATE:	36.42	(0.08)	<b>MARKET INDICES</b>		
MSG:	85.61	0.45	DOW:	18039.37	38.97
SCRIPPS INT:	66.89	0.15	NASDAQ:	5082.51	5.82
STARZ:	41.40	0.15	S&P 500:	2108.86	3.66
TIME WARNER:	86.59	0.96			
VIACOM:	67.73	0.48			
WWE:	15.37	(0.48)			
<b>TECHNOLOGY</b>					
ADVANTAGE:	2.32	(0.03)			
AMDOCS:	56.82	0.26			
AMPHENOL:	57.50	0.11			
AOL:	50.00	UNCH			
APPLE:	128.59	(0.29)			
ARRIS GROUP:	32.15	(0.32)			
AVID TECH:	15.91	(0.09)			
BLNDER TONGUE:	0.85	0.06			
BROADCOM:	54.07	(0.17)			
CISCO:	28.86	0.20			

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# PROGRAMMER'S PAGE

## The Real South

Boiled peanuts. Collards. Butterbeans. Streak o' Lean on a Cat-Heat Biscuit. I've lived outside of my home state of Georgia for more than 15 years, but I still miss my Southern comfort food. I was immediately intrigued by **Ovation's** new series "Southern Uncovered," in which culinary and travel writers *Matt* and *Ted Lee* ("Lees Bros Southern Cookbook") promise to strike out to "recover the South's reputation as a mecca of culinary greatness" (premieres Sun at 8pm ET). There are a lot of misconceptions about the South—from the notion we all talk like we're extras in "Gone With the Wind" to our palettes not being as sophisticated as our Yankee friends. At the same time, there's a lot of Southern clichés on TV—from rednecks and moonshiners to Southern belles and plantation owners. So, I was a little apprehensive when I screened the first ep. Thankfully, the Lee Bros—who are more hipsters than Bubbas—didn't let me down as they showed off their hometown of Charleston—from soul food shack Martha Lou's to Mira Winery's experiments aging wine in the Charleston Harbor to impressive graffiti art. The brothers promise the show will continue to explore finds off-the-beaten path that showcase what's special to each locale. "It's not 'the South.' It's a very diverse place, sort of akin to traveling around Europe. We don't speak of European food—we speak of food that is Tuscany, Sicily, Piemonte and break it down further," Matt Lee told me. Anyone who has ever witnessed a fight over North Carolina vs Memphis barbecue should get that. What helps to set Southern Uncovered apart from other food and travel shows is that it's on an arts channel. In an upcoming episode featuring Asheville, NC, the brothers go out and dig clay with a potter who does a lot of work with the restaurant industry. "One of the great blessings of being on Ovation is it's not foremost a food and travel show, it's wherever the food world intersects with arts or crafts." - *Amy Maclean*

**Reviews:** "Deutschland 83," premiere, Wed, 11pm, **Sundance**. The 1st German series on American TV is pretty good (btw, next season's "Homeland" will be filmed entirely in Germany). It's 1983 and a young East German soldier (*Jonas Nay*) is forced to become a Cold War spy. His cover is as a West German soldier. A thriller and a coming-of-age piece wrapped together. -- "Veep," season finale, Sun, 10:30pm, **HBO**. We realize there's another throne battle ending Sunday on HBO, but we're partial to "Veep," which also concludes its season. It's election night, and interim President (*Julia Louis-Dreyfus*) wants America's throne badly. The result is bawdy comedy. -- "Jonathan Strange & Mr. Norrell," Sat, 10pm ET, **BBC Am**. This mini is more proof that nobody does period pieces better than the Brits. "Strange" looks great and the acting (by *Bertie Carvel* and *Eddie Marsan*) is excellent. Putting a 1K-page book on TV is a chore, yet the adaptation by *Peter Harness* and *Toby Haynes'* directing make it a delight. -- "Tyrant," Season 2 premiere, Tues, 10pm, **FX**. Stories often become slow when the protagonist is inactive. That's true here, yet relief is in sight, and it's not a mirage. -- "The Hunt for Ted Bundy," Sun, 9pm ET, **ID**. The rookie detectives who pursued Bundy recount the story in this excellent doc. - *Seth Arenstein*

Basic Cable Rankings (6/01/15-6/07/15) Mon-Sun Prime			
1	DSNY	0.7	1669
1	USA	0.7	1653
1	FOXN	0.7	1640
1	HGTV	0.7	1636
5	HIST	0.6	1526
5	TBSC	0.6	1388
7	DISC	0.5	1345
7	TNT	0.5	1301
7	DSE	0.5	105
10	FOOD	0.4	1039
10	ESPN	0.4	1039
10	ADSM	0.4	1001
10	FAM	0.4	916
10	ID	0.4	875
10	LIFE	0.4	864
10	TLC	0.4	849
10	DSJR	0.4	692
18	A&E	0.3	841
18	NAN	0.3	813
18	SYFY	0.3	812
18	FX	0.3	803
18	AMC	0.3	748
18	APL	0.3	667
18	BRAV	0.3	654
18	TVLD	0.3	651
18	HALL	0.3	600
18	SPK	0.3	596
18	WETV	0.3	580
18	HMM	0.3	439
30	VH1	0.2	547
30	MSNB	0.2	519
30	NGC	0.2	517
30	EN	0.2	505
30	ESP2	0.2	503
30	CMDY	0.2	500
30	BET	0.2	479
30	CNN	0.2	443
30	MTV	0.2	431
30	OWN	0.2	415
30	GSN	0.2	410
30	TRU	0.2	394
30	TRAV	0.2	392
30	FXX	0.2	378
30	NKJR	0.2	373
30	LMN	0.2	373
30	H2	0.2	360

\*Nielsen data supplied by ABC/Disney

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THE MAGAZINE

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