

Cablefax Daily™

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What the Industry Reads First

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Set-top Saga: NCTA Says No to a Copyright Body at the FCC

The battle continues over the FCC's set-top box proposal, with the NCTA pushing back on a new concept that would essentially have the Commission create a copyright license office within the FCC. You'll recall that the US Copyright Office has raised significant concerns with the plan initially proposed by chmn *Tom Wheeler*. Things moved a bit more toward the cable-backed apps approach based on HTML5 standards, but there's a new wrinkle. Based on filings at the agency, it sounds like the FCC wants to develop a central licensing body that would establish and enforce a single license for MVPD apps. This licensing body would issue licenses to qualifying device makers, enforce licensing terms and handle device testing and certification. "This approach is unnecessary and unworkable; exceeds the Commission's authority under Section 629; essentially imposes a royalty-free compulsory copyright license on MVPDs and programmers, which would also be well beyond the Commission's authority to adopt; and raises other legal issues," NCTA said in an ex parte filed Tues that details a meeting last week between cable and association execs with FCC staffers. "The approach would ultimately have the effect of chilling innovation and upending a robust app marketplace that is already providing consumers with a wide and growing array of retail device options for accessing their MVPD service." Broadcasters aren't happy either, with NAB telling the FCC in comments Fri that any action that could restrict copyright owners' ability to impose reasonable conditions on their work is "an existential threat to our vibrant video programming marketplace." NCTA argues that a central licensing body is unnecessary given that MVPDs have committed to develop apps for in-home devices based on open HTML5 standards, while preserving their ability to negotiate other B2B agreements, including with non-HTML5 platforms. Each MVPD would make a standard license available on commercially reasonable terms—which NCTA argues should be a relatively painless process for device makers since only 7-8 MVPDs would be involved. What's more, the group said it doesn't make sense as programmers don't pool and offer uniform rights across all platforms and uses—licensing some rights to online video distributors, MVPDs, etc. And don't get NCTA started on whether the FCC's central licensing body would apply any such license developed to non-HTML5 device platforms. "Native apps have been enormously successful in the marketplace today, as evidenced by the more than 460 million retail devices supporting native MVPD apps. Native device platforms, such as iOS and Android, have also set their own agreements and licensing structure, further undercut-

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This outstanding event will bring together those who create amazing content and those who excel in bringing it to the viewers. Cablefax will showcase the winners of The Program Awards, as well as recognize the Program Hall of Famers, the Top Operators of the Year, and announce the Trailer award winners.

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Courteney Monroe

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ting any rationale for government involvement,” the ex parte said. Author *Larry Downes*, whose books include “Unleashing the Killer App” and “The Laws of Disruption,” penned a blog at *Forbes* Tues on the FCC copyright concept that’s well worth reading. “Make no mistake: consumers would suffer far more than they would benefit from the FCC’s new arrangement. A one-size-fits-all solution would needlessly disrupt continued innovation in video delivery and alternatives to traditional pay TV bundles, slowing the industry’s future evolution to the pace of a federal agency’s painful deliberations,” Downes concluded, pointing to the FCC’s earlier efforts (CableCARD, AllVid, DSTAC). “Ultimately, Congress will need to decide what kind of oversight is needed for the emerging communications and media industries, and which regulator is best suited to provide it.”

Montemagno to Charter: Another former **Cablevision** exec has turned up at **Charter**. *Tom Montemagno*, who left his post as Cablevision’s evp, programming when **Altice** took ownership, was named evp, programming acquisition at Charter. He reports to *David Ellen*, who joined Charter in July from Cablevision, where he served as evp, gen counsel until the completion of Cablevision’s sale to Altice. Montemagno will oversee negotiations with content providers. Time Warner Cable exec *Andrew Rosenberg*, who came over to Charter following its acquisition of TWC, will remain as a top deputy to Montemagno. Programmers should take note that the announcement highlighting the new hire made reference to Charter’s attention to the bottom line. “I have known and worked with Tom for many years. His negotiating ability will serve Charter extremely well as it continues to deliver its traditional video products with cost discipline. And his deep understanding of today’s complex rights structures will better position Charter to roll out innovative video product offerings that meet new needs,” Ellen said in a statement.

College Football: **ESPN** had its best college football opening week ever, with Ole Miss vs Florida State receiving a 5.3 overnight. Streaming for the Seminoles’ 45-34 victory set new all-time highs for a regular season ESPN college football game, with an average minute audience of 231K viewers and 854K unique viewers viewing 59.7mln minutes overall.

Bigger Universe for ONE World: It’s not all doom and gloom for independent networks these days. Less than a week after **ONE World Sports** went dark on **DISH**, **DirectTV** and **AT&T** U-verse lit up the channel. The distributors launched the channel Mon on their sports package and in HD. Recall that those were sticking points in negotiations with DISH, with ONE World saying it couldn’t agree to a renewal that included certain most favored nation provisions and didn’t get it out of an ethnic tier and in HD. It’s the 1st time either service has offered the channel, and AT&T has the rights to launch it as part of its upcoming OTT service DirecTV Now. All told, the net is now available to 43mln homes nationwide. “ONE World Sports offers an alternative for viewers who are passionate about sporting events that don’t often receive wide coverage in the U.S. like rugby and cricket,” said *Rob Thun*, AT&T svp, content and programming. “We anticipate ONE World Sports will be a popular addition to our Sports Pack for all kinds of fans.”

DISH-Tribune Make Nice: After 12 weeks dark on **DISH**’s lineup, 42 **Tribune** stations and **WGN America** quietly returned Sat evening. That lawsuit DISH filed claiming Tribune breached its contract by running a ‘dump DISH’ campaign. The new retrans pact covers 42 stations in 33 markets along with cable net WGN America. In a joint statement, the 2 companies thanked viewers and said the channels are secure “for years to come.”

Fox News in the News: **Fox News** parent **21st Century Fox** announced Tues that it has settled *Gretchen Carlson*’s sexual harassment suit against former chmn *Roger Ailes*. Multiple reports peg the pay out at \$20mln. “During her tenure at Fox News, Gretchen exhibited the highest standards of journalism and professionalism. She developed a loyal audience and was a daily source of information for many Americans. We are proud that she was part of the Fox News team. We sincerely regret and apologize for the fact that Gretchen was not treated with the respect and dignity that she and all of our colleagues deserve,” 21CF said in a statement. Ailes has repeatedly denied the allegations. He left the network shortly after the suit was filed. Carlson issued her own statement, saying she’s gratified 21CF took “decisive action” following her complaint. “I want to thank all the brave women who came forward to tell their own stories and the many people across the country who embraced and supported me in their #StandWithGretchen. All women deserve a dignified and respectful workplace in which talent, hard work and loyalty are recognized, revered and rewarded.” -- Separately, Fox News announced that *Brit Hume* would replace *Greta Van Susteren* as anchor of “On the Record.” Van Susteren announced she is leaving the net after 14 years. “Fox has not felt like home to me for a few years and I took advantage of the clause in my contract which allows me to leave now. The clause had a time limitation, meaning I could not wait,” Van Susteren said on

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her Facebook page, adding she hopes to continue her career in broadcasting. She came to Fox in 2002 from CNN.

Fees for All: ACA clicked the thumbs up on a new FCC order that will require DBS providers **DirecTV** and **DISH** to each pay a 27-cent, per sub regulatory fee in fiscal 2016 (that includes a 3-cent fee to help the Commission accomplish a facilities reduction). Satellite has argued against the increase. DISH said that it will ultimately harm consumers that must shoulder the burden of increased fees and complained that the FCC has failed to explain how regulatory developments in the past year justify the increase. Calling it a step toward fee parity between cable and satellite, ACA said it means the burden of supporting the FCC's Media Bureau is distributed fairly among all types of MVPDs.

WIT Award: Congrats to **Comcast Cable's** svp, group technical adviser *Theresa Hennesy*, who was awarded the 2016 Women in Technology Award, presented jointly by **WICT, SCTE/ISBE** and **Cablefax** . It honors one woman annually for her achievements toward the advancement of the cable telecommunications industry. For more details see Cablefax.com.

People: *Ralph Rivera* was appointed to the newly created position of managing dir, Eurosport Digital for **Discovery Comm** . He will report to *Michael Lang*, evp of international development & digital for Discovery, and Eurosport CEO *Peter Hutton*.

Cablefax Daily Stockwatch

Company	09/06 Close	1-Day Ch	Company	09/06 Close	1-Day Ch			
BROADCASTERS/DBS/MMDS								
DISH:	50.45	(1.33)	INTEL:	36.57	0.49			
ENTRAVISION:	7.72	(0.11)	INTERACTIVE CORP:	59.67	0.67			
GRAY TELEVISION:	11.08	(0.2)	LEVEL 3:	50.16	0.03			
MEDIA GENERAL:	18.06	0.01	MICROSOFT:	57.61	(0.06)			
NEXSTAR:	54.56	0.34	NETFLIX:	100.09	2.71			
SINCLAIR:	29.20	(0.13)	NIELSEN:	53.04	0.37			
TEGNA:	20.16	(0.5)	SEACHANGE:	2.89	(0.02)			
MSOS								
CABLE ONE:	558.95	0.24	SONY:	33.52	0.88			
CHARTER:	274.67	2.88	SPRINT NEXTEL:	6.34	(0.08)			
COMCAST:	66.34	0.18	SYNACOR:	2.86	0.03			
GCI:	13.55	(0.03)	TIVO:	11.26	0.24			
LIBERTY BROADBAND:	70.53	0.15	UNIVERSAL ELEC:	76.49	0.22			
LIBERTY GLOBAL:	32.94	0.10	VONAGE:	5.89	0.08			
SHAW COMM:	20.46	0.09	YAHOO:	44.71	1.43			
SHENTEL:	25.55	(0.23)	TELCOS					
PROGRAMMING								
21ST CENTURY FOX:	24.42	(0.13)	AT&T:	41.23	0.28			
AMC NETWORKS:	52.86	(2.01)	CENTURYLINK:	28.17	0.23			
CBS:	51.75	(0.47)	FRONTIER:	4.68	0.12			
DISCOVERY:	25.09	(0.8)	TDS:	27.76	(0.38)			
DISNEY:	93.80	(0.62)	VERIZON:	53.51	0.63			
GRUPO TELEVISIA:	27.24	(0.43)	MARKET INDICES					
HSN:	41.91	(0.32)	DOW:	18538.12	46.16			
LIONSGATE:	20.42	(0.06)	NASDAQ:	5275.91	26.01			
MSG NETWORKS:	17.34	(0.14)	S&P 500:	2186.48	6.50			
SCRIPPS INT:	63.18	(0.65)	TECHNOLOGY					
STARZ:	30.97	0.13	ADVANTAGE:	1.93	(0.03)			
TIME WARNER:	78.39	(0.14)	AMDOCS:	60.97	0.06			
VIACOM:	44.21	(0.49)	AMPHENOL:	62.66	0.08			
WWE:	20.96	(0.23)	APPLE:	107.68	(0.05)			
TECHNOLOGY								
ARRIS GROUP:	28.22	(0.23)	AVID TECH:	8.78	(0.34)			
BLNDER TONGUE:	0.58	0.02	BLNDER TONGUE:	0.58	0.02			
CISCO:	31.87	0.04	CISCO:	31.87	0.04			
COMMSCOPE:	29.84	(0.03)	COMMSCOPE:	29.84	(0.03)			
CONCURRENT:	5.62	0.14	CONCURRENT:	5.62	0.14			
CONVERGYS:	30.60	0.30	CONVERGYS:	30.60	0.30			
CSG SYSTEMS:	44.16	(0.43)	CSG SYSTEMS:	44.16	(0.43)			
EHOSTAR:	39.06	(0.41)	EHOSTAR:	39.06	(0.41)			
GOOGLE:	780.08	8.62	GOOGLE:	780.08	8.62			
HARMONIC:	5.08	(0.02)	HARMONIC:	5.08	(0.02)			

Cablefax TV Innovation Summit **Featured Session:**

The Monetization Game: Mining Revenue from Every Platform

In this session, we'll explore fresh ideas on how to:

- ▶ Find new monetization methods can bring OTT and TVE content together in original ways.
- ▶ Leverage the emerging and fast-evolving Virtual Reality platform.
- ▶ Make a convincing case for advertising and marketing strategies that leverage every platform.



Scott Braley
Ooyala



Peter Dolchin
Google



Lee Boykoff
A+E Networks



Chris Pizzurro
Canoe



Andrea Clarke-Hall
Tubi TV



Moderator:
Mark Lieberman
Viamedia

Thursday, September 22 | 10:45 am - 5:30 pm | NYC

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