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What the Industry Reads First

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Complaint Dept: FCC Hears about Must Carry Denial; Good Faith Questions

When it comes to must carry, it seems to matter just how you elect it. **KMTP**, a non-commercial station out of San Fran owned by the **Minority Television Project**, filed a carriage complaint against **DISH** with the **FCC** on Thursday. **KMTP**, which bills itself as multicultural television, elected mandatory carriage for the election cycle that runs from Jan 1, 2018 through the end of 2020. However, in a letter dated Oct 9, **DISH** rejected the election, saying the letter was sent via **USPS Priority Mail** instead of certified mail per federal regulations. The broadcaster said there was a “clear lack of any justification for this hyper-technical reading” of the Commission’s rule and said it was an “attempt to place form over substance.” **DISH** didn’t offer a comment by deadline. The regs do indeed state that an election request must be made in writing and sent to the satellite carrier or cable system’s principal place of business, by certified mail, return receipt requested. In other **FCC** complaint news, **DirectTV** has responded to **HITV**’s good faith negotiation complaint, which accused the satellite provider of only putting forth one proposal and refusing to consider alternative terms for carriage without justification. **HITV**’s **KFVE**, a Hawaiian **MyNetworkTV** affiliate, has been dark on **DirectTV** since Oct 19 in the retrans impasse. **HITV** said **DirectTV**’s sole proposal was for the station to elect must carry. **DirectTV** denies the broadcaster’s allegations and says it’s actually **HITV** that isn’t acting in good faith since it has never presented the **DBS** provider with a counter-offer. “Simply put, **HITV** was dissatisfied with **DirectTV**’s first proposal and instead of putting forth its own, it has demanded that **DirectTV** provide it with another offer that will be more to its liking,” **AT&T** told the **FCC** on behalf of **DirectTV**. “Because **DirectTV** has chosen not to negotiate against itself, **HITV** filed this complaint alleging bad faith.” **AT&T** has been involved in several retrans disputes lately. **Capitol Broadcasting**’s **WRAL (NBC)** and **WRAZ (Fox)** went dark Sept 13 and remain off **DirectTV** and **U-verse**. Also still dark are seven **American Spirit Media** stations on **DirectTV** (four dark on **U-verse**). They were removed from the lineups on Sept 21.

Sinclair Soap Opera: The latest plot twist has **House Commerce** ranking member *Frank Pallone* (D-NJ) and Oversight subcmte ranking member *Elijah Cummings* (D-MD) asking the **FCC** inspector general to launch an investigation into whether chmn *Ajit Pai* has taken improper action to benefit **Sinclair** and assist with its \$3.9bln purchase of **Tribune**. “Unfortunately, this request appears to be part of many Democrats’ attempt to target one particular company because of its

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perceived political views, an effort that dates all the way back to 2004 when Ranking Member Pallone, Ranking Member Cummings, and other Democrats demanded that the FCC investigate Sinclair based solely on the content of a documentary they didn't like and that hadn't even aired," an FCC spokesperson said, referring to an anti-*John Kerry* film from 2004. "Any claim that Chairman Pai is modifying the rules now to benefit one particular company is completely baseless. For many years, Chairman Pai has called on the FCC to update its media ownership regulations—one of which dates back to 1975. The Chairman is sticking to his long-held views, and given the strong case for modernizing these rules, it's not surprising that those who disagree with him would prefer to do whatever they can to distract from the merits of his proposals." In their letter, the Dems complained that Pai and his staff have refused to answer whether they have used personal accounts and messaging to communicate with Sinclair. Their concerns include the reinstatement of the UHF discount, the ATSC 3.0 transition (which Sinclair could receive licensing fees for through patent holdings) and next week's vote to relax broadcast media ownership limits. "All of these actions—when taken in context with reported meetings between the *Trump* Administration, Sinclair, and Chairman Pai's office—have raised serious concerns about whether Chairman Pai's actions comply with the FCC's mandate to be independent," Pallone and Cummings wrote.

New Blood for EPIX: *Michael Wright*, former CEO of *Steven Spielberg's Amblin Partners* and longtime **Turner** exec, was selected as the new pres for **EPIX**. He'll begin the job Dec 4, working out of **MGM's** LA HQ. Founding CEO *Mark Greenberg* left EPIX in September following MGM's integration of the network. MGM paid \$1 bln in April for **Lionsgate** and **Paramount's** stakes in the channel. Wright reports directly to MGM chmn/CEO *Gary Barber*. Business operations will continue to be overseen by *Monty Sarhan*, evp/gm for EPIX. Wright's tenure at Amblin included the release of "The Girl on the Train" and the upcoming "Ready Player One" (the latter is based on a book that's become essentially required reading for the **Facebook Oculus** crew). At Turner, he served as pres, head of programming for **TBS, TNT** and **TCM**.

New TiVo CEO: **TiVo** named *Enrique Rodriguez* its pres/CEO on Monday and appointed him to the company's board of directors. Rodriguez most recently worked at **AT&T**, where he served as evp and CTO for the company's entertainment group. He has previously worked at **Sirius XM, Cisco Systems, Microsoft** and **Thomson/RCA**. He succeeds *Tom Carson* as the top exec at TiVo. Carson, who announced his intention to retire early this year, is stepping down from the board effective immediately, but will stay on in an advisory role through 2Q18 to ease the transition.

Tower of Power: **AT&T** and **Verizon** are working together on the construction of hundreds of cell towers. The two telco giants entered into a joint agreement with **Tillman Infrastructure**, which owns and operates towers small cells and municipal IoT infrastructure. Tillman agreed to construct the towers to Verizon and AT&T's specifications, with



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the carriers committing to lease and co-anchor the co-located towers. The deal could eventually include more new sites in the future. Construction plans will begin in 1Q18.

Roku Licensing Deal: Philips is the latest TV brand to join Roku's licensing program. Manufacturer Funai Electric will build and deliver Philips brand smart TVs that run the Roku OS. The sets are expected to be available in the US before the end of the year.

Ride Captain Ride: RIDE TV has reached two new distribution agreements with NCTC and Frontier Communications. The NCTC deal makes the net available to the all of organization's member operators. The independent cable net's programming lineup consists primarily of equestrian lifestyle programming, 90% of which it produces in house. Additional RIDE distribution partners include CenturyLink, DISH, Verizon FiOS and Sling TV. The net also offers an SVOD service for \$9.99/month or \$95.88 per year.

Free Prime: Amazon is developing a free, ad-supported version of its Prime SVOD service, according to sources cited by AdAge. Those sources said Amazon is in talks with TV nets, movie studios and other media companies about providing content. Currently, the video service is only available to subscribers to Amazon Prime, which costs \$99/year and includes free shipping on ecommerce purchases. It has included some advertising on its NFL game streams, but the rest of its content has been ad-free.

Snap Stories: TBS and Conan O'Brien's Team Coco premiered their first animated Snapchat show on Sunday. "Team Coco's Comedy Club" centers on up-and-coming comedic talent found by Team Coco, bringing together live action shots and animation of stand-up routines. New editions of the show will be featured on the app from 6am ET Sundays-6am Tuesdays. Previous episodes can be found using Snapchat's Search feature. -- ESPN brought a new "SportsCenter" show to Snapchat. It airs at 5am and 5pm on weekdays, and will air once at 5am on weekends. The three-to-five-minute show will run viewers through a mix of sports news, highlights and commentary. It marks the first daily sports show on the platform.

Hear Them Roar: Sexual harassment controversies in Hollywood weaved their way into the remarks of WICT So-Cal's 2017 LEA honorees last week as they gathered in LA to be recognized for leadership, excellence and advocacy. "We've pushed a lot of ogres out of the shadows lately," said Nancy Kanter, Disney Channels Worldwide evp, content and creative strategy. "Let's not let them defeat us." Actress Mary McDonnell (TNT's "Major Crimes," SyFy's "Battlestar Galactica"): "It is energizing and mobilizing to say out loud, 'You've been caught, and you're going to pay.'" Of course, the honorees also spoke of leadership, with Fox Sports evp, communications Teri Hines saying she was "raised in a home in which the word 'can't' was actually forbidden," but she credited an early mentor who recommended her for a job that led to her current career. "It's because of him taking a chance on me that I take a chance on others," she said. Kathy Payne, Amazon Channels head, content acquisition management, whose daughter Halle introduced her as "my totally badass, awesome mother," called her daughter proof that "a healthy dose of self-reliance and crazy nannies can lead to success." Payne's advice to other women in the industry: "Open the door, even if it's scary. You don't know what you'll have to gain until you take that leap." Meanwhile, Cablefax will honor its own list of the industry's Most Powerful Women on Thursday during an awards lunch at the Edison Ballroom in NYC. Check www.cablefax.com for more info.

Sports Programming: Telemundo Deportes secured exclusive Spanish-language rights for the FIFA Club World Cup for 2017 and 2018 (not to be confused with the international World Cup, which the net also has rights to, beginning in 2018). This year's Club World Cup takes place in the United Arab Emirates from Dec 6-16. The tournament will air across Telemundo and affiliated cable net Universo, with coverage also available online and via the Telemundo Deportes En Vivo App.

Ratings: Saturday night's "Top Rank on ESPN" telecast was the second highest-rated boxing event on cable this year. The telecast, highlighted by a light heavyweight title fight between Artur Beterbiev and Enrico Köelling, notched a 0.9 metered market rating, according to Nielsen. Only ESPN's July broadcast that featured Manny Pacquiao vs. Jeff Horn, which scored a 1.8 rating, topped Saturday night's card.

Political Ads: With claims of Russia's attempted influence on the 2016 presidential election top of mind, a group of 15 Democratic senators have asked the Federal Election Commission to apply the same disclosure rules to online political ads that TV and radio political ads face. "The FEC must close loopholes that have allowed foreign adversaries to sow discord and misinform the American electorate. The lack of transparency of digital ads is a threat to our national security," said the senators, led by Mark Warner (D-VA), Amy Klobuchar (D-MN) and Claire McCaskill (D-MO). Monday marked the final day in a month-long comment period on whether the FCC should update the rules.