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What the Industry Reads First

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National Crisis: CBS-DISH Retrans Beef Could Cost Fans Turkey Day Football

One of Americans' most sacred Thanksgiving traditions is hanging in the balance. Don't worry... as far as we know, there's no shortage of turkeys. But those who enjoy watching the Dallas Cowboys play each year might be disappointed, as a retransmission consent dispute between **CBS** and **DISH Network** threatens to keep fans in 14 markets from watching "America's Team" take on the San Diego Chargers. The Cowboys' home market of Dallas-Ft. Worth is among those that would be impacted, as are New York, L.A., Chicago, Philadelphia, the S.F. Bay Area, Boston, Detroit, Minneapolis-St. Paul, Denver, Miami, Sacramento, Pittsburgh and Baltimore. KeepCBSOnDISH.com, the site where CBS is directing DISH customers, states viewers can expect to lose their stations Monday night at 11:59pm MT (DISH is based in Colorado). The broadcaster began warning viewers of a possible blackout during Sunday afternoon **NFL** action. Any blackout related to the dispute would impact the CBS O&Os in the 14 markets mentioned above, as well as its eight **CW** affiliates, three independent stations and two **MyNetwork TV** stations. CBS-owned cable nets **CBS Sports Network**, **The Smithsonian Channel** and **Pop** are also in jeopardy of being blacked out to all DISH customers. **Showtime**, however, would not be affected. Interestingly, CBS is only promoting the potential loss of the broadcast programming. "DISH has successfully negotiated agreements representing hundreds of stations in recent months that benefit all parties, including our viewers," the satellite provider said in a statement. "We are unsure why CBS decided to involve customers in the contract negotiation process at a point when there is still time for the two parties to reach a mutually beneficial deal." DISH also attempted to downplay CBS' leverage, claiming it has seen its customers increasingly "turn to digital antennas for free access to their local channels." A blackout that extends into the weekend would impact college football viewership, as well. CBS is scheduled to air the annual Iron Bowl game Saturday between No. 1 Alabama and No. 6 Auburn. DISH is a go-to for pay-TV service in rural areas where **SEC** football is particularly popular and was the first nationwide provider to sign on for carriage of **ESPN's** SEC Network back in 2014. In the unlikely event of a prolonged blackout, next Saturday's SEC Championship game would also be in jeopardy. Any impact on NFL audiences—whether it be Thursday's game or a subsequent Sunday slate—would exacerbate the already-concerning ratings story for the league. The stare-down between CBS and DISH comes less than three years after a 12-hour Friday

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night blackout in Dec 2014 that ended without disrupting college football or NFL action. In addition to carriage rates, OTT streaming rights and ad-skipping technology also drove that dispute. DISH is currently in a retrans dispute with **Lilly Broadcasting**, which owns 10 stations in several US markets. With the exception of **One Caribbean Television**, which serves Puerto Rico and the US Virgin Islands, all of Lilly's stations have been off DISH since late September. DISH has been involved in blackout disputes with four additional broadcasters this year, according to the **American Television Alliance**, including large groups like **Hearst** and **Bonten Media**.

Fighting the Law: AT&T responded forcefully Monday evening to the **Department of Justice's** lawsuit aimed at blocking the telco's pending merger with **Time Warner**. Speaking at an impromptu press conference, AT&T pres/CEO *Randall Stephenson* said the company has "decades of legal precedent" on its side and questioned the government's logic in opposing a vertical merger for the first time since the Carter administration. "This lawsuit has the whole world questioning what they can and cannot do," he said. He also addressed what he called the "elephant in the room," saying, "There's been a lot of reporting and speculation about whether this is all about **CNN** and, frankly, I don't know." He called divesting the news net a "non-starter." **O'Melveny & Myers** partner *Daniel Petrocelli*, the telco's lead litigator, said the company will look to take the case to trial ASAP. The DOJ in a statement said the deal would allow the combined company to "hinder its rivals by forcing them to pay hundreds of millions of dollars more per year for the right to distribute" Time Warner-owned content. The statement also said the combination would result in higher bills for consumers.

Know When to Fold 'Em: Comcast and **Players Network** reached an out-of-court settlement in a \$150mIn lawsuit the Las Vegas gaming channel brought against the MVPD in 2014. Terms are confidential. It dates back to an Oct 2005 announcement that Comcast and Players Network had entered into a multi-year deal for a VOD channel. Players claimed that Comcast did not increase its amount of programming distribution by 20% per year as required by the contract and that it has "buried the gaming channel, **Vegas On Demand**" that it developed. Comcast strongly denied those allegations. The Vegas On Demand channel ran from April 2004 through November 2015. By the end of 2016, Players Network had shifted to a holding corporation with a strong focus on the marijuana industry. It's behind **WeedTV.com**. "This experience pushed us to reinvent our self as a company, and expand our platform and technology in a way that I believe will become the standard and outperform any new network in both viewership and revenues," Players CEO *Mark Bradley* said in a statement.

Univision-Verizon: Univision's month-long blackout on **Verizon** came to an end over the weekend. Verizon FiOS customers had been without the flagship network, **Univision Deportes** and **El Rey** since October 16. **Fusion** wasn't among the blacked-out networks since it was covered under a separate carriage agreement. The youth-focused net, however, is included in this broader deal. The dispute drew the attention of lawmakers, especially given that it came as Puerto Rico and Mexico dealt with the aftermath of natural disasters. "Through this deal, Verizon has demonstrated that it is committed to providing Hispanic America with the critical news, information and content that they rely on. We look forward to furthering our partnership with Verizon across their platforms to best serve the needs of the Hispanic community," Univision said.

Voting with X1: Comcast-NBCU's "Symphony" efforts are in full swing, with this week's live airing of **NBC's** "The



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Voice” allowing Xfinity X1 customers to use their voice remotes to cast votes for their favorite artist directly on the TV. The move feels a little “back to the future” for anyone who remembers **Wink Communications** of the late '90s/early '00s. Wink's interactive TV technology was built into cable set-tops, allowing requests for info and polling with a click of the remote. It was acquired by **Liberty Media** for \$99.9m in 2002. Interactive TV took a bit of a backseat with the advent of the smartphone/tablet and the second-screen viewing experience (though it's been popular in home-shopping circles, see “HSN Shop by Remote”). Maybe tying in interactivity with voice control will help it gain new, er, interaction.

Hulu Adds Locals: Hulu added four **ABC** affiliates serving Tucson (AZ), Grand Junction-Montrose (CO), Columbia-Jefferson City (MO) and Twin Falls (ID) to its live TV service last week. With the additions, Hulu now offers 45 ABC affiliates serving to more than 50% of US TV households. In total, Hulu's local broadcast roster is up to 373 stations.

C3 for October: Pivotal Research's analysis of data finds that **Comcast-NBCU** produced the largest share of C3-qualifying commercial impressions last month, with a 14% 18-49 commercial share among national media owners. That's down slightly from 14.6% a year ago. “NBCU also produced the highest share of program viewing among people 2-99 on a live+7-day basis with 14.3% of total program viewing,” Pivotal's report said. “**Viacom** had the second highest commercial viewing share with 13.8% of the industry's total in October 2017, stable vs. the year-ago period. However, its share of program viewing P2-99 was only 8.2%, down from 8.6%.”

NAACP Image Awards: Netflix led the TV nominations for **NAACP** Image Awards, with 23 nods. It was followed by **OWN**, which received 17 nominations. Among series, **HBO's** “Insecure,” **OWN's** “Queen Sugar” and **ABC's** “Black-ish” each have six nominations. **TV One**, whose six noms included two for “When Love Kills” The Falicia Blakely Story,” will air the awards live on Jan 15 (MLK Day).

Sports Programming: **FS1** and **Fox** will air games from next summer's **BIG3** basketball season live on Friday nights, a change in strategy from this year. During the league's inaugural season in 2017, FS1 aired regular-season and playoff games on tape delay the day after they were played; only the championship game aired live on Fox. In 2018, all BIG3 games will air live across six windows on FS1 and four windows on the Fox broadcast net, including the playoffs and championship game. -- **NBCSN** will air the first-ever national telecast of **Sports Illustrated's** “Sportsperson of the Year” awards. The one-hour special will air Dec 8 at 8pm ET, three days after the event is held at the Barclays Center in Brooklyn. SI owner **Time Inc.'s** in-house production division will produce the telecast along with **Group Nine-owned JASH**.

Programming: **Viacom-owned CMT** announced Friday that the upcoming sixth season of scripted drama “Nashville” will be its last. -- **Amazon** will debut a new sci-fi anthology series, “Philip K. Dick's Electric Dreams,” on Jan 12. The show is exclusive to the company's Prime Video service. Each of the 10 standalone eps are set in different unique worlds, ranging from 5-5000 years in the future. Stars include *Steve Buscemi* and *Bryan Cranston*. The stories are adapted from the writings of the late titular author, *Philip K. Dick*, who also wrote the novel that served as the basis for Amazon's “The Man in the High Castle.” -- **HBO** will debut “Happening: A Clean Energy Revolution” on Dec 11. The documentary follows filmmaker *Jamie Redford*, who travels across the country to explore the current state of clean energy. -- **Ovation** picked up the linear and digital rights to two docs from **Cineflix** about fashion. The deal is for two-part doc “Inside Dior” and docuseries “Style Factory,” which gives a behind-the-scenes look at how fashion and beauty products are made. -- **Food Network** knows cookies. So much so, it's going across multiple platforms—**Facebook Live**, Food Network Kitchen, new franchise “Food Network Finds,” as well as Food Network's **Snapchat Discover**—with a “Cookie Party” on Dec 8. Join the day-long event with #CookiePartyLive.

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