

# Cablefax Daily™

Monday — April 9, 2018

What the Industry Reads First

Volume 29 / No. 067

## Charter-Northwest: Petition Goes after Broadcast Surcharge; MSO Files Suit

Cities caught in the middle of **Charter** and **Northwest Broadcasting's** retrans impasse are still pretty irked with the cable operator, with one filing a new **FCC** petition that goes after its broadcast TV surcharge. Meanwhile, Charter has filed a lawsuit against the city of El Centro, CA, alleging that it's unlawfully trying to pressure it to carry the stations by levying inapplicable fines and code provisions. Charter's lawsuit claims the city's actions damage its reputation with customers and make a reasonable deal with Northwest more difficult. Yet other cities are taking up the cause, with Crescent City, CA, filing a petition at the FCC Wednesday against Charter. The broadcast surcharge for Crescent City ranges from \$7.50-\$8.85/month, with the amount remaining consistent following the removal of the Northwest stations, the petition said. "Despite the fact the fee is itemized and justified as a pass-through, Charter did not eliminate or reduce that fee, even though it was no longer incurring costs associated with carriage of ... at least two network affiliates," Crescent City told the FCC. Charter declined to comment on the new petition. Northwest CEO *Brian Brady* said the broadcaster submitted a new proposal to Charter this week. "Spectrum's representative communicated that they really wanted to get this resolved, but would not counter Northwest's proposal and would not respond at all in writing," he said. Charter has said Northwest is seeking a fee increase demand of more than 75% for its stations. Crescent City's complaint follows a petition filed at the FCC in mid-March by Yuma, AZ, Jackson, WY and El Centro that alleges Charter violated FCC rules by not providing 30 days advance notice before the Northwest stations were removed on Feb 2. The 30-day notice question is key in El Centro's actions against Charter. Those cities have asked to join Crescent's petition to the extent it seeks additional relief. Crescent City believes it has authority to adopt remedies through its franchise agreement with Charter, but said it believes FCC action is also appropriate given the effects on other communities, "the evident attempt to evade notice obligations" and continued imposition of the broadcast surcharge. It wants the FCC to require Charter to show how the surcharge was calculated, to reduce/eliminate the fee and require appropriate refunds without the need for customers to call the MSO. Both the petition and the FCC docket contain letters from residents upset with Charter. One of these missives is from El Centro-based advertising firm **Spectrum Creative Services**, which is fielding several calls

## studiodaily panel discussion at NAB

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TUESDAY, APRIL 10  
3:00 - 4:15PM

NAB NORTH HALL | ROOM: N235

#### PANELISTS:

##### Elicia Besette

Co-producer  
Outlander

##### Anna Maria Hall

VP/Head of Music Licensing Sales  
Killer Tracks, Universal  
Music Publishing

##### Payton List

Workflow Producer  
Sim Digital International

##### Elisabetta Cartoni

President & CEO  
Cartoni

##### Hillary Lewis

Editor  
Live Nation

##### Deena Sheldon

Emmy®-Winning  
Camera Operator

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and visits from those trying to reach Charter, according to owner *Rob Zimmer*. “A visitor came to our office as I wrote this email attempting to return cable equipment,” he wrote in an email that describes how his company has had to send all calls to voicemail and has hung a door sign declaring “We’re Not the Cable Company!” Zimmer writes that contacts have acknowledged his situation is “awful,” but do nothing. “I would like to be apart [sic] of any suit that may involve **Spectrum**,” his letter to the city attorney begins.

**Thursday Numbers:** Some 2.97mln viewers tuned in for the first round of the Masters on **ESPN** Thursday, up 40% over the Thursday audience last year, according to **Nielsen** Fast Nationals. The telecast ranked as the fourth-best Thursday since ESPN began airing the Masters Tournament in 2008, exceeded only by the years in which *Tiger Woods* was featured in Thursday coverage (most of his round on Thursday was over when ESPN’s telecast began). -- There’s just something about those Jersey Shore dwellers. Thursday’s premiere of “Jersey Shore Family Vacation” on **MTV** was the net’s highest-rated new show in six years. The 8pm ep did a 2.88 for 18-34s, with ep 2 growing to 3.03. The two-ep, two-hour premiere averaged 2.5mln P2+ viewers.

**Accessibility Act:** The **FCC** Consumer and Governmental Affairs Bureau is seeking comment on the accessibility of communications technologies for a biennial report required under the 21st Century Communications and Video Accessibility Act. Comments are due April 26, with the agency required to submit its report to Congress by Oct 8. Questions in the FCC’s request include: To what extent do new virtual and augmented reality systems incorporate advanced communications services features that could have accessibility implications and how are companies providing training on accessibility of their products to CSRs, technicians and others in direct contact with the public.

**Worth a Like:** **Facebook** received some positive support from *Sen Mark R. Warner* (D-VA), vice chmn of the Senate Select Committee on Intelligence, with his issuing of a statement regarding the social media site’s decision to endorse and implement disclosure requirements listed in the Honest Ads Act, bipartisan legislation aimed at bringing transparency and accountability to online political ads. “Most of the paid ads the **Internet Research Agency** ran on Facebook prior to the 2016 election didn’t mention *Hillary Clinton* or *Donald Trump* – but they did mention divisive political issues like guns, LGBT rights, immigration and racial issues,” the statement read. “That’s why today’s announcement by Facebook is so important, and I would encourage all of the platform companies to follow suit as we work toward making the Honest Ads Act the law of the land, ensuring that political ads sold online abide by the same disclosure rules as TV and radio ads.”



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**Questions:** Mary-Lou French 301-354-1851 • mfrench@accessintel.com  
**Sponsorships:** Olivia Murray 301-354-2010 • omurray@accessintel.com

Final Deadline:  
**April 16**

Save the Date: FAXIES Awards Luncheon | June 5, 2018 | NYC

**www.TheFaxies.com**

**Programming:** Discovery is bringing together filmmakers Steven Spielberg, Alex Gibney, Geeta Gandbhir and Sam Pollard for “Why We Hate (working title),” a six-part event looking into the human capacity for hatred and how to overcome it. The series will premiere on **Discovery Channel** in 2019. -- **WGN America** has greenlit “Pure” for a second season. The first season of the crime drama is set to debut in early 2019 with the second season beginning production in Nova Scotia later this spring. -- An exclusive “30 for 30” documentary will come to **ESPN+** upon its launch Thursday. “The Last Days of Knight” will give a behind-the-scenes look into **CNN’s** investigation into why high school All-Americans were leaving Indiana University men’s basketball coach *Bob Knight’s* program and the resulting fallout. The entire archive of 30 for 30 films will also be coming to the streaming service.

**Artists in Action:** **Ovation** is expanding its **Stand For The Arts** advocacy platform with the “Arts Across the Heartland” initiative. The goal of the initiative is to highlight the places and people who are enriching their communities through the arts. The states being highlighted through national PSAs for 2018 include Mississippi, Tennessee, South Dakota, Utah, Virginia and Oregon. In addition to the new initiative, Ovation added more members to the Stand For The Arts coalition and is continuing the program for the Spring and Fall of 2018.

## Cablefax Dashboard

### Tweet Tweet


Hadas Gold  
@Hadas\_Gold
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AT&T & DirecTV exec Daniel York is now on the stand in [#USvsATT](#). We've already heard 2 objections (1 sustained I think) to evidence - we heard some of this dispute in evidentiary hearings earlier. AT&T says DirecTV convos prior to them being owned by AT&T shouldn't be considered

2:21 PM - 4 Apr 2018


Jason Samuels  
@Jason\_Samuels
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In June my boss was shot at in [#Alexandria](#). In November my sister was shot at in [#LasVegas](#). Today my new coworkers were shot at in [#SanBruno](#). And I'm sure there are others with similar stories. The feeling that this is somehow the new normal is just heartbreaking.

4:57 PM - 3 Apr 2018

### HQ Final Questions

**HQ - April 5, 9pm ET (Q12)**  
 Which of these sports typically uses the heaviest standard ball?

- Cricket
- Baseball
- Fast-pitch softball

**HQ - April 4, 9pm ET (Q12)**  
 Which of these is a song in the only G-rated movie to win the Best Picture Oscar?

- Where is Love?
- Feed the Birds
- Climb Ev'ry Mountain

Answers

(*Fast-pitch softball* – 892 winners)  
 (*Where is Love* – 747 winners)

### Up Ahead

**April 7-12:** [NAB Show](#), Las Vegas

**April 10:** [Senate Judiciary and Commerce Committee Joint Meeting](#) with Facebook CEO Mark Zuckerberg

**April 16:** [FAXIES Call For Entries Deadline](#)

**April 18-19:** [Broadband Cable Association of Pennsylvania's Cable Academy](#), Pocono Manor, PA

**April 30-May 1:** [Cablefax Leaders Retreat](#), Amelia Island, FL

### Quotable

“I must tell that in all the 45 plus years I have been in the media business I have never seen a single article about us that is reflective of reality especially in today’s world with the shameful political environment and generally complete lack of integrity. Facts and truth have been lost for a long time and likely to never return. The print media is so left wing as to be meaningless dribble which accounts for why the industry is and will fade away. Just no credibility.”

- **Sinclair executive chairman David Smith** quoted by [New York magazine](#)

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