

# Cablefax Daily™

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What the Industry Reads First

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## Yellow Card: Comcast Responds to beIN Programming Complaint

Comcast filed its formal answer to beIN's programming complaint, and it's using the programmer's own words against it. BeIN filed its carriage complaint at the FCC in March, claiming Comcast discriminates against it in favor of **NBC Sports Network** and **NBC Universo**—giving those affiliated networks better penetration. In fighting back, Comcast quoted from a filing in last year's FCC independent programming inquiry in which beIN said major pay-TV companies tend to make its English-language network available only as part of a sports package, which usually is distributed to about 20% of the MVPD's total subscribership. Comcast's response doesn't mention the next sentence that beIN's Spanish-language network generally achieves about 90% penetration to the relevant audiences segment, with it describing how it's more difficult to sell the English network. Comcast's point is that it's not treating beIN different than others big MVPDs, adding that many smaller MVPDs don't even carry it. It also doesn't think beIN compares to its networks in terms of content. "As beIN's own data show, its networks are dominated by continental European soccer. This niche programming is plainly distinct from NBCSN's diverse mix of marquee sports programming (e.g., **NHL** (including the Stanley Cup Playoffs), **NASCAR**, Olympics, Tour de France, English Premier League), and Universo's general entertainment Spanish-language programming (e.g., Spanish language reality and scripted series, music programming, movies) with occasional sports content," Comcast told the FCC in its 300+-page response. The company maintains there is little overlap in audience—with beIN's viewers more affluent, urban and younger than NBCSN's and more male and affluent than Universo's. BeIN also alleges that Comcast would not give it the right to authenticate Comcast viewers for watching online via its website and app even though it authenticates for Comcast-affiliated soccer programming. The MVPD called the allegations "premature, overstated entirely speculative," saying it has been in negotiations with the programmer on authentication of Comcast subs through its beIN Connect platform. History is not on beIN's side here. There were eight program carriage complaints filed against Comcast between 2005 and 2017, with all of them either settled or dismissed by the Commission or Media Bureau.

**Raw Renewal:** WWE and NBCU have reportedly reached a deal on the renewal of "Raw," according to *The Hol-*

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*lywood Reporter*, and the deal is expected to close at “as much as three times its current value.” The article notes that “Smackdown” is now up for grabs, as NBCU chose not to pick up the wrestling series again to air on **USA**. Fox has been rumored to be a potential buyer for the rights to the series. Both WWE and NBCU offered no comment to **Cablefax**.

**The Saga Continues:** The Court of Chancery of Delaware denied **CBS**' efforts to keep **National Amusements**, its largest shareholder, from interfering with a board meeting where the agenda was expected to authorize a dividend that would lower NAI's control from 79% to 17%. NAI's actions to require a super-majority of board votes to issue the shares will stand, allowing it to maintain its majority control of CBS. All of this, of course, is really about a possible CBS and Viacom marriage. Despite the victory for NAI and top shareholder *Shari Redstone*, **Bernstein Research** believes the chances that CBS ends up with Viacom are essentially nil. “There is extensive Delaware case law specifying that special committees need to be independent and cannot be coerced by the controlling shareholder. We cannot think of a more textbook case of coercion than a situation in which a controlling shareholder replaces a board that just rejected a transaction and asks the new board to approve the same transaction,” said a Bernstein research note.

**News-Worthy:** **Fox News** named *Suzanne Scott* CEO of Fox News and **Fox Business Network**. Reporting jointly to *Lachlan Murdoch* and *Rupert Murdoch*, Scott most recently served as the president of programming for Fox News Channel and FBN. She's been a member of the Fox News team since it began. *Jay Wallace* has also been boosted, rising into the role of pres of Fox News and executive editor. Wallace also joined Fox News Channel at the start, previously acting as evp of news and editorial. *Jack Abernethy*, formerly co-pres of Fox News, will continue to serve as CEO of the expanded **Fox Television Stations Group**, but will relocate to L.A. in order to be closer to **Fox Broadcasting Company** and **Fox Sports**.

**Prepping for Premium:** **YouTube Red** is getting a new name. The service will now be known as **YouTube Premium**, and will include the new “YouTube Music” offering. **YouTube Music** is an ad-free music streaming service with a mobile app and desktop player. YouTube Premium subscribers will continue to have access to all YouTube Originals as well as original series from around the globe. The service will roll out soon to existing markets in the US, Australia, New Zealand, Mexico and South Korea, with new markets such as Canada and Germany being added in the coming days. YouTube Premium will be offered at \$11.99/month, or subscribers can choose to only subscribe to YouTube Music for \$9.99/month. Current YouTube Red members will automatically receive access

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to YouTube Premium for their rate now of \$9.99/month. -- Online millennial-focused talk, news and entertainment network **TYT Network** debuted a 24-hour news channel on vMVPD service **YouTube TV** Thursday. The channel will feature favorites including “The Young Turks” and “Pop Trigger.” The TYT YouTube TV channel will also introduce four new shows: “The Damage Report” with *John Iadorola*, “#NoFilter” with *Ana Kasparian*, “The Happy Half Hour” with *Brett Erlich* and “Old School Sports” with *Rick Strom*.

**Pluses and Minuses:** The largest pay-TV providers (95% of the market) lost about 305K net video subscribers in 1Q 2018, a decrease from the 515K lost in the same period last year. The top providers now account for 91.9mln subs, according to **Leichtman Research**. Traditional pay-TV services continued to lose, dropping 710K in 1Q18. Telephone providers and satellite services also took blows, losing 50K and 375K respectively. Internet-delivered services, however, grew with the addition of 405K subs, Leichtman said.

**Ready for Mobile:** **Hulu** is revamping and optimizing its mobile and web experiences, with the much needed improvements coming to Android and iOS next week. Hulu viewers are watching 84% more hours of programming/month on their phones compared to last year, according to the company. It's added a dedicated live TV destination that will take viewers directly to live playback on their most recently-watched channel. There will also be a dynamic live TV guide for viewers to change channels or see what's coming for the next 24 hours. A portrait player grants the opportunity to see what's on while watching something else. Want to receive better recommendations from the app? Two new features will allow you to tell the app to stop suggesting a program or remove one from your watch history. If viewers are looking to watch Hulu on a bigger screen, they'll be able to thanks to the addition of HDMI support iOS and enhancing connectivity with Chromecast devices.

**Distribution:** **Revolt** and **Cinémoi** have joined the **Sling TV** lineup. Sling is the first OTT service to offer Cinémoi, which will be available to Sling Orange and Sling Blue customers through the Hollywood Extra add-on for \$5/month. Hip hop music and culture channel Revolt will be offered to Sling Orange and Sling Blue customers through the Comedy Extra add-on, also for \$5/month.

**Connectivity Concerns:** *Sen Shelley Moore (R-WV)* sent a letter to **FCC** chmn *Ajit Pai* asking for the setting aside of funds within Mobility Fund Phase II for areas with difficult-to-serve locations such as West Virginia. “I am concerned that if topography is not taken into consideration, areas of the country like West Virginia risk being left behind as providers could naturally gravitate toward locations where it's more economically viable to serve,” Capito wrote. Capito sent her letter the day before the FCC's deputy director of the Rural Broadband Auctions Taskforce *Michael Janson* was set to visit the state. She's been committed to bringing broadband into every area of the state, unveiling her Capito Connect plan to offer affordable high-speed Internet access to all of West Virginia.

**West Coast Buildout:** **Comcast Business** completed a \$300K fiber optic expansion project in Sanger, CA, allowing it to deliver 10 Gbps of Ethernet to businesses at Kings River Tech Park. The city itself has also dedicated \$90K to build out three miles of new fiber optic cable in support of its local businesses.

**Going Bilingual:** **Nickelodeon** preschool-aged subscription service **Noggin** added Spanish-language content to its programming slate. A dedicated “En Español” hub will house episodes of “Paw Patrol,” “Blue's Clues,” “Bubble Guppies” and “The Wonder Pets!” all in Spanish.

**Distribution:** **Sports Illustrated TV** and **MLB** have come to a licensing and original content agreement giving Sports Illustrated's SVOD service access to MLB's library of games, documentaries and series. The agreement also includes a co-production deal for two original long-form documentaries. The first film, “14 Back,” is currently in production with details of the second co-production coming at a later date.

**More for Fubo:** **fuboTV** added 8 more local stations to its lineup, bringing the live streaming service to a total of 284. New offerings include **Fox's** KRBK (Springfield, MO); **NBC's** WMBF (Myrtle Beach-Florence, SC), KDLT (Sioux Falls, IA [Mitchell]) and KYTV (Springfield, MO); and **Telemundo's** WRDM (Hartford-New Haven, CT), WRIW (Providence, RI/New Bedford, MA), WZGS (Raleigh-Durham, NC [Fayetteville]) and WZDC (Washington, DC [Hagerstown, MD]).

**Programming:** **Showtime** placed a 12-episode order for drama “City On a Hill,” with a premiere window set for 2019. The series is executive produced by *Ben Affleck*, *Matt Damon* and *Jennifer Todd*. -- The upcoming **HGTV** special “Everything but the House” is set to premiere at 10am on Sunday, May 20. Antique hunters will appraise items and sell them at auction in hopes of making a massive profit.

# PROGRAMMER'S PAGE

## Silicon Voters...

As the Emmy nominations loom, it's the most wonderful time of the year in Los Angeles: For Your Consideration Season. Such a magical occasion, with publicists frolicking across the land wining and dining TV Academy members in sometimes shameless (but mostly harmless) ways. And while most traditional TV nets hold one or two low-key events, usually at the TV Academy space in North Hollywood, **Netflix** has taken the process to a new level of pageantry with its cutely named "FYSEE" campaign. For the second time in as many years, this invader from the North has built a massive pop-up museum of sorts, this time at Raleigh Studios on Melrose. Voters can view props from several Netflix shows, including the Bluth family airplane stair car from "Arrested Development," slumbering faux-human clones in cold storage from "Altered Carbon" and yes, even a car from "American Vandal" in which Academy members can draw their own versions of genitalia on the hood. All of this is in good fun, of course, but it's more than just drinks and hors d'oeuvres on a converted soundstage. Netflix hosts special events most every day during FYSEE's 4-week run, featuring big talent and even tackling big issues. Last Saturday, Netflix invited more than 200 voters to a decadent, three-course brunch that featured female "Rebels and Rulebreakers" from various Netflix shows, including showrunners like *Melissa Rosenberg* ("Jessica Jones") and *Marta Kauffman* ("Grace & Frankie"). It was a serious discussion about female empowerment and the Times-Up reckoning, with women's advocate and lawyer *Gloria Allred* ("Seeing Allred") joining as well. Other events feature *David Letterman*, *Jodie Foster*, *Jerry Seinfeld* and others—all for one goal: Votes. After all, an Emmy win (or even just a nomination) can make a huge difference, whether it's ratings or, in Netflix's case, subscriptions. But with Netflix planning to spend \$8 billion on content this year, one thing is clear: The bar is getting higher. And more so than ever, Emmy voters are the belle of the ball. — *Michael Grebb*

**Reviews:** "Patrick Melrose," 9pm, Saturday, **Showtime**. Should you want to see what a tour de force performance looks like, catch this 5-part mini, beginning with last week's debut, where *Benedict Cumberbatch* goes on a bender that could shame the most dedicated addicts. Your reviewer couldn't take his eyes away from Cumberbatch's impersonation of a train wreck, though easy viewing it's not. As drug-laden Melrose, Cumberbatch is a brilliant pastiche of paranoia, haunting voices and spasms in a beautifully tailored suit, though we bet he'd be a basket case without the psychotropic substances. That's confirmed during ep. 2 this week when book 2 of *Edward St. Aubyn's* five novels is presented, sketching Patrick's childhood. A more searing dissection of a dysfunctional, upper class English family you won't find. You'll understand why Cumberbatch has been champing at the bit to get this on screen. We're glad he persisted. — **Notable Nuptials:** Yes, nearly every network with a news department already is at Westminster, but it will be tough for them to top **BBC America's** coverage for authenticity. Starting at 4am ET Saturday, it will carry **BBC One's** live feed of the royal wedding with limited interruption. On the West Coast ditch sleep or catch the encore at 10pm ET. -- *Seth Arenstein*

Basic Cable P2+ Prime Rankings* (5/7/18-5/13/18)		
Mon-Sun	MC US AA%	MC US AA (000)
TNT	0.835	2542
FNC	0.798	2430
MSNBC	0.533	1622
USA	0.423	1287
HGTV	0.407	1239
TBSC	0.376	1146
NICK	0.350	1067
ID	0.308	938
HIST	0.305	929
DISC	0.285	868
A&E	0.281	855
FOOD	0.274	835
CNN	0.273	832
NBCSN	0.268	816
ADSM	0.262	798
DSNY	0.261	793
TLC	0.253	770
NAN	0.251	765
AMC	0.218	664
HALL	0.210	639
ESPN	0.206	626
TVLAND	0.205	624
LIFE	0.202	615
BRAVO	0.199	605
FX	0.183	557
DSJR	0.181	552
FRFM	0.181	551
VH1	0.180	549
INSP	0.171	520
HBO	0.165	503
CRN	0.164	499
APL	0.152	463
MTV	0.152	463
TRAVEL	0.146	443
BET	0.142	432
SYFY	0.140	426
WETV	0.138	420
NATGEO	0.132	403
HMM	0.132	403
GSN	0.132	403
NKJR	0.118	359

\*P2+ L+SD rankers are based on national Nielsen numbers, not coverage.



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