

Cablefax Daily™

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What the Industry Reads First

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Tag, You're It: DISH Sues Programmer Over Payment

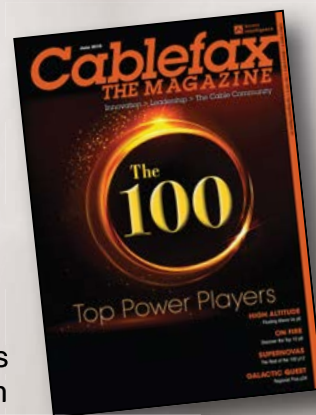
In October 2016, **TAG Channel** made its debut on **DISH Network**. It isn't there any more, with the DBS provider on Thursday filing a lawsuit accusing TAG's parent company **Docler Media** of failing to pay monthly fees agreed to for distribution. **TAG's** social media presence seems to have fizzled out in October 2016, though it appears to have remained available on DISH until Dec 22, 2016. DISH's suit, filed in federal court, claims Docler failed to pay all monthly fees due and invoiced by DISH. TAG paid DISH a \$375K good faith deposit, with the service distributed in HD to more than 9.6mln subs beginning Oct 5, 2016, according to the suit. While MVPDs traditionally pay networks for the rights to carry them, start-ups will sometimes lease a channel for exposure. DISH told the court it is owed in excess of \$695K, plus interest. Attempts to reach Docler Media and its Luxembourg parent **Docler Holding** weren't successful. TAG's website describes it as "the only broadcast television channel where you can watch live streams and video chat live with cast members and fans from around the world" and has a section for submitted content. Docler Media is described online as "a well-funded, progressive tech startup in Los Angeles." DISH has requested a jury trial. It has a few other cases pending against programmers in NY's Southern District, including its claim that **Univision** breached its contract by making **Liga MX** matches available for free in English on **Facebook**, while it was paying for the right to carry the matches in Spanish on **Univision Deportes**. Separate from that suit, DISH and Univision were unable to reach renewal terms on any of the Spanish-language programmer's channels, with the networks no longer offered on DISH or **Sling**. DISH also has stopped carrying **HBO** and has a lawsuit pending with **Turner** that's unrelated to the carriage dispute. That litigation was filed by Turner, which said DISH underpaid for **CNN** for several months—a claim DISH disputes in its counterclaim against Turner.

mmWave Auction Wraps: The **FCC's** 28 GHz band auction wrapped Thursday, setting the stage for the 24 GHz auction to begin soon. It raised (in gross bids) a total of \$702,572,410 with a total of 2,965 28 GHz UMFUS licenses won. The agency's first-ever mmWave auction has been underway since Nov 14, with the spectrum seen as ideal for 5G uses. It lasted until round 176, in which no bids were placed. No word on winners yet, but **Verizon** is expected to end up with a lot of it. There's a lot more uncertainty over Auction 102 (24 GHz), which features 700Mhz of clean spectrum



Who Deserves to Rank Among Cablefax's Annual Top Power Players?

The Cablefax 100 salutes the most influential executives whose leadership continues to take the industry to new heights. We will rank the top professionals in the media, cable & broadband industry and publish the list in the June edition of Cablefax: The Magazine.



It's free to enter - but you must submit your entries by February 1!

Enter at www.Cablefax100.com | Questions: Mary-Lou French at mfrench@accessintel.com

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that could be of interest to many. **Cox Communications** is among the qualified bidders in the auction, with public notice to be released next week announcing the start date. The FCC suspended most operations on Jan 3 because of the partial government shutdown, but it has kept all things spectrum-related going. That includes the broadcast TV/radio “repack” team, which is funded through auction proceeds. FCC chmn *Ajit Pai* said the 28 GHz auction was a step toward maintaining American leadership in 5G, adding that three more spectrum band auctions are slated for later in the year. “By making more spectrum available, promoting the deployment of wireless infrastructure, and modernizing our regulations—the three components of the FCC’s 5G FAST plan—we’ll ensure that American consumers reap the substantial benefits that will come from the next generation of wireless connectivity,” he said in a statement.

Falling Down: The industry’s video replacement rate, the ratio for the pace at which broadband subs replace lost pay-TV subs, fell to 3.1x in the 3Q. That’s down from 4.3x in 4Q17, according to **Moody’s Charter** was the leader in cable with a 5.3x VRR, while **WideOpenWest, Cablevision** and **Cable One** all had the weakest VRRs of 0.5x. Broadband sub growth grew 20 basis points in 3Q to 4.8%. **Comcast** and Charter drove the upswing, with broadband sub growth rising from 2Q by 0.5% and 0.1%, respectively. Revenue and EBITDA growth are falling in line with VRR. Revenue growth was 4.0% in 3Q18, down 10 basis points from the prior quarter. Moody’s sector forecast for EBITDA growth for the next 12-18 months is at least 4%, down from its previous quarter estimate of 4.2%.

Shutdown Effects: **House Commerce** chmn *Frank Pallone Jr* (D-NJ) announced a full committee hearing will be held Jan 31 at 10am ET on the ongoing partial shutdown of the federal government. The plan is to discuss the impact of the shutdown across agencies within the committee’s jurisdiction. “It defies logic that hundreds of thousands of American workers are once again going to miss another paycheck this week,” Pallone said in a statement. “It is my hope that the Senate and the President will finally act, and that the shutdown will end soon.” He said the three previously announced hearing on the Affordable Care Act, border family separation policy and climate change will still happen, but they won’t be held next week. The Senate failed to pass proposals Thursday to reopen the government.

Merger Rehash: Democratic senators, including *Ed Markey* (MA), *Amy Klobuchar* (MN) and *Richard Blumenthal* (CT), have asked that **Senate Commerce** hold a hearing over **Sprint/T-Mobile’s** proposed \$26bln merger and the impact it would have on consumer choice and competition. The Senate Antitrust subcmte held a hearing on the deal in June, but the Dems argue that there are still a lot of complex issues to sort through, including whether consolidation could lead to higher prices as well as the impact on 5G deployment.

Cablefax: What’s Happening... February

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EDITORIAL: Amy Maclean • amaclean@accessintel.com
Sara Winegardner • swinegardner@accessintel.com
Mollie Cahillane • mcahillane@accessintel.com
ADVERTISING: Olivia Murray • omurray@accessintel.com
AWARDS: Mary-Lou French • mfrench@accessintel.com

FEBRUARY

Not the Super Bowl

Yes, it’s the biggest sporting event of the year, but not everyone watches the Super Bowl. Cablefax will dive into how networks are counter-programming against the mega event—and its commercials.

Black History Month

Cablefax will honor early African American pioneers in the cable industry—profiling those who broke barriers to launch networks, joined the C-Suite and led the industry’s innovation. This report will look at trailblazers who helped create today’s industry and also examine how cable is recognizing Black History Month on TV and within their own companies.

NCTC Winter Educational Conference

We head to Atlanta to hear what key suppliers are doing to help operators stand out in a crowded marketplace.

Sports of Tomorrow

The sports arena is changing—from streaming to legal betting to advanced technologies that put fans at the center of the action. As we head into March Madness and with MLB Opening Day not far behind, we will look at how companies are taking sports coverage into bold new frontiers.

Awards

Cablefax People Awards
Entry Deadline:
February 22

Broadcast Blowback: ACA is bristling at a *TV Newscheck* report that said **Gray TV** is “drastically cutting back” on news at **NBC affil KCWY** in Casper, WY, because **DOJ** wouldn’t allow it to also on a **CBS** affil in the same market. By April 9, KCWY and Gray’s **KGWN** Cheyenne, WY, will merge news operations as Wyoming News Now, the site reported. **ACA** pres/CEO *Matt Polka* fired off a statement citing Gray’s “record operating results” and purchase of **Raycom** stations. “Surely, Gray can’t really mean that it can’t support local news in Casper because it can’t control two Big Four affiliates there. Local news, after all, represents the bare minimum responsibility that a local broadcaster has.” This all helps set the scene for the discussions that will be had later this year when Congress looks at extending the Satellite Television Extension and Localism Act, which touches on provisions surrounding retrans negotiations. It always comes back to retrans...

Sportsman Adds a Maple Leaf: **Outdoor Sportsman Group Networks** launched **Sportsman Channel Canada**, a new network for our neighbors to the north. It’s available on **Bell, Shaw, Videotron** and numerous small operators. Like its US sister nets (**Sportsman Channel, Outdoor Channel** and **World Fishing Network**), Sportsman Channel Canada will feature instructional outdoor shows as well as storytelling from outdoor experts.

Entertainment with a Cause: People don’t just want to see social issues batted around on their **Facebook** news-feeds; they want more of it in their entertainment. Of 1000 adults surveyed, 80% believe there should be more movies and TV series exploring social issues. The survey was released by **Tirota**, a new consultancy specializing in “bolstering both the societal impact and bottom-line success of issue-focused entertainment.” It’s formed by combining advocacy marketing consultancy firm **Tiller** from *Rob Densen* and boutique communications agency **Robertson Taylor Partners**, from *Ric Robertson* (a former **Academy of Motion Pictures** exec) and *Jonathan Taylor* (a PR exec whose resume includes a stint at **Starz**).

Global Team: **Telemundo International Studios** and **Movistar+** revealed a multi-year co-production deal at NATPE Miami to produce limited series for the US and international markets. Telemundo will have the exclusive rights for the US while Movistar+ will have exclusive rights for Spain.

Throwback Thursday: **Philo** is adding **MTV Classic** to its lineup to its skinny bundle. The streaming service now includes every MTV channel as well as 43 other top nets, including **A&E, AMC** and **Discovery**. MTV Classic is available in Philo’s \$16/month package as well as its expanded \$20/month offering.

Star(z) Power: **Starz** evp and gen counsel *Audrey Lee* was awarded Counsel of the Year by **The Association of Media & Entertainment Counsel**. Lee, who is responsible for developing strategic and legal affairs, will receive the honor at the AMEC Gala Dinner Thursday night. Lee’s background includes expertise in M&A and corporate transactions, and she has been an invaluable legal asset for **Lionsgate’s** OTT SVOD channels and digital studios division.

SoCal Living: Industry veteran *Herb Scannell* has been chosen by the **Southern California Public Radio** board of trustees to be its new pres/CEO. Joining in February, he’ll succeed founding pres and CEO *Bill Davis*, who announced his retirement last June. Scannell has served as president of **Nickelodeon**, vice chmn **MTV Networks** and president of **BBC Worldwide America**.

The Lion Speaks: **Lionsgate** priced a private offering of \$550mln in aggregate principal amount 6.375% senior notes due 2024, according to an **SEC** filing Thursday. The company will use the net proceeds from it to repay a portion of its loans under its credit facility with any remaining net cash to be used for working capital.

Production Shake-ups: **Fremantle** is kicking off the new year with a corporate shift under global CEO *Jennifer Mullin*, who took on the role last summer while still serving as CEO of North America. Effective immediately, *Suzanne Lopez* will be boosted to COO for North America. *Tim Grau* will move into the role of evp, business and legal affairs for the company’s unscripted projects. *Dan Funk* is Fremantle’s evp of unscripted and *Meredith Berens* is joining the family as svp of HR. -- **Half Yard Productions** is getting a new corporate structure as co-founder *Abby Greensfelder* has decided to step away from the company’s day-to-day operations and her position as co-CEO. Joint founder and co-CEO *Sean Gallagher* will assume the sole title of CEO on March 1 as Greensfelder develops a new company supporting the voices of women in media. She’ll remain a co-owner and shareholder and will sit on the board. The new corporate structure will also see current CFO *Rossana O’Hop* rise to COO, vp programming, *Nicole Sorrenti* become chief creative officer, *Janice Mezzetti* become svp production & operations and *John Jones* taking on the role of vp production & development.

People: **Fox Sports** named *Brad Zager* exec producer, evp/head of production & ops effective Feb 1. Zager most recently led operations across all productions airing on Fox Sports, **FS1** and **FS2**. -- **National Geographic Partners** named *Josh Weinberg* svp, integrated media. He first joined Nat Geo in 2016 as vp content strategy & production for ad sales integrations and partnerships.

PROGRAMMER'S PAGE

Winter is Coming...

Gather 'round, my children, and heed the warnings of our ancestors who predicted this time would come. A time of worry, of consternation, of endless trials and tribulations that will test souls and push the boundaries of human endurance. We are, of course, speaking of what Maester *Tim Goodman* of *The Hollywood Reporter* once called the "Death March with cocktails." Oyez, Oyez, Oyez... we now pay homage to **Winter TCA** press tour in Pasadena. The grueling festivities begin on Tuesday, and while the exact schedule is a guarded secret known only to TCA members and protected by a three-headed dragon, an interesting trend line in recent tours is the expansion of TCA beyond the usual suspects whose mighty castles dot the landscape of Westeros. The Silicon Wildlings of the North long ago breached the Walled Garden of Traditional Media to stake their claims to vast swaths of territory. However, this Winter, as the tribes of **Amazon** and **Hulu** face the critical gauntlet of the Langham's ballroom, **Netflix** will stay away, still blindfolded and streaming through the rapids of a post-Apocalyptic river, sending only a Bird Box filled, finally, with some viewing metrics. Beyond the Invaders of the North are the scrappy, unsung heroes destined to take on the Great Houses in a determined effort to win over the Faith of the Seven Critics (just pick your seven favorites). Rebels like **Acorn TV**, **BYUtv** and **TV One** will join forces with renegade clans of Essos that sailed over the top of The Narrow Sea flying the banners of **Rooster Teeth**, **Curiosity Stream** and **Britbox**. And in an effort to prove that these uncivilized hoards can also clean up nicely, **True Royalty TV** will host afternoon tea in the Courtyard. Oh, Winter Tour... You have become the Bread & Circus that distracts us from the horrors of the Real World. Yes, Winter is Coming. And we must avoid the Night King to survive with our humanity intact. — *Michael Grebb*

Reviews: "Dating #NoFilter," 10:30pm, Monday, **E!**. Put three pairs of comedians on a trio of couches (in separate rooms); give them popcorn and wine and let them watch on TV, as we, the viewers do, two couples go on blind dates. This new chapter in voyeurism surely sounds simple, and maybe it could be fun. In fact, it's a hoot, and in a way it's a bit spooky. Yes, the comedians are funny and at times merciless, critiquing the two couples on the dates. The spooky part is the vibe the viewer gets from the comedians, who are viewing what you're watching on TV. It's hard to describe, but it's somewhat akin to big brother watching you. You feel strange if you don't have the same reactions to the couples that the comedians do. Still, it's a boatload of mindless fun. -- "Black Monday," 10pm, Sunday, **Showtime**. There's plenty to like about this send-up of the rah-rah '80s on Wall St, not all of them are the series itself. Showtime has marketed it cleverly, including preceding each ep with an '80s-looking logo. Production values are good; star *Don Cheadle's* costumes alone are worth a look. Based on the three eps sent for review, the series is uneven. Laughs are intermittent, several characters are stereotypes and the writing quality varies. — *Seth Arenstein*

Basic Cable P2+ Prime Rankings* (1/14/19-1/20/19)		
Mon-Sun	MC US AA%	MC US AA (000)
FNC	0.718	2,193
MSNBC	0.636	1,941
ESPN	0.418	1,276
HALL	0.416	1,272
HGTV	0.404	1,233
USA	0.393	1,201
CNN	0.37	1,130
ID	0.369	1,127
HIST	0.35	1,068
A&E	0.321	980
TLC	0.315	961
TBSC	0.314	958
TNT	0.312	954
DISC	0.307	937
FOOD	0.301	919
NICK	0.264	806
FX	0.215	658
TVLAND	0.202	617
LIFE	0.201	614
FRFM	0.194	594
ADSM	0.193	591
NAN	0.193	590
INSP	0.187	572
BRAVO	0.179	547
SYFY	0.175	534
HMM	0.174	531
AMC	0.172	525
DSNY	0.167	509
MTV	0.153	468
MOTO	0.148	451
DSJR	0.147	449
APL	0.145	444
TRAVEL	0.143	436
VH1	0.143	436
NATGEO	0.141	430
GSN	0.14	428
WETV	0.139	426
COM	0.131	402
NKJR	0.128	392
CRN	0.125	381
ESPN2	0.124	380

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



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