

Cablefax Daily™

Wednesday — March 20, 2019

What the Industry Reads First

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Scaling the Summit: ACA Annual Meeting to Tackle Mergers, STELAR

Just hours after **Disney-21st Century Fox** deal becomes official Wednesday, independent operators will gather in DC for **ACA's** annual Summit, where they'll hear from the **Department of Justice** antitrust chief who signed off on the combo. "This is a victory for American consumers and should be heralded as an example of merger parties working effectively with Division investigators to resolve antitrust concerns," assistant attorney general *Makan Delrahim* wrote in a **Washington Times** op/ed last summer in support of the DOJ's six-month review process, which required Disney to divest Fox's 22 RSNs. Those divestitures are especially dear to ACA. "We clearly feared, as did they, that Disney and Fox combining with 20-something RSNs in addition to the **ESPN** global universe would be quite a punch they could pack when it came to price and terms of carriage," ACA pres/CEO *Matt Polka* told **Cablefax** ahead of the group's annual gathering. He pledged that ACA will keep close tabs on how Disney proceeds with the Fox assets and any "potential mischief" that might come with the Fox RSNs, but he thinks members will enjoy hearing from Delrahim about his division's motivation in addressing these mergers. "I certainly hope we can talk about how his division has been active in ways that other antitrust divisions have not. Frankly, it's something we at ACA can agree with. We agree with positions to challenge **AT&T-Time Warner**, to hold other broadcast mergers to task and to take a big view of greater consolidation." The Fox RSNs are likely to take center stage Wednesday morning during a panel with **Fox Business** senior correspondent *Charlie Gasparino*, who has had several scoops on the Fox RSNs' bidding process. The association's 26th Summit conference agenda includes a download on STELAR, the Satellite Television Extension and Localism Act Reauthorization, which must be renewed this year. It grants a compulsory copyright license to **DISH** and **DirectTV** to retransmit distant broadcast signals and contains provisions requiring retrans consent negotiations to be conducted in good faith. "Even though our members are so committed to broadband, the one issue our members hate the most and want to see change in is retransmission consent. It's really an intro to one of the issues we'll be lobbying on when we go up to the Hill on Thursday," said Polka. Know what's not anywhere on the ACA Summit agenda? Net neutrality. But that doesn't mean the group is ignoring the perennial hot potato. "It will be one of our talking points when we go to the Hill," explained Polka. And it'll likely come up during his Summit on-stage discussions with **FCC** chmn *Ajit Pai* and commissioner *Mike O'Rielly*. "We've got a lot of issues to cover.

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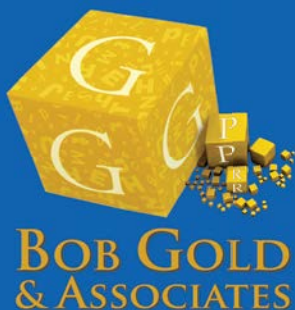
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We're going to talk about how our members are committed to being the wired broadband providers of smaller markets, rural areas, challenging areas, and that we are your partners in investing and deploying broadband. It is something we care about a lot, but it'll be one issue we're talking about on our [lobbying day], not all of them." -- Nice to see that one of the panels tackling these topics and the customer experience is made up of entirely women—**Boycom's Patricia Jo Boyers**, **Mediacom's Italia Commisso Weinand**, **MCTV's Katherine Gessner** and **WICT's Maria Brennan**. "These are leaders in our industry and four out of the five are leaders in our members' companies..." Polka said. "We're thrilled with that. It really shows within our membership the level of experience and leadership that exists."

Viacom Warning: Viacom is warning **AT&T** and **DirectTV** viewers that **Nick**, **MTV** and the rest of its networks could go dark when their contract expires this Friday. "We have made a series of offers that are good for consumers and good for AT&T," a Viacom spokesperson said. "Unfortunately, AT&T is abusing its new market position by favoring its own content... to stifle competition." Along with crawls on its networks, Viacom launched www.keepviacom.com. The website features a tearful Spongebob Squarepants as well as a phone number and information for customers unhappy with the potential service disruption. "This would be our first disruption since 2014, so we remain hopeful that we can reach an agreement that fairly values the amazing entertainment brought to life by our brands, and by your talent, creativity and hard work," Viacom pres/CEO **Bob Bakish** said in an internal memo. Those were some big drops in 2014, with **Cable ONE** and **Suddenlink** booting the nets. Viacom nets remain off Cable ONE, while they returned to Suddenlink in 2017 under a deal brokered with new owner **Altice USA**. AT&T did not immediately offer comment.

Deny Nexstar-Tribune: **Frontier Communications**, **DISH** and a coalition that includes **Public Knowledge** and **Common Cause** have filed petitions urging the **FCC** to deny **Nexstar's** \$4.1 bln deal to acquire **Tribune**, while **NCTA** has raised concerns about the union. "Nexstar seeks to become the largest broadcaster in the country, and like Sinclair in its failed merger with Tribune, seeks to create a broadcast colossus that will hinder competition and exacerbate the broken retransmission consent system," Frontier said in its filing. Frontier's main beef is Nexstar's size, which would grow to 216 O&Os in 118 markets, and the increased leverage would have in retrans negotiations. Frontier said both broadcasters have aggressively negotiated agreements, adding Tribune regularly ties **WGN America** to deals and both have engaged in blackouts. Rural electric co-op **HolstonConnect** filed a retransmission [complaint](#) against Nexstar earlier this month, claiming it has failed to negotiate in good faith. **Charter** lost Tribune stations for nine days in January due to a retrans [impasse](#), and **TDS** was without Nexstar stations for a month. It's not surprising that the **American Television Alliance** had a few things to say on retrans. While the group backed by MVPDs stopped short of filing a petition to deny, it said the FCC

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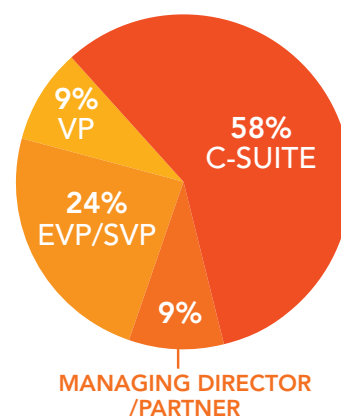
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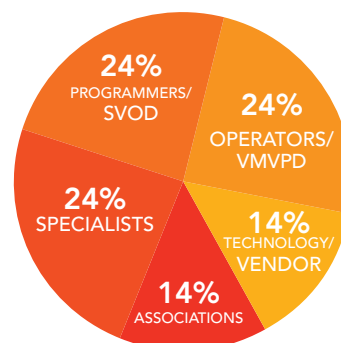
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LORI LEBAS

SVP, Affiliate Partnership Development & Operations | **The Walt Disney Company / ESPN**

Beautiful venue for an important conversation on the state of our industry.

JIM GLEASON

CEO | **Vast Broadband**

The Cablefax Retreat was a great way to hear a wide variety of opinions on industry issues and challenges. I was really impressed with the people who attended as well as the topics of discussion. I definitely had good takeaways from the meeting.

DAVE SHULL

CEO | **The Weather Channels**

The Cablefax event was unique — a beautiful, low-key event where I was able to have honest, interesting conversations with peers in the industry. This is a type of event that has been sorely missing in the cable world.

BETH MAIN

SVP, Domestic Network Distribution | **HBO**

A unique gathering of contributors, within and around the industry. Presented a great opportunity to pause and look up — and made for an invigorating exchange.

PAUL GLIST

Partner | **Davis Wright Tremaine**

Cablefax has succeeded in creating a unique forum for leaders in the cable, OTT and programming industry to candidly discuss the industry's future and the technology, business, investment, marketing, programming, and political paths to take us there.

RICH FICKLE

President | **NCTC**

Great forum to help improve the collaboration in the industry, understanding differences, making it better. It provided me with several great ideas and created new relationships that will be highly valued. The venue and vibe were terrific.

MARCI RYVICKER

Managing Director | **Wolfe Research**

The 2018 CableFax retreat was an intimate and unique experience that brought a variety of constituents together to air their views as well as brainstorm on how best to tackle the various challenges and issues facing the television ecosystem. Meeting and talking to people of all levels in such an open and relaxed environment was absolutely invaluable to me. I look forward to the next retreat!

JEFF WEBER

CEO | **Zone.TV**

The Leaders Retreat was very valuable for me — a great group of senior leaders that could mix and debate in a safe, relaxed environment. Looking forward to next year!

MARK GREENBERG

President & CEO | **MSGCI**

The inaugural Cablefax Leaders Retreat was an incredible event. An amazing opportunity to meet with industry leaders to discuss the issues and opportunities for our industry. The cross-section of people from the many companies that were represented allowed for a deep conversation that reflected multiple perspectives. I was great to see that everyone was trying to find a way to build our respective businesses together and grow our industry.



can't meaningfully review the transaction until Nexstar proposes what stations it plans to divest to comply with ownership limits. DISH argued the merger of the two broadcast groups would reduce its options for reaching retrans deals. "If DISH has to renegotiate a contract with a broadcaster at a time when it is subject to a blackout of another broadcast group's stations, it is more likely to accede to some of that first broadcaster's demands to avoid a second blackout and additional churn among its national subscriber base," DISH local programming director *Melisa Ordonez* testified. NCTA called for the FCC to strictly apply its media ownership rules to Nexstar. At a minimum, that means denying Nexstar's request to own two top-four stations in the Indianapolis DMA. "The Commission should also prevent the Combined Entity from circumventing the Top-Four Prohibition by affiliating with two national networks in a market through the use of secondary digital streams or low power television stations," NCTA said. Common Cause, **Sports Fans Coalition**, Public Knowledge and **United Church of Christ, OC, Inc** filed a joint petition to deny the deal, complaining it would harm broadcast localism, competition and retransmission consent leverage while also exceeding national ownership limits set by Congress.

New Rules: **New Fox** is officially on the stock market, beginning to trade shares Tuesday. It was something of a rocky start with the stock having fallen more than 4% when the final bell rang. Short-term concerns shouldn't stop anyone from believing that success is coming down the line, according to **MoffettNathanson**. In a research note, it said that even guidance of a deceleration in cable affiliate fee growth through the second half of FY19 wasn't impacting its long-term view of on New Fox. "We think that too much focus on the near-term numbers clouds the view of the compelling story at New Fox," MoffettNathanson said. "While the Television segment may be the source of upside surprise, the sustaining driver of earnings should be Fox's cable networks." New Fox also revealed Tuesday that it's added four members to its board: **Formula 1** CEO/chmn and former **21st Century Fox** pres *Chase Carey*, **Aragon Global Holdings** founder *Anne Dias*, **Hernandez Media Ventures** founding principal/CEO *Roland A Hernandez* and former House speaker *Paul Ryan*. They join *Rupert and Lachlan Murdoch* as well as *Jacques Nasser*. New Fox has also adopted a temporary stakeholder agreement to protect against any hostile takeovers to expire following the next annual meeting of stockholders. It's been a long road to get to this point. There are still some loose ends to be tied up before this merger is fully settled: the Fox RSNs. **Fox Business Network's** *Charlie Gasparino* reported that **Disney** and **MLB** are working on add-ons in regard to the latter's bid. Those add-ons are likely related to **ESPN**. "Apparently there is some talk about how the RSNs could cut some deal with ESPN on the side, something that's been described to me as a 'national rights extension,'" Gasparino reported.

Road to France: We're well on our way to the 2019 **FIFA Women's World Cup**, with just 80 days to go before matches begin in France. **Telemundo Deportes** is the exclusive Spanish-language home of the Cup (as well as 2019 **Copa America**), and the net kicked off the countdown to "Summer of Soccer" in NYC Tuesday with the announcement of its team of commentators and analysts for this summer's tournaments. The net will have more than 750+ hours of live sports programming, including 78 matches in 31 days on two continents across the Telemundo network, **Universo** and the Telemundo and **NBC Sports** apps in Spanish. For last year's men's World Cup, the net saw 52m viewers, with 20% of the audience English-speaking only and 50% of the audience having not watched Telemundo previously. The digital side had a record 2bln streamed minutes, and the Mexico-Sweden game was the most streamed game in the history of Spanish-language streaming. "We do position ourselves as the biggest-best," said net pres *Ray Warren*. "It's going to be a 24-hour party. We'll have Women's World Cup in the morning, we'll have Copa America in the afternoon and evening. We think that it's a virtuous cycle that will feed both events in a way that they could never have been fed but for this programming aspect." Telemundo will present all 52 matches of the World Cup live in Spanish across all nets, and 21 matches will air on Telemundo, doubling 2015's coverage.

Ending the Fight: NCTA chmn *Michael Powell* called the latest Democratic effort to restore repealed net neutrality rules a "partisan sham" in a [column](#) published Tuesday for **USA Today**. The former FCC chmn said the Save the Internet Act, introduced two weeks ago, won't bring the conversation any closer to an end. Instead, he continued pushing for Democrats and Republicans to come together to form a bipartisan solution. "Can't we all agree it's time to stop sending political messages and start drafting bipartisan policy that can realistically become law?" Powell wrote. He argued that Congress has plenty of authority to offer basic internet protections without returning to Title II. Rather, a balance needs to be struck between open internet protections and incentives for continued internet growth.

People: *Brian Dailey* was upped to svp, sports digital and content strategy at **Showtime Networks**. He joined the company in 2014 and has spearheaded several initiatives, including digital series "Below the Belt" and upcoming film "The Resurgence: DeMarcus Cousins." Dailey and his team have helped grow the Showtime Sports social community by more than 500% to more than 5m followers across platforms.

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