

# Cablefax Daily™

Wednesday — July 3, 2019

What the Industry Reads First

Volume 30 / No. 127

## Denied Again: FCC Dismisses beIN Complaint Against Comcast

The FCC Media Bureau this week denied **beIN's** second program carriage against **Comcast**. BeIN first filed a carriage complaint against Comcast in March 2018, alleging that the latter discriminated against its programming in favor of that provided by its own **NBC Sports Net** and **NBC Universo**. The FCC dismissed the claim last August, just after beIN content went dark on Comcast and **Verizon**, saying beIN had failed to provide evidence sufficient enough to prove that beIN and **beIN en Español** were similarly situated to NBCSN and Universo. BeIN filed a new complaint in December, saying it had gathered additional evidence of discrimination. But the Media Bureau wasn't swayed. In an order released Tuesday, the Bureau said it found beIN failed to make a case because it concluded that beIN en Español is not similarly situated with Hispanic-focused Universo. The FCC Bureau did find that beIN is similarly situated to NBC Sports Network and treated differently than it, but concluded Comcast didn't discriminate on the basis of affiliation or non-affiliation. "Specifically, we find that Comcast has treated beIN differently than NBCSN not based on its lack of affiliation with Comcast, but rather based on non-discriminatory, legitimate business reasons—in this case, 'a straight up financial analysis,'" the Bureau wrote, declaring that there's no evidence Comcast would benefit commercially from beIN's carriage. It also found that Comcast provided sufficient evidence that it would derive no commercial benefit from beIN's carriage—and could even suffer commercial harm from continuing to offer the programming. Reached for comment, the programmer said it was pleased the Bureau recognized that beIN Sports is similarly situated to NBCSN and "Comcast's differential treatment of beIN has the effect of unreasonably restraining beIN from competing fairly. Nonetheless, we are disappointed with the overall outcome of the Media Bureau's order." BeIN said it will review its options, adding it believes the Bureau erred by deciding itself the merits based on "Comcast's raw assertions without testing the evidence in an adversarial proceeding." In other words, this might not be over. Naturally, Comcast cheered the news. "Comcast has always been fully compliant with the FCC's rules with regard to beIN, and as predicted their recycled complaint fared no better the second time," a spokesperson said. BeIN actually filed a third complaint against Comcast in February, making the additional allegation of unreasonable refusal to deal against Comcast. The Media Bureau dismissed that complaint in April, saying the programmer submitted the latest pleading absent a request from the agency

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### AWARDS LUNCHEON

Wednesday, October 2  
11:30am-1:00pm

**DAVID POGUE**  
NY Times Columnist,  
CBS Tech Contributor  
& NOVA Host



## DON'T MISS OUT ON THESE EVENTS!

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**SCTE•ISBE Mission 10G: Implementing Forward-Looking Capabilities in Your Network.**

Monday, September 30

Continental Breakfast 7:00am | Session Runs 7:30am-11:30am

10G is the broadband technology platform that ramps up from 1 Gbps that is widely available today to 10 Gbps, with lab trials going on now, and field trials to begin in 2020.

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October 1-3 | During Exhibit Hours | Expo Floor

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### SMART CITIES DAY

Thursday, October 3 | 9:00am-1:00pm | Innovation Theater Stage

### POST CONFERENCE SESSIONS

Thursday, October 3 | 1:00pm-4:00pm

**Leveraging the Open Source Community as a Force Multiplier and Innovation House**

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**Network Convergence and Intelligent Connectivity in the 5G Era**

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Cablefax Daily (ISSN 1069-6644) is published daily by Access Intelligence, LLC • www.cablefax.com • 301.354.2101 • Editorial Director: Amy Maclean, 301.354.1760, amaclean@accessintel.com • Publisher: Michael Grebb, 323.380.6263, mgrebb@accessintel.com • Senior Editor: Sara Winegardner, 301.354.1701, swinegardner@accessintel.com • Associate Editor: Mollie Cahillane, 212.621.4951, mcahillane@accessintel.com • Acct. Exec: Olivia Murray, 301.354.2010, omurray@accessintel.com • VP Marketing: Amy Jefferies, 301.354.1699, ajefferies@accessintel.com • Director of Marketing: Kate Schaeffer, kschaeffer@accessintel.com • Prod. Mgr: Joann Fato, jfato@accessintel.com • Kerry Smith, Divisional President, Marketing & Media Group, ksmith@accessintel.com • Group Subs or Subscription Questions, Client Services: 301.354.2101, clientservices@accessintel.com • Annual subscription price: \$1,749.00/year • Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

and failed to show extraordinary circumstances that would permit acceptance of such a complaint.

**Cable, Carriers Throw New C-Band Plan in the Ring:** A coalition made up of **Charter, ACA Connects** and the **Competitive Carriers Association** (which reps smaller, regional wireless carriers) has offered up a new proposal for the **FCC's** proceeding to open up the C-band (3.7-4.2 GHz) for terrestrial wireless use. The three said this represents the first time that incumbents and prospective new licensees have come together on an industry-designed plan for repurposing the spectrum. The group proposes freeing up at least 370Mhz of spectrum for 5G—almost double the amount of spectrum reallocated under the **C-Band Alliance's** proposed plan, which the group panned as “emphatically one-sided” in favor of satellite operators. The new coalition also wants all of the reallocated C-band spectrum to be made available at the same time in a single FCC-led auction. The C-Band Alliance, which is composed of satellite companies such as **IntelSat**, have argued for a private auction of 200MHz of C-band spectrum. The C-band is mid-band spectrum that's prime real estate for 5G that's currently used by broadcasters and cable ops to receive and deliver programming, including TV networks. The FCC has voted to free up the C-band, but the devil is in the details... The new plan from ACA Connects, Charter and CCA would free up C-band Spectrum on a nationwide basis, providing compensation for all C-band users from a fund from the winning bidders. MVPD C-band users and programmers who use the band would receive funding and reimbursement for certain costs, including the cost of redundant, future-proof assets that they would own and operate (fiber construction in some cases and Indefeasible Rights of Use (“IRUs”) in others). Satellite industry providers and existing C-band users that remain on the C-band would receive money that includes the costs of transitioning to a reduced amount of spectrum for continued satellite service. The plan also proposes certain additional payments to satellite operators and users based on conditions of the new licensees or determined by the market in an incentive auction. ACA Connects estimates that the transition to fiber can be accomplished within 18 months in urban areas, within three years in the majority of the remaining areas, and within five years for a few select areas. The coalition claims its plan would create around 100K direct jobs and as many as 100K indirect jobs. **Public Knowledge** said it supports the proposal's requirement for a public FCC auction, deeming it the best way to ensure the process is transparent and promotes widespread deployment of mobile broadband networks.

**Industry Companies Sign HRC Brief in Support of LGBTQ Workers:** Pride Month may be over, but industry support for LGBTQ protections is not. More than 200 companies, including several in the industry, signed a “friend of the court” brief that will be filed in the US Supreme Court in a trio of cases that may determine whether LGBTQ people are protected from discrimination under federal civil rights laws. The brief includes twice as many (206)



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companies as previous LGBTQ non-discrimination briefs and represent more than 7mln employees and \$5trln in revenue. Companies include **Amazon, Apple, AT&T, CBS, Cisco, Comcast NBCU, Corning, Cox, Facebook, Google, IBM, Microsoft, Moody's, T-Mobile, Univision, Viacom, WarnerMedia** and more.

**AT&T Considering Selling RSNs, Report:** AT&T is looking into selling its four regional sports nets as part of a plan to cut up to \$8bln in debt by the end of the year, according to a [report](#) from *Bloomberg*. The RSNs are **AT&T SportsNet Pittsburgh, AT&T SportsNet Rocky Mountain** (UT, NV, CO), **AT&T SportsNet Southwest** (parts of TX and LA) and **Root Sports Northwest** (AK, WA, OR) and include rights to the Pittsburgh Penguins, Houston Rockets and Seattle Mariners. The sale could be close to \$1bln, with **Sinclair** and **Liberty Media** seen as potential bidders.

**2Q and June Ratings Show Power of Live TV:** Do you even need to ask? **Fox News** scored the No 1 spots in both prime and total day among cable nets in P2+ for 2Q and the month of June, according to **Nielsen** data. **MSNBC** is hanging in there and taking the second place trophy in the same categories. But news isn't the only live programming making waves. **A&E's** ratings surge continued in June, boosted by the success of "Live PD." The net was the No 1 cable net among A25-54s and No 2 with A18-49s. The latter marks A&E's highest monthly ranking in the demo ever. Across its dayparts in 2Q19 A&E saw ratings jump 9%. Live PD hit a series high on June 21 with 2.4mln total viewers. Back to those newshounds, Fox News averaged 2.39mln total viewers in prime and 1.32mln viewers in total day for 2Q, while MSNBC had 1.67mln in prime and 900K in total day. For the month of June, Fox News led with 2.38mln in prime compared to MSNBC's 1.7mln (Fox had 1.29mln in total day for the month vs MSNBC's 878K). Rounding out the top 5 cable nets in prime for 2Q were **TNT** (1.58mln P2+), **ESPN** (1.32mln) and **HGTV** (1.22mln).

**Record Year for BBC Global News:** **BBC Global News** (which operates the 24-hour news channel and BBC.com) delivered a record year in its 2018/19 annual report. The channel grew by 2% and is now available in 458mln households, up from 458mln the previous year. BBC.com increased its reach, jumping up 6% to 93.5mln monthly browsers. The company saw £114mln in total revenue, and an EBITDA profit of £8million.

**The Atlantic Dives into TV and Film:** **The Atlantic** hired former **BuzzFeed**-er *Linzee Trough* in the newly created role of development director for TV and film. Trough most recently oversaw BuzzFeed's documentary projects. The hiring comes on the heels of the first-look agreement between The Atlantic and **Anonymous Content**. Trough and Anonymous will be responsible for developing The Atlantic's past and present reporting for scripted and unscripted content across platforms including films, docs, TV and podcasts.

**BeIN SPORTS and Nielsen Renew Deal:** **BeIN SPORTS** signed a long-term national TV measurement agreement with **Nielsen**. The net (along with **beIN SPORTS en Español**) first subscribed to Nielsen measurement in March 2017.

**ESPys Auction Raises Money for Cancer Research:** ESPN's annual [ESPys Auction](#) benefitting the **V Foundation for Cancer Research** is coming back for its 15th year on **eBay**. More than 80 VIP packages and experiences are now available for bidding, including a meet and greet with *Jennifer Lopez*, a cruise in the Galapagos and a VIP 2020 College Football Championship experience. The auction is live through July 10.

**More Ratings Notes:** The summer of soccer continues, with the men's Mexico vs Costa Rica Gold Cup Quarterfinal delivering the highest rated men's soccer match of the year, pulling in 2.9mln total viewers 2+ across **Univision/UDN**. Over on the women's side, **Telemundo Deportes** delivered a 41% increase for FIFA Women's World Cup Quarterfinals, and the USA's 2-1 win over France on Friday was the second most live streamed Women's World Cup match in Spanish-language history (331K). -- **Hallmark Channel's** annual "June Weddings" programming event claimed the No. 1 spot on cable during weekend prime for the month of June. The five Saturday night original movies averaged 2.1mln total viewers. -- **BET** brought its singing competition "Sunday Best" back after a four-year hiatus, and it pulled in 2.6mln P2+. The BET Awards brought its best week ever for social streams and watch times, with 85mln streams and 194mln minutes watched.

**Programming:** **WarnerMedia** ordered "The Flight Attendant" for its upcoming streaming service, starring and executive produced by "The Big Bang Theory's" *Kaley Cuoco*. The order includes a two-year overall deal with Cuoco's production company **Yes, Norman Productions**. The company also ordered a "Gremlins" prequel, "Gremlins: Secrets of the Mogwai." The 10-episode animated series travels back to the 1920s to reveal how the Sam Wing, the future shop owner in the 1984 film, meets the Mogwai Gizmo.

**People:** **DISH** upped *Paul Orban* to evp, CFO. Orban has been with the company for 23 years in roles including svp, chief accounting officer, principal financial officer and controller.

**Oops:** **Cablefax** incorrectly stated in Tuesday's issue that **NHL Network** will be added to **PlayStation Vue's** Sports Pack. It will be added to its Core Package later this year.