

# Cablefax Daily™

Friday — November 22, 2019

What the Industry Reads First

Volume 30 / No. 226

## Come Again: El Rey, Revolt Founders Criticize Comcast in Allen Case

A week after SCOTUS heard oral arguments in **Entertainment Studios Networks** founder *Byron Allen's* racial discrimination suit against **Comcast**, **Revolt** founder *Sean 'Diddy' Combs* sent a press release objecting to his network being used as an example of Comcast's inclusive practices surrounding African American cable networks. Revolt is one of the minority-owned channels Comcast has launched as a condition of its merger with **NBCU** in 2011. Others include **El Rey**, **Afrotainment**, **Cleo TV** and **Aspire**. "While it is true that we are in business with Comcast, it is not accurate to use my name or my network as an example of inclusion. I do not want my name to be used inaccurately so I must speak my truth," Combs said. He agreed that the start Comcast gave Revolt was important, but said it is not the level of support needed to build a successful African American owned network. "Since that launch our relationship has not grown, and Revolt is still not carried by Comcast in the most affordable packages nor is Revolt available in all of the markets that would enable us to serve our target audience," Combs said. "Comcast spends billions of dollars on content networks every year, but just a few million go to African American owned networks like Revolt." Reached for comment, El Rey founder *Robert Rodriguez* told **Cablefax** he agrees with Combs. "While we are grateful for the opportunity Comcast gave us as the first distributor to launch our networks to service our communities, we want to be very clear that they had significantly more to gain financially," he said. "Comcast was required to launch our networks in order to have their multi-billion-dollar merger with NBCUniversal approved by the US government in 2011." Since then, other MVPDs have outmatched Comcast in support for the Latino-owned English-language network, he said, adding that the Philly-based company has said it has no interest in going above the "minimum amount" of support. "If Comcast truly wants to support our communities and mission to have greater inclusivity on screen, they could start by granting minority networks much wider access to their subscribers and stop using arguments before the Supreme Court that hurt instead of helping the very communities they claim they are standing up for," Rodriguez said. "Comcast and all the other carriers need to be held accountable and help provide fair and accurate minority representation in media." Comcast Corp senior evp/chief diversity officer *David Cohen* penned a blog post responding to Combs' remarks, saying the MVPD is proud to have launched eight minority-owned channels since 2011 and to have been the first to launch Revolt. "Our initial carriage deal, which was negotiated

**TELL US WHAT ELSE WE SHOULD KNOW ABOUT YOUR WORK CULTURE.**

Cablefax is seeking nominations for The 2020 Work Culture List.

This recognition program pulls back the curtain to give a glimpse at the culture behind the company names, shining a light on the magic that happens when work enhances your life.

**WE LOOK FORWARD TO YOUR SUBMISSION!**

Free to Nominate

Deadline: December 13, 2019

[www.CFXWorkCulture.com](http://www.CFXWorkCulture.com)



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 ● 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

with Revolt represented a true partnership to bring the channel into millions of homes,” Cohen wrote. “From the start, we provided a long-term commitment to carriage of the channel and to its success as well as other African American owned channels that we carry on our systems. Revolt understood from the outset that we are only one company in a complex video ecosystem representing only about 20% of homes, and that to be successful, programmers need carriage beyond Comcast.” Combs went on to say that the case has grown into more than an argument about cable distribution and now concerns the civil rights protections of minority groups. He argued that if Comcast is successful with its argument that the Civil Rights Act of 1866 only applies if racial discrimination is the only factor that leads to a refusal to do business, it would become much harder for any victim of discrimination to seek justice in court. Cohen countered those claims, calling Comcast a fierce defender of the civil rights of minorities and women in America and of the civil rights laws. “Any characterization of our cable programming dispute with Byron Allen as an attack on the civil rights laws is simply not accurate,” Cohen said. “If there was ever any question about that issue, any objective examination of the arguments at the Supreme Court demonstrate that there has been no attempt to undermine the civil rights laws... None of the Supreme Court Justices seemed to see this case as an opportunity to narrow or weaken the civil rights laws, and instead focused on the narrow technical issue that we raised.” ESN’s Allen saw Combs’ statements as a positive step for his case against Comcast. A SCOTUS decision is expected to be released between December and April. “Today’s statement from Sean ‘Diddy’ Combs proves our case,” Allen said in a statement. “Mr. Combs’ statement, and a lot more additional evidence from many others, is the reason Comcast does not want us to have our day in court, because Comcast knows we will prevail.”

**FCC Looks to Remove 30-Day Notice Rule:** It’s been nearly two years since Charter asked the FCC to clarify that a requirement for a 30-day notice before removing programming shouldn’t apply when a cable operator and programmer/broadcaster remain in carriage negotiations. Now, it looks like Charter and other cable operators might have an early Christmas gift with the FCC planning to vote at its December 12 meeting on a Notice of Proposed Rulemaking that would update the notification requirement. The item seeks comment on whether to change the rules so that cable operators would need to provide notice “as soon as possible” when service changes occur due to retransmission consent or program carriage negotiations that fail within the last 30 days of a contract. Charter and other operators have complained that such notices can unnecessarily worry their customers. And the rules only apply to cable operators, not other MVPDs. “We don’t want consumers to be inundated by premature and inaccurate notices about channel changes that never come to pass. And our rule begs the question whether the failure to reach an agreement in the 30 days before a contract expires is within a cable operator’s control,” FCC chmn *Ajit Pai* wrote in a blog post. “After all, as the saying goes, it takes two to

# CableJobs

Post your job openings today!

Reach the most qualified candidates.

**Cablefax has a recruitment product to fit your budget and business needs.**

Visit us at [www.cablefax.com/jobs](http://www.cablefax.com/jobs)

**CableJobs**  
Post your job openings on Cablefax's Job Board today!

**9898**  
JOB SEEKERS

**5075**  
RESUMES

tango.” The failure to reach an agreement in the 30 days before a contract expires is within a cable operator’s notification issue has popped up from time to time. In 2018, **Starz** filed an FCC complaint accusing **Altice USA** of not providing **Optimum** and **Suddenlink** customers with a 30-day notice before removing Starz and Encore channels. The complaint was dropped after the two reached a carriage renewal. **Time Warner Cable**, which Charter bought in 2016, was fined by the FCC in 2006 for not providing adequate notice before discontinuing carriage of **NFL Network**. Assuming the NPRM is adopted in December, the FCC will accept comments 30 days after it’s published in the Federal Register, with replies due 45 days after publication. The NPRM also seeks comment on whether to update the rules so that notifications to local franchise authorities on rate and service changes would only be necessary if required by an LFA.

**Committee Votes to Unwind STELAR:** House Judiciary approved its version of STELAR legislation, which would let most of the satellite license to import distant signals expire. The bill, introduced by chmn *Jerrold Nadler* (D-NY), would extend the license permanently to RVs and commercial truckers on the move as well as households in short markets (where at least one of the four network stations is missing) provided the satellite carrier provides local service in all 210 markets. **DISH** already does that. **DirectTV** doesn’t offer locals in 12 markets—something broadcasters have long complained about. During Thursday’s markup, Ranking Member *Doug Collins* (R-GA) criticized the committee for waiting until weeks before STELAR is set to expire to even draft a bill. “A markup of this category should’ve had a hearing,” said Collins. He ended up supporting the bill, but made it clear he’d prefer to see the license expire completely. The bill was amended so that satellite has six months instead of 120 days to comply with delivering local signals. A satellite operator also can receive an unlimited number of 90-day extensions if it files a notice with the US Copyright Office that it has acted “reasonably and in good faith” to provide local channels in all 210 markets. Broadcasters in those unserved markets could challenge the claim in the courts. The bill moves to the House. If approved, it will need to be reconciled with the Senate, which could be interesting as **Senate Commerce** chmn *Roger Wicker* (R-MS) has publicly supported renewing the license.

**Reader Becomes Distribution Chief at AMCN:** *Joshua Reader* was named pres, distribution and development for **AMC Networks**. It’s a new role on the company’s senior management team that will help fill the void with 30-year vet *Bob Broussard* retires as pres, distribution at year-end. Reader, who most recently served as evp, business development, will head up distribution along with business development. He’ll continue to report to CEO *Josh Sapan*.

**Comcast’s Effectv Launches Mnemonic:** **Effectv** (until recently **Comcast Spotlight**) launched full-service creative ad agency **Mnemonic** for its clients. Mnemonic will work to develop linear TV and digital video advertising campaigns for Effectv clients, with a multi-channel approach to extend the advertiser’s brand message. *Joe Alesi*, executive creative director, will oversee Mnemonic as well as a new creative portal of Effectv Ad Planner, which launched in July. The new component will allow customers to choose desired buying parameters of their TV campaign and can then upload logos, photos, videos and create voiceovers.

**Gracies Leadership Awards Celebrate Women:** It was a day full of female empowerment at the **Alliance for Women in Media’s** annual Gracies Leadership Awards luncheon in NYC on Thursday. “I dedicate this Gracie today to the many fearless women who have come before me and chartered a path for me to walk in their footsteps. Women who had the courage to step out of the shadows of darkness, harassment, oppression, abuse, oversexualization, discrimination, racism and sexism,” said honoree *Michelle Rice*, gm of **TV One**. “So many times I have been the first, the first woman, the first person of color, the first woman of color. Maybe you have been the first. Be fearless,” she said to the crowd. The Gracies recognize outstanding women in media. Honoree *Michelle Vicary*, evp of programming and network publicity for **Crown Media Family Networks**, took the opportunity to celebrate her mentors and the women that came before her, particularly former **Hallmark** CEO *Michelle Loesch*. “When we were working together it wasn’t about that she was a great female leader, it was that she was a terrific leader, and that’s where I think we want to get to. A place where we don’t have to identify gender, just all colleagues,” she said. Other honorees include *Mary G. Berner*, pres/CEO of **Cumulus Media**; *Weezie Kramer*, COO, Entercom; *Rosemary Mercedes*, CCO, **Univision**; and *Danyelle Wright*, VP, employment & labor law and CDO, **The E.W. Scripps Company**. The AWM also presented *Chickie Bucco*, the pres of **Katz Direct**, with the inaugural AWM Legacy Leadership Award, recognizing her years of dedication to the organization. Keynote speaker *Elizabeth Smart* brought down the house to wrap up the event. “Just by the fact that you’re a woman, you are strong. And people need to hear that more,” the activist and advocate told the crowd.

**People:** *Chris Wayland* was named svp, gm **NBC Sports Boston**. He will continue to oversee sales, finance, marketing, and digital departments for NBC10/WBTS, Telemundo Boston/WNEU and NECN (he was named svp, station manager for those nets in February). NBC Sports Boston was previously headed by *Princell Hair*, who left the company last month.

# PROGRAMMER'S PAGE

## 'Balthazar' Shows A New Way to Talk to the Dead

Everyone loves a good mystery. That's true around the world, including in France. One of the nation's top 10 highest-rated dramas in 2018, "Balthazar," is making its US debut on Monday with all six episodes of the first season arriving on **Acorn TV**. The series follows the witty forensic pathologist Raphaël Balthazar (*Tomer Sisley*) who must collaborate with the stoic police commander Hélène Bach (*Hélène de Fougerolles*) in order to solve some of Paris's most serious crimes. But when he heads home, Balthazar heavily drinks in order to deal with the murder of his late wife, which happened 13 years earlier. "Everyone has two sides: the one we show to the others, at work, outside, and the one hidden inside with its complexity, its dreams and its sadness," series producers *Stéphane Marsil* and *Clothilde Jamin* told **CFX**, calling Balthazar an extreme expression of that duality. "Maybe because he works and deals everyday with what we, random people, try to avoid all the time: death." Though the murder occurred in their home more than a decade earlier, Balthazar continues having conversations with his wife about everything from her aunt's courgette jam to his belief that the man jailed for her murder is not the true culprit. Balthazar also speaks to the dead when performing autopsies in the morgue and they speak back, but not in a supernatural way. They offer no new evidence, but chat with Balthazar in the way he imagines they would were they alive. "Balthazar is very close to death, and because of that, he imagines the conversations he could have with the corpses he is working on," the producers said. Still, they're not easy chats like many of the ones he has with his late wife. "With his wife, it is more about grieving. When you lose someone you love, what you miss the most are the small talks, the day-to-day conversations and intimacy," the producers said. — *Sara Winegardner*

**Reviews:** "Saints & Strangers," streaming on **Amazon Prime, Disney+, Netflix**. Viewers who prefer the feel-good narrative of Thanksgiving, should avoid this excellent **National Geographic** original from 2015. Here Pilgrims are the gritty few who survived a grueling sea journey and a disastrous winter in Plymouth. *Vincent Kartheiser* ("Mad Men") is outstanding as William Bradford (1590-1657), a reluctant leader who did much to keep the settlement going. -- "Ernie & Joe: Crisis Cops," **HBO Go**. Filmmaker *Jenifer McShane* makes an interesting choice to open this informative short doc. A grainy clip shows police responding to a call from a woman about her adult son, who is mentally disturbed; he's holding a screwdriver. Following a brief encounter, police shoot the man; his mother wails. Contrast that with how officers *Ernie Stevens* and *Joe Smarro* of the San Antonio PD's mental health unit approach a suspect. Ernie and Joe arrive at a courthouse where a disturbed, unarmed man is being disruptive. Dressed in plain-clothes, they approach calmly and speak softly. Eventually the man departs with them peacefully, en route to a mental health facility. Make no mistake: they're police officers and not all their encounters work out well. Still, their unconventional approach to mentally ill suspects contrasts with traditional militaristic policing. Ironically, fear—theirs and that of the suspects—plays a significant role. — *Seth Arenstein*

Basic Cable P2+ Prime Rankings\*  
(11/11/19-11/17/19)

Mon-Sun	MC US AA%	MC US AA (000)
ESPN	1.312	4032
FNC	0.895	2,750
MSNBC	0.637	1,959
HALL	0.490	1,506
HGTV	0.339	1,041
CNN	0.324	996
A&E	0.316	970
TBSC	0.303	932
HIST	0.297	912
DISC	0.280	859
FOOD	0.268	823
ID	0.267	821
USA	0.258	792
LIFE	0.242	742
TLC	0.241	741
HMM	0.241	740
FRFM	0.215	659
TNT	0.211	648
NICK	0.205	631
BRAVO	0.201	617
ADSM	0.197	604
AMC	0.186	572
INSP	0.180	552
TVLAND	0.169	520
NFL	0.165	508
FX	0.163	500
BET	0.158	485
NAN	0.154	472
MTV	0.132	407
SYFY	0.127	392
DSNY	0.124	382
WETV	0.118	361
COM	0.116	355
NKJR	0.115	355
VH1	0.111	340
NATGEO	0.110	339
GSN	0.109	335
TRAVEL	0.105	322
HBO	0.104	321
DSJR	0.100	308
APL	0.097	298

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



# WHO'S IN?

[WWW.NCTCWEC.ORG](http://WWW.NCTCWEC.ORG)