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What the Industry Reads First

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The 'I' Has It: TVP Polonia No Longer Broadcasting

Subscribers to Polish service **TVP Polonia** were surprised last week to find the channel was no longer broadcasting. A message on the subscription channel's website said, "We are sorry to inform you that at midnight PST on Dec 13, 2019, we stopped broadcasting TVP Polonia programs." TVP Polonia, which counted **Comcast** and **Altice USA's Optimum** among its distributors, said that subscribers who have already paid their December fee will be refunded, warning that a refund may be delayed until Dec 31 because of the holidays. Canadian-based **Spanski Enterprises** and Polish state-owned **TVP** entered into a 25-year agreement in 1994 that gave Spanski the exclusive rights to distribute TVP Polonia programming in North America and South America through Dec 13, 2019. In December 2018, Spanski informed TVP it was exercising its alleged right to extend the agreement 10 years, but TVP rejected Spanski's attempt, saying the company didn't have a unilateral right to extend the term of the agreement. That's when Spanski filed a lawsuit in US District Court of Southern NY. Earlier this month, the court denied Spanski's motion for a preliminary injunction. At issue is the language of the contract, written in Polish. More specifically, the argument centers on the translation of the word 'i.' The contract's provision about extending terms begins with the words "TVP i SEI." Spanski concedes the Polish word "i" is properly translated as "and," but also contends that "i" can be translated as "or," which would mean Spanski or TVP could extend the terms of the deal. In the end, the court didn't buy it. "Spanski has proffered in this action and in several other litigations, the language that was selected by the parties is 'TVP and SEI,'" the court said in denying the preliminary injunction. If the parties had wanted to say or, they could have used the Polish word 'lub,' the order said. What's more, the court added that "it strains belief that either side—in connection with a distribution agreement that had an initial term of twenty-five year—would have agreed to give the other side the unilateral right to continue the agreement—on the same terms—in perpetuity." While Spanski lost on the preliminary injunction, the court did not rule on the merits of its case against TVP, meaning the lawsuit will move forward. Last week, Spanski filed an appeal with the US Court of Appeals for the 2nd District on the denial of the preliminary injunction. It's seeking an expedited appeal. This isn't the first time Spanski and TVP have tangoed in the courts. Spanski successfully sued TVP for copyright infringement, with a district court awarding it \$3m in damages. The dispute was over TVP's web-

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site allowing access to content licensed to SEI, with IP law professor *Marketa Trimble* writing the case arguably makes geoblocking “de facto mandatory for internet actors who want to avoid liability for copyright infringement under US law.” Meanwhile, TVP Polonia’s disappearance from cable lineups comes as the **FCC** is contemplating eliminating a rule requiring cable operators to provide a 30-day notice for programming changes. The Polish channel’s sudden blackout is an example of operators not always receiving sufficient time to provide a 30-day notice.

Burke Officially Retiring From NBCU: Comcast made it official, announcing Monday morning that *Steve Burke* will retire in August, with *Jeff Shell* replacing him as CEO on Jan 1. Burke will become chmn of NBCU for eight months after Shell takes over, officially retiring on Aug 14 following the 2020 Summer Olympics in Tokyo. News of Burke’s departure was first reported last week by *Variety*. Upon Burke’s retirement, Shell will report to *Brian Roberts*, chmn and CEO of Comcast. Shell, who currently holds the title of chmn, NBCUniversal Film and Entertainment, takes the reins just a couple weeks before NBCU hosts a **Peacock** investor day, and just a few months before the streamer launches. **Pivotal Research Group** adjusted its Comcast 4Q and 2020 estimates to reflect stronger than expected cable results, which were partly offset by moderately higher than expected spend with Peacock’s upcoming launch and \$300mln related to **Sky**’s IP delivered product/data launch in Italy and theme parks. Pivotal reduced its YE’20 target price by \$2 to \$54. The group kept Comcast at a “buy” rating.

Congress Breathes New Life Into STELAR: Just two weeks ahead of its expiration, STELAR provisions have been added to Congress’s FY2020 appropriations bill. The provisions include a permanent requirement that pay TV providers and broadcasters negotiate in good faith when discussing retransmission consent, a condition that broadcasters negotiate with buying groups representing operators with fewer than 500K subs and a requirement that pay TV providers adhere to truth-in-billing fee disclosure. While DISH carries all the local TV stations in the US’s 210 markets, **DirectTV** still has 12 markets where it does not carry local stations. The new provisions would require it to do so by May 31 in order to continue to import distant signals to RVs, truckers and short markets that don’t have the full complement of local **ABC**, **CBS**, **NBC** and **FOX**-affiliated TV stations. President *Trump* is expected to sign the appropriations bill into law this week.

NTIA Acting Head Leaving: *Diane Rinaldo* is stepping down as acting head of **NTIA**. It’s a role she’s held since May when *David Redl* resigned as administrator. “During her almost two-year tenure at the Department of Commerce, Diane has led NTIA to multiple successes on 5G, supply chain security, broadband and public safety communications. I have been proud of her leadership and wish her the best in her future endeavors,” Secretary of **Commerce** *Wilbur Ross* said in a statement. NTIA offered no word on why she’s leaving or who will replace her.

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RESUMES

House Leaders Not So Sure on T-Mobile/Sprint: House Commerce chmn *Frank Pallone* (D-NJ) and House Judiciary chmn *Jerrold Nadler* (D-NY) sent a letter to FCC chmn *Ajit Pai* Monday with a number of concerns related to the pending merger of **T-Mobile** and **Sprint**. Among them were the lack of transparency and apparent lack of appropriate process leading to the FCC's approval of the deal. "We are particularly concerned that the underlying analysis drafted by the merger task force based on the evidence submitted into the docket was altered by the Commissioners and replaced with an analysis that downplays the competitive harms of the merger," the pair wrote. The two also took issue with the FCC's decision not to seek additional public comments after T-Mobile and Sprint entered into a consent decree with the **DOJ** that would set **DISH** up to become a new entrant into the wireless market. They're requesting all drafts of the merger order as well as answers to if the Commission is investigating T-Mobile's compliance with ex parte rules and if it spoke with the Office of General Counsel regarding the potential need for an additional comment period.

Verizon Adds Los Angeles to 5G City Roster: Verizon turned on its 5G Ultra Wideband mobility service in parts of L.A. Monday. It marks the 19th city in which Verizon offers 5G access thus far, and the company plans to expand the service to more than 30 cities by the end of the year.

House Passes Critical Improvements to Mapping, Network Security: The House passed two broadband mapping bills Monday: the MAPS Act and the Broadband DATA Act. The MAPS Act overhauls the way the **FCC** previously created its broadband availability maps, requiring the Commission to collect and disseminate granular broadband availability data. It must also establish a process to verify the accuracy of that data. The Broadband DATA Act establishes that it is against the law to knowingly or recklessly submit inaccurate data to the Commission. The House also passed the Secure and Trusted Communications Networks Act, which blocks the use of federal funds to purchase communications equipment or services from companies that pose national security risks, including **Huawei**. The FCC would create a program through the legislation to assist small communications providers with removing and replacing prohibited equipment.

FCC Authorizes Another Round of CAF II Support: The **FCC** authorized the eighth round of CAF II auction funding, funneling another \$89.2mln towards expanding broadband to more than 123K unserved homes and business in 21 states. Receiving the majority of funding this round is satellite provider **Viasat**. It will receive \$87.1mln over the next decade to serve more than 121.7K homes and business with speeds of at least 25/3Mbps. In exchange for the funding, Viasat will offer service in the supported areas at a low cost while also permitting higher usage allowances than it provides in areas where it is not receiving CAF support.

Net Neutrality - The Song That Never Ends: With the **DC Circuit** upholding the repeal of Title II classification for broadband, **Public Knowledge**, **Free Press** and others on Friday filed a petition for rehearing with the DC Circuit Court of Appeals. In October, the court upheld the **FCC**'s Restoring Internet Freedom order, but vacated the preemption provision that would have barred states from imposing any rule or requirement that's more stringent than the FCC rules.

Distribution: Amazon Prime Video is now available on **DISH**'s Hopper 3. Prime Video is available to all Hopper 3 customers who have a Prime membership from Amazon or a standalone Prime Video account. Its 4K content is also available to customers with a 4K TV.

Ratings: Saturday's Final Day singles matches at the Presidents Cup on **Golf Channel** became the most-watched cable telecast in the tournament's history. It posted a total audience delivery of 1.742mln viewers per minute (up 141% over 2015's final day). Viewership peaked at 2.15mln viewers per minute from 11:15-11:30pm. -- **ESPN**'s "College GameDay" finished with its most-watched season since 2015, averaging 1.956mln viewers per show on **ESPN** and **ESPNU**. Viewership was only 5K shy of 2015, which was the best on record since 2013. In its final hour (11am-12pm) it averaged 2.382mln viewers on **ESPN**, up 3% YOY.

Public Affairs: ViacomCBS teamed up with **Point Foundation**, the country's largest scholarship-granting organization for LGBTQ+ students of merit. The joint effort will work to increase representation of gender nonconforming and transgender journalists in broadcasting. The initial outreach will target LGBTQ+ students at a dozen universities and expose them to scholarship opportunities at Point and internships at **CBS News**.

Programming: HBO Max greenlit unscripted series "12 Dates of Christmas," a holiday-inspired dating series. It debuts next year and follows a cast of singles. -- **Discovery** is bringing back "Gold Rush" after show "The Dirt" on Jan 3 at 10pm. -- Star Wars fans, get ready. **Syfy** acquired the seven-episode short-form series "Looking for Leia" from independent filmmaker *Annalise Ophelia*. The series is set for a multiplatform debut on Dec 21. All seven episodes will be available on syfy.com, VOD, **YouTube** and **NBCUniversal**'s OneApp, with two eps airing back-to-back on the linear net at 11pm. The series tells the stories of women and non-binary fans who have been changed by the Star Wars franchise.

CFX TECH

Meeting People Where They Are

It all started back in 2013. **Comcast** built a dedicated Accessibility Lab as a reminder to every designer and engineer to create products with accessibility and inclusive design top of mind. The birthplace of the industry's first talking guide is now housed in the 60-story Comcast Technology Center and is open for all employees and visitors to test out the latest feature the company is adding to its suite of accessibility services.

"We like to say on X1, you're no more than a single key press or simple voice command away from accessibility enhancements that will make your experience more inclusive," Comcast vp, accessibility *Thomas Wlodkowski* told **CFX**. The now 12-person group focuses on three main pillars to ensure that the best products are being rolled out as quickly as possible: customer engagement, product capabilities and infrastructure. "We want to minimize the time the product groups spend reinventing the wheel," Wlodkowski said.

His program has received overwhelming support from the rest of Comcast's leadership team, including Comcast Cable pres, technology, product, Xperience *Tony Werner*. Thanks to a commitment from Werner, all stakeholders involved in the design and development of employee and customer-facing product experiences completed 75 minutes of online inclusive design training in 2019. "That's going to help us drive greater accountability and move accessibility further to the left so that it's really thought about throughout the design and development process, and I think really help us accelerate from where we are," Wlodkowski said. "We've done some good things, but there's always more work to do and more improvement to be had."

That training was the foundation that allowed Comcast's accessibility projects to reach new heights over the past 12 months. The team kicked off the summer

by announcing Xfinity X1 eye control, a web-based remote for tablets and computers that allows customers with physical disabilities an alternative way to navigate their television. The technology was recognized by *TIME Magazine* as one of the best inventions of 2019.

Comcast also has a dedicated support center for customers with disabilities that fields 30K calls each month. Another call center pilot began earlier this month that introduced an ASL customer support line that handles issues like Internet Essentials billing (Comcast extended its Internet Essentials program to individuals with disabilities in August) and Xfinity broadband services.

Joel Moffett, the Accessibility team's customer service lead, said the top-down commitment has closed the gap between a customer reaching out to a service center and members of Comcast's leadership team. "Any time that they're talking to us, they are very few links in the chain removed from those at the top who are pushing to strategize around this stuff," Moffett said.

The latest win for the Accessibility Lab is a partnership announced last week with wearable technology company **NuEyes**. Started in 2016, the veteran-owned business develops smartglasses and VR magnifiers that allow those with low vision to see and engage in everyday tasks. NuEyes has pre-installed the Xfinity Stream app onto its e2 smartglasses, making it the first live TV app on the device. "We think it's just a way of meeting the customer where they are," Wlodkowski said. – *Sara Winegardner*

Cisco Lowering Latency with Exablaze Purchase: **Cisco** intends to acquire **Exablaze**, an Australian-based designer and manufacturer of advanced network devices aimed at reducing latency and improving network performance. The transaction is expected to be completed in 3Q20.



WHO'S IN?

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