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What the Industry Reads First

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Ad Adjustment: Cable Fretting FCC Political Ad Disclosure Rules

It's now 2020—which should mean a flood of political advertising is ahead. But both the broadcast and cable industry are waving a caution flag on **FCC** political disclosure rules. **NCTA** is supporting an **NAB** petition for review of an FCC October decision that interpreted certain statutes to mean all federal candidates, election and issues mentioned in a third-party political ad must be disclosed in online public files. The debate comes at a critical time, with **Kantar Media** predicting cable will attract \$1.2bln in political ad spending for the 2019-2020 federal election cycle. Kantar estimates broadcast spending will hit \$3.2bln. Both industry lobbying groups argue that the FCC should have sought public input before adopting new political file requirements. “The Commission imposed an overly strict standard that fails to account for the frenetic pace of political advertising sales during the heat of an election. Indeed, the Commission failed to account at all for how these new standards would apply to cable operators, which face additional compliance challenges,” NCTA said in comments this week. Cable’s burden is complicated by the fact operators sell ads on multiple channels on systems that are viewed simultaneously vs broadcasters, which sell time on a single channel of programming with limited inventory. “A cable operator may be airing an array of local and regional advertisements inserted into dozens of channels. Some advertisements will be inserted on the whole system, while others will only be placed on specific targeted parts of the system,” NCTA said. Pending full reconsideration of the order, NCTA and NAB are asking the FCC to issue an order clarifying that it will defer to good faith compliance efforts of those subject to the requirements. Opposing the request for reconsideration are **The Campaign Legal Center**, **Sunlight Foundation**, **Common Cause**, **Benton Institute for Broadband and Society** and **Issue One**. They contend the FCC didn’t adopt any new rules or amend existing ones; instead, merely interpreting statutory language. “If anything, the burden imposed by these disclosure requirements has been reduced since stations simply need to upload the information to a database hosted by the FCC instead of maintaining paper files at each station,” they said in FCC comments filed this week. “It is also relevant in assessing burden that stations make large sums of money from political ads. If stations find the reporting requirements too burdensome, they are not required to air political ads (apart from providing reasonable access for federal candidates).”

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Hearst-DirecTV on Deck; Apollo-owned Stations Dark on Verizon: In terms of retrans blackouts, this was a relatively quiet New Year's Eve with most operators getting deals or extensions done. **DirecTV** avoided a New Year's Day blackout of **Hearst** stations through an extension, but it faces a 3pm ET Friday deadline. "While we hope to conclude our negotiations before January 3, so as not to deprive any of our respective viewers and customers of our programming, we want to advise our viewers and customers that the possibility of non-renewal of our current agreement exists," Hearst said. **Verizon Fios** didn't escape a retrans blackout, losing 13 **Cox Media Group** stations when the calendar flipped to 2020. This is the broadcast group formed by **Apollo Global Management** that bought **Cox Enterprise's** portfolio of radio and TV stations for \$3bln in mid-December. Apollo initially said the new company would be named **Terrier Media**, but eventually decided to continue to operate under the name Cox Media Group. Cox Enterprises maintains a minority stake in the new company. In a statement, Verizon said the broadcaster "did not provide an answer to our reasonable offers for prolonged periods of time at critical points of the negotiation." The broadcaster sees things differently, saying that it offered Verizon multiple extensions for **WPXI-Pittsburgh**, **WFXT-Boston** and **WSYT** and **WNYS** (plus associated multicast stations). "Unfortunately, Verizon has refused all extension offers and instead, made the decision to remove these stations as they continued the negotiation. Cox Media Group has made every effort to get Verizon to restore these stations to their lineup and will continue to negotiate in good faith to reach a resolution as quickly as possible," CMG said. Several other last-minute carriage deals, including **Comcast-Nexstar**, **Altice USA-TEGNA**, **Mediacom-Nexstar** and **Comcast-TEGNA**, were reached before midnight Dec 31.

NCTC-Fox Corp Strike Deal: The tweets from **NCTC** members in the 11th hour of New Year's Eve calling for a fair deal were fast and furious, but about 15 minutes or so before the clock struck 12, the co-op and **Fox Corp** agreed to terms for renewing **Fox News**, **Fox Business**, **FS1**, **FS2**, **Fox Deportes** and **Fox Soccer Plus**. Terms weren't disclosed.

FuboTV Loses Sinclair RSNs, Disney Fox Nets: Virtual MVPD **fuboTV** entered 2020 with a lighter channel lineup. As of Jan 1, it stopped carrying the **Disney-owned Fox** nets (**Nat Geo**, **FX**, **FXX**), not shocking since it doesn't carry any Disney Media Networks. More surprising, given fubo's branding as a streaming service for sports fans, was the deletion of 22 **Sinclair-owned RSNs**, including **Fox Sports South** and **YES Network**. Fubo said it continues to be a sports-focused offering, noting it carries RSNs in Chicago, Philly, San Francisco Bay, Boston and Houston as well as some NY-based nets. "Standalone rates for [the Sinclair] RSNs are not consistent with fuboTV's mission to provide value and keep costs low to consumers," fubo said in a statement. "As of January 1, 2020, these networks have left fuboTV, like they have with other virtual MVPDs." Sinclair said it was disappointed and urged the service's subs to

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switch providers, noting that **YouTube TV**, **Hulu+ Live TV** and **AT&T TV Now** offer the RSNs. “Fubo positions itself as a sports-first service, yet it has chosen not to carry our RSNs, ESPN or ABC,” Sinclair said. Sinclair acquired the former Fox RSNs in August. **DISH** dropped the nets in late July and still isn’t offering them.

Plepler Finds a New Home at Apple: Former **HBO** CEO *Richard Plepler* is heading to the world of streaming, signing a five-year production deal with **Apple TV+**. His production company, **Eden Productions**, will create TV series, documentaries and films for the service. The *WSJ* first reported in November that Plepler was deep in talks to sign an exclusive deal with the streamer. The news comes nearly a year after he left HBO following **AT&T’s** merger with Time Warner. **WarnerMedia’s** own streaming service, HBO Max, is set to arrive in May.

ATSC 3.0 Adopted as International Broadcast Standard: The **International Telecommunications Union** adopted ATSC 3.0 as a recommended digital broadcast standard, setting the stage for other countries around the world to embrace the IP-based standard. Thus far, the standard has been adopted in the US and South Korea. “The Next Gen transmission standard will provide consumers with a host of new services and expand opportunities for broadcasters and service providers around the world,” **Sinclair** pres/CEO *Chris Ripley* said in a statement. “By integrating broadcast and broadcast services, ATSC 3.0 also can be part of the 5G transmission ecosystem for non-television data transmission services.” The next step for implementation of the standard involves updating the ITU-sanctioned Digital Handbook with a detailed set of implementation steps for other countries to follow.

Sen Warner Calls For Federal Privacy Protections: One day after the California Consumer Privacy Act went into effect and gave the state’s residents the power to opt out of their data being sold by businesses, Sen *Mark Warner* (D-VA) is calling for the federal government to put similar protections in place. “We have seen not only the key federal regulator, the **Federal Trade Commission** (FTC), continually stumble, and state Attorneys General increasingly filling the void, but we have also seen Congress unable to step up and put in place much-needed guardrails to ensure user privacy and data are protected,” Warner said in a statement Thursday. “These issues cannot be addressed on a state-by-state basis.” Warner wrote and introduced several bipartisan bills addressing the issue in 2019, including the DASHBOARD Act, which would require data harvesting companies like social media platforms to tell consumers and financial regulators exactly what data they are collecting and how it is being leveraged for profit.

Cadent Acquires 4INFO: **Cadent** completed its acquisition of **4INFO** Thursday, a move that allows it to expand its cross-screen solutions for national advertisers with OTT and connected TV video buying capabilities. Financial terms of the deal were not disclosed. Cadent and 4INFO have been technology partners since 2018 and have spent the last year integrating 4INFO’s data-activation capabilities into Cadent’s buy-side TV planning and activation platform.

Samsung, 8K Association Partner: **Samsung** and the **8K Association** teamed up to launch an 8K Association Certified program for 8K TVs. The first-of-its-kind program aims to distinguish TVs that feature four times as many pixels as standard 4K TVs. Samsung’s QLED 8K TVs will be among the first to be certified, and the association expects 8K growth to take off in 2020, similarly to 4K over the past several years.

Bowl Ratings: **ESPN** and **ESPN2’s** telecast of the Rose Bowl featuring Oregon vs Wisconsin on Jan 1 at 5pm pulled in 16.3mln viewers. This is the second most-watched non-Semifinal New Year’s Six game in the College Football Playoff era (behind only last season’s Ohio-State vs Washington matchup). The Sugar Bowl (Jan 1 at 8:45pm) between Georgia and Baylor drew 10.2mln viewers on the nets, becoming the second most-watched non-Semifinal Sugar Bowl of the era.

Xumo Expands Distribution with Sony, Panasonic Deal: **Xumo** signed agreements to integrate its enterprise-level streaming service onto **Sony** and **Panasonic** smart TVs, adding to its existing distribution deal with **LG**. The service delivers both over-the-air and OTT channels within one guide. Xumo recently announced that viewership of LG Channels powered by Xumo, which offers achieved nearly 100% increases YOY.

CES is Coming: US Secretary of Commerce *Wilbur Ross*, US Secretary of Transportation *Elaine Chao* and US Secretary of Energy *Dan Brouillette* are among the government officials who will speak at **CES** next week in Vegas. Other government leaders at the gathering include **FCC** chmn *Ajit Pai*, **FTC** chmn *Joseph Simons* and *Ivanka Trump*, President Trump’s daughter and adviser.

People: **WOW!** appointed *Teresa Jacobs* as svp, IT design and development. She comes over from **Pearson**, where she served as vp of global quality engineering and technology development. -- *Matt Kaplan* joined **Altice USA** as vp of brand partnerships for **Cheddar**, **News 12** and **i24NEWS**. He was most recently svp of digital ad sales at **Univision**. -- **AccuWeather** promoted *Sarah Katt* to gm, AccuWeather Network. She first joined the net in 2016 as vp of product development and operations.

PROGRAMMER'S PAGE

R. Kelly Sequel Dives into the Reckoning

Lifetime thrust *R. Kelly* back into the spotlight last year with its explosive docuseries “Surviving R. Kelly,” which led to the singer’s arrest on sexual assault charges in Chicago less than two months later. Now, the net dives deeper into the saga and its aftermath with “Surviving R. Kelly Part II: The Reckoning,” featuring interviews from accusers who came forward after the initial telecast, parents of some of the women, experts and more. The five-part series airs over three nights, beginning Thursday at 9pm. Unlike Part 1, the new series includes viewpoints from people sympathetic to Kelly, including family members and former employees. In a shocking moment, former assistant *Lindsey Perryman-Dunn* says, “You know what they’re upset about? That they didn’t get the limelight until they were on Lifetime television.” *Brie Miranda Bryant*, svp of Lifetime programming and ep of the docuseries, didn’t initially want to create a follow-up, but ultimately decided the story wasn’t over. The sequel is “looking at the infrastructure that was created, looking at our society, our culture, so that we can protect girls and women in the future.” The docuseries begins by recapping Part I, and the immediate fallout after it aired. The first hour looks at Kelly’s early life, including alleged sexual victimization as a child. The series attempts to tell the story from all angles, and looks at the environment the singer operated in. “I know that those are questions that the audience had. Another question that the audience had from Season 1 was about the parents” and how they could let this could happen, said ep *dream hampton*. “All of the sudden people had never been teenagers. This idea that teenagers are this super controllable group of people who don’t lie to their parents was a huge revelation for me. I had no idea that no one lied to their parents.” It’s a big follow-up to the explosive series that led to Kelly’s arrest, and has a tremendous emotional impact. – *Mollie Cahillane*

Reviews: “Dare Me,” ep 2, 10pm, Sunday, **USA**. To say this new series is about a high school cheerleading squad is akin to saying **HBO**’s “The Sopranos” centered on an Italian-American family. Cheerleading is part of “Dare Me,” but it’s the backdrop. Still, principal actors *Marlo Kelly* and *Herizen Guardiola* seem athletic, particularly Guardiola. On the other hand, there’s little to be learned about cheerleading here. Yet, it’s one of the grittiest series about teen girls on TV. Some viewers will find the foul language, depiction of sex and teen drinking objectionable. Then there are the teachers, particularly the new cheer coach (*Willa Fitzgerald*), whose behavior outside the gym is questionable. The series belongs to Kelly and Guardiola, whose relationship as de facto leaders of the cheer squad is fascinating. Kelly is terrific as the talented bad girl, while Guardiola handles the good-girl (well, mostly) role. What makes the series go is that neither character is stereotypical. We can’t wait to see where this one goes. – “Party of Five,” series premiere, 9pm, Wednesday, **Freeform**. It was radical in 1994 to have a parent-less group of kids survive as a family. With the existence of Showtime’s “Shameless,” a reboot of “Party of Five” seems blasé. Still, with original showrunners *Chris Keyser* and *Amy Lippmann* back, the ripped-from-the-headlines series works fine. – *Seth Arenstein*

Basic Cable P2+ Prime Rankings* (12/23/19-12/29/19)		
Mon-Sun	MC US	MC US AA
	AA%	(000)
ESPN	1.957	6,014
FNC	0.559	1,717
HALL	0.486	1,495
TBSC	0.373	1,145
TNT	0.323	992
TLC	0.320	984
HGTV	0.311	956
A&E	0.308	948
MSNBC	0.299	919
HIST	0.295	905
USA	0.295	905
AMC	0.286	879
FOOD	0.271	833
TUDN	0.268	824
ID	0.261	802
FRFM	0.251	771
DISC	0.250	768
HMM	0.210	645
BRAVO	0.198	608
NICK	0.189	582
INSP	0.188	579
LIFE	0.188	578
FX	0.184	565
ADSM	0.184	564
NAN	0.177	543
TVLAND	0.171	525
SYFY	0.169	518
PARA	0.152	468
FS1	0.151	464
CNN	0.149	457
BET	0.145	447
NGW	0.143	441
GSN	0.132	405
WETV	0.131	403
DSNY	0.127	389
TRAVEL	0.125	384
VH1	0.125	384
E!	0.119	366
COM	0.112	346
NKJR	0.111	342
WGNA	0.110	339

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

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