

Cablefax Daily™

Tuesday — March 10, 2020

What the Industry Reads First

Volume 31 / No. 047

In the Courts: Circle City, NABOB Sue DISH Claiming Racial Discrimination

Minority-owned broadcaster **Circle City** and the **National Association of Black Owned Broadcasters** filed a lawsuit Monday against **DISH** that accuses the satellite provider of racial discrimination. DISH did not respond to requests for comment by deadline. The challenge, filed in an Indiana federal court, claims DISH has refused to negotiate a retrans contract in a non-discriminatory manner with Circle City. Circle City was formed last year by *DuJuan McCoy* to buy WISH-TV and WNDY-TV in Indianapolis from **Nexstar** for \$42.5mln. McCoy sold his Bayou City Broadcasting in a \$165mln stock transaction to *Byron Allen* in May. The road to retrans deals has been a bit rocky for Circle City. **AT&T U-verse** and **DirectTV** customers lost the two Indianapolis stations on Jan 31 and they remain off today. DISH hasn't had the channels since Oct 4. Circle City said it was able to secure long-term deals with other distributors, like **Comcast** and **Charter**, during the transition subsequent to the sale. Circle City and NABOB claim DISH has "decades long policies and practices of discriminating against minority-owned broadcasters and historically disadvantaged business," declaring that DISH is the only MVPD in America that does not carry "black focused channel **Urban One**, owned and operated by the largest black radio group in America" (presumably they meant Urban One's cable network **TV One**, which DISH doesn't carry). Last fall, Urban One CEO *Alfred Liggins* had a phone conversation with **FCC** chmn *Ajit Pai* in which he urged the FCC to consider DISH's track record in the area of diversity as it considered the **T-Mobile/Sprint** merger and the divestiture of Boost Mobile to Sprint. In its lawsuit, Circle City claims that DISH offered to pay "only a tiny fraction of the fees believed to have been paid to Nexstar, and refused to negotiate with Circle City for a fair price." Circle City told the court it has maintained the same content and quality that Nexstar had, and added value by producing more local news, high school sports coverage, and adding reporters covering the multicultural and medical beats. "Dish's approach to Circle City reflected its bias against the race of Circle City's owner, Mr. McCoy. Dish offered to contract with Circle City for pennies on the dollar compared to the rates it paid the prior broadcaster, Nexstar. The message to Mr. McCoy from Dish was clear: minority broadcasters need not apply," the complaint said. Mc-

ANNOUNCING Cablefax's TOP OPS Nominations

For the Executive(s) of the Year: Tout your best execs! We're looking for MSO and independent operator executives who drive success in all areas of the business, including finance, legal, marketing, operations, business development, sales and beyond. These are the top performers exceeding company goals, advancing new initiatives and innovations, and pushing through unique marketplace challenges. Tell our editors who we should be recognizing in 2020!

Submit Today at: www.CablefaxTopOps.com

Questions: Contact Mary-Lou French at mfrench@accessintel.com or 301.354.1851.

*Help Cablefax choose the
MSO and Independent
Operator of the Year!*

**It's free to enter – but you must
submit your entries by March 27!**

*The Independent Operator of the Year
Award (IOY) is presented in conjunction
with ACA Connects and NCTC*

Dear Friends and Supporters of the T. Howard Foundation -

Every year we look forward to celebrating our Diversity Awards Dinner with you. The dinner gives us the opportunity to connect, honor the industry's corporate and executive leadership for their commitment to diversity, and recognize advocates of diversity and inclusion. Over the last few weeks, the Executive Committee of the Board of Directors discussed and expressed their concern regarding the coronavirus (COVID-19) and the safety of our friends and supporters of the Foundation.

As a result, the Executive Committee agreed that it is in the best interest and the safety of our guests, interns, and the T. Howard team to postpone our Diversity Awards Dinner. Needless to say, we will continue to monitor the situation closely.

On behalf of the Board of Directors of the T. Howard Foundation, we thank you for your patience and understanding. As soon as we identify **a new date**, we will be back in touch and look forward to seeing you soon to celebrate our 27th Diversity Awards Dinner.



Andy Topping
Chairman, T. Howard Foundation
SVP, Human Resources, Comcast Cable Communications



Jo Pamphile
President & CEO

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

Coy and DISH have tangled before, with Bayou Broadcasting suing DISH over underpayment of retrans fees in 2015 (Bayou said terms were worked out and the case dismissed).

Coronavirus Shakes Up T Howard, Upfronts: Coronavirus continues to cause cancellations throughout the industry, with the annual **T. Howard Diversity Awards Dinner** postponed, originally scheduled for March 25. No new date has been identified yet. "The T. Howard Foundation's Diversity Awards Dinner is not only a fundraiser, it is a celebration of diversity and inclusion with our supporters, partners, board of directors, interns and the T. Howard Team," said pres/CEO *Jo Pamphile*. "In consideration of everyone's safety and well-being, the Executive Committee of the Board of Directors voted to postpone the dinner. We look forward to announcing a new date." **A+E Networks** is moving from a live upfront to a virtual one. Originally slated to take place March 25, the live event is replaced by virtual agency presentations, beginning the week of March 23. "It's important for us to note that the upfront is just one part of A+E Networks' 52-week strategy," group pres *Paul Buccieri* said in a statement. "Whether in person or in the form of a virtual presentation, the Upfront is part of a comprehensive, year-long communications effort between our dedicated sales force and our ad sales customers." **AMC Networks** canceled its upfront, scheduled for March 18 in NYC. The company said it will have individual conversations with advertising clients. The **NAB Show** in April in Las Vegas is still going ahead, but **Ross Video** is withdrawing. The company has been at every NAB Show since 1974, and said it was not an easy decision to make. "Ross is not alone in this. Many of our customers and partners have implemented travel restrictions over concerns about the increasing number of Covid-19 cases around the world," a statement reads.

Covid-19 Watch: March Madness is still going ahead, with games scheduled to air on **CBS** and **WarnerMedia** networks. The **NCAA** has put together an advisory panel, which is currently not recommending cancellation or public spacing of athletic and related events scheduled to occur in public spaces across the US. The Italian soccer league resumed postponed matches over the weekend, playing in empty stadiums because of the virus outbreak. On Monday, Italy announced it's permitting only essential travel to, from and within the country. **Media-com** CEO and Fiorentina soccer club owner *Rocco Commisso* is in the States, we're told. Meanwhile, when news broke Monday that the executive director of the Port Authority of NY and NJ had tested positive for the coronavirus, many recognized a familiar name. *Rick Cotton* is a longtime **NBCU** exec and served as general counsel before his departure in 2013. He became exec director of the Port Authority in 2017. "Mr. Cotton is currently asymptomatic and has self-quarantined at his home while maintaining a full schedule," the Port Authority said in a

Corporate Licenses

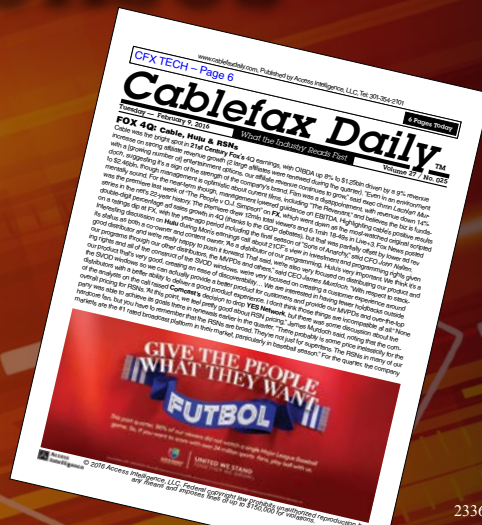
Cablefax Daily

WHAT THE INDUSTRY READS FIRST.

Get reduced subscription rates for multiple readers in your organization.

Find out more! Contact Client Services at clientservices@accessintel.com

www.cablefax.com



statement. “Any staff members who have had close contact with him in recent days are also working from home as they follow the guidelines and protocols put in place by the New York State Department of Health.” The Port Authority’s senior team will also be tested and may self-quarantine.

Pai Sets FCC Meeting Agenda: The FCC’s next open meeting is set for March 31, and the Commission is ready to overhaul the way it resolves program carriage disputes between programmers and MVPDs. It will consider a proposal to modify the time-limit requirements for filing complaints and effective dates for decisions by the Commission’s administrative law judge as well as adjudicators. FCC chmn *Ajit Pai* said in a blog post Monday that he is also looking at ways in which the Commission can “harmonize” its rules for the resolution of program carriage, program access, retransmission consent and open video system complaints. Republican commish *Mike O’Rielly* has long called for an overhauling of the FCC’s ALJ functions and asked Pai back in Dec 2018 to initiate a proceeding to fix the process he called “a black hole of indecision, inefficiency and arbitrariness.” Also on the meeting agenda is a Media Bureau NPRM that would look at modernizing the FCC’s methodology for determining whether a television broadcast station is significantly viewed in a community outside its local market, and if it may be treated as a local station in that community for broadcast signal carriage purposes.

Distribution: **fuboTV** is expanding its sports coverage, striking deals with **NHL Network**, **MLB Network** and **MLB Network Strike Zone**. The streamer now offers every professional sports league network. NHL Network is now available in the fubo Extra or Sports Plus packages, and MLB network will be added to both packages in the coming weeks. MLB Network Strike Zone will be available in the Sports Plus package.

Big Brackets: **DISH** is giving its Hopper customers the chance to win \$10mln through a Bracket Challenge. Customers can complete a bracket through the BracketView app on a Hopper family receiver, or the DISH website. A perfect bracket wins a \$10mln prize to be paid over 10 years. Customers who receive the first, second and third most overall points will receive up to five years of free DISH service, Hopper upgrades and smart sound systems.

T-Mobile Invests in Puerto Rico: **T-Mobile** is deepening its commitment to Puerto Rico with a 10-year investment in a new entertainment complex in San Juan. Opening in April, Distrito T-Mobile will serve as a venue for concerts, movies, games, dining and more. Distrito is the first T-Mobile venue outside the continental US and the first naming rights deal of its kind in the territory.

Programming: The **PGA Tour** struck a series of media rights deals with **ViacomCBS**, **NBC Sports** and **Disney/ESPN+** from 2022 to 2030. CBS Sports and PGA Tour reached a new, nine-year extension deal through 2030. CBS Sports will expand its schedule and broadcast all three FedEx Cup Playoff events beginning in 2023 and alternating with NBC Sports each year. CBS will average 19 events per year, and NBC will get eight additional events. ESPN+ will be the exclusive streaming partner for PGA Tour Live beginning in 2022. **Discovery** has the streaming rights outside of the US through 2030. -- **Showtime** and **CBS Television Studios** signed *Clyde Phillips* to an overall deal, developing projects for both entities that can air on platforms within or outside the **ViacomCBS** family. -- **Insight TV Studios US** and **Vice Studios** teamed up for a three-part documentary focused on the upcoming 2020 Invictus Games, founded by *Prince Harry*. “I Am Invincible” is filmed entirely in 4K UHD HDR and will premiere April 18. -- **Anthem Sports & Entertainment** and **iHeartMedia** entered a multi-year partnership, with the companies collaborating on original programming and marketing of Anthem’s properties across iHeartMedia’s multi-platform network. -- “The Split” returns to **SundanceTV** May 21 at 12am. -- **Game Show Network** will have more hours of original programming in 2020 than in network history, green-lighting two new series. “People Puzzler” is based on the Puzzler crossword in PEOPLE, and trivia show “Master Minds” is hosted by *Brooke Burns*.

People: **Discovery** named *Neil Chugani* as its new CFO and head of strategy and operations for direct-to-consumer. He comes to the newly created role from **Google**, where he most recently served as CFO for the business and operations of Google and **YouTube** in Europe, the Middle East and Africa. -- **BET** tapped *James Cuthbert* as svp, brand strategy & marketing. He previously held the role of head of marketing for **Red Bull** North America. -- **Public Knowledge** announced its new board, electing *Daphne Keller*, director of the program on platform regulation at Stanford, and *Michal Rosenn*, general counsel at **Expa**, to the board. The group named *Virginia Lam Abrams*, svp of **Starry**, as its new chair. -- *Julie Frist* joined the **Liberty Broadband** board. She was one of the founders of **CapStar Bank** and currently serves as chmn of their nominating, governance and community affairs committee, and also serves on their compensation and human resources committee. Frist will join Liberty Broadband’s compensation and nominating and corporate governance committees.

CFX TECH

Where They Stand

With the Democratic candidate field narrowing ahead of the November election, here's your briefing on how **Bernie Sanders** and **Joe Biden** plan to take on big tech and broadband issues.

On Regulating Big Tech While powerhouses like **Facebook** and **Google** probably let out a sigh of relief when **Elizabeth Warren** dropped out of the race, there's still at least one candidate in the race that's ready to break up big tech. Sanders fully supports such a break up and has announced a plan that would mandate all companies with more than \$100m in revenues to be partially owned by workers. Sanders has raised nearly \$270K from employees at **Apple**, **Amazon** and others in 4Q19. Biden has fought with both Facebook and Google over their political ad policies in the past. While he's not happy with how much power those companies hold, he's not issuing a final judgment until his administration examines the potential effects of breaking them down.

On Net Neutrality Should Biden find his way into the Oval Office, it's not certain that the Democrats in Congress would have the support they'd need to cement net neutrality rules into law. Biden has long been labeled a net neutrality skeptic. During his time serving on the Senate Judiciary Committee in 2006, Biden said he did not believe such rules were necessary because any violation on that front would need to be addressed through congressional hearings anyways. In 2007, he chose not to co-sponsor the Internet Freedom Preservation Act. The legislation would have amended the Communications Act of 1934 to establish some net neutrality rules and block ISPs from interfering with the ability of any person to access broadband service. Sanders, on the other hand, has already said that he would classify broadband providers as common carriers under Title II and reinstate the net neutrality regulations that were rolled back by the **FCC** under chmn **Ajit Pai**. Contrasting with Biden, he has publicly said he would back Congress in any efforts to codify net neutrality protections into

law. He has also promised to appoint members of the FCC that would use the Title II authority to promote competition, choice and broadband affordability.

On Maintaining Digital Privacy If it were up to Biden, we'd be following Europe's lead on the privacy front. The former vice president told the *NYT* Editorial Board that the US should be setting standards similar to GDPR when it comes to privacy. GDPR, which came into effect in May 2018, gives citizens the right to find out why a company has held onto their data and if it has been transferred to another entity. Sanders wants to partner with privacy experts, racial justice activists and other stakeholders to develop and pass a digital privacy bill of rights into law. That bill of rights would ensure strict penalties for companies that fail to protect consumer data.

On Expanding Rural Broadband Access Biden's plan includes a \$20bn investment in expanding high-speed and affordable broadband in unserved and underserved areas. The funding would be made available to projects eligible under programs like the **NTIA's** Broadband Technology Opportunities Program. Also planned is a tripling in the amount of **USDA** Community Connect broadband grants. Biden wants to expand those programs to enable recipients to use funds to deploy infrastructure capable of offering middle-mile and last-mile wired and wireless broadband access. Sanders's vision starts with the passing of the Green New Deal. The bill would provide \$150bn in infrastructure grants for municipalities and states to build publicly-owned, co-op or open broadband networks. He would also work to increase the FCC's definition of minimum broadband speeds to 100Mbps download speeds and 10Mbps upload speeds and require that all ISPs offer a basic internet plan providing those speeds at an affordable price. Sanders is also looking to break up cable monopolies. His plan would bar service providers from also providing content and he hopes to break down any anticompetitive vertical conglomerates. — *Sara Winegardner*

Cablefax Selected by **SCTE•ISBE**
as Exclusive Partner for the Official Show Daily

SCTE•ISBE
CABLE-TEC EXPO®
DENVER, CO » OCTOBER 13-16 2020

Featuring Expanded Coverage in Print, Online & Video Show Dailies

Supercharge Your Exposure!

“We were blown away by the passion and imagination Cablefax brought to the SCTE•ISBE Cable-Tec Expo official show daily coverage. In print, online and especially in video, the Cablefax team went above and beyond in capturing the moments that made Expo 2019 a must-attend event. Together we're already imagining the possibilities for new concepts at Expo 2020 in Denver.”

— SCTE•ISBE's President and CEO, Mark Dzuban



Space is selling quickly! Contact Olivia Murray at omurray@accessintel.com or 301.354.2010