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# Cablefax Daily™

Friday — July 17, 2020

What the Industry Reads First

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## Yea or Nay: FCC Moves Forward With Leased Access Reform (Maybe)

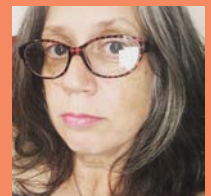
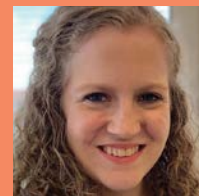
The state of leased access rules at the **FCC** was up in the air for a portion of the Commission's virtual open meeting Thursday. The confusion occurred while the commissioners were considering a Second Report and Order that would update leased access rate rules by implementing a tier-based leased access rate calculation. The order also solidified that the maximum fee a cable operator can charge is a calculation based on any contracts made in the previous year. The modernized formula is designed to give a more accurate approximation of the value of a particular channel and reflects regulatory changes that have occurred since the current formula was adopted in 1997. The discussion on changing leased access rules also opened an argument on the constitutionality of the entire leased access framework, but the Commission chose not to act on that as the leased access rules are included in a statutory mandate from Congress. When it came time to vote on the tier-based formula, chmn *Ajit Pai* and commish *Michael O'Rielly* approved while *Jessica Rosenworcel*, *Brendan Carr* and *Geoffrey Starks* concurred. In his statement, Starks said he disagreed with the idea that the FCC had done the analysis needed to determine that competition had "eroded the original justification" for leased access rules, in particular with regard to the need to safeguard diversity. "I believe the commissioners' time is better spent focusing on efforts to expand the reach of high-speed broadband and to end disparities in media ownership, rather than gratuitously seeking to eliminate statutory protections that are specifically designed to promote and preserve diverse programming sources," Starks said. While Carr had no issue with the item, he thought the FCC could have taken a better approach that would have responded to constitutional questions raised by the rules. Rosenworcel asked that the Office of General Counsel follow up with her office offline to discuss if the order could be approved with three concurrences. She also questioned whether the text of the order would continue to have legal effect in that case. Carr, the only Republican concurring, later clarified that his vote was one of partial dissent. With that change of vote, Pai said the item had been approved, but Rosenworcel still asked that the Office of General Counsel confirm whether the item would take effect. There is precedent for items to be approved without having three "yes" votes. The 2014 net neutrality NPRM garnered two approvals from then-chmn *Tom Wheeler* and commish *Mignon Clyburn*, one concurrence from Rosenworcel and two dissents from Pai and commish Michael O'Rielly. "If that 2014

# Cablefax

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A diverse executive with outstanding business results over the last year. All departments and job functions are eligible.

#### D&I Champion

An executive whose contributions to diversity initiatives and overall D&I leadership has made an important impact within the cable & broadband industry and inspired others to step up their games.

#### D&I Mentor of the Year

An individual whose extraordinary mentoring effort has made a measurable impact in helping to increase the number of low- to mid-level diverse executives that have risen to senior roles.

#### LGBTQ+ Executive of the Year

An executive who identifies as an LGBTQ+ individual and embodies excellence in leadership, community service and overall business acumen.

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These young and diverse up-and-comers represent the future of the industry, which depends on their energy, new ideas and unique perspectives to drive success.

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Recognizing an advertising campaign for a brand, service or product that appeals to diverse customers or increases a company's outreach to minority or other diverse communities.

#### Community Outreach

Recognizing specific community outreach efforts related directly to helping underserved communities or promoting a more diverse community.

#### Diversity in Business Award

Recognizing a for-profit initiative that ties diversity objectives to a new product or service that bolstered the company's bottom line.

#### D&I Mentoring Program

Recognizing a successful diversity promotion program that has been in place for at least 2 years and has made a sustained and measurable impact on a company's ratio of diverse employees.

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Recognizing a public affairs media, lobbying or awareness campaign (local, regional or national) designed to create awareness of a company's diversity efforts, charitable contributions or other initiatives aimed at a more diverse and inclusive world.

## The DIVERSITY List

PRESENTED BY CABLEFAX



**2020 ISSUE RELEASE DATE**  
September 29<sup>th</sup>

**TO ADVERTISE, CONTACT:**  
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#### Recruiting Program

Recognizing a successful diversity recruiting program that has made a sustained and measurable impact on a company's ratio of diverse employees across the entity or within a specific division.

## BEGIN YOUR NOMINATIONS!

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NPRM is not effective, then we could have saved ourselves a lot of headaches over the last several years,” Pai said in a press conference. **NCTA** patted the Commission on the back for the approval and for recognizing the constitutional questions leased access now raises. “The leased access regime is a relic of the past that continues to burden cable operators’ speech based on a video marketplace that no longer exists,” the association said in a statement.

**Netflix Earnings:** Netflix upped chief content officer *Ted Sarandos* to co-CEO, alongside CEO *Reed Hastings*. He’ll keep his current role and also join the board. In the first full quarter since the pandemic took hold, Netflix showed strong subscriber growth, but is forecasting slim gains in 3Q. The streamer added 10.1mln paid streaming subs, beating the 8.3mln projected from Wall Street. The company added 2.94mln subs in the US and Canada, 2.75mln in the Europe, Middle East and Africa region, 1.75mln in Latin America and 2.66mln in the Asia-Pacific region. -- Netflix is projecting an add of 2.5mln subs in 3Q20. In a letter to shareholders, execs said that “growth is slowing as consumers get through the initial shock of COVID and social restrictions. Our paid net additions for the month of June also included the subscriptions we canceled for the small percentage of members who had not used the service recently.” The company also cited **TikTok** as a new competitor, calling the app’s growth “astounding.” Netflix doesn’t expect its 2020 slate of content to be significantly impacted by production shutdown, but said more of its big titles will be pushed to the end of 2021. It brought in \$6.15bln in revenue, beating both Wall Street and its own forecasts. Netflix stock fell nearly 10% in after-hours trading.

**SES Files \$1.8bln Claim Against Intelsat:** Satellite operator **SES** is getting in on **Intelsat**’s bankruptcy case, filing a \$1.8bln claim Tuesday that alleges breach of contract tied to the **C-Band Alliance**. SES claims that it entered into an agreement with **Intelsat** that would place the two as the lead members of the CBA, which also counted **Telesat** and **Eutelsat** as members prior to Eutelsat’s exit in September. SES and Intelsat allegedly agreed to split both control of the CBA as well as the vast majority of the proceeds tied to the FCC’s proposal to reallocate all or part of the C-band from satellite to terrestrial service for 5G. After the FCC issued its draft order on Feb 7 describing the payment terms for incentive payments to satellite operators, SES claims that Intelsat “repudiated its obligations” under the pair’s agreement, including its obligation to split the proceeds received by Intelsat and SES evenly.

**NBCU Adds Ad Formats, Gets Ready for Upfront:** Ahead of Thursday night’s upfront (taking place in the form of a “30 Rock” reunion special), **NBCUniversal** unveiled 11 new ad formats, all available via the One Platform. They’re broken up into three categories: talent, content and sensory experience, and are available immediately. Under talent, The Talent Room, which the company describes as One Platform’s “influencer engine” that connects brands with the right

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talent. The Talent Room is powering the 30 Rock special, and NBCU used it to find the 19 guest stars appearing on the upfront event. In the same category, 1:1 Talent Surprise allows viewers and talent to interact through a branded video chat during an ad pod. Set on Set will bring viewers to a TV set with talent to hear a brand's message. Under content, NBCU launched (This) Matters, to provide brands a platform to tell a thematic story, and 1221 Films will allow for longer form content for brands. Brand Experience lets marketers work with NBCU writers for more advanced product integration, and Next Gen News reaches out to GenZ storytellers and gives them a platform to tell stories relevant to them. The sensory experience category includes formats such as Pods with a Purpose, putting a company's mission at the center stage and providing one platform to connect with audiences about the causes they're passionate about. During Thursday night's upfront, formats including Scripted Commercial Launch and Supersized Show will be on display. *Linda Yaccarino*, chmn of advertising and partnerships, said during NBCU's Creativity Summit that the company has leaned into creativity and connectivity for this year's upfront. "We've finally been liberated from all of that legacy thinking, and we have permission to innovate, and we certainly can't stop that now," she said. "This upfront special is what creativity looks like in every sense of the word. It's the return of an iconic show that people love so much. This is the most radical change to the upfront marketplace since its inception in 1962. When future advertising history books are written, they'll show that today is the day the upfront changed forever."

**Date Set for O'Rielly Nomination Hearing:** Senate Commerce will vote on the nomination of FCC commish *Michael O'Rielly* for a second term during a July 22 executive session. O'Rielly's first term expired at the end of June 2019, but commissioners are allowed to serve through the close of the next Congress. Should he be confirmed, his new term would date back to July 1 of last year.

**WOW! tv+ Expands:** WOW! deployed its WOW! tv+ IP-delivered video service to customers in its Chicago, Evansville and Detroit markets Thursday. The service was already available in its Columbus and Cleveland, Ohio, and its mid-Michigan markets. The Android TV-based platform features live channels, cloud DVR, Netflix integration and a voice remote with Google Assistant.

**Peacock Launch:** Peacock took flight on Wednesday, and its app for iOS mobile devices was the top ranked overall app in terms of downloads, according to research companies App Annie and Sensor Tower. According to Sensor Tower and reported by *Forbes*, Peacock's demand wasn't as high as Disney+'s launch, but beat both Quibi and HBO Max.

**HTC Chooses MOBITV:** Horry Telephone Cooperative has chosen MOBITV managed services to deliver streaming video content to residential and business members of Horry and Georgetown counties in South Carolina. The service is set to undergo a soft launch in 3Q and a broader launch in late 2020 to all members.

**Distribution:** Charter is expanding distribution of Black News Channel by making it available to Spectrum TV subs throughout the company's 41-state footprint by early September. BNC first launched Feb 10 and named *Princell Hair* the net's pres/CEO this week.

**CommScope, TiVo Stick Together:** CommScope and TiVo announced a multiyear extension and expansion of their IP relationship for the latter's media-related patent portfolios. The deal includes patents for products like Arris set-top platforms.

**Programming:** Animal Planet's new documentary "Surviving Joe Exotic" will premiere July 25 at 10pm. The series features one of Joe's last formal interviews before his arrest, and interviews with ex-employees. -- HBO Max ordered 10 episodes of "A World of Calm," in collaboration with the Calm meditation app. -- Showtime shifted the premiere for the documentary "The Go-Go's." The doc will now premiere July 31 at 9pm, instead of Aug 1. There will be an encore replay Aug 1 at 7:20pm. -- Telemundo renewed "La Reina del Sur" for Season 3. The first season launched in 2011, and came back for a second season in 2019. -- AMC Studios and Movistar+ teamed up for a new original series from Academy Award winner *Alejandro Amenábar*. The six-part series will debut in 2021 on AMC, based on the Spanish graphic novel "El Tesoro del Cisne Negro."

**Univision Launches Voter Campaign:** Univision is bringing back its "Vota Conmigo" (Vote With Me) multi-platform campaign. The initiative aims to motivate every eligible Hispanic citizen to register and vote. Due to the pandemic, the campaign will focus on digital voter registration tools and vote-by-mail options.

**People:** Adara Technologies upped *Alesio Cicchelli* to the newly-created position of vp, global operations & Canadian sales. Cicchelli has over 20 years of industry experience, and spent over a dozen of those in various management positions at Rogers Communications.

# PROGRAMMER'S PAGE

## 'The Secrets She Keeps' to Simulate Perfection

How far would you go to create the perfect family? That's the question posed by **Sundance Now** exclusive "The Secrets She Keeps," which landed on the service Thursday. The Australian series is an adaptation of *Michael Robotham's* fiction novel of the same name. The thriller chronicles an unlikely friendship between two pregnant women from different walks of life and how the lies they've told could destroy the lives they're trying to build. Producer *Helen Bowden* said this was the most straightforward adaptation she'd ever worked on. "Michael's book is expertly plotted, and we could immediately see how the structure lent itself to six episodes," Bowden said. "We changed the order of some events, brought some stories that were in the past into the present, etc. But most of the work was in really understanding the motivations of our two women and three men." Robotham was deeply involved in the making of the series, participating in writers' workshops and giving feedback on scripts. "He creates his novels in a completely solo fashion and, to his surprise, found the whole collaborative thing very good fun," Bowden said. The greatest challenge for the series was in creating an international show on an Australian commercial television budget, and lead director *Catherine Millar* put in a lot of time ahead on pre-production to ensure not one moment was wasted during shooting. And all went smoothly until one Saturday shoot in a park adjacent to the Sydney Cathedral. The crew had chosen to cover an intense scene with one fairly elaborate camera move, and just as they'd started to shoot, the bells rang out. They continued to do so intermittently for the next four hours. "Apparently the system was that the bells would start ringing when the bride was due to arrive at the Cathedral and would not stop until she did," Bowden said. "We all know about the tradition for brides to always be late! It was torture." – *Sara Winegardner*

**Reviews:** "Frontline: COVID's Hidden Toll," check local listings, Tuesday, **PBS**. As awful as the pandemic is, can you imagine if the novel coronavirus was a food-borne illness? So far, at least, we're safe on that score. Far less safe are the minimum-wage yet essential workers, some undocumented, who pick the fruits and vegetables that end up on the nation's tables. Very early in this excellent short doc from *Daffodil Altan* and *Andrés Cediel* we learn that social distancing is hard to pull off when workers are crammed into buses at 4am to get to the fields in Monterey County. Once at work, all hands share a water supply and restrooms. Masks are great, if you can afford one. Fortunately, a local health clinic is altruistic. Its staff meets workers at the crack of dawn and hands out free masks. And, dear reader, these are not the most-shocking details in this story. The major shock comes when we're told there are no national, mandatory COVID-19 protections for these workers. Health guidelines are voluntary. Companies are not even required to inform employees about potential infections in the workplace. It's understandable that viewers want television to help them escape the pandemic, even for a few minutes. That's fair. Should you wish to engage with a little-told story, this doc is important viewing. – *Seth Arenstein*

Basic Cable P2+ Prime Rankings* (07/06/20-07/12/20)		
Mon-Sun	MC US AA%	MC US AA (000)
FNC	1.041	3,198
MSNBC	0.694	2,134
CNN	0.474	1,457
TLC	0.423	1,298
HGTV	0.408	1,255
TBSC	0.339	1,041
HALL	0.282	866
FOOD	0.272	835
HIST	0.272	834
USA	0.235	721
DISC	0.232	713
INSP	0.230	707
TNT	0.221	680
ID	0.217	666
TVLAND	0.208	640
HMM	0.200	614
PARA	0.193	593
ADSM	0.159	488
A&E	0.157	482
BRAVO	0.148	454
GSN	0.144	443
FX	0.144	443
LIFE	0.143	439
NAN	0.137	420
APL	0.136	417
AMC	0.131	402
WETV	0.128	393
COM	0.125	385
DSNY	0.123	377
NGW	0.121	373
MTV	0.121	372
NATGEO	0.119	366
FRFM	0.119	365
TRAVEL	0.118	363
NICK	0.115	353
SYFY	0.106	327
CRN	0.106	326
BET	0.106	325
ESPN	0.101	312
E!	0.097	299
DSJR	0.096	295

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



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