

Cablefax Daily™

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What the Industry Reads First

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Retrans Ruckus: Cox Media-DISH Spat Reminder that Carriage Fights Aren't Dead

COVID-19 has put many things on pause, but it looks like the temporary reprieve it had on retransmission consent blackouts is coming to an end. On Wednesday, **DISH** lost 10 **Cox Media** broadcast stations that were purchased late last year by **Apollo Global Management** after a temporary restraining order expired. And more blackouts could be coming. DISH lost the former **Northwest Broadcasting** stations purchased by Apollo in January, but they were restored in March due to the COVID crisis. However, that temporary truce is slated to expire at the end of July, barring an extension. With live sports gearing up to return, could more retrans spats be on the horizon? Or will broadcasters seeking stimulus funds proceed with caution? DISH and Apollo have ongoing litigation about whether DISH's carriage deal for the Cox stations was prematurely terminated. In January, the Cook County (Illinois) Circuit Court entered a temporary restraining order that enjoined Apollo from interfering with DISH's right to retransmit the Cox stations under the original Cox agreement. The case was later transferred to federal court, which dissolved the temporary restraining order Wednesday. The federal court was not persuaded by DISH's argument that staying the injunction would serve the public interest by avoiding a blackout that would cause subscribers to lose access to local news during the pandemic. The court said DISH would be terminating coverage because it can't agree to terms with Apollo, "but more pertinently, DISH has not offered any evidence that even a single customer will be unable to access local news from other sources should a blackout of the Cox stations occur." DISH said it offered to pay increased rates for the stations and to true-up any amounts found owing if Apollo ultimately prevails in the parties' litigation, but said it was rebuffed. "DISH has worked with the owners of 49 stations who have all agreed to set aside contractual disputes and accept comparable offers to keep local stations on the air, given the current pandemic situation and the resulting harm blackouts would cause consumers," the DBS provider said. Cox Media Group said it has offered DISH a standard extension in order to negotiate in good faith, but DISH has yet to agree. "CMG has urged DISH to agree to market terms for carriage of all the CMG stations it carries and to continue carrying the stations under a temporary carriage agreement. DISH has repeatedly refused and tried to use the courts to avoid serving its customers," said Cox Media, which also complained that DISH has unfairly targeted Apollo regarding negotiations that are related only to CMG. Cox Media, which includes the former Northwest stations, is majority owned by private equity funds managed by



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affiliates of Apollo Global Management. Among the stations DISH lost Wednesday are Atlanta **ABC** affiliate WSB, Charlotte, NC's ABC station WAXN and Seattle **CBS** affil KIRO. This is an important month in the world of retrans because broadcast stations and MVPDs have until July 31 to upload to their public file a phone number and email to be used for receiving carriage notices. This info will be used in must-carry and retrans consent carriage election statements that must be uploaded by stations to their public files by Oct 1 for the 2021-23 retrans election cycle. Under new rules approved by the FCC, broadcasters can now give electronic notice about their retrans elections instead of mailing letters.

Bringing Baseball Back: America's pastime is set to make its return with Opening Day on Thursday. It's good news for fans, and great news for sports programmers. "We're like the clubs in that our [production] team is pumping with adrenaline, raring to go," said *Dave Patterson*, **MLB Network's** production svp. The MLB returns on Thursday with a shortened, 60-game season due to the pandemic. To reduce travel, teams will play only nine opponents this season instead of the usual 19-20, including 10 games each against its four divisional opponents, and 20 games against the opposite league's corresponding geographical division. The MLB has TV rights deals with **Fox Sports**, **ESPN** and **Turner Sports**, not to mention dozens of RSNs. The season kicks off with the defending world champs, the Washington Nationals hosting the NY Yankees on ESPN at 7pm. "It's just been great to actually be working, and learning, and be challenged by new things over the last now three months," [between KBO League, the MLB Draft and MLB Summer Camp telecasts]," said sr coordinating producer *Phil Orlins*. "I consider myself fortunate, because obviously, there's been a lot of challenges in a lot of areas, so to actually be focused on work and improvement has been great." **FS1** has games on Tuesdays and Saturdays, both afternoon and night, as well as the NLDS and the National League Championship series. The World Series is exclusively on Fox. "The entire process starts and ends with keeping our team healthy," said *Brad Zager*, Fox Sports ep, evp/head of production & operations. "But there is no denying the energy and excitement around getting back to producing baseball. As we get prepared for the 25th season of MLB on Fox, hearing that first crack of the bat will mean another step toward normalcy for our team and sports fans." Players, coaches and support staff will be tested for COVID-19 every other day during training camps, the regular season and postseason. MLB Network is airing a combined 18 hours of live studio content through Thursday and Friday. In addition to its studio programming, MLB Net will air at least one live game for eight out of the first eleven days of the season, beginning with an Opening Day showcase telecast of the Detroit Tigers at Cincinnati Reds this Friday at 6pm. **TBS** has a couple Sunday afternoon games throughout the season, but is heavily weighted towards the postseason. Games that don't have exclusive broadcast deals with national nets can be found on RSNs such as **YES**, **NESN** and **SNY**. That's tough

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news for a lot of Cubs fans, as the **Sinclair**-owned **Marquee Sports Network** still lacks a deal with **Comcast**, though a spokesperson from Comcast tells us the two are still in discussions.

FSF, Public Knowledge Battle Over Charter Merger Conditions: The **Free State Foundation** is supporting **Charter** in its quest to [sunset merger conditions](#) tied to its acquisition of **Time Warner Cable**. Charter is hoping to get out of conditions that prevent it from imposing data caps/usage-based pricing and that require it to interconnect its IP network to any qualifying entity free of charge and on standardized terms. FSF filed comments at the **FCC** Wednesday arguing that online video providers like **Netflix** and **YouTube** have far more market power than Charter, making it unlikely that the operator could harm them. “It is highly unlikely Charter would risk undermining its good will, alienating its broadband subscribers, and losing return-on-investment in its broadband networks by engaging in such sure-to-fail efforts as impairing OVD competitors,” FSF said. It also argued that it is wrong for Charter alone to be singled out for regulatory burdens that are unnecessary to protect consumers or competition, especially when other market participants are not subject to those same restrictions. On the other side, **Public Knowledge** and the **Sports Fans Coalition** submitted joint comments claiming that Charter’s arguments that online video is popular and that other ISPs may engage in anticompetitive actions are not enough to drop the conditions. “Charter has the incentive and ability to restrict its customers from accessing the online video services of their choice, charging them more if they do so through the discriminatory application of data caps, and through causing OVDs to raise their rates to consumers by charging them access fees,” the pair said. “The merger conditions were designed to address just Charter’s incentives—broader industry issues will have to be addressed some other way.”

O’Rielly Nom Moving to Full Senate: **Senate Commerce** favorably recommended **FCC** commish *Michael O’Rielly*’s nomination to serve another five-year term to the full Senate. Ranking member *Maria Cantwell* (D-WA) voted no in the Wednesday voice vote, but also proposed that the nomination be reported favorably. She said her vote was based on a 2018 determination by the US Office of Special Counsel that O’Rielly had violated the Hatch Act during comments made at the Conservative Political Action Conference. Other committee Democrats including *Amy Klobuchar* (D-MN) and *Brian Schatz* (D-HI) opposed the nomination. **Charter**, **NCTA** and **ACA Connects** were among those offering O’Rielly congratulations on the recommendation.

Road to Tokyo: In celebration of one year until the Tokyo Olympics begin (we hope), **Peacock** created its first pop-up channel “Road to Tokyo,” a 24/7 stream dedicated to classic Olympic and Paralympic classic moments, docs and studio programming. The new streamer will also feature a collection of on demand content, including 10 documentaries such as Peacock Originals “In Deep with Ryan Lochte” and “Kanome.” **NBCU**-owned **Olympic Channel** announced its summer programming, highlighted by a “Great Olympic Moments” streaming channel. The channel presented live coverage of the one year to go event in Japan on Wednesday, and on Thursday the streaming channel goes live until the end of August.

C-SPAN to the Virtual Education Rescue: **C-SPAN** is offering its help as school districts across the country prepare to return to virtual learning. It’s lifted a log-in requirement to lessons plans during COVID-19 to C-SPAN Classroom, a free membership service for middle and high school social studies teachers that features thousands of free online resources. C-SPAN also is shifting its Summer Educators’ Conferences and Fellowship to an all-virtual format, allowing the program to accommodate 1,000 educators vs the normal 60 teachers for in-person.

Programming: **RIDE TV** will debut a weeklong marathon tribute to its hometown of Fort Worth next week. “Fort Worth Week” is sponsored by **DISH**, which carries RIDE TV nationally on channel 248. Programming includes a new doc on the Fort Worth Stockyards, the best of past Stockyards rodeos and more. RIDE TV recently launched a new cause-oriented webpage, [RIDETVTogether.com](#), to address the impact that COVID-19 was having on the equestrian industry. -- **Fox News** will debut “One Nation,” a special hosted by contributor and Fox Nation host Lawrence Jones that examines US race relations (Sunday at 10pm ET). -- **REVOLT** will livestream the private funeral of civil rights leader *C.T. Vivian* on its YouTube channel Thursday (11am-1pm ET). It will also broadcast the upcoming funeral service for Rep John Lewis on its network and YouTube channel.

People: **CuriosityStream** has rounded out its leadership team by tapping *Bakori Davis* as managing director and head of international. He will oversee all international commercial operations and is charged with securing and negotiating new distribution deals and developing strategic business partnerships worldwide. Davis will report to *Bill Goodwyn*, CRO and evp, strategy, business development & partnerships. He’s previously worked for **Niche Media Global**, **A+E Networks UK** and **Viacom**. -- **Sinclair** named *Scott Shapiro* to the newly created title of chief strategy officer/sports. He’ll take on the role in addition to his current position as chief development officer.

THE WORK CULTURE LIST PROFILE:

HEALTH CHAMPION **ViacomCBS**

As ViacomCBS moves forward with a holistic business model, the newly merged company also is taking a holistic approach to caring for its employees' health.

"We want to continue all the incredible work the [Viacom and CBS] teams have done to ensure we are supporting our associates the best possible way, and helping them with a 360 view—not just the professional side but all aspects of their lives," says Nancy Phillips, EVP and Chief People Officer.

"The cool thing I have found is there is great work on both sides. While one legacy company may have leaned into more on eldercare and the other more on maternity benefits, both had been doing incredible work... Now it's about seeing what our associates really want and how do we build out the best possible plan by cherry-picking the best offerings and embarking on some new things," she adds.

The new playbook establishes an environment where the whole is greater than the sum of its parts. At ViacomCBS, healthcare encompasses physical, mental, emotional and financial aspects. It comprises extended parental benefits, and a range of services such as health screenings, a daylong Sleep Fest and a Health & Wellness Fair, among other perks.

ViacomCBS healthcare coverage includes more than access to in-network behavioral health specialists. The company has an onsite employee assistance program (EAP) in several offices, which provides direct access to mental health clinicians. It also offers 24/7 on-demand EAP assistance, counseling and emotional health coaching via text, as well as access to mindfulness app Headspace.

"Mental and emotional health is something that is continuing to emerge. Many more people are comfortable talking about the challenges they have, and we want to be there to

support our employees' wellness in that regard and making sure they have access to all those things," Phillips says.

Financial wellness also is core to the company's support for its workforce. ViacomCBS employees have access to third-party-certified financial planners, robust tuition reimbursement and legal assistance.

In the realm of physical health, onsite amenities range from a full-service gym on the Paramount lot in L.A., to a Wellness Studio at its NYC headquarters. ViacomCBS also has a teaching kitchen in its NY HQ that provides daily healthy and creative cooking lessons for employees.

The company also hosts tentpole events throughout the year. The annual weeklong Wellness Festival, for example, includes everything from in-office flu shots and biometrics to therapy puppies to a meditation tent to stretch and compression leg relaxation stations. The one-day Sleep Fest features sleep specialists, RhinoMed sleep solution demos and an activation with NuCalm to recharge energy and reduce stress.

ViacomCBS also dives deep on family care, offering employees flexible work arrangements, access to Progyny, which provides fertility coverage; 2nd MD, which helps employees access second opinion doctors; and Nurse Line, for 24/7 access to nurses. The company also provides a variety of services to help employees care for aging family members.

"Eldercare is something you don't see that often at other companies, and it's so important to be there to provide support and care for loved ones that need it as they age," Phillips tells CFX. "This is an area we certainly will continue to build out."

(This profile is abridged from the Work Culture List magazine)



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Think about that for a minute...

Navigating Change

Commentary by Steve Effros

I read a stinging review of the Toyota Prius the other day. Now I'm a bit sensitive about reviews of the Prius, since my family has two of them; a 2006 and a 2010, and we love them. This review took me somewhat by surprise, since it was so vitriolic.

The reviewer's complaint, no, his rant, had very little to do with the quality of the car. He acknowledged that it was a darn good, efficient, workable, reliable vehicle. You're not going to win a drag race with it, but as a very reasonable mode of transportation he had no issue. So what was the rant about (which was repeated about five times?) The design of the shift lever.

Yup, he went crazy over the fact that the Prius shift lever is different from the ones he's always used and likes and is comfortable with; you know, the big thing between the front seats that you pull toward you through the channel designated with P D R N etc.

Now for those of you who don't know the Prius, it has a little shift lever on the dash sitting in a little square with the lever automatically centered. You nudge it to the left and down to go forward or to the left and up to go in reverse. It then automatically centers itself again. We've used it for fourteen years, never had a problem. This guy panned the car because he couldn't, in a week of testing, get used to it.

Why am I going through all this? Well, it's because it reminded me once again of how important it is to deal with what folks have been used to in order to make them comfortable with change. I'm experiencing that right now while experimenting with both Roku and the Amazon Fire Stick as potential replacements folks might consider in canceling their



cable service. If my experience in navigating those new devices is more troublesome to my family than the admittedly considerably higher cost of my cable service, then I'm going to keep the cable service! In other words, it's becoming ever more clear to me, as we have multiple competitors who can deliver the same programming, sometimes at lower apparent cost, that the ease of navigating all those programming options is a critical part of our service. I know I've said this many times before, but it has now become even more obvious and important; it's the way we deliver, and the ease with which our customers can navigate what we deliver that is critical to our continued success.

Of course customer service is also incredibly important, but the simple act of getting to the channel you want to get to is something everyone notices every time they turn on their set. If you have to click here, click there, go up, go down, change the "app," find the grid, navigate through the gratuitous "recommendation" (read ad) before you get to the way to get to the channel you want, you are ultimately going to look for alternatives.

That's the problem right now with Roku and the Fire Stick, and yes, I'm sure they're going to work to give me more control of what happens and where I land when I turn on the set. But for right now, my X1 (Cox Contour) system is easier to use. Much easier. That's worth it to me and my family. We have to make sure that cable stays ahead of that curve to keep our customers happy, too.

Steve

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(Steve Effros was President of CATA for 23 years and is now an advisor and consultant to the cable industry. His views do not necessarily reflect the views of Cablefax.)

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