

# Cablefax Daily™

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What the Industry Reads First

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## On Deck: 30-Day Notice Rule, Spectrum Makes FCC September Agenda

Cable operators, most recently **Charter**, have long asked the **FCC** to clarify that a requirement for a 30-day notice before removing programming shouldn't apply when a cable operator and programmer/broadcaster remain in carriage negotiations. In December, the **FCC** voted to seek comment on such a request and now it plans to vote at its September 30 meeting on changing the deadline from 30 days in advance to "as soon as possible."

Late last month, representatives from **NCTA**, **Comcast**, **Charter** and **Cox** met with FCC staffers to urge the FCC to move forward with the change, saying it would make consumer notifications more meaningful. "We don't want consumers to be inundated by premature and inaccurate notices. If consumers are bombarded by notices about potential channel lineup changes that never come to fruition, many will ignore notices altogether and thus miss out on notices about actual channel lineup changes," chmn *Ajit Pai* wrote in a blog post Tuesday. "Others might go through the trouble of dropping their existing provider and subscribing to another service, only for these channel changes never to come to pass."

The 30-day notice issue has popped up a few times over the years, including in 2018 when **Starz** filed an FCC complaint accusing **Altice USA** of not providing **Optimum** and **Suddenlink** customers with a 30-day notice before removing Starz and Encore channels. The complaint was dropped after the two reached a carriage renewal. **Time Warner Cable**, which **Charter** bought in 2016, was fined by the FCC in 2006 for not providing adequate notice before discontinuing carriage of **NFL Network**.

The FCC is also set to vote on an order that would eliminate a rule requiring cable operators to maintain their on-line public inspection file info regarding their attributable interests in video programming services and their carriage of vertically programming on systems in which they have an attributable interest. *Pai* said that the requirement was originally to enforce channel occupancy limits, which were long ago struck down. The chairman has also circulated a draft proposal aimed at opening the 3.45-3.55 GHz band for commercial use. If adopted at the September meeting, it would free up 100MHz of mid-spectrum for commercial 5G use. The draft will be publicly released Wednesday. "With this 3.45 GHz band proposal, the upcoming C-band auction of 280 megahertz of spectrum, and the recently

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completed auction for Priority Access Licenses in the 3.5 GHz band, the Commission is on track to make a wide swath of 530 megahertz of continuous mid-band spectrum available for 5G,” Pai said in a statement. The item includes a Report and Order that would remove the secondary, non-federal allocations from the 3.3-3.55 GHz band, as the FCC proposed to do late last year.

Another spectrum order on the agenda would give states the opportunity to lease 4.9 GHz band spectrum to commercial entities, electric utilities, and others to boost wireless broadband, launch new public safety use cases and more. This spectrum was allocated back in 2002 for public safety use, but only about 3.5% of potential licensees have actually take advantage of the 50Mhz of contiguous spectrum.

**Scripps Stations Return to DISH:** Scripps stations returned to DISH's lineup Sunday, ending a 43-day blackout that began when the two were unable to agree on new retransmission consent terms. DISH lost Scripps stations in 42 markets across 31 states on the evening of July 25. It marked the first blackout ever for Scripps, which launched its first station in Cleveland in 1947. It's not clear yet what broke the impasse, which Scripps always said was not about rates but distribution terms. Scripps said its concluded its three major cable and satellite distribution contracts of 2020, which cover 42% of its pay TV households.

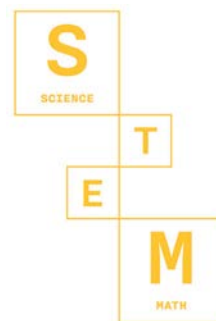
**More DISH Retrans:** The Scripps deal is not the end of DISH's retrans woes. Cox Media Group stations have been dark on DISH in 10 markets since July 22. The two have ongoing litigation about whether DISH's carriage agreement for the Cox stations was prematurely terminated when Apollo/Terrier Media acquired those stations. On Friday, a federal district court granted a motion to dismiss DISH's claims against Cox Media Group. This is where it gets a little tricky. Cox Enterprises sold Cox Media Group stations to a new media company called Terrier that is majority owned by private equity funds, including Apollo. However, Terrier is continuing to do business under the Cox Media Group name. So, US District Judge Thomas Durkin's ruling is regarding the previous owner of the Cox Media Group stations, Cox Enterprises. “There is no actual controversy between DISH and Cox,” the ruling said. “At bottom, DISH is attempting to hold Cox liable for selling the stations to Terrier. But the Cox Retransmission Agreement expressly permitted Cox to do so.” The court said that what DISH really is seeking is a ruling on the new Cox Media Group's obligations following the sale. DISH can file an amended complaint by Oct 2 if it feels it can address deficiencies; otherwise, the case will move forward against Terrier.

**Million Milestone for RCN, Grande, Wave:** With rumblings that private equity firm TPG is looking to sell RCN, Grande and Wave for more than \$8bln, the jointly owned trio of companies announced they have surpassed the one million cus-

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tomers milestone. RCN, Grande and Wave provide internet, TV and phone service across seven of the top 10 US DMAs.

**US Chamber Calls for Student Broadband Funding:** The US Chamber of Commerce sent a letter to all members of Congress on Tuesday, calling for funding to ensure students without sufficient access to broadband or digital tools do not fall behind. They are asking for Congress to fully fund the Broadband DATA Act, signed into law in March. "Although America's broadband providers have led the world in managing capacity changes during the pandemic, at least 18 million Americans lack access to broadband, with lower-income students and students of color being disproportionately affected," the letter reads. "For example, nearly 18 percent of Latino and 11 percent of Black American households lack computer access. With the majority of students returning to school online, it is fundamentally unfair to allow students who lack the digital tools to connect to fall through the cracks of the Digital Divide and in danger of being left further behind."

**Disney+ Downloads Spike:** Disney+ app downloads and consumer spending on the app jumped over the weekend, likely thanks to "Mulan's" digital-first release, even with the extra \$29.99 charge for the film. According to mobile app data analytics company **Sensor Tower**, installations jumped up 68% to 890K, and money spent on its mobile apps rose 193% weekend to weekend, up to nearly \$12m. The data only measures downloads from Apple and Google stores. The live-action remake was originally set to debut in theaters, but Disney announced in August that the film would premiere first on the streamer in countries with access to Disney+, and will have limited theatrical release in other countries.

**Wow! Launches Office Solution:** **WOW!** is now offering a business home office solution aimed at supporting small business and teleworkers who have had to adjust WFH plans due to COVID-19. The company says the solution will work for all home-based businesses and teleworkers, with add-ons available such as WOW!'s Whole-Business Wi-Fi, Static IP and Hosted VoIP.

**Firstlight, ThinkAnalytics Team Up:** **Firstlight Media** and **ThinkAnalytics** are joining up to enable OTT and pay-TV providers to deploy new cloud-native personalization capabilities. The companies will use Firstlight's content management system and ThinkAnalytics' cloud-native content discovery platform. The companies say the integration will increase Firstlight's CMS' ability to deliver enhanced personalized recommendations and content discovery to boost viewer engagement.

**Avengers Assemble:** **Verizon** is working to boost the gaming experience for those who play on its 5G network. New customers who sign up for a Fios Gigabit home internet plan will get a free digital copy of the Marvel's Avengers game for compatible devices, as well as Disney+ for 12 months and a stream TV and router device included. Customers who sign up for select Mix & Match Unlimited plans get a free digital copy of the game.

**Distribution:** **Vizio** added the **Apple TV** app to its sets made after 2016 in the US and Canada, and is also giving away three months of free **Apple TV+** to its SmartCast users that don't already subscribe to the SVOD.

**On the Circuit:** The inaugural winner of the Anne Cox Award is *Christine Romero*, a client solutions specialist at **Cox Automotive**. **Cox** pres/CEO *Alex Taylor* presented Romero with the award virtually at an all-employee meeting on Sept 1. *Anne Cox Chambers* passed away earlier this year at the age of 100. -- **Comcast NBCUniversal** began its third LIFT Labs Accelerator class. Traditionally taking place in Philadelphia, the program is being held virtually this year, running for 13 weeks culminating in a Demo Day on Dec 3. -- Rep *G. K. Butterfield* (D-NC) and *Cesar Conde*, chmn of **NBCUniversal** News Group, will present awards at the Media Institute's "Free Speech America" virtual gala on Oct 14. Butterfield will present the Freedom of Speech Award to *Mignon Clyburn*, former **FCC** commish and acting FCC Chair. Conde will present the American Horizon Award to *David Cohen*, svp of **Comcast Corp**.

**Programming:** **WNBA** playoffs tip off Sept 15, and every game will be available across **ABC**, **ESPN**, **ESPN2** and the ESPN app. First round single-elimination games beginning Sept 15 at 7pm and 9pm on ESPN2. The semifinals run Sept 20-29 on ABC, ESPN and ESPN2, and Finals kick off with Game 1 on Oct 2 at 7pm on ESPN2. -- **ESPN's** programs "Sunday NFL Countdown" and "Monday Night Countdown" will originate from a new studio in New York's Seaport District. Both programs will be produced in a rooftop studio in response to the COVID-19 pandemic. -- **CuriosityStream** will premiere three new natural history original series. "Nature Through Her Eyes" and "My Wild Backyard" debut on the streamer beginning in October, and "Doug to the Rescue" comes early next year. -- "Luther" and "Death in Paradise" are coming to **Ovation TV** in Q420 thanks to a non-exclusive linear rights deal with **BBC Studios**. -- **OWN** licensed daytime talk show "Tamron Hall" from **Disney Media Networks**. OWN will premiere the second run of the show weekdays in multiple time periods beginning Sept 14, the same day that Season 2 premieres nationally in first-run syndication. OWN will air new episodes two days after it airs in first-run syndication. -- **Peacock** ordered two seasons of drama series "Bel-Air," a serialized one-hour series of the 90s sitcom "The Fresh Prince of Bel-Air." -- **Showtime** renewed "The Chi" for Season 4.