

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Empathetic Ergen: DISH CEO Says Retrans Asks Not 'Economic Reality'

New Year's Eve has the tradition of being an important deadline for retransmission consent negotiations, but the festivities started early this year. **DISH** sent out a press release on Thanksgiving Day warning that its customers could lose 164 **Nexstar** stations in 120 markets across 42 states and DC if a deal isn't struck by Wednesday at 7pm ET. **AT&T** and **TEGNA** are also at the negotiating table, with a Monday evening deadline just extended today until 7pm ET Tuesday.

The satellite operators were involved in most of 2019's retrans standoffs, and not much has changed in 2020. **Cox Media** stations have been dark on DISH since late July and the former **Northwest** stations now owned by Cox Media have been warning about a potential DISH blackout for months. **Cablefax** asked DISH management earlier this month about the overall retrans state of affairs. Broadcasters might be surprised to hear DISH chmn *Charlie Ergen* say that he's "empathetic" to their plight.

"They're getting squeezed from the networks themselves with reverse retrans and declining viewership. And on the other hand, the marketplace is saying, 'we can't pay more for your channel.' That's where partnership really works—when you look at it and say, 'how do we both get better?' But that's not usually the way broadcasting or programming contracts go, which is a shame," Ergen said. "I'm very empathetic to the situation they're in. I understand why they're asking what

they're asking. It's just not economic reality."

DISH pres/CEO *Erik Carlson* added that there are a lot more places today for customers to get content. "Whether it's programmers with direct-to-consumer offerings that have very similar programming or the same programming or slightly delayed [programming]. Those things go into our equation," he said.

What about **Locast**? Recall that AT&T donated \$500K last year to the nonprofit advocacy group behind the free streaming service offering up OTA stations in 25 markets. "It's an alternative. We don't have visibility into how they're doing, but ... it's our understanding for some customers, that's a choice they make. Just as we have **Netflix** and **Prime**, that application is on our set-top box and customers can click on it and watch it for free," Ergen said. "We are active with off-air antennas. That we control, we can go in and make it available to customers. For some customers, that's a very attractive option."

Representatives from Nexstar and TEGNA said both continue to work toward amicable agreements with the satcasters. Nexstar said it has been negotiating with DISH since July and offering the same fair market rates it offered to other large distributors. DISH's stance is that Nexstar's asking for more than \$1bln, dubbing it the highest increase the company has ever seen. So, it's not quite clear if Ergen's empathy extends quite that far!

AT&T is telling **DirectTV** and AT&T customers that TEGNA has previously threatened others, including **Charter**, **Altice USA**,

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DISH and **Verizon**, with disruptions, but in most cases renewals occurred without any interruption. “The few times TEGNA has pulled any stations, they returned within a couple of days or even a few hours,” AT&T said. “It’s shameless profiteering at the public expense and worse during a global pandemic when medical news is at a premium and regular folks are struggling to make ends meet.”

PAI TO LEAVE FCC IN 2021

FCC chmn *Ajit Pai* intends to depart the Commission on Jan 20. Pai joined the FCC in May 2012, having been appointed by then-President *Barack Obama* and unanimously approved by the Senate. His term was set to expire in June 2021, but he would have had to step down as chmn in January to make room for President-elect *Joe Biden*’s Democratic choice for FCC chmn. “It has been the honor of a lifetime to serve at the Federal Communications Commission, including as Chairman of the FCC, over the past four years. I am grateful to President Trump for giving me the opportunity to lead the agency in 2017, to President Obama for appointing me as a Commissioner in 2012, and to Senate Majority Leader McConnell and the Senate for twice confirming me,” Pai said in a statement. “To be the first Asian-American to chair the FCC has been a particular privilege. As I often say: only in America.” Pai counted closing the digital divide, promoting competition, protecting consumers and fast-tracking the deployment of 5G as some of his proudest achievements in his announcement, thanking the FCC’s staff for their work during the pandemic. Pai’s fellow commissioners and industry associations reached out with their support and well wishes following the announcement, which comes just two days before the Senate plans to vote on *President*

Trump’s nomination of *Nathan Simington* to fill the Republican seat currently held by *Michael O’Rielly*. Should Simington be confirmed, the FCC will be split 2-2 when Pai steps down on Inauguration Day. Simington has already faced some challenges on his road to the Commission. Sen *Richard Blumenthal* (D-CT) said during a Senate Commerce hearing that he would block Simington’s nomination until the nominee agreed to recuse himself from any regulations related to Section 230. While serving as an **NTIA** senior advisor, Simington said he played a “minor role” in drafting the petition that ultimately directed the FCC to take another look at the scope of Section 230. As for who will succeed Pai, the rumor mill has already begun. **New Street Research** believes former FCC commish *Mignon Clyburn*, who Biden named to his FCC agency review team, is a leading candidate for the job if she wants it.

COMCAST RAISING PRICES IN 2021

Comcast plans to increase pricing for Xfinity video and internet customers in the new year. *Ars Technica* was the first to report a notice being circulated on **Reddit** that showed fee increases for Comcast customers in the Chicago area, but customers should expect pricing changes nationwide. Six internet-only packages all saw \$3/month increases, and the cost of professional installations and service visits is moving up from \$70 to \$100. Changes to base video packages will vary by market. “Rising programming costs—most notably for broadcast TV and sports—continue to be the biggest factors driving price increases for all content distributors and their customers, not just Comcast. We’re continuing to work hard to manage these costs for our customers while investing in our network to pro-

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vide the best, most reliable broadband service in the country and the flexibility to choose our industry-leading video platform with X1 or the highest quality streaming product with Flex, the only free streaming TV device with voice remote that's included with broadband service," a Comcast spokesperson told **CFX**.

THANKSGIVING BROADBAND USAGE JUMPS

Many folks had "Zoomsgivings" this holiday season, and it shows in broadband usage. According to data from **OpenVault**, after Zoom removed its usage limits across its platform for Thanksgiving, cable broadband usage on the day registered a 45% YOY jump. Average broadband consumption per subscriber was 15.59 GB on Thanksgiving Day, compared to 10.77 GB the year before. It was a 9.7% gain over the previous Thursday, and 15% above usage for the previous eight Thursdays. Peak traffic was between 10am and 3pm, when usage paced 29% ahead of average consumption during the same time period across the previous eight Thursdays.

DISNEY+ ENTERS STREAMING TOP 10

Disney+ earned its first spot on **Nielsen's** Top 10 streaming rankings with the return of "The Mandalorian." The show landed at No 3 on the list with over 1bln viewing minutes for its Season 3 premiere during the week of Oct 26-Nov 1. **Netflix's** "The Queen's Gambit" remained at No 1 in its first full week on the streamer, with viewers consuming over 1.85bln minutes of the original series. In fact, Netflix took the nine other slots on the list.

PLUME ACQUIRES WALLEYE NETWORKS

Smart home services provider **Plume** announced its acquisition of **Walleye Networks**, a Canadian security intelligence solutions provider specializing in real-time network analytics and advanced metadata. The transaction includes all Walleye Networks' intellectual property, technology and R&D facilities. Plume will also retain Walleye Networks' engineering team.

DISH TAPS 5G FIBER PROVIDERS

DISH signed agreements with fiber vendors **Everstream**, **Segra**, **Uniti** and **Zayo** to provide its 5G network with fron-

thaul and backhaul support. These deals give DISH access to coast-to-coast fiber as it proceeds on its quest to launch the country's first open RAN-based 5G network.

NAB, REYNOLDS INSTITUTE PARTNER

The **NAB** and the **Reynolds Journalism Institute** have partnered for a nationwide research project to identify effective COVID-19 vaccine education messaging. The research findings will be used to create tools and resources for radio and TV broadcasters and other journalists to develop public health messages and educational programming.

PROGRAMMING

ESPN is activating its MegaCast production for the NFL Wild Card presentation (taking place Jan 9 or 10). **ESPN** and **ABC** will simulcast the Wild Card game, and **ESPN2** and **Freeform** will offer two additional, distinct telecasts. In the most extensive multi-channel NFL playoff game offering to date, **ESPN Deportes** will air the Spanish-language telecast, meaning the game will take place across five **Walt Disney Company** networks. Prior to the Wild Card game, ABC will also simulcast two MNF games in December.

PEOPLE

AMC Networks hired its first chief diversity, equity and inclusion officer. *Aisha Thomas-Petit* will report directly to pres/CEO *Josh Sapan*. She comes over from **ADP**. – **Tennis Channel** promoted *Brian Wild* to vp, on-air marketing and promotions. He'll continue to manage all promotions for the network, which he's led since joining the company as executive director, on-air creative in 2007. – **fuboTV** named *Mike Berkley* its new chief product officer, effective immediately. He spent two years as CPO at **Axios**, as well as leading product management at **Moviepass**, **Viacom** and **Comcast**. – *Jamie Moldafsky* is joining **Nielsen** as chief marketing and communications officer, effective immediately. Moldafsky spent the last nine years as CMO of **Wells Fargo Bank**.



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