

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Kissed & Made Up: DISH, WarnerMedia Drop Lawsuit

**DISH** and **WarnerMedia** asked a federal court last week to dismiss their litigation against one another, which stemmed from a claim the satellite operator had underpaid for **CNN** for more than two years.

“The parties have reached a confidential settlement, the terms of which we cannot disclose,” DISH told **CFX** Monday. In their joint stipulation for dismissal in US District Court for the Southern District of New York, they dismissed their claims and counterclaims with prejudice, with each party to bear its own costs, expenses and attorneys’ fees.

The case isn’t dismissed yet, with the court telling the parties the request for voluntary dismissal was deficient because it wasn’t signed by all parties who have appeared and the wrong parties were selected. This is most likely a technicality that will be quickly rectified.

**Turner Network Sales**, now part of WarnerMedia, filed its lawsuit in October 2017, telling the court that it believed it suffered more than \$30 million in damages from DISH’s underpayment for CNN. DISH filed its own counterclaim, alleging that it overpaid license fees from the beginning of 2015 to Feb 21, 2017. The heavily redacted complaint pointed to a 2015 agreement between Turner and DISH that came after a month-long blackout in 2014 of CNN, **Cartoon**, **Adult Swim** and other Turner nets. DISH eventually agreed to return the channels, and the two negotiated for more than four months

before the 2015 deal was announced.

In September 2019, the federal judge hearing the case ruled that DISH had wrongfully withheld \$20 million in license payments for CNN. While the court granted Turner’s motion for summary judgment on its claim to recover the fees DISH recouped, it denied Turner’s motion for summary judgment with respect to its claim that DISH breached the carriage agreement when it began calculating CNN’s fee based on CNN subscribers vs total DISH subscribers in April 2017. The court said the language around the fees isn’t clearly defined in the agreement.

According to court documents, the amount DISH paid for CNN from April 2017 on hinged on whether any other 24-hour per day national news service was received by more subs than CNN. If so, DISH was required to pay CNN based on whichever number was greater—CNN subs or total DISH subs. If not, the satellite operator could pay CNN based solely on the number of CNN subs it has. The problem, Judge *Ronnie Abrams* wrote in her 2019 decision, was the definition of national news service wasn’t in the agreement. Turner believed **Weather Channel** constituted a 24/7 national news service, while DISH did not.

And so the court case ambled on, until now... A seven-day jury trial was slated to begin on March 1, 2021, but the parties asked that it be moved to October in light of the pandemic and other circumstances. With neither side talking about the particulars, it’s not clear if there will be any changes to DISH’s lineup. It dropped WarnerMedia’s **HBO** in 2018 in a separate dispute and the premium network remains dark.

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**DEADLINE: Friday, July 16**

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**BROADCOM EYEING SAS INSTITUTE DEAL**

**Broadcom** is looking to purchase privately-held software firm **SAS Institute** in a deal valued between \$15-20 billion, according to a *WSJ report*. The deal could be finalized within a matter of weeks, but there is still a chance that discussions come to a halt. This is the biggest acquisition Broadcom has pursued since its 2018 quest to buy **Qualcomm**, an effort ultimately halted by President *Donald Trump* due to national security concerns. Broadcom stock closed up 1.16%. Earlier this month, the silicon supplier reached a settlement with the **FTC** over claims that it illegally monopolized the market for semiconductor components.

**CROWN MEDIA VETS RIDE AGAIN AT GAC MEDIA**

Some longtime **Crown Media Family Networks** names have joined **GAC Media** president/CEO *Bill Abbott* in his new venture. *Kristen Roberts* is serving double duty as CRO/evp, programming at GAC Media, while *Erin McIlvain* is heading content strategy and distribution. Both resigned from the **Hallmark Channel** parent back in June. Roberts had spent more than 17 years of her career at Crown, and McIlvain had put in a collective six years at the company. No word yet on if *Michelle Vicary* will join them. The former evp, programming made her exit from the network back in May. Abbott stepped down as CEO of Crown in January 2020 after 11 years. Newly-formed investor group GAC Media, organized by Abbott and **Hicks Equity Partners**, announced last month the purchase of **RIDE TV** and **Discovery's Great American Country**.

**WICKER TO NTIA: USE CURRENT BROADBAND DATA**

Sen *Roger Wicker* (R-MS) is worried that **NTIA's** recently-released broadband need map is just as inaccurate as the

federal maps that have come before it. In a letter to the agency sent late last week, he pointed out that the map includes data from the Census Bureau's 2019 American Community Survey, the **FCC's** census-block level availability figures and speed tests. "As a result, we have a map that overstates coverage in some areas and understates it in others, leaving us with a skewed picture," Wicker said. "I urge NTIA to reassess its data collection processes and sources, and use only the most up-to-date and accurate data as it updates its Indicators of Broadband Need map and begins administering its broadband grant programs." He asked for a response from NTIA by July 22.

**ESPN+ RATES ON THE RISE**

**Disney** is raising the price of **ESPN+** for all subscribers. Starting August 13, rates will increase to \$6.99/month (up from \$5.99/month) and \$69.99/year (up from \$59.99/year). New subscribers have already started paying these rates. The cost of the bundle of **Disney+**, **ESPN+** and **Hulu** will still stand at \$13.99/month. Prices for **UFC PPV** matches will also remain the same. The news comes four months after **ESPN** struck a 7-year rights deal with the **NHL** that will see 75 national games be available exclusively on **ESPN+**.

**PUBLIC TELEVISION FEELING HOPEFUL ON BUDGET**

**America's Public Television Stations** is pleased that a **House Appropriations** subcommittee has recommended \$565 million in advance funding for public broadcasting in FY24. "This is an important day for public television," said **APTS** CEO *Patrick Butler* in a statement. "We lost \$100 million in purchasing power over 10 years of flat federal funding, and this legislation would go a very long way toward restoring that

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The advertisement features a large, bold headline "Corporate Licenses" in yellow and white. Below it, the "Cablefax Daily" logo is prominently displayed in white. Underneath the logo, the tagline "WHAT THE INDUSTRY READS FIRST." is written in bold black letters. The text continues with a promotional message about reduced subscription rates for multiple readers in an organization, followed by a call to action to contact client services at ClientServices@accessintel.com and the website www.cablefax.com. On the right side of the ad, there is a smaller image of the Cablefax Daily magazine cover, dated Monday, November 2, 2020. The cover features several headlines, including "Deal Talk: RCN/News/Grande CEO Discusses \$6.1bn Sturgeon Deal", "Sports: News of Atlanta Braves' Reopening", and "Public: What the Industry Reads First". The magazine cover also includes a "Most Powerful Women" award announcement for December 4th.

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purchasing power—and with it our ability to provide the educational services, the public safety communications, the civic literacy and the beloved programming which millions of Americans need and value.” Butler said the group is also pleased the subcommittee recommended level funding of \$20 million in FY 2022 for the annual station interconnection account.

### TELEMUNDO IN TOKYO

**Telemundo Deportes** is planning on presenting the most extensive Spanish-language digital Olympics coverage ever in the U.S. for the upcoming Tokyo Olympic Games. Coverage will begin on July 20 with the start of the women’s soccer competition, but fans can get hyped up ahead of time with Telemundo-produced content on **Peacock**. “Tokyo 2020: En Busca del Sueño Olímpico,” a one-hour look into the stories and journeys of the athletes headed to Tokyo, will debut on the streamer on July 18. Telemundo will also be presenting more than 300 hours of live stream and short-form video content across the Telemundo Deportes digital platforms and social media accounts during the Olympic Games. Between the Telemundo Deportes website and app, more than 150 hours of full event replays will be available.

### COMCAST LOOKS TO BOLSTER ENGINEER RANKS

**Comcast** is expanding a career path program for frontline employees designed to give them the training needed to become entry-level engineers. A six-month pilot program was held in 2020, and a dozen Comcast employees were allowed into the intensive training bootcamp and apprenticeship. Employees were paid full-time at their hourly rate, and all 12 are now full-time Comcast engineers. Going forward, the company is extending the program to include a broader number of frontline employees in other communities beyond the initial location of Philadelphia.

### RATINGS

**WE tv** has been the No 1 cable network on Friday nights in primetime among all W18-49 for the first six months of 2021, according to Nielsen L+3 ratings. The network had two of the top three shows in primetime on Friday nights among all women: “Mama June: From Not to Hot” and “Love After Lockup: Life After Lockup.” – **HGTV**’s hit series “Celebrity IOU” delivered its highest-rated Season 2 episode-to-date with the July 5 episode featuring *Kevin Hart*. It delivered a 1.08 L+3 rating among P25-54, a 109% increase over the prior six weeks and a 154% lift over year ago levels.

### CARRIAGE

**PBR RidePass**, a linear and on-demand channel with professional bull riding content, is launching exclusively on **Pluto TV** on July 20. – **CuriosityStream** is now available to watch on PlayStation 4 consoles in the U.S., Canada and Latin America. Support for consoles across Europe and Asia will arrive in the coming weeks. Chief product officer/evp, content strategy *Devin Emery* said in a statement the console has been the most requested platform from customers.

### PROGRAMMING

**Starz** greenlit a second season of “Power Book III: Raising Kanan.” The series premieres Sunday at 8pm on the network.

– *Jake Paul* is hopping back in the ring, this time facing off against former **UFC** champion *Tyron Woodley*. Their matchup will be the main event of a boxing event in Cleveland, Ohio, on August 29. The fight will also be available on **Showtime** as a PPV event. – “Blue’s Clues” turns 25 in September, and **Nickelodeon** is celebrating the milestone with an original movie that begins production this summer. The anniversary also will be marked by a multitiered partnership with non-profit Save the Children, a TV tentpole event, a one-of-a-kind nostalgia-driven music video, exclusive consumer products programs and more. – **Nickelodeon** and **Awesomeness Films** are teaming on a slate of a dozen new films for 2022 and beyond. The list includes live-action movie “Fantasy Football,” and “Hush Hush” based on the *NY Times*’ best-selling young adult novel. Meanwhile, **ViacomCBS** streamer **Paramount+** announced “The J Team,” a live-action musical starring and produced by Nick superstar *JoJo Siwa*. It debuts on the service Sept 3. – **A&E** is bring back “Accused: Guilty or Innocent?” for a second season beginning Aug 19. Documentary series “Kids Behind Bars: Life or Parole” returns for Season 2 Aug 26. – Ad-supported streamer **Haystack News** launched pop-up news channels “Gun Violence in America” (July 12-19) and “Tokyo 2020 Summer Olympics” (July 12-August 9). It plans to make the “Blue Origin First Space Passenger Space Flight” available on July 19-20, giving the world a front row seat for **Amazon** founder *Jeff Bezos*’ lift off into space.

### PEOPLE

**Crown Media Family Networks** added *Terry McCormick* as svp, brand creative and *Christopher Doyle* as vp, brand design. McCormick was last contracted as creative director for **Discovery**’s **Magnolia Network**, and Doyle served as creative director at **Travel Channel** for over a decade. – **UP Entertainment** promoted three executives Monday. **Turner** veteran *Kristina Stafford Kelly* has been upped to vp, communications. *Rich Treanor*, who formerly held positions at **Viacom** and **ION**, will now serve in the newly-created role of vp, linear & digital revenue audience insights. *Dré Barnes* is now head, innovation & consumer technology. He has created and led projects for **Fox Entertainment**, **PBS** and others. – **Sinclair** welcomed *John McClure* into the newly-created role of vp/ chief information security officer. Before joining Sinclair, he was charged with crafting the information security program at **Laureate Education** as the company’s global chief information security officer.

### OBITUARY

*Bob Schwartz*, founder of **Madison Communications** of Southwest Illinois, passed away Sunday at the age of 82. He operated Schwartz Rexall Drug in Madison County for nearly 30 years, switching gears and acquiring Madison Communications in 1986. It’s grown to serve several rural communities in Madison and Macoupin counties, with his children transitioning to lead the company over the past decade. Survivors include his wife, *Sandra Schwartz*, and children *Mary Westerhold*, *Deborah Friedman*, *Len Schwartz* and *Stephen Schwartz*.