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WHAT THE INDUSTRY READS FIRST

Regulatory Fire: Flames Getting Hotter for WarnerMedia, Discovery Deal

It's been relatively quiet on a regulatory front since **WarnerMedia** and **Discovery** announced their \$43 billion proposed merger in May, but the honeymoon is over. More than 30 Democratic members of Congress sounded the antitrust alarm.

"This transaction raises significant antitrust concerns. In particular, the merger threatens to enhance the market power of the combined firm and substantially lessen competition in the media and entertainment industry, harming both consumers and American workers," a group of Democrats, led by *Joaquin Castro* (TX), *Elizabeth Warren* (MA), *David Cicilline* (RI) and *Pramila Jayapal* (WA), wrote in a letter Friday to U.S. Attorney General *Merrick Garland* and newly confirmed **DOJ** Antitrust head *Jonathan Kanter*.

In making a case for vigorous antitrust enforcement for all M&A, the missive ticks off some specific concerns, such as whether the combo will reduce the amount of diverse and inclusive content available to consumers. Discovery's planned acquisition of WarnerMedia has already led it to eliminate up to \$35 million it had planned to invest in programming, the members of Congress wrote. They also brought up an overall lack of Hispanic representation in the media and entertainment industry and the fear additional consolidation could reduce the number of employment opportunities for Hispanics looking to enter the industry.

Speaking at an investor conference Monday, AT&T CEO *John Stankey* said he believes everything has gone "largely to script" thus far in terms of regulatory milestones. "Having been through a number of these at different times in my career, getting letters from members of Congress is not unusual. I think it happens with virtually every transaction I think we've ever filed. And we're a big company, we work in big industries, we have large consumer bases," he said. "I think when you have a lot of members of Congress, there's always going to be those that have a different lens they want to put on something."

The AT&T exec said he thinks what's been articulated in the letters is "unfounded" and "not very strong in the foundation of their concerns." Stankey noted that there are some significant regulatory milestones to come in the first quarter that will be the real acid test as to how the deal is progressing. "We will, of course, be about working through those processes with the regulators and those who have the say in this, but I will tell you, I've seen nothing that's gone on in that process at this point in time that's out of pattern or out of skew, and it's going as expected. We continue to have really good and constructive discussions with folks as a result of that."

Still no details on the deal structure, with AT&T keeping its options open to either spin or split WarnerMedia. "This is something we want to evaluate as we get close to the close of the transaction and certainly look at how the equi-



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ties are performing and what we're hearing back from the investment community," Stankey said. "There is no decision at this juncture. The AT&T board continues to evaluate and discuss this as more information becomes available."

AT&T NOT SWEATING CABLE'S WIRELESS PLAY

Cable may be getting more competitive in wireless, but AT&T's big boss doesn't seem too concerned. "I don't worry about cable doing something different on network that's going to be better than a company that's been in this industry for decades, has the kind of scaled infrastructure that we have," AT&T CEO John Stankey said at an investor conference. "When I start talking about what we're seeing happen in private networks and what the capabilities of 5G are, I don't think somebody building around a network with CBRS spectrum and a thin spectrum portfolio and regionally oriented networks is going to be good enough over time." He's putting his money on AT&T's national network combined with strong fiber capillaries. As for C-band deployment, AT&T is ready to go and awaiting FAA clearance. Stankey said he's not concerned about interference because the U.S. has been very thorough in C-band planning and C-band is being used in other parts of the world with no issue to planes. "I expect in January, we're going to be putting C-band spectrum into service to meet the needs that our customers have, and frankly, get the United States into a position competitively that many other countries have been in for a long period of time," he said. Stankey spent some time during his appearance talking up FTTH builds. He wished AT&T was further along

in fiber deployments, with fiber available to nearly 15 million AT&T customer locations. However, he thinks the company can scale rapidly. "I think frankly, as we kind of go through what's going to come out of the broadband infrastructure components of the infrastructure bill, we're going to see states are going to need... reputable scale partners, people who can step up to a multi-year set of commitments to get things done," Stankey said.

VERIZON NOT CONCERNED ABOUT C-BAND DELAY

Verizon CEO Hans Vestberg isn't sweating a delay in the deployment of C-band spectrum due to concerns from the aviation industry. In fact, he called the decision to delay the launch to Jan. 5 "a good, fair thing to do" to give the FAA and other parties more time to investigate whether the deployment of the spectrum into mobile networks could cause problems with airplane equipment, including but not limited to landing gear. Verizon has no plans to change its plans for the launch of C-band spectrum across its mobile and fixed wireless product offerings, and any adjustments it does make to satisfy the FAA will ultimately be miniscule. "There are very small and minor tweaks that have to be done. The reason is there are very few towers close to an airport," Vestberg said during an appearance at an investor conference Monday. Like others, he doesn't expect cable providers to be significant sharetakers when it comes to taking business from the dedicated mobile operators in the country. But Vestberg is of the mind that stirring the pot is only a good thing for competition across the board. Important to note—Verizon has MVNO

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deals with two of the largest cable operators diving into the mobile space, **Charter** and **Comcast**. “It’s an add-on to our plans,” he said.

CONSUMER GROUPS STAND BY NY BROADBAND LAW

Public Knowledge and the **Benton Institute for Broadband & Society** filed an amicus curiae brief late last week in the U.S. Court of Appeals for the Second Circuit in support of New York’s Affordable Broadband Act. The state regulation, which was passed by the state legislature in April and signed into law by then-Governor *Andrew Cuomo*, would require ISPs to sell a \$15/month broadband plan to low-income households. Public Knowledge and the Benton Institute argue the law is not preempted by federal law and should be allowed to go into effect. “The Communications Act clearly anticipates, and even encourages, states to join in the regulation of communications services. Meanwhile, the **Federal Communications Commission**... has specifically relinquished its authority over broadband regulation, and the D.C. Circuit has held that the FCC lacks the authority to preempt state law,” the pair said in their joint filing.

FRONTIER OFFERING CUSTOMERS YOUTUBE TV DEAL

Frontier Communications is teaming up with **YouTube TV** to offer its customers the vMVPD as a streaming video alternative. Starting Monday, Frontier customers will be able to add the service to their existing bundle of Frontier products and services. For a limited time, all customers that sign up for YouTube TV will receive a \$10/month discount for their first 12 months. That brings the cost of YouTube TV down to \$54.99/month for the first year of service.

PEACOCK PREMIUM FREE FOR GOOGLE TV USERS

Peacock has found a new way to give customers a taste of its premium tiers. **Google TV** and **Android TV** users in the U.S. who activate their accounts through the end of the year will receive six months of Peacock Premium for free. After the promotional period, customers will be charged \$4.99/month to continue the subscription. Google TV is also integrating **Pluto TV** into its Live tab in the coming weeks.

POINT BROADBAND TAPS ATLAS DIGITAL

Alabama-headquartered provider **Point Broadband** has selected **Atlas Digital Group**’s “CORE Digital Commerce Platform” for growing its eCommerce sales of fiber and wireless broadband solutions. Point Broadband offers FTTH services to customers in Alabama, Georgia, Maryland, Tennessee, Virginia, Ohio, Michigan, and New York.

‘FX ON HULU’ RETURNING TO ITS ROOTS

“FX on Hulu” is no more. **Hulu** is leaving the branding behind, changing the name of the hub on the service for **FX**-produced original series to the cleaner “FX.” Shows that have lived on the linear network first will feature a FX watermark as will the series that FX exclusively produces for the streamer.

AN EXPANSION OF THE NATIONAL DESK

Sinclair launched TheNationalDesk.com Monday, which will feature around-the-clock breaking news as well as content from The National Desk’s journalists and Sinclair’s U.S. newsrooms. Viewers will also be able to find segment clips and their favorite episodes on demand. No log-in or authentication is required to access the site.

PROGRAMMING

Discovery and **Group Nine Media** signed a development deal for a slate of original series for **discovery+**. The agreement includes content across the food, nature, true crime and adventure genres as well as companion series for a number of discovery+ original documentaries. Coming soon are limited series “Action Planet” and documentary “The Swim.” – **AMC** renewed “Fear the Walking Dead” for an eighth season. The second half of Season Seven returns April 17 on the network, and episodes will be available one week early on **AMC+**. – The inaugural season of “PGA Tour Live on **ESPN+**” promises more than 4,300 exclusive hours of coverage across 35 tournaments. The live coverage stretches from the PGA Tour’s Hawaii events in January through the fall with at least 28 events having four full days of coverage and four simultaneous live feeds each day. It all kicks off with The American Express from Jan 20-23. – **HGTV**’s annual “White House Christmas 2021” special will premiere on the network Dec. 12 at 6pm. The program, which will see First Lady Jill Biden guide Genevieve Gorder on a tour of the White House, will also be available to stream on discovery+ and HGTV Go. – **TV One** signed a deal with **Kin** to bring home design series “All Things Adrienne Presents House to Home” to the network. The series debuted on Dec. 3 and is available on TV One and social platforms including YouTube, Instagram and Facebook. – **Disney Channel**’s “Secrets of Sulphur Springs” will return for a second season on Jan. 14 at 8pm. An initial batch of episodes will also be rolled out on Disney+ and MVPD’s VOD platforms around the linear launch. – *Valerie Bertinelli* extended her long-term relationship with **Food Network** and discovery+. She’ll continue to be featured in episodes of “Kids Baking Championship” and “Valerie’s Home Cooking” and will bring new projects to the linear network in the future.

PEOPLE

Crown Media Family Networks upped *Leah Rivlin* to the newly-created role of Director, Advanced Advertising. Rivlin, who joined the company in 2013 from **Reelz**, is charged with developing strategies for the addressable television space. – **Altice USA** named *Ben Collier* SVP, Brand, Marketing and Media, effective immediately. He’ll be based out of the company’s Long Island City headquarters and will lead its brand and marketing strategy, advertising and media teams. Collier most recently served as the Executive Director, Brand Experience and Development at J.P. Morgan Chase Private Bank.