

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Cap in Hand: FCC Reviewing Comcast's Complaint Against Nexstar

The **FCC** is finally moving on a request **Comcast** filed nearly nine months ago, asking the agency to declare that **Nexstar** is in violation of the 39% cap on broadcast national audience reach. But regulatory wheels move slowly, so there's no indication yet of what the Commission might do.

In a letter dated March 18, FCC Media Bureau chief *Holly Saurer* told the companies that the matter is currently under review by the Bureau. That's the first time we've heard a peep out of the FCC since Comcast filed its petition on July 1. "Because the filing makes specific factual claims regarding the nature of Nexstar's involvement with respect to a specific station and asks the Commission to take appropriate enforcement action, we believe it would be appropriate to treat this matter as an informal complaint," Saurer wrote, noting that the informal status means the matter is treated as "exempt" under *ex parte* rules.

Comcast's Petition for Declaratory Ruling at the FCC [claims](#) Nexstar should actually be attributed ownership of NYC station **WPIX**. The broadcaster had agreed to divest the station as part of its \$4.1 billion acquisition of Tribune so that it would stay under the audience cap. It sold the station to **Scripps**, but retained the option to repurchase the station. With the FCC failing to strike down the audience cap, it assigned the purchase option to **Mission Broadcasting**, which purchased the station in December 2020. Mission has a local marketing

agreement with Nexstar that allows it to program the station, sell ad time, receive revenues—leading Comcast to conclude that Nexstar's divestiture of WPIX was a "sham."

Nexstar fired back by suing Comcast and accusing it of refusing to pay millions in retransmission consent fees for WPIX. At issue is whether Comcast can pay for WPIX through its separate retrans agreement with Mission Broadcasting or whether WPIX is grandfathered as an additional station in the Comcast-Nexstar agreement. That case is pending in U.S. District Court in New York, with Comcast seeking to stay or dismiss the complaint until the FCC acts. The operator informed the court on Friday that the Media Bureau is currently considering the issue.

The FCC's audience cap continues to raise significant questions. Last month, **Standard General** announced a \$5.4 billion all-cash deal to acquire **TEGNA**. But it's a complicated transaction that involves **Apollo Global**, which owns **Cox Media Group** and its 33 broadcast stations. If Cox is attributed the TEGNA stations, it would violate the 39% cap. TEGNA and Standard General have stressed that neither Cox nor Apollo will own any equity interest in TEGNA, but there may be questions—particularly from Democratic commissioners—about whether one entity could potentially evade the cap.

NBCU TO OFFER ISPOT AS UPFRONT CURRENCY

NBCUniversal doubled down on its retreat from **Nielsen** measurement, revealing during its One22 Developer Conference Tuesday it will offer **iSpot**'s data as official currency at its May

ANNOUNCING Cablefax's TOP OPS Nominations

The Top Ops categories recognize excellence in a variety of areas, including marketing, technology, finance, lifetime achievement, customer service and community involvement. Nominations are open to all operators.

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The Independent Operator of the Year Award (IOY) is presented in conjunction with ACA Connects and NCTC

upfront. That doesn't mean Nielsen is completely out of the ball game, but that its figures could be used for third-party verification. "For years, our industry has relied on black box panels for audience targeting and measurement. But now, we're shifting away from these sub-scale, opaque panels and moving toward precision and transparency thanks to new identity-based currencies that leverage census data at the person and household level," NBCU Chief Data Officer *John Lee* said. NBCU opened a request for proposal to measurement partners in August, and more than 120 companies participated in the process. It announced the certification of a slew of new partners within its Certified Measurement Program: **Comscore, Conviva** and **iSpot** for measurement and **DoubleVerify, Moat, Integral Ad Science, FreeWheel, Innovid** and **iSpot** for verification. NBCU also took the opportunity to show off NBCUnified, a platform it launched in January that brings together first-party consumer data sets from across its brands, allowing advertisers to create targeted experiences for more than 150 million individual and 80 million household IDs. Lee expects those numbers to grow to more than 200 million individuals and 100 million households by 2023. An expansion to its home shopping and e-commerce initiatives is also on the way. NBCU Checkout will soon be integrated into **Comcast's** X1 platform. Viewers watching their favorite programs may encounter a "Shoppable" episode. If they say "Shop" into their X1 voice remote, a list of products featured in the episode will be placed on the side of the screen. "I could stand here and tell you what a big deal this is for both audiences and advertisers, but I think my wife actually put it best when she said this: 'This technology makes it dangerously easy to spend money,'" NBCU Global CMO, Advertising and Partnerships *Josh Feldman* said.

MARCH MADNESS, FOX NEWS SIZZLE

Even the beginning of March Madness couldn't knock **Fox News** off of its ratings throne, but the **T-Nets** still had a good week. **TBS** was the second most-watched cable net in prime with 1.81 million total viewers, followed by **TNT** (1.59 million) and **truTV** (1.16 million). **Fox News** easily won the week (again) with 2.57 million viewers. It also took the gold in total day with 1.69 million viewers, while **CNN** (771,000) and **MSNBC** (683,000) took the silver and bronze. The NCAA Men's Tournament to-date coverage is off to its best start in five years, averaging 9.1 million viewers through Round 2—up 12% from last year, according to **Turner Sports**.

ROKU OS 11 ON THE WAY

Roku revealed plans to roll out its new OS, Roku OS 11, in the coming weeks. The update will be focused on upgrading personalization options for users, bringing with it the introduction of options to share photos on the Roku platform. Other

The WHO and the WHY

CFX's spotlight on recent new hires & promotions



**MICHAEL
Katz**
CHIEF MARKETING OFFICER, T-MOBILE

3 THINGS TO KNOW

- Michael is a long-time T-Mobile employee, with more than 24 years at the company. He climbed his way up the ranks to various senior leadership roles and was previously president of T-Mobile's Business Group, where he expanded its business-to-business efforts. Michael was promoted to CMO earlier this month and will deliver products, experiences and messages that cultivate the company's brand image.
- He focused on bringing the network's benefits to underserved communities during his time with T-Mobile's Business Group. Under his leadership, T-Mobile for Business launched a \$10.7 billion initiative that provided hardware and connectivity solutions for 3.2 million students across the country. He also played a major role in T-Mobile's "Un-carrier" campaign, which helped the company re-launch its brand and identity.
- In 2017, Michael was recognized as a top-40 business leader under 40 in the Seattle area by the *Puget Sound Business Journal*. Additionally, he hosts the "Taking Care of Business" podcast, where he talks with leaders from a wide range of businesses to learn about their different ways of innovative thinking.

system improvements include new sound modes, auto speech clarity and deeper content discovery menu options.

DEMS GIVE BEAD ADVICE

House Commerce Dems sent the **NTIA** their recommendations this week on how to best implement the broadband programs funded by the bipartisan Infrastructure Law. Those include giving funding priority to networks that will provide open access to promote competition, designating "digital inclusion" activities as a permissible use of BEAD [Broadband Equity, Access and Deployment] funding and prioritizing projects that implement fiber networks and other technologies that can be scalable to meet future speed needs. "Further, NTIA should examine the FCC's recent action to ensure competitive access to apartment buildings, public housing, and other multi-tenant environments, and incorporate those measures as appropriate in BEAD," wrote the members, including House Commerce Chair *Frank Pallone* (D-NJ), *Mike Doyle* (D-PA) and *Yvette Clarke* (D-NY).

FCC CONTINUES WAR AGAINST ROBOCALLS

The **FCC Enforcement Bureau** added three voice service

providers to its robocall watch list Tuesday, sending cease-and-desist letters to **thinQ**, **Airespring** and **Hello Hello Miami** telling the trio to stop facilitating the transmission of illegal robocalls within 48 hours. The warnings come after FCC investigations that relied on findings from the industry's **Traceback Consortium** and, in the case of thinQ, the **North Carolina Department of Justice**. The state entity also flagged thinQ as a source of illegal traffic. If the providers continue to allow the transmission of robocalls, all traffic from their networks could be blocked by other service providers, the FCC said.

HUB SHOWS GAP BETWEEN RECOGNITION, VALUE

Recent findings from **Hub's** "Evolution of Video Branding" show large gaps between TV service name recognition and understanding of each service's value proposition. According to the study, consumers are more able to describe streaming services that they feel focus on a certain set of genres. **Disney+**—who consumers say focuses on kids' content, theatrical films and fantasy/supernatural—topped the list of brands with the strongest focus, with 35% of participants familiar with it. **ESPN+** followed at 31%, while **HBO Max**, **discovery+** and **AMC+** checked in at 23%, 22% and 21%, respectively. When it comes to household recognition, the top five SVOD TV platforms—**Netflix**, **Amazon Prime Video**, **Disney+**, **Hulu** and **HBO Max**—had been heard of by 96% or more TV consumers. However, while many have heard of other services, they're struggling to show their value. Thirty-four percent of consumers feel confident they could describe **AMC+**, ranking behind **ESPN+** (44%), **Apple TV+** (46%), **discovery+** (46%), **Paramount+** (49%) and **Peacock** (51%). This is despite each service having a high amount of awareness. **Hub's** study also found consumers view **FAST** channels as a large, indistinguishable category.

COMCAST EXPANDS FIBER IN UTAH

Comcast is expanding its fiber broadband service to more than 18,000 homes and businesses in Eagle Mountain, Utah. The \$22 million project will bring all Xfinity services to the area by the beginning of 2023, with options ranging from the \$9.95/month plan with Comcast's Internet Essentials program to 1-Gig broadband service. Businesses will have access to the full suite of Comcast Business services.

STARRY AFFORDABLE COMPUTING INITIATIVE

Starry is teaming up with **Ziff Davis** and **Human-I-T** to expand access to affordable computing devices for **Starry Connect** communities. **Starry Connect** focuses on providing ultra-low-cost broadband services to families living in public and affordable housing. **Ziff Davis** will donate its gently-used electronics including laptops and monitors to **Human-I-T**. **Starry Connect** customers will receive credits to select and purchase those devices from **Human-I-T's** website. More than 55,000 public and affordable housing units participate in **Starry's Connect** program.

RATINGS

HGTV's "Flip or Flop" wrapped up its 10th and final season Thursday, averaging a .74 live plus three-day rating among

P25-54 in the 8-8:30pm slot, a 55% increase compared to a year ago. The show also saw a .95 L3 rating among W25-54 and was the No. 1 cable program in prime among P25-54, W25-54, households and P2+ and upscale P2+. The final season garnered over 20 million total viewers, helping the total viewership since the show's 2013 premiere eclipse 90 million.

AMC NETWORKS EMBRACES MEDIA GENOME

AMC Networks is teaming up with media insights firm **Katch** in hopes of using its data to grow audiences across its linear networks and its streaming portfolio. Using what it calls "the world's first Human-Powered Media Genome," **Katch** delivers insights into the specific attributes that attract viewers to a piece of content. It can also dive into various categories beyond pure viewer demographics, categorizing viewers into segments based on their location, behavioral tendencies and taste. **Katch's** human content analysts will be examining much of **AMC Network's** library through the rest of this year.

PROGRAMMING

HBO and **Rai Fiction** renewed "My Brilliant Friend" for a fourth season that'll be based off "The Story of the Lost Child," the fourth book of **Elena Ferrante's** Neapolitan novels. The third season began Feb. 28 and is available to stream on **HBO Max**. – Production began on "Unthinkably Good Things," the first **Hallmark** movie under the network's **Mahogany** banner. **Mahogany** will expand **Crown Media's** content offerings and celebrate stories of Black culture. – **MTV Entertainment Studios** and **Paramount** signed a deal with producer **Antoine Fuqua** through his production banner **Hill District Media**. The deal primarily focuses on original scripted and unscripted content for TV, with **101 Studios** serving as the production partner. – **HBO Max** renewed "And Just Like That..." for a second season. – **Pluto TV** is streaming seasons 1-3 of "Yellowstone" for free on its More TV Drama channel this weekend. Season 1 kicks off Friday at 3pm, with Season 2 starting Saturday at 3pm and Season 3 beginning on Sunday at noon. – **ESPN New York** and **MSG Networks** agreed to a multiyear radio broadcasting agreement that keeps **98.7 ESPN** as the radio flagship of the New York Knicks and New York Rangers.

TUNE IN ALERT

SiriusXM's upcoming podcast "Basic!" is ready to take listeners back to some of the highest points in cable TV history. Coming to major podcast listening platforms on May 18, the series hosted by former **Viacom** Music and Entertainment Group President **Doug Herzog** and TV critic **Jen Chaney** will examine key moments from the last four decades including **CNN's** 24-hour news coverage, **Live-Aid** and the kick-off of the reality TV genre.

ON THE CIRCUIT

The Cable TV Pioneers is seeking nominations for the Class of 2022. Standing Pioneers for at least three years may nominate men and women with a minimum of 20 years industry experience, who have demonstrated outstanding leadership, and contributed to the growth of the industry and communities served. Applications can be submitted via CableTVPioneers.com through April 15.