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WHAT THE INDUSTRY READS FIRST

Retrans Spat: Comcast Loses Nexstar Station at Heart of FCC Complaint

Comcast's ongoing battle with **Nexstar** has heated up, with **WPIX** dark on the operator's NYC DMA systems.

Comcast said WPIX went dark on Dec. 3 because **Mission Broadcasting** has not granted Comcast rights to continue carrying the station, though it reached a renewal to continue carrying other Mission stations. Nexstar sees the situation differently. "Mission Broadcasting delegated the authority to negotiate retransmission agreements for WPIX-TV to Nexstar, which is permitted under **FCC** rules. Despite having right and obligation to continue carrying WPIX-TV, Comcast has removed the station from its cable TV platform," Nexstar said in a statement to CFX. "This is both a breach of contract and extremely harmful to Comcast's NYC viewers, who have now lost WPIX-TV and the substantial local news and entertainment programming it provides."

While Comcast customers only lost WPIX over the weekend, the history between these two is much longer. Comcast petitioned the FCC in July 2021 to rule that Nexstar should be attributed ownership of WPIX, a CW affiliate out of NYC that is owned by Mission Broadcasting but that has a local marketing agreement with Nexstar. If WPIX counted as Nexstar-owned, it would put the broadcaster in violation of the 39% cap on broadcast national ownership reach. **Charter** has filed a similar petition, and the FCC Media

Bureau has said it is reviewing both as informal complaints.

Meanwhile, Nexstar has sued Comcast and Charter separately, alleging they both owe it millions in unpaid retransmission consent fees for WPIX. At issue is whether Comcast and Charter can pay for WPIX through their separate retrans agreements with Mission or whether WPIX is grandfathered as an additional station in their Nexstar agreement. Nexstar divested WPIX as part of its 2019 \$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 purchase the station. With the FCC failing to strike down the audience cap, it assigned the purchase option to Mission, which bought WPIX in December 2020. Nexstar has an agreement with Mission that allows it to program WPIX, negotiate retrans, sell ad time and more.

Based on the timelines of past deals, it seems likely Comcast and Charter both face renewals by the end of the year with Nexstar. Assuming deals get done, the new pacts may address the WPIX question before the FCC or courts issue any opinions.

Nexstar's name has been involved in a lot of retrans news recently. In October, **Verizon Fios** customers lost Nexstar station in 10 markets, including Philly and NYC, for 14 days. **DirectTV** customers have been without Mission Broadcasting and **White Knight Broadcasting since Oct. 14 and Oct 7, respectively, with both stations groups** having management arrangements with Nexstar.

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PARAMOUNT AD DECLINES CONTINUE

Paramount CEO Bob Bakish is warning investors of a tough 4Q22 on the advertising side, forecasting that it will come in a bit below the figures recorded in third quarter. Of course, he retains optimism that this is just another cycle within the advertising industry, one that will reverse course when the time is right. "I've managed through a number of these cycles, as recently as through the beginning of the decade," he said during a talk at the UBS Global TMT Conference Tuesday. "This too will turn. The only question is when, and not being an economist, I can't tell you exactly when, but I know for sure it will turn." As it weathers this storm, Paramount is looking at opportunities for cost-cutting across the business. A lot of work is being done around Showtime in both linear and streaming to unlock greater cost synergies across the company's catalog. Paramount has also examined the impacts of a price increase on its Paramount+ subscriber base, and it feels like it can do so without ruining the subscriber growth it has been able to achieve thus far. "We've done a bunch of work on this, and it turns out that the impact of price increases, you don't really see massive impacts when you raise price, because you can manage through that with promotional pricing," Bakish said. "It's really the initial entry point pricing that dictates your net subscriber additions." He also said because Paramount+ has a premium and an ad-supported tier, it is likely that price increases will come at different points in time so churn can be mitigated between the two plans.

MURDOCH NOT ASSURED ON NEWS. CORP COMBO

Fox Corp. Chair Rupert Murdoch and the Murdoch Family Trust will not vote in favor of a combination with News. Corp unless it is recommended by a special board committee and approved by a majority vote of the shares held by non-affiliated stockholders. That came in an update from the special committee Tuesday, which is composed of independent directors including former Telemundo CEO Roland Hernandez and former House Speaker Paul Ryan (R-WI).

HBO MAX RETURNS TO PRIME VIDEO CHANNELS

HBO Max is available on Amazon's Prime Video Channels offering in the U.S., marking another policy reversal since Warner Bros. Discovery CEO David Zaslav gained control of the streaming service. HBO was available through Prime Video Channels until September 2021 when former owner AT&T chose to remove it from the platform in order to gain full control over those customer relationships and gather data ahead of the launch of HBO Max's AVOD tier. It launched a promotion the following week to give former subscribers six months of HBO Max at half price (\$7.49/month). "Warner Bros. Discovery is committed to making HBO Max available to as broad an audience as possible while also advancing our data-driven approach to understanding our customers and best serving their viewing interests," WBD Chief Revenue and Strategy Officer Bruce Campbell said in a statement.

CHARTER JOINS CYBERSECURITY INITIATIVE

Charter has joined CISA's Joint Cyber Defense Collaborative, a public-private partnership meant to bring together stakeholders from industry and government together to reduce cyber risk. Other

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industry partners include **AT&T, Broadcom, Cisco** and **Verizon**. Accomplishments since the Joint Cyber Defense Collaborative launched in 2021 include the discovery of Daxin, malware targeting international government partners, and the creation of a list of free cybersecurity tools and services for small businesses.

MIDCO LATEST TO ADD PLUME TO PORTFOLIO

Midco is implementing **Plume's** Homepass technology into WiFi offerings across its entire footprint. Plume recently updated its Homepass mobile app, which gives visibility into a user's network, offers device protection and cybersecurity options and allows users to optimize their home network to improve speed, coverage and capacity.

FIBER FRENZY

Optimum is extending its services to Brownfield, Hereford, and Seminole, Texas. Construction on the all-fiber network is already underway, and Optimum expects to reach 15,900 homes and businesses across the three cities. Initial services will become available in early 2023 and builds will be complete later in the year. – **Metronet** is now offering multi-gigabit service to residents and businesses in Tallahassee. Symmetrical speeds of up to two gigabits are available to residents and businesses may choose options up to 10 gigabits. – **Clearwave Fiber** has nearly completed a network build in Lansing, Kansas, that will serve more than 3,100 locations with fiber services. The provider plans to serve more locations in Desoto and Salina, Kansas, by early 2023. The company's goal is to make high-speed internet available in more than 500,000 U.S. homes and businesses by the end of 2026.

RATINGS

Fox News once again topped the total-day ratings charts for the week. It checked in with 1.33 million viewers P2+, with **ESPN** and **MSNBC** at 770,000 and 751,000, respectively. **Hallmark Channel** kept the holiday spirit at fourth with 731,000, and **CNN** capped the top five with 495,000. For primetime, ESPN was on top for a second straight week as the college football regular season came to a close. The sports network led with 2.36 million viewers, followed by Fox News (1.96 million), Hallmark Channel (1.33 million) and MSNBC (1.2 million). **HGTV** came fifth with 799,000.

EIGHT STATIONS ADD NEXTGEN TV

Eight stations serving the Champaign and Springfield-Decatur, Illinois, television markets began broadcasting Tuesday with ATSC 3.0. The launch includes WICS, WICD, WCIA (CBS), WRSP-TV (Fox), WCCU (Fox), WAND (NBC), WBUI (CW) and WCIX (MyNet). The stations are operated **GoCom, Sinclair, Nexstar** and **Block Communications**.

LOWER CHARTER REPURCHASE ESTIMATES

New Street Research lowered its 4Q22 repurchase estimates for **Charter** to \$1.5 billion vs a consensus of \$2.2 billion. It made the change based on an **Advance/Newhouse** ownership disclosure filed late Monday. "Based on the filing, we estimate Charter repurchased 1.02 million shares for \$0.3BN in November at an average price of \$337/share. So far this

quarter, Charter has repurchased 2.9 million shares for \$1.0BN. If Charter continues buying back shares at this pace for the rest of the quarter, they will end up repurchasing ~\$1.5BN of shares in 4Q22, lower than our prior estimate of \$2.5BN," the firm said. New Street is waiting until next week's analyst day to make any changes to EBITDA estimates, though it suggested it will likely drop it to \$5.5 billion vs \$5.6-\$5.7 billion.

ON THE CIRCUIT

ACA Connects' annual Summit is coming back to the nation's capital in February. The annual event, which took a break during the COVID-19 pandemic, will be held from Feb. 28-March 2 at the Grand Hyatt Washington in D.C. The conference, which doubles as a lobbying opportunity for small- and mid-size operators, will also mark the association's 30th anniversary. – **NBCUniversal's** annual developer conference One23 is set for Feb. 8 in New York City. The new-look show will be in-person only and have an expanded format featuring guest speakers, panel discussions and breakout sessions as NBCU looks to showcase the advancements of its desire for converged media and technology.

DOING GOOD

Anthem Sports & Entertainment's **AXS TV** is joining forces with **Spectrum** to roll out the initiative "AXS TV's Band Together For Music Education." AXS TV, alongside affiliates, local communities and schools, will support music education programs that are provided to students. Starting this month, five \$10,000 grants will be awarded to school-age music programs across California, Florida, New York, Ohio and Texas.

PROGRAMMING

"Puppy Bowl XIX" is bringing back the cutest football players around when it premieres on Feb. 12 at 2pm ET on **Animal Planet**. The program will also be available on **discovery+**. – The latest edition of **ESPN's** E60 "Remember the Blue & Yellow" will premiere Sunday at 5:30pm on ESPN, available to stream on **ESPN+** after the initial airing. The program will look at the Ukrainian Men's National Soccer Team as it continues to compete while its country is at war. – **HBO Max** original "I Hate Suzie Too" returns for a three-episode second season on Dec. 22. – **Walmart** and **NBCUniversal** are teaming up on a new livestream shopping partnership. The two will roll out "Live! Deals for the Holiday Season" on **E!** online on Thursday at 9pm. The program will have popular holiday gifts for viewers to interact with and purchase. – **History Channel** and author/historian *Simon Sebag Montefiore* are partnering to develop a project based on Montefiore's book "The World: A Family History." The series is still waiting to be greenlit, but if given, it'll look at the history of the world through the view of family dynasties. – **Lifetime's** "Married at First Sight" will be back for a 23-episode 16th season on Jan. 4 at 8pm. Before the premiere, "MAFS: Matchmaking Special" will give a behind-the-scenes look at how couples are matched. That'll be broadcast on Dec. 28 at 8pm. Then the following night at 8pm is the "MAFS: Kick-Off Special," where sneak peeks from the upcoming season will be played and former show stars will provide updates on their current lives. After the main series airs, "Married at First Sight: Afterparty" will debut Jan. 4 at 10pm to dissect what happened in the episode.