

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Progress Report: Retrans Wheeling & Dealing Continues

Like **Comcast**, **Charter** and **Nexstar/Mission** had retransmission consent deals expiring at the end of 2022. While Comcast and the broadcasters got a renewal done before the calendar flipped to January, it appears Charter and Nexstar are still negotiating.

The good news: neither side has issued any public warnings about possible station losses. That combined with an extension of negotiations signals that a deal could be close. Presumably, those talks include whether **WPIX** should fall under Mission or Nexstar's retrans agreement. WPIX's attribution has been a major sticking point, with Nexstar suing Comcast and Charter over unpaid retrans fees for the CW affiliate. The litigation against Comcast was dropped once the retrans deal was [completed](#) last month, and presumably the Charter suit will go away once a renewal is signed.

That doesn't mean Nexstar/Mission is out of the retrans woods, though. Comcast filed a complaint against the two companies last month at the **FCC**, alleging that they failed to negotiate retransmission consent in good faith. That complaint is still pending, with Nexstar and Mission asking the Commission to extend the deadline to file their answer to Comcast's complaint until Jan. 17 given the holidays. Comcast has consented to the requested extension of time.

Another negotiation that extended into 2023 was Charter's renewal with **Cox Media Group** [CMG], which was signed Thursday evening. Cox Media issued a statement declaring

that it was pleased to reach the deal without disruption to consumers. That hasn't been the case with **DISH**, which lost Cox Media stations on Nov. 28. The stations, which include Atlanta's **ABC** affiliate and Pittsburgh's **NBC** station, remain off, with the two sides duking things out at the FCC.

The **NewsGuild-CWA and National Alliance of Broadcast Engineers and Technicians-CWA** have challenged **Standard General's** takeover of **TEGNA** in part because of Cox Media owner **Apollo Global Management's** involvement in the transaction. DISH has now asked the FCC for permission to gain access to confidential information in the merger proceeding, and Cox Media is objecting to the move. "More than 200 days ago, the Media Bureau issued a Protective Order in this proceeding that governs access to an unprecedented collection of thousands of deal-related documents and competitively sensitive materials submitted by Standard General, TEGNA, and CMG," with DISH not seeking to participate in the proceeding until last week, CMG told the FCC. "As a threshold matter, DISH is not a party to this now 10-month-old proceeding. It did not file a petition to deny or comments related to the pending applications. Any opposition that DISH could file at this point would be entirely out-of-time and should not be considered by the Commission."

The same day DISH filed the request, it also delved back into the fight over whether Cox Media has tried to tie retrans talk to stations currently owned by Standard General and TEGNA. NewsGuild, et al alerted the FCC to an article in which DISH claimed CMG was attempting to include other companies'



Who Deserves to Rank Among Cablefax's Annual Top Power Players?

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Nominate at www.Cablefax100.com | Questions: Kate Schaeffer at kschaeffer@accessintel.com

stations in negotiations. Cox Media has denied the report, and specifically denied it in an FCC filing. DISH's Dec. 28 letter highlighted the "relevant demand" from CMG to DISH on the term sheet it received from the broadcaster on Nov. 19.

Unfortunately, the term sheet is redacted from the filing. But Cox Media stands by its denial, telling the FCC this week that DISH is misconstruing the provision in the proposal. "The DISH Letter implicitly invites the Commission to conflate the concept of negotiating routine and permissible after-acquired station provisions with a 'demand' to negotiate retransmission consent terms for stations that CMG does not own. This is simply wrong," the broadcaster said. "CMG's proposal regarding treatment of after-acquired stations would have no impact on the retransmission consent terms for stations owned by TEGNA, now or in the future, or those of any other broadcaster."

The long-running retrans blackouts of Mission and **White Knight Broadcasting** on **DirectTV**, which date back to October, haven't been mentioned at the FCC (thus far). However, **American TV Alliance**, a retrans reform group made up largely of MVPDs, is keeping close watch on the rising cost of retrans. "The latest FCC [biennial Communications Marketplace Report] has found that the average subscriber pays more than \$200 per year for so-called 'free' broadcast television, representing an increase of more than 20% over the previous year," said an ATVA statement. "In fact, since 2013, retransmission consent fees have increased, on average, more than 30% annually. The FCC reports that 'in 2021, fees per subscriber were more than eight times their 2013 value.'"

VINCE MCMAHON BACK AT WWE

WWE's change era continued Friday with an announcement that WWE Founder *Vince McMahon* has returned to the company's board. Shares closed up nearly 17% Friday. He'll be joined by former WWE Co-Presidents *Michelle Wilson* and *George Barrios*, who launched investment firm **Isos Capital Management** in 2021 after being removed from the wrestling company in 2020. Vince McMahon entered retirement in July as the company conducted an investigation into claims of alleged misconduct. *Stephanie McMahon* and *Nick Khan* will remain Co-CEOs, at least for the time being, as the company undergoes a review of its strategic options and potential alternatives, including a sale. As the company's controlling shareholder, Vince McMahon has removed *JoEllen Lyons Dillon*, *Jeffrey Speed* and *Alan Wexler* from the board. *Ignace Lahoud* and *Man Jit Singh* have resigned from the board as well, effective immediately.

CHARTER BUYBACKS LOWER THAN EXPECTED

Advance/Newhouse filed its latest **Charter** ownership disclosure with the **SEC** Friday with the buyback amount coming in lower than expected in each month of 4Q22. **New Street Research**

lowered its 4Q22 share repurchase and EBITDA estimates in light of the news to \$1.2 billion (it noted consensus is \$2.2 billion) and \$5.47 billion (consensus was \$5.56 billion), respectively. "We believe Charter management would like to stay near the top end of their leverage target and in all probability, the lower buybacks are a function of lower EBITDA growth (though there could be other drivers)," New Street said in a note to clients.

FCC UPDATING RULES ON INFO BREACHES

The **FCC** initiated a proceeding to gain more information into any needed changes to its rules on customer notifications and federal law enforcement of breaches that involve consumer information. The agency is proposing an elimination of the existing seven business day mandatory waiting period for notifying customers of a breach. It is also hoping to clarify its rules to require consumer notification by carriers of inadvertent breaches and notification of all reportable breaches to the **FBI**, FCC and the **Secret Service**. "Even those who try to preserve their privacy by refusing to download apps or give apps permission to access their location, or go so far as to only use a flip phone, must give up sensitive information to the phone company as the price of making a phone call," **Public Knowledge** SVP *Harold Feld* said in a statement. "A lot has changed in the 15 years since the FCC adopted the existing rules, and it is high time the Commission's rules reflect these changes."

GEORGIA OKS \$234 MILLION IN BROADBAND GRANTS

Georgia Governor *Brian Kemp* announced more than \$234 million in 29 preliminary grant awards for broadband expansion through the state's Capital Projects Fund Grant Program. The awards will benefit households, businesses and anchor institutions in 28 counties and, when combined with capital matches from the awardees, nearly \$455 million will be invested to bring service to more than 76,000 locations in need. **Comcast** and **Charter** won the majority of the grants with **Mediacom**, **Cox Communications** and **Windstream** also making the list. A second round of the Capital Projects Fund Grant Program will be opened this spring for the five eligible counties that did not receive an award—Calhoun, Echols, Johnson, Miller and Webster.

ARMSTRONG MOVES UP AT COMCAST

Comcast is upping *Jason Armstrong* to CFO following the promotion of *Mike Cavanagh* to President in October. Armstrong was previously Deputy CFO, where he managed the treasury and finance functions of the company and oversaw its capital formation and allocation, credit-related matters and investment management activities. Prior to that, he was Treasurer of Comcast, CFO of **Sky** and also spent 13 years at Goldman Sachs.

TELEVISION UNIVISION MAKES LIGA MX DEAL

TelevisaUnivision and **Liga MX** named **T-Mobile** as the wireless sponsor of the league in the U.S., with carrier rights to activate under Metro by T-Mobile as the lead brand. It's the first sponsor

TelevisaUnivision obtained for the league since bringing its [commercial rights to market in the U.S.](#) in October. The partnership will start tonight on the network's pregame show "Futbol Central."

C-SPAN LOOKING FOR DEALS

C-SPAN Co-CEO *Susan Swain* isn't letting all this extra attention go to waste. She tweeted out a plea Friday during vote #12 for House Speaker, encouraging customers of two major virtual MVPDs that don't carry the network to make some noise. "Our non-profit network doesn't get a dime of gov \$\$\$. Sadly, we're not avail to all pay TV customers, importantly @YouTubeTV and @hulu. Please help convince them to add C-SPAN to their lineups by liking and retweeting."

FIBER FRENZY

Some residents in Harlingen and McAllen, Texas, have started to receive internet service from **Vexus Fiber**. As construction continues throughout the Rio Grande Valley, residents in construction areas will receive 30 days advance notice via email and mail about activity in their neighborhood. Vexus also has yard signs and other messaging to notify residents of when construction is beginning in their neighborhoods. - **Sparklight** connected its first Victoria, TX, customers to the company's fiber internet service offering up to 2 Gig symmetrical speeds for residential customers and up to 5 Gig for business customers. The company's all-fiber network will ultimately connect more than 23,000 Victoria residential and business customers by the end of 2023.

PROGRAMMING

The **XFL's** return (again) has a start date: Feb. 18. The Las Vegas Vipers and Arlington Renegades will kick things off at 3pm on **ABC**, followed by the Orlando Guardians and Houston Roughnecks facing off at 8:30pm on **ESPN** and **FX**. The regular season—40 games total—will have seven games on ABC, 22 on ESPN and **ESPN2** and 15 on FX. All games will also be streamed on **ESPN+**. - **ESPN's** MegaCast is ready for Monday's College Football Playoff National Championship between TCU and Georgia. The main telecast begins at 7:30pm on the flagship net as *Chris Fowler* and *Kirk Herbstreit* headline the commentary team.

CABLEFAX DASHBOARD

Twitter Hits

Peter Kiley @PKid

Terry Murphy ends his 42 years at C-SPAN this week producing the dramatic House Speaker contest. Our founder Brian Lamb and Terry worked together from the start to bring Congress to American households. What a way to go out!



Jim Harris #CES2023 @JimHarris

Can robots dance?

If #robots can do this now, imagine what #AI-powered #machines will be able to do in the next 5-10 years!

vai @BostonDynamics

#CES2023 #CES #Robot #Robotics #automation #tech #technology #innovation



Doreen Bogdan-Martin @ITUsecGen

Honored and humbled to be the one to break that glass ceiling of @ITU leadership since 1865. May all our budding #girlsInCT be inspired to follow their dreams 🌟



Research

- (Source: [BroadbandNow](#))
- > Those in high income areas are paying less on average for broadband than those in low income areas.
 - > There are ten states where less than half of the population has access to a low-priced broadband plan of \$50 or less per month: Mississippi, Arkansas, Missouri, New Mexico, Montana, Kansas, South Dakota, North Dakota, Alaska and Wyoming.
 - > Four states—Delaware, Hawaii, Connecticut and Washington, DC—have achieved 100% availability as of 2022.
 - > Small states and those with high rates of urbanization make up the vast majority of those that have at least 85% access to a low-priced plan.

Up Ahead

- JANUARY 5-8:** [CES 2023](#), Las Vegas
- JANUARY 24-26:** [Content Americas](#), Miami
- FEBRUARY 7:** [Regional Fiber Connect](#); Raleigh, NC
- FEBRUARY 28-MARCH 3:** [ACA Connects Summit](#); DC
- MARCH 13-16:** [Satellite 2023](#); DC

Quotable

"Through the JV, we have a unique opportunity in a capital light way to experiment outside of our traditional footprint to see if there are opportunities between the scale that we bring, levered capital and bringing our wireless bundling relationships to bear, whether the economics could make sense and whether we can potentially expand outside of our footprint. And we're really excited by the opportunity and the partnership with BlackRock. I think this is an exciting time for the industry, and at a time where timing is of the essence, I think this is a great way to help us accelerate some of our plans."

- **AT&T CFO Pascal Desroches** discussing the benefits of the Gigapower joint venture formed with BlackRock to serve customers outside of AT&T's wireline footprint with fiber at Citi's Media and Entertainment Conference Wednesday