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Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Return Serve: Groups Get Their Media Ownership Takes In

It's an exhilarating time for the folks who've been clamoring for the **FCC** to make changes to media ownership rules. This week's news of **Nexstar** and **TEGNA** agreeing to merge certainly poured gasoline on the fire, which was a fitting precursor to Friday's deadline to submit reply comments in the FCC's review of the national TV ownership rules.

Original comments were due earlier this month as a myriad of stakeholders argued whether the current rules reflect today's media landscape. They also debated if the FCC has the authority to make changes to ownership guidelines and what the ensuing ramifications could look like if adjustments are made.

Reply comments have been trickling in throughout this week and continue to do so at our deadline. Organizations including **NTCA**, the **National Action Network**, **Free Press** and the **Center for American Rights** had their say, but one filing that caught our attention was **Newsmax**, given the ties CEO *Chris Ruddy* has with President *Trump*.

Trump might not have the final say in how (or if) the FCC makes changes to ownership regulations, but his stance could still shape how the agency maneuvers. Ruddy and Newsmax have been advocating against any alterations to the current 39% national audience ownership limit, and the network's most recent comments center on who has the authority to act on the rules. Spoiler: Newsmax doesn't think it's the FCC's responsibility.

"The only thing the Commission will get if it alters the national television multiple ownership limit ("Horizontal Cap") is a permanent injunction," Newsmax wrote. "The statutory language reveals a crystal clear congressional intent to set the Horizontal Cap at 39% and prevent the Commission from changing the rule without express authorization from Congress."

Newsmax disputed **NAB**'s previous point that because Congress instructed the FCC to modify the rules in the past, the task falls with the Commission. "That is a distinction without a difference. Congress spoke. The Commission must abide, not only by maintaining the 39% limit but by eliminating once and for all the outdated, so-called 'UHF discount,' which only serves to undermine Congress' original intent," said Newsmax.

In a separate filing made Friday, NAB, along with a coalition of broadcasters including **Nexstar**, **Sinclair**, **Paramount** and affiliate associations, reiterated their belief that the statutory text in the 1996 Telecommunications Act does in fact give the FCC authority to revise or repeal. The group called out those against ownership changes for failing to explain why 39% or another percentage is the "correct" level. And if the FCC doesn't have the authority to change it, there's doubt it'd have the authority to pull back UHF.

"Those contending that Congress removed all of the FCC's authority over the national cap ignore, overread, or otherwise misconstrue the actual 'words on the page' and improperly rely on 'extratextual considerations' to assert unwarranted claims about congressional intentions and expectations," the coalition said. "But 'it is ultimately the provisions of legislative commands … by which we are governed,' and the actual commands in the 1996 Act and the CAA do not say what the opponents of reform want them to say."

Earlier this week, Sinclair President/CEO *Chris Ripley* met with FCC Chairman *Brendan Carr*, Carr's Chief of Staff *Greg Watson* and Senior Counsel *Erin Boone* to discuss the ownership proceeding, per an ex parte. Ripley also discussed the ongoing ATSC 3.0 transition, issuing his support for the sunset of ATSC 1.0 signals in the top-55 markets by February 2028 and the remaining markets two years after that.

Newsmax made sure to address the Nexstar-TEGNA news and the fact that their agreement currently hinges on ownership rules being changed. The newser thinks the announcement adds credence to the belief that eliminating the ownership cap benefits a few select companies and harms the public interest.

"This announcement only underscores that this entire docket likely is more about a payday for a few corporate executives and their shareholders than it is about localism, competition, or viewpoint diversity," it wrote.

Newsmax used radio to illustrate why it thinks more consolidation wouldn't curtail Big Tech companies. After the FCC relaxed radio ownership policies, "many station owners relied heavily on debt financing to acquire additional outlets and expand their market presence." That's since left three companies—**iHeart**, **Cumulus** and **Audacy**—to have a firm grasp on the radio market, though their debt obligations have funneled into a shift away from local programming to more nationally syndicated content.

What some see as "consolidation" is labeled as "expansion" by others. Broadcasters wrote that the elimination of a limit would enable stations to grow into underserved or unserved parts of the U.S. That could allow for "more financially sound" companies to step in, "in contrast to ones that lack the resources to offer premium content."

The broadcast coalition specifically called out **NCTA** on the topic of consolidation, noting the pending agreement for **Charter** and **Cox Communications** to merge. It thinks if NCTA opposes changes to ownership rules, then it should theoretically file an opposition or proposed conditions to attach to Charter-Cox, the group said.

"NCTA might have considered sitting this one out given that two of the three largest cable operators have a pending application for Commission approval to combine, but the pending deal apparently did not stop NCTA's reflexive fear-mongering about what would happen if TV broadcasters faced fewer asymmetric ownership regulations," the broadcasters said.

'CFX DOWNLOAD' REACTS TO ESPN, FOX DTC IN NEW EPISODE

We couldn't have asked for a more action-packed week to release a new episode of our "***CFX Download***" podcast. **ESPN** and **Fox** both launched their DTC streaming services Thursday and CFX was on the ground to cover both. In this episode, we report on what ESPN and Fox leadership had to say about the goals and ambitions of their respective DTC apps as well as how these streamers affect Pay TV providers and their customers. While ESPN Chairman *Jimmy Pitaro* emphasized that the company has been in talks with distributors for years about this long-awaited DTC launch, that wasn't totally evident during launch week, with several major providers not yet able to offer their customers access to the new app experience via authentication. Speaking of authenticating, we have plenty of thoughts about how simple or challenging the process is for Pay TV users to access both apps. We also discuss who ESPN and Fox envision these apps are for, **Fox One**'s sub growth expectations and what ESPN is doing to educate users about its new product. And if you're wondering how providers are reacting to ESPN and Fox One, we also take a brief look at the conspicuous timing of two new, eyebrow-raising offerings from **Sling TV**, including a skinny bundle heavy on Fox channels for the same price as Fox One! You can watch the episode here.

MORE PRICE INCREASES

The streaming price hikes continue. **Apple TV+** is upping its subscription price from $9.99/month to $12.99. That's a long way from the $4.99/month the service charged when it launched in 2019. Who knew video would be so expensive? Oh, right. MVPDs did. Also on the price hike train is **Philo**. The vMVPD is bumping its $16/month and $20/month legacy plans to $25 come Oct. 3, according to an email sent to customers. "Unfortunately, the truth is we have lost money on our oldest plans, and have for some time. We've done what we can to absorb those costs out of loyalty to our subscribers. But in order to deliver on our values, we have to build on a sustainable business," said the note from Philo CEO *Andrew McCollum*. The new price tag does include one year of unlimited DVR service.

LATEST IN MLB DRAMA

It sounds like **MLB** could be nearing the end of its media rights purgatory (at least for now), but as we've seen this week, the rumor mill can change in an instant. The latest updates emerged throughout Thursday and Friday, indicating the league is rounding third on deals with **ESPN**, **NBC** and **Netflix**. The renewed pact with ESPN would let the sports net integrate **MLB.TV**, the league's

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out-of-market viewing option, into its DTC app. *The Athletic* was [first to report](). Attached to it are the in-market rights to five teams (indicators point to the Guardians, Padres, Twins, Diamondbacks and Rockies, since MLB currently owns their local rights). ESPN would also get a package of 30 games to air nationally—just not on Sunday nights. That package is headed to NBC, [according to WSJ](), with **Peacock** set to get games as well. Plus, NBC/Peacock would receive a few playoff games, but it'd mean **Apple** would strike out of MLB coverage. Meanwhile, Netflix appears primed to win the Home Run Derby. However, the deals still need to be finalized and could change. All signs point to them being worth three years each.

PEOPLE

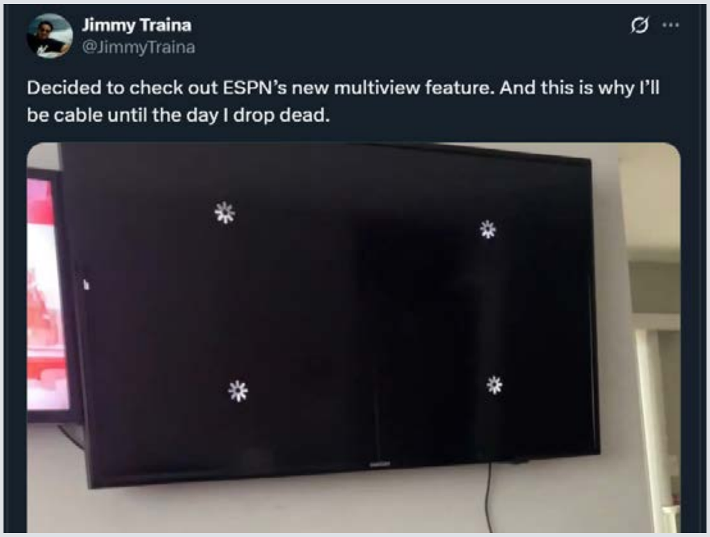
FX's *JJ Klein* joined **Fox Entertainment Studios** as SVP, Current for Scripted Entertainment. Also new to the team is former **CBS Studios** exec *Brie Neimand* who was named SVP, Scripted Development. Both report to *Hannah Pillemer*, EVP & Head of Scripted Entertainment for FOX Entertainment Studios. Klein was most recently SVP, Current Series at **FX Networks**, where she shepherded "The Bear" and "Snowfall." Neimand's role as SVP, Current Programming at **CBS** had her overseeing a diverse slate that included "Criminal Minds: Evolution" and "Glamorous." – **Vyve Broadband** appointed *Kevin Hodits* as Regional VP, Southeast Region. He will oversee operations, sales and customer experience for the region as well as work closely with local teams to drive operational excellence and ensure network reliability. Hodits joins Vyve from **Comcast**, where he most recently served as Director, Field Operations.

EDITOR'S NOTE

The ***Cablefax* Most Powerful Women** early bird deadline nomination deadline is tonight. Cablefax's Most Powerful Women event and magazine celebrates the trailblazers driving change across media and communications.Nominations are available [online]().

CABLEFAX DASHBOARD

Social Media Hits



Quotable

""As a company, we're now agnostic when it comes to linear television and digital television, or digital content. We manage them together and holistically. We will continue to obviously improve what we're offering sports fans. We believe that this will contribute nicely to ESPN's bottom line over time as engagement grows, for instance. But we don't feel that the way to measure this is immediate, nor do we feel that the way to measure this is in just subscribers."

- Disney CEO Bob Iger on ESPN during an appearance on CNBC's "Squawk on the Street"

Up Ahead

SEPT. 3-5: Citi 2025 Global TMT Conference, NYC

SEPT. 4: [Paley Center]() with John Malone, Barry Diller, Mike Fries & David Zaslav, NYC

SEPT. 12-15: [IBC 2025](), Amsterdam

SEPT. 14-19: WICT Network [BMLI Class 53]()

SEPT. 15-18: [NTCA Fall Conference](), Las Vegas

OCT. 6-8: [Streaming Media](), Santa Monica

OCT. 6-9: [Advertising Week](), NYC

OCT. 14-15: [Mobile World Congress Las Vegas]()