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WHAT THE INDUSTRY READS FIRST

Retrans Review: Big Decisions Loom as Retrans Stakes Rise

With the **FCC** weighing many changes to the broadcast regulatory regime, the future of retransmission consent negotiations is at the top of MVPDs' minds and there are still quite a few question marks.

Sure, there are the inevitable retrans deadlines that fall in December. **Verizon** is currently in negotiations with **Cox Media Group** and **Mission Broadcasting** (both set to expire today), and it's a given that more contracts will be coming up between now and the end of the year that will make headlines.

But there are other outstanding issues that could have larger implications, including proposed M&A, regulatory reforms and lingering longstanding complaints.

Carriage Deals & Prescription Drugs

It's been [one year](#) since **DirectTV** appeared in a federal appeals court to make its case before a three-judge panel on why it believes the **U.S. District Court for the Southern District of New York** erred in dismissing its antitrust lawsuit against **Nexstar**. There's been no ruling yet from the **U.S. Second Circuit Court of Appeals**, with DirectTV supplementing the docket just last week to argue that the *Mosaic Health vs. Sanofi-Aventis* U.S. case supports its claim that "distributors that lose access to content—and therefore profits—as the result of a price-fixing conspiracy may sue to challenge that conspiracy."

DirectTV filed its lawsuit in March 2023, accusing Nexstar

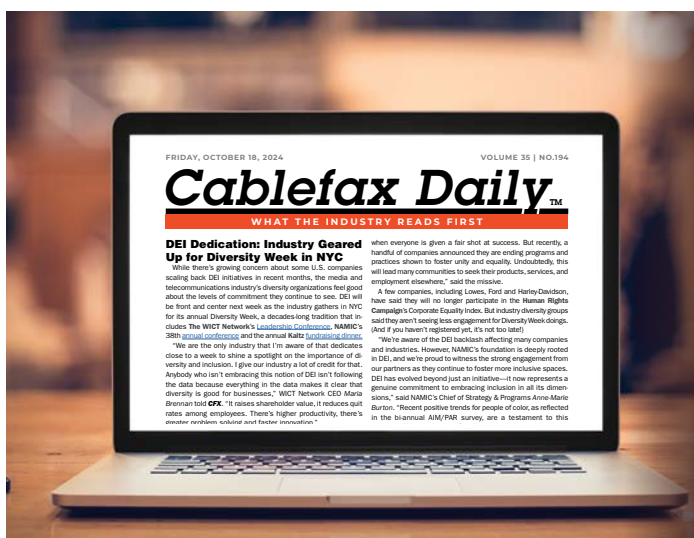
of engaging in an illegal conspiracy with Mission Broadcasting and **White Knight** to manipulate, raise and fix prices of retransmission consent fees for broadcast TV stations through sidecar arrangements. In the *Mosaic Health* case, plaintiffs alleged major drug manufacturers engaged in a horizontal price-fixing conspiracy to increase the price of drugs offered to certain hospitals and clinics. The drug companies alleged the plaintiffs lacked antitrust standing because they were indirect purchasers.

In granting Nexstar's motion to dismiss DirectTV's case in March 2024, the court said the pay TV provider's injuries were too indirect and speculative to confer antitrust standing. That's because DirectTV didn't actually enter into deals with Mission or White Knight that would have required it to pay what it alleges to be "supracompetitive" fees.

In the *Mosaic Health* case, the Second Circuit agreed that plaintiffs' status as indirect purchasers barred them from seeking damages for losses incurred due to increasing prices, but held that they nonetheless had antitrust standing to "seek damages for losses incurred as a result of 'lost access'" to the drugs.

"DirectTV's claim to antitrust standing based on lost access is at least as strong as that of the plaintiffs in *Mosaic Health*. Before defendants' price-fixing, DirectTV had a regular, extensive course of dealing with defendants that had resulted in numerous past contracts," the MVPD said in a letter to the court last week.

The broadcasters argue that the two cases are readily



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distinguishable. “While ostensibly a price-fixing dispute, the conduct directed at plaintiffs [in Mosaic Health] was effectively a concerted refusal to deal,” an attorney representing the broadcasters argued in a letter to the court Monday. “Here, however, appellees did not refuse to deal with DirecTV; DirecTV chose to exit the market, as the district court observed, while other purchasers consummated deals with appellees.”

Pending FCC Business

Nexstar is also at the heart of some ongoing FCC matters. It's [challenging](#) a March 2024 FCC Notice of Apparent Liability that found Nexstar and Mission Broadcasting apparently willfully and repeatedly violated several Commission rules, including its 39% national audience cap, through their WPIX transactions. Because of the appeal, there's been no movement on the proposed \$1.2 million fine against Nexstar and \$612,000 forfeiture for Mission or the order that Mission divest WPIX to an unrelated third party or formally sell the station to Nexstar, which would have to divest a sufficient number of other stations to reduce its national coverage footprint consistent with the 39% cap. And with the FCC, now under Chairman *Brendan Carr*, currently reviewing the 39% ownership cap, it doesn't seem like there's any urgency to sort this out.

One FCC case did recently see resolution, with the Media Bureau on Friday denying **altafiber's** [formal complaint](#) that Nexstar failed to negotiate retransmission consent in good faith. Approximately 1,000 altafiber customers in the Dayton, OH, DMA have been without Nexstar **NBC** affiliate WDTN since May 31. Altafiber based much of its complaint on Nexstar tying that deal to carriage of cable news network **NewsNation** in the Cincinnati DMA, where Nexstar has no broadcast television stations. The Media Bureau rejected the argument that Nexstar violated a rule prohibiting a “single, unilateral proposal,” finding the record indicated Nexstar offered multiple proposals with different terms during negotiations. It also said altafiber failed to show Nexstar violated the requirement to negotiate retransmission consent in good faith under the totality of the circumstances test and encouraged the two to go back to the negotiating table.

Broadcast Consolidation

Another matter muddying the future of retransmission consent talks is the number of broadcast deals on the table. There's the biggie—the proposed \$6.2 billion Nexstar-**Tegna**, which would need the FCC to revise its rules preventing a broadcast entity from controlling TV stations that, in the aggregate, reach more than 39% of U.S. television audience households.

But there are also smaller deals waiting in the wings, such as **Gray's** proposed acquisitions of stations from **Allen Media**, **SagamoreHill Broadcasting** and **Block Communications**.

“These transactions would allow—indeed, their primary pur-

pose is to allow—Gray to negotiate for retransmission consent for two or three Big 4 affiliates in each market,” DirecTV said in a petition to deny those deals. “The Commission generally has not had the chance to review transactions involving local broadcast consolidation because it restricted such transactions. However, the Department of Justice has repeatedly found that such combinations will lead to substantial consumer price increases.”

The **Georgia Cable Association**, **Illinois Broadband & Cable Association**, **Indiana Cable & Broadband Association** and **Tennessee Cable & Broadband Association** filed a joint informal objection to the deals. “Consumers have already footed the bill for Gray and other TV station owners’ skyrocketing retransmission consent costs over the past two decades. The Transactions would compound and accelerate this massive station inflation in affected markets,” they said.

In answering those complaints last week, Gray called on the FCC to dismiss claims that retransmission consent outcomes form any basis for denying or delaying broadcast transactions. “The objections fail to allege or provide credible evidence indicating that the transactions will give Gray—a broadcaster serving mostly small- and mid-sized DMAs—sufficient market power over any MVPDs, let alone DirecTV—the third largest MVPD in the country with a national platform serving approximately 11 million households—to extract supercompetitive retransmission consent rates.”

In other words, there are a lot of people anxious to see how these broadcast chips fall. Stay tuned.

CFX 100 NOMS NOW OPEN

The new year is right around the corner, and so is the 2026 **Cablefax 100**. Nominations are now officially open as **Cablefax: The Magazine** continues to shine a light on cable, media and broadband executives who have led the way in innovation and impact. [Last year](#), CFX recognized **Charter's** *Chris Winfrey* and *Rich DiGeronimo* for rewriting the cable carriage playbook, in addition to companies like **Disney/ESPN**, **Comcast** and **Netflix** for charging forward on defining the new age of media. [Nominations](#) for this year's CFX 100 are due Jan. 16 at 11:59pm ET. For questions about entries, contact Mary-Lou French [here](#). Those interested in sponsorship opportunities can reach out to Vernesa Merdanovic [here](#).

GARDNER CRITIQUES EUROPE'S LOOMING SPECTRUM DECISION

As Europe moves forward with allocating the upper 6 GHz band, **NCTA** President/CEO *Cory Gardner* is going to bat for WiFi. Re-

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cently, the EU's Radio Spectrum Policy Group issued an opinion that recommended assigning 540 MHz to mobile operators for licensed use, with the remaining 160 MHz going to WiFi companies. While it would open the door for mobile folks to launch 6G technology, the European WiFi providers worry it would hinder technological innovation. Gardner joined the conversation with an op-ed [featured](#) on *Fierce Network* titled "Europe's pending spectrum policy blunder." He criticized the Radio Spectrum Policy Group's suggestion and said the potential move would "undermine global Wi-Fi leadership, hurt consumers and hand a strategic win directly to China." Gardner pointed to how 80-90% of mobile internet traffic in the U.S. is done over WiFi, rather than cellular networks. "A recent study found that if the U.S. had not made the full 6 GHz band available for unlicensed use, the American economy would forfeit more than \$2.1 trillion in value between 2025 and 2027 alone," Gardner wrote, praising the **FCC's** decision in 2020 to make the entire 1,200 MHz of the 6 GHz band available for unlicensed use. That move, he said, allowed for accelerated developments across AR/VR, smart factories and precision agriculture. Gardner continued to blame China for pushing for more licensed use of the upper 6 GHz band, adding that it'd "give its state-aligned mobile giants, like **Huawei** and **ZTE**, a structural advantage over Western Wi-Fi innovators." U.S. leaders have already stated a preference for WiFi usage, but Gardner remains cautious about "China's model of centralized control and Europe's history of regulatory overreach."

CARRIAGE

Optimum is re-tiering a batch of **ESPN**-owned networks to more widely distributed packages at no added cost. **ACC Network**, **SEC Network**, **ESPNU** and **ESPNNews** will join the Value TV plan (\$155/month). ESPNU will also be added to the Extra TV lineup (\$130/month). The moves will take place between Tuesday and Thursday. – More **Comcast** customers can now watch **Spectrum News**. **Spectrum Bay News 9** and **Spectrum News 13** became available for Xfinity TV users in Tampa Bay and Central Florida on Monday, while **Spectrum News NY1** grew its footprint throughout Northern New Jersey and Western Connecticut. **Charter** and Comcast [originally announced](#) the distribution agreement in early October. The two companies have a similar deal in California, which first started in January when **Spectrum News 1 SoCal** [removed authentication requirements](#) during the L.A. Wildfires.

FIBER FRENZY

Shentel put the finishing touches on the Virginia Telecommunications Initiative project. The \$50 million effort brings gigabit internet service to over 7,000 previously unserved homes in Shenandoah County. Funding came from the Virginia Department of Housing and Community Development, Shentel and Shenandoah County. – **Optimum** revealed plans to expand to Woodbridge, Clark and Linden, New Jersey. It's part of the provider's \$40 million investment to grow in the Garden State. Optimum said it'll soon

extend services across Winfield, Rahway and Roselle. It'll also deploy its FTTH network in Carteret and Perth Amboy this spring.

RATINGS

Prime Video remained on track for its most-watched season of Thursday Night Football after the Falcons shocked the Buccaneers. Thursday's battle averaged 11.81 million viewers and peaked at 13.6 million. While that's down 4% from last season's comparable game (12.29 million for Rams vs 49ers), TNF's season-to-date average is 14.92 million viewers—up 13% from 2024's full-season ratings, 26% from 2023 and 56% from 2022. – College football isn't just about the high-profile powerhouses. **Scripps Sports'** telecast of Montana State vs Montana, otherwise known as the "Brawl of the Wild," garnered a 72.5% share of viewing across local stations. That means nearly 3/4 active TVs in Montana were tuned into the game, helping it average a 37.5 household rating in addition to 131,000 viewers P2+. The game—which saw Montana State prevail—was the sixth-most-watched telecast of 2025 throughout Montana. The two rivals will battle again Saturday (4pm on **ABC**) for a spot in the FCS National Championship. – Last week's women's Jimmy V Classic set the event's viewership record. Iowa State's win over Iowa notched 1 million viewers on **ESPN**. That's up 210% YOY and reached a peak of 1.3 million viewers, in addition to being the most-watched women's college hoops game across all networks so far this season. For the men's edition, BYU's buzzer-beating victory against Clemson had 906,000 viewers, while UConn's win vs Florida had 1.3 million. The 1.1 million average viewers—up 36% YOY—made it the most-watched men's Jimmy V Classic in five years.

PROGRAMMING

League One Volleyball will make its **USA** debut Jan. 7 at 6pm. It'll be the beginning of a multi-year agreement with **Versant's USA Sports**. USA will air a "Match of the Week" throughout the season on Wednesdays at 8pm (taking a two-week break in February during the Winter Olympics). LOVB's championship matches will take place April 16 and 18 at 8pm on USA.

PEOPLE

Mary Collins was named Executive Director of the **Library of American Broadcasting Foundation** (LABF), effective Jan. 1. Collins will manage the organization's educational programming, preservation grants, the annual Giants of Broadcasting & Electronic Arts awards luncheon and LABF's other initiatives. She'll also work with the Board and LAB Collection unit at the University of Maryland. Collins, who currently operates her own advisory firm **MMC Solutions**, previously spent 18 years as President/CEO of the **Media Financial Management Association** and its subsidiary **Broadcast Cable Credit Association**. She held roles at **AMC Networks** and **Food Network** as well.