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WHAT THE INDUSTRY READS FIRST

Game Time: Should Leagues Keep Antitrust Exemptions?

In the spirit of March, the state of live sports distribution is madness, hence why the FCC's Media Bureau [opened a docket](#) on the matter. Friday was the deadline for initial comments, and though a cohort of broadcast groups took it as another chance to advocate for regulation upheaval, some called the 1961 Sports Broadcasting Act and its antitrust jurisdiction into question.

The fragmentation of live sports caught the attention of FCC Chairman *Brendan Carr* on Monday morning. It was the leading topic in his appearance on **Fox News** "Fox & Friends Weekend," where Carr pushed for broadcast to remain a key player in sports rights as it has subsequent benefits on local news. He also reiterated his stance that leagues' collective bargaining ability with media rights should come into question. A day later, Carr responded to a post on X that quipped "Every Inning Of Baseball Game Aired On Different Streaming Service." Carr [wrote](#), "Don't give them the idea." Carr is known to be a baseball fan—he [threw the first pitch](#) at a Yankees game last season and often posts at his kids' Little League games.

NAB, Sinclair, Fox Corp. and **America's Public Television Stations** were part of the opening salvo. The organizations took turns calling out the increased costs caused by fragmentation and the wave of sports to streaming platforms, as well as their belief that broadcast remains the most accessible platform for fans. Fox pushed for sports leagues to continue prioritizing over-the-air distribution, while Sinclair took aim at

the fact that leagues and their respective franchises benefit from public subsidies to build stadiums, offices and other facilities through property tax abatements and preferential tax treatment. The station owner argues that public subsidies make leagues more obligated to adhere to the public interest, thus it should strive to have games as accessible as possible.

"These subsidies and advantages underscore that major professional sports are not solely private enterprises. They operate with significant public financial support and policy accommodations," Sinclair wrote. "Under these circumstances, the continued migration of widely popular sports programming away from free, over-the-air broadcast television to fragmented, paywalled platforms controlled by the largest, most powerful tech and media companies in the world without any substantive benefit to local communities raises substantial public interest concerns."

Public interest was something NAB and Fox made note of, pointing at streaming services hindering broadcasters' ability to meet those obligations. But a joint filing from **Public Knowledge** and the **Sports Fans Coalition** took things up a notch and focused on the Sports Broadcasting Act (SBA). The legislation enables the **NFL, MLB, NBA** and **NHL** to pool their teams' TV rights and sell them as a package—leading to, for example, Thursday Night Football on **Prime Video** or Monday Night hoops on **Peacock**.

Public Knowledge and SFC think the sports leagues are the ones abusing market power and driving up costs, and the accessibility problem lies with them and not distributors. So, they think

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they should be stripped of the antitrust exemption that the SBA grants them and urged the FCC to recommend Congress repeal it.

“As long as leagues retain the ability to pool and sell rights collectively while restricting output and access, consumers will face rising prices and fractured availability,” SFC/PK wrote, asking for “either (1) repeal the Sports Broadcasting Act of 1961 altogether, end the antitrust exemption, increase funding for antitrust law enforcement in sports, and let individual teams sell their games nationwide, with revenue-sharing to sustain smaller-market teams, or (2) require leagues to make the local team’s games free on any platform to local fans, modernizing the NFL’s current approach to broadcasting and expanding it to include all professional sports.”

The FCC’s proceeding wasn’t popular with everyone. **CTA**, whose members include **Amazon, Google, Samsung** and **Sony**, and the **Computer & Communications Industry Association** questioned the need for a government agency to intervene in the sports media marketplace. CTA believes consumers should be the ones controlling their access to video and not “a select group of broadcasters” or the FCC. Plus, CTA wrote that the FCC lacked the legal authority to regulate content delivered over online services or their contractual arrangements.

“There is neither a need nor a legal basis for the FCC to regulate sports programming provided over streaming services,” wrote CTA, the standards and technology trade organization that hosts CES each year.

CTA listed examples of innovations that streaming has brought to the sports viewing experience, arguing that consumers save money since they can select subscriptions based on the sports they watch. Additionally, streaming has led to an increased level of access to women’s sports, niche sports and high school events.

“Americans now view many sports contests that have never been available on traditional broadcast television (or any traditional media platform) on their new smart TV, phone, tablet or other device. The private marketplace functions to deliver sports fans the content they desire wherever and however they want to view it, and regulatory intervention will not benefit consumers,” CTA wrote.

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NEXSTAR-TEGNA MERGER HALTED

The U.S. District Court for the Eastern District of California said “not so fast” to **Nexstar** and **Tegna**’s plan to merge, issuing a 14-day temporary restraining order blocking the \$6.2 billion deal from closing. A hearing is set for April 7. On Monday, Nexstar shares closed down over 13% following news of the ruling, which came down Friday evening. It marked a win for **DirectTV** and attor-

neys general in eight states that filed lawsuits March 18 to stop the combo. **New Street Research**’s **Blair Levin** wrote in a note Monday that it’s “unlikely” that Nexstar will prevail in the District Court. The broadcaster could then turn to the Ninth Circuit Court of Appeals or the Supreme Court to overturn the decision, but that process would take “several years, at a minimum.” Levin thinks it’s unlikely the Ninth Circuit would side with Nexstar. The broadcaster could have better luck with the Supreme Court, but Levin is “skeptical” it would take the case, and if it does, it might not be until the 2028-29 term. “That means a decision may not be reached until 2Q29, and a new President and a new FCC may take steps that undercut the NXST legal arguments,” he wrote, adding that NSR expects Nexstar to settle the case by divesting more stations, particularly in local markets that concern the state attorneys general. For their part, the AGs have said they are seeking relief for all 44 states impacted by the deal and won’t negotiate in isolation. New Street was struck by how the court viewed the facts materially differently than the FCC, adding that even if the agency accelerates its efforts to raise the national and local ownership caps, it probably won’t affect the process or outcome of this case. DirectTV argued that it would “suffer irreparable harm from significantly diminished bargaining power” in retrans consent negotiations if the merger is allowed to close and that it would harm competition for local news. Through the acquisition, Nexstar would control 228 broadcast stations reaching 80% of television households in 132 local markets, while agreeing to divest six stations. The court found DirectTV “established a reasonable probability of anticompetitive effect” from the merger, despite Nexstar and Tegna’s rebuttal that DirectTV offers no evidence that a retrans rate increase is attributable to an increase in Big Four station ownership. The eight state attorneys general filing a similar antitrust lawsuit are all in states with a Democratic governor, including New York and California.

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FCC OKS COX MEDIA-WJAX DEAL

The **FCC** approved **Cox Media Group**’s purchase of **Hoffman Communications**’ **CBS** affiliate **WJAX**. In addition to assuming debt, CMG will pay \$174,877 to Hoffman, per an FCC filing. CMG already is handling certain aspects of the station through a joint sales agreement with Hoffman. **DirectTV** filed a petition to deny the deal, arguing that the applicants failed to make any public interest showings for giving CMG a new Big Four duopoly in the DMA (CMG already owns Jacksonville’s **WFOX**, a **Fox, MyNetwork TV** and **Telemundo** affiliate). The Media Bureau’s Video Division rejected DirectTV’s petition to deny the deal, finding “that operational efficiencies and economies of

scale created by the transaction could benefit viewers through enhanced ‘local news and other locally tailored content.’”

JUDGE PAUSES T-MOBILE’S ‘SAVE OVER \$1,000’ CAMPAIGN

A U.S. District Court judge granted **Verizon**’s request for a preliminary injunction on **T-Mobile**’s “Save Over \$1,000” advertising campaign. In February, Verizon [sued](#) T-Mobile on the grounds of intentional false advertising, specifically pertaining to the latter’s claims that customers, in some cases, can save more than \$1,000 per year if they switch carriers. The campaign and claims are the same ones under review at the **National Advertising Division**. However, in a ruling filed Monday, it stated T-Mobile’s campaign implies that consumers can save over \$1,000 per year on a comparable plan by switching from Verizon’s Unlimited Ultimate Plan to T-Mobile’s Better Value Plan. “That message is false. Instead of putting comparable plans side-by-side, T-Mobile engages in an apples-to-oranges comparison at every step of the way,” the judge said in the ruling.

FCC CABLE RATE REPORT

The **FCC** released an [order](#) Monday initiating its statutorily required report on cable industry prices. Cable operators randomly selected for the report’s sample must complete a questionnaire on cable TV rates, retransmission consent fees and related data by May 29. For those keeping up with retrans, the order notes that the average annual retrans fees per subscriber is usually more than \$30 and less than \$350, based on historical data. In 2018, Congress passed an appropriations measure that included having the FCC issue a single, biennial “Communications Marketplace Report” to be published in the last quarter of every even-numbered year. It took the place of several individual reports separately assessing competition among various communications services, including voice, video, audio and data services.

WECOM FIBER’S NEW CEO

Arizona-based broadband provider **Wecom Fiber** appointed *Rachel Solomon* as its new CEO, with her predecessor, *Paul Fleming*, transitioning to the role of Board Chair and Head of Government & External Affairs. Solomon joins Wecom after previously serving as SVP, Technical Operations & Engineering at Comcast’s West Division, where she oversaw engineering, construction and network and technical ops across 14 states. The ISP said the leadership evolution will allow it to scale operators as it continues its broadband expansion efforts across the state, supported in part by nearly \$196 million in BEAD funds. Current expansion projects include buildouts in Flagstaff, Prescott Valley, Prescott, Verde Valley and Casa Grande.

NEW COMCAST BUSINESS PLANS

Comcast launched a new suite of all-in-one technology plans called Total Solutions Advantage for small business customers. The plans combine high-speed Business Internet connectivity and the Security Edge cybersecurity solution under one monthly price to reduce complexity and improve protection for businesses. Available to new Comcast Business customers, plans start at \$60/month for the Standard tier of 300 Mbps or \$80/month with a five-year price lock. Also on offer are the 500 Mbps plan (\$90/month or \$110 price locked), a 1.25 Gig tier (\$140/month or \$160 price locked) and 2 Gigs (\$170/month or \$190 price locked). Customers who choose the 1.25 or 2 Gig plans also get modem equipment at no additional cost.

WRESTLEMANIA’S CENA BOOST

What’s one way to get folks buzzing about your most important wrestling event of the year? Get superstar *John Cena* involved. Just months after his retirement from the ring, Cena announced he’s back as host of **WWE**’s flagship premium live event, “WrestleMania.” No, he won’t be competing, but few are as good at pumping up a crowd as the G.O.A.T. “WrestleMania” returns on April 18-19. Notably, the first hour of each night will air on linear **ESPN**, marking the first time in more than a decade that the wrestling extravaganza is available live on traditional pay TV. But if fans want to watch the show in full, they’ll have to sign up for an ESPN Unlimited streaming plan. Select pay TV customers can also authenticate into the DTC service with their login credentials.

FIBER FRENZY

Comporium launched its fiber-based internet services to more than 500 homes and businesses in Transylvania County, North Carolina. Customers now have access to 1 Gig speeds following the 64-mile fiber buildout. – California ISP **Race Communications** is investing over \$200 million to expand its fiber network to 25+ additional markets, including the cities of Bakersfield, Fresno, Atwater, Merced, Porterville, and Modesto. The provider has invested more than \$650 million to date in over 50 markets across the state. Race also acquired Atherton Fiber last year, strengthening its presence in the Bay Area.

RATINGS

There’s never been a better time to be a nostalgic “Hannah Montana” fan. *Miley Cyrus* reprised her famous **Disney Channel** role for last week’s 20th anniversary special, which reeled in 6.3 million views across **Disney+** and **Hulu** in its first three days streaming. The one-off also drove a nearly 1,000% increase in viewing of the Hannah Montana catalog. – **Hallmark Channel** reports that “When Calls the Heart” closed Season 13 as the most-watched program this year to-date on cable among total viewers, households, women 18+ and persons 18+. The season reached 6.2 million total unduplicated viewers.