

# Cablefax Daily™

Tuesday — March 24, 2020

What the Industry Reads First

Volume 31 / No. 057

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## From the Publisher...

# Cablefax

In my more than 25 years in the cable and broadband industry, I've made some of the best friends of my life, largely because of the unique value cable puts on frequent face time. We all see each other a lot. Everywhere. And it's good for business.

### But now we face a new reality.

To fight a global pandemic, we're all stepping back from large gatherings even if it disrupts our business goals or denies us the ability to catch up with dear friends. Our entire lives have been put on hold. And it's not a great feeling.

What's more, our collective anxiety will increase as the tragic human cost becomes more and more apparent. But we're all in this together—and we will get through it together.

Whatever the future holds, know this: I'm intensely proud of the incredible work that the entire Cablefax team is doing right now to keep you informed and connected. They are truly rock stars. And I'm proud of this industry for stepping up with vital employee safety measures, bandwidth accessibility and other incredible efforts to help us stay connected and sane in this time of great isolation.

If you have a story to tell, we want to share it. If you have a problem, we're here to help you solve it. Consider us a resource. And a friend.

Not only has Cablefax postponed all our events until September 22, but we are brainstorming other ways to do our part and contribute however we can. Our focus right now is on everyone whose lives have been turned upside down or even put at mortal risk by this invisible enemy.

This industry is a lifeline for millions of people in this country—never more so than when they're feeling lonely and powerless. Remember that the entertainment and connectivity you make possible will guide millions through this unprecedented situation.

### Thanks for all you do, and be safe.

Regards,



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## Q&A: NCTA's Michael Powell on Industry's COVID-19 Response

With the industry working nonstop to keep the country connected, we had a conversation with NCTA – The Internet & Television Association pres/CEO Michael Powell about the current state of affairs. An edited excerpt follows.

### Besides taking the FCC's Keep America Connected Pledge, what should the industry be doing right now?

We appreciated the pledge because the leadership helps galvanize responses. It didn't take us more than 12 hours to say yes. I think the industry has been thoughtfully focused on our low-income communities that are going to get hit pretty hard. You'll see many cable companies that have had affordable access programs, there's been a real effort to expand those programs. I think perhaps our greatest fiduciary obligation to the nation is to keep the internet infrastructure running and running well as it faces an unprecedented and hard-to-ever imagine shifts in consumer behavior patterns, worker patterns, education patterns, telehealth patterns. I wouldn't let the question go by without saying companies are doing everything they can to protect their own workforce, who is going to be needed throughout the crisis, and to protect the health and safety of the consumers we have to serve.

### We're seeing reports out of Europe where Netflix and others are reducing their bitrate. Could we see similar steps here?

Potentially, but I would emphasize that we aren't seeing anything that would immediately necessitate those types of steps. We think Google, Netflix and others are relatively thoughtful about understanding the demand for services on the network. They are frequently managing traffic load and congestion, and I think that the cable industry is in pretty close contact with all of them about the management of those services.

It's important for consumers to remember that the quality of their experience is dependent on many players in the chain. It's always important that those who design software or provide services that reside over the internet, those who develop devices that are going to sit on the network, are really good stewards of bandwidth. That they are designing their software in a very efficient way and that they are also thinking about their policies and how they may need to change in light of these shifts. For example, a lot of people have home video cameras that often are streaming fre-

We are so proud of our industry and the many ways companies are responding to the pandemic. Free internet, fresh content, employee safety and much more.

The Cablefax Editorial Team is reporting on vital industry updates every day. We want to hear from you so please reach out to share your news and stories.

**Content. Community. Daily.**

Amy Maclean, Editorial Director,  
amaclean@accessintel.com or 301.354.1760

**The Collapse of Theatrical Windows?:** With theaters shuttering, will day-and-date releases become the norm? **Universal Pictures** is the first out of the gate, announcing "Trolls World Tour" will be available April 10 for a rental. Other in-release movie titles are set to be available as soon as this Friday. The movies will be available on **Comcast, Sky** and a "broad range of on-demand partners." Titles to be made available include "The Man" and "Emma" with a suggested retail price of \$19.99 in the US.

Tuesday — March 17, 2020 What the Industry Reads First Volume 31 / No. 056

### For Now: Providers Set Aside Disputes During Coronavirus Outbreak

As they face the common enemy that is the coronavirus pandemic, **Cox Media Group** and **DISH** have set aside their retrans dispute for now so that **DISH** can resume its carriage of 10 CMG stations in New York, Oregon, Washington, Arizona, Louisiana, California, Mississippi and Idaho. No word on how long the truce will last.

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Friday — March 13, 2020 What the Industry Reads First Volume 31 / No. 050

### New Normal: Companies Roll Out Contingency Plans in Face of Covid-19

With a growing number of students and employees working from home, it's mission critical for the nation's broadband providers during the Covid-19 pandemic. Operators big and small are up-ending their day-to-day operations to ensure service remains uninterrupted.

Wednesday — March 18, 2020 What the Industry Reads First

### Covering Covid-19: Content Companies Step Up Efforts

Programmers are shuffling schedules to respond to the coronavirus crisis. **The Weather Channel** is airing live programming at 50 minutes past the hour to share educational content. **Discovery** is airing live programming due to school closures. Topics include why thunder happens, how rainbows form and how to stay safe during the pandemic. Programming is scheduled for Friday at 2pm.

### From the Commission:

Another 116 broadband and telephone service providers have taken the **FCC's Keep Americans Connected Pledge**, agreeing to take specific steps to keep Americans connected during the coronavirus pandemic. Some notable names taking the pledge include **Hotwire Communications**, **Midco** and **Verizon**.

# Newsmax TV Beats Bloomberg, C-SPAN

**Newsmax TV** is the fastest-growing cable news channel in America, now reaching 70 million U.S. homes and more!

**Newsmax TV** surpassed Bloomberg Television in total household reach, household coverage area rating, and average audience for the week of December 9, 2019.\*

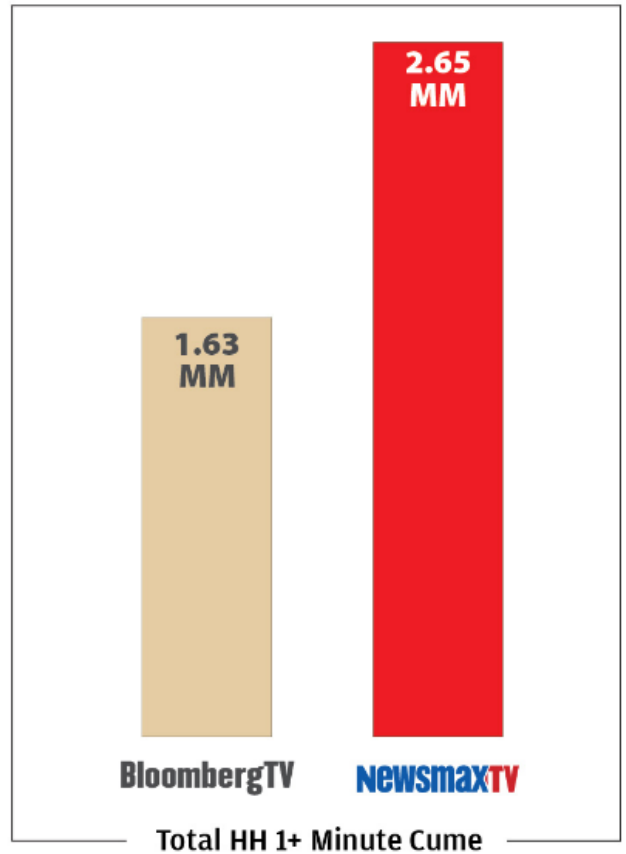
For the week of December 9, 2019, **Newsmax TV** had a total reach of 2.65 million households compared to 1.63 million for Bloomberg Television. Since then ratings have continued to grow.

**Newsmax TV** has seen its household reach viewership increase almost 200 percent since the last week of August.

**Newsmax TV** is carried by all major MVPDs, including DirecTV, Xfinity, Dish, Spectrum, Optimum, FIOS, Cox, U-verse, Suddenlink, WOW, Armstrong, and dozens of independent operators.

**Newsmax** offers 16 hours of original news content daily and our programming lineup includes *Greg Kelly Reports*, *Newsmax Now with John Bachman*, *Conversations with Nancy Brinker*, *The Chris Salcedo Show* and *Huckabee*.

Millions of Americans are tuning into **Newsmax TV** — find out why!



\*Comscore August 26, 2019 – December 9, 2019, U.S.



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quently, if not continuously, when they're not home. If everyone's home now, whether a Nest video camera should be streaming video from inside that house all day long, taking up bandwidth, probably should be reconsidered.

### How is the network performing?

We have a pretty fat pipe out there as we speak by a consequence of natural market forces and good public policy. We're probably fortunate that the last many years have provided a revolution in video streaming because we've all had to build networks and create adjustments and adaptations for the explosion in streaming capacity. Now what's changed is that most of that peak use was coming in the evening. What we're seeing is that peak time is started to shift a little more toward the mid-day. That's OK because the network is engineered for the peak. It could become a problem, but so far we're well within expected tolerances and the adaptation of the network. The other thing we're seeing that is a somewhat different pattern is much more upstream use. Now we see more upstream traffic because people are video conferencing. It's still pretty well within the network utilization.

### What are operators monitoring?

Telehealth, telework and online education. Those are 3 relatively unusual new uses of the network that we're keeping an eye on. We're confident, but not certain—meaning we will be vigilant because we know we could find hotspots on the network that we'll have to address. Right now, feeling pretty good about current performance and anticipated performance, but you can rest on this one. We don't know how bad everything will get and we don't know how long any of this will last.

### Are we living in a time that makes the case of paid prioritization?

No, I'm not ready to say that. I want to be clear. I don't want to use a crisis to rehash a policy wound, but I will say if you go back and look at our talking points, we frequently made the argument that the country should be very careful about oversubscribing to the idea that there are never important and valid uses of prioritization.

### Normally at this time of year, NCTA is preparing for potential changes in power with the upcoming election.

#### How are you approaching Washington right now?

It's not business as usual. In all my life, I've seen a number of crises, including 9/11, including 2008, including the Gulf War, the tail end of the Cold War. I've never seen anything of this scale and scope. I think we would all be well served to be one nation under God, committed to the community at large and to de-emphasize the relative demands politically. We certainly continue to think about ways that policies might change, but right now I'm more concerned about trying to

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understand and appreciate the ways the economy is going to change, the ways society is going to change. I think the secular impact of this is probably 5x-10x bigger than the regulatory variances from one political party to the next. 2021 is going to be defined by the damage and recovery of this incident more than anything else, head and shoulders.

**SCOTUS Sides with Comcast, Not Allen:** The Supreme Court sided with **Comcast** over *Byron Allen's Entertainment Studios Networks* Monday in the latter's racial discrimination suit. In a unanimous ruling, the justices said Allen needed to show that racial bias was the only reason that Comcast has decided not to carry ESN's cable channels. Now, the case will go back to the Ninth Circuit Court of Appeals where Allen will have to prove that point in the lower court. The Ninth Circuit ruled in Allen's favor last year and said that in order to show that there has been discrimination, all a party has to show is a "plausible motivating factor." The Supreme Court rejected that, calling the theory mistaken. This decision not only affects Allen's case against Comcast, but also a similar suit he's filed against **Charter**. He's accused both MVPDs of violating the Civil Rights Act of 1866 by refusing to carry ESN's channels. "Unfortunately, the Supreme Court has rendered a ruling that is harmful to the civil rights of millions of Americans," Allen said in a statement. "We will continue our fight by going to Congress and the presidential candidates to revise the statute to overcome this decision by the US Supreme Court, which significantly diminishes our civil rights." Comcast insists that this case is centered on a narrow, technical point of law and that the Supreme Court decision does not in any way lessen the nation's civil rights laws. "We now hope that on remand the 9th Circuit will agree that the District Court properly applied the law in dismissing Mr. Allen's case three separate times for failing to state any claim," Comcast said in a statement. "We are proud of our record on diversity and will not rest on this record."

**Tokyo 2020 Postponed?:** IOC member *Dick Pound* said the Tokyo 2020 Olympic Games would be postponed due to coronavirus, though the organization itself said a delay is under consideration and it needs four weeks to think about it. Australia and Canada both announced they would not be sending athletes to compete in the Games, and the heads of the US track and swimming federations have said the Games should be postponed until 2021. This would be the first time the Olympics have ever been postponed, following cancellations in 1916, 1940 and 1944. **Comcast NBCU** has the US TV rights for the games, which had surpassed \$1.25bln in ad sales, an Olympic record. Comcast CEO *Brian Roberts* said in early March that Comcast has "insurance and contractual protections" around the games. **Discovery** has the European broadcast rights. -- Meanwhile, the **Olympic Channel** launched a new 24/7 streaming channel on its global media platform and apps on mobile, **Amazon Fire TV**, **Android TV**, **Apple TV** and **Roku**. The "Olympic Ceremonies Channel" highlights opening and closing ceremonies from Summer and Winter Games held over the past 30 years.

**FaceBank Group, fuboTV Merge:** **fuboTV** and virtual entertainment company **FaceBank Group** entered into a definitive merger agreement. Following closing, fuboTV will become a wholly-owned subsidiary of FaceBank, which will then be renamed fuboTV Inc. The company is expected to be based in NY and led by current fuboTV CEO *David Gandler*. In the SEC filing, FaceBank said it took out a \$200mln revolving line of credit for fuboTV, and will advance fubo a \$10mln loan by April 1. Under the merger, fubo plans to use FaceBank's IP sharing relationships with celebrities and digital technologies to enhance its sports and entertainment offerings. The companies also said the merger will allow fubo to continue its global expansion with FaceBank's Nexway AG, an ecommerce and payment platform with a presence in 180 countries.

**Sad News:** **Comcast** confirmed that a technician in Fairfield, NJ, diagnosed last week with COVID-19 has passed away. "Our thoughts and prayers are with his family at this difficult time. He's been a valued member of our Comcast family for 34 years, and he will be deeply missed," a spokesperson said.

**Coronavirus Programming Offerings:** **Charter** will provide **Showtime** and **EPIX** at no additional charge through April 19 to Spectrum TV customers who do not currently subscribe to them. -- **Anthem** is making **AXS TV** and **HDNET Movies** available as free previews to all distributors through May. Participating distributors include **AT&T TV** platforms  **DirecTV** and **U-verse** as well as **NCTC**. -- **C-SPAN** will air a special evening edition of its "Washington Journal" call-in program weekdays at 8pm ET to examine the federal and state response to COVID-19. -- **Amazon Prime Video** has made a selection of family-friendly programming available for free streaming. The content is available to all Amazon customers and Amazon says it is working with content partners to expand its offering over time.

**COVID-19 Event Changes:** **VidCon 2020**, owned by **ViacomCBS**, has been canceled. The event was slated to take place June 17-20 in Southern California. -- The **Fiber Broadband Association** postponed Fiber Connect 2020 to Dec 14-16, 2020. The show was originally scheduled June 1-3 in Nashville. -- **Multichannel News** moved its Wonder Women event to Sept 30. The event was originally scheduled for Thursday and then moved to June. -- The **Media Financial Management Association** announced a special March Lunch & Learn, intended for MFM members facing employment issues in the face of COVID-19. The [webinar](#) takes place Thursday at 1pm.