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WHAT THE INDUSTRY READS FIRST

Lost Mail: Comcast Finds Nexstar Retrans Notice a Year Later

Remote work during the pandemic can be a bit tricky. Take Comcast's ongoing dispute with Nexstar and a missing retrans notice that just showed up.

The broadcaster sued Comcast over retransmission consent payments for NYC station WPIX in July, claiming the cable operator owes it millions in unpaid fees. In its motion seeking to dismiss the breach of contract claim, Comcast told the court that it had not received a notice that Nexstar claimed to have sent around Dec. 24, 2020, advising that WPIX would become an additional station under the parties' retrans consent agreement. However, last month, around Dec. 16, Comcast employees found a letter matching Nexstar's description in a stack of mail in the office of Michael Nissenblatt, Comcast's SVP of Broadcaster Relations.

"Comcast does not know when the notice arrived and had previously been unable to locate it in either Mr. Nissenblatt's office or Comcast's mailroom despite repeated and diligent efforts to do so. Because of the COVID-19 pandemic, Mr. Nissenblatt has not been working in Comcast's offices since approximately mid-March 2020," the operator told the court in a recent filing.

Comcast doesn't believe the misplaced mail changes anything. "Although Comcast does not view the factual point as germane to resolution of its motion, we nevertheless wanted to ensure that the record before the Court is up-to-date," Comcast said in its new filing.

Nissenblatt told the court that he had previously worked with staff present at Comcast's offices to locate the Nexstar notice with no luck. He said that contrary to requirements in the Comcast-Nexstar agreement, the broadcaster appears to have only sent the notice by regular mail to his sole attention. "The December 24 Notice also appears to suggest that a copy may have been transmitted to me by electronic mail. To the best of my knowledge, I never received any such electronic copy," Nissenblatt said in his affidavit.

Nexstar's lawsuit was filed after Comcast asked the FCC to probe whether the broadcaster violates the 39% national broadcast audience cap by having a sidecar agreement with Mission Broadcasting for WPIX. In 2019, Nexstar was required to divest WPIX to stay under the 39% audience cap following its \$4.1 billion acquisition of Tribune. It sold the station to Scripps, retaining a purchase option presumably in case the FCC increased the ownership cap. When it became clear the cap wasn't budging, it assigned its purchase option to Mission, which bought the station in December 2020. Nexstar's agreement with Mission allows it to program the station, sell ad time and receive 100% of station revenues, according to Comcast. To date, the FCC hasn't acted on Comcast's petition.

TEGNA, VERIZON EXTEND RETRANS TALKS

No big retransmission consent fireworks kicked off 2022, with Verizon and TEGNA agreeing to extend their contract through 6pm ET Jan. 4. The retrans deal was originally set to expire on Dec. 31 at 5pm. TEGNA stations involved in the negotiations include

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CBS in Washington, DC; NBC in Buffalo, NY; FOX in Harrisburg, PA; and ABC in Norfolk, VA. While a New Year's Day blackout was avoided, TEGNA has its share of ongoing disruptions. **DISH** lost TEGNA stations in 53 markets in early October. The stations remain dark on DISH, with the two companies filing dueling complaints at the **FCC**, each claiming the other has negotiated in bad faith. Meanwhile, Dec. 31 marked the one-year anniversary of **Mediacom** losing TEGNA stations. The long-running blackout includes Des Moines ABC affiliate WOI and Minneapolis/St Paul NBC affil KARE. The one bit of New Year's retrains news hitting our inbox was a deal vs a drop. Mediacom and **Paxton Media** reached an agreement to return the local NBC affiliate in Paducah, KY/Marion-Harrisburg, IL/Cape Girardeau, MO. The station had been dark on Mediacom since May 31, 2021.

NESN LOSES FRONTIER, DISH

DISH lost **NESN**, home of Red Sox and Bruins games, on Dec. 21 after the two failed to reach a carriage renewal. It seemed inevitable. NESN was the last RSN that DISH was still carrying following the October loss of **AT&T SportsNet Rocky Mountain**, **AT&T SportsNet Pittsburgh** and **Root Sports Northwest**. **Frontier** video customers in New England lost the NESN RSN on Dec. 31 after the two failed to agree to renewal terms. DISH has been trimming RSNs from its lineup for years now, dropping the **Bally Sports** RSNs in July 2019 when they were still named Fox Sports and owned by **Disney**. "The current Regional Sports Network model is fundamentally broken as it requires nearly all customers to pay for these channels when in fact only a small percentage of customers watch them. As the cost of these channels continues to escalate, we no longer think it makes sense

to include them in our TV lineup," DISH said, adding that NESN rejected its offers to carry the network in select programming packages or as a stand-alone offering similar to premium channels such as **HBO** or **Showtime**. Like DISH, Frontier has been quick to sever ties with RSNs. Over the past 24 months, it has bid goodbye to **MSG Networks**, **YES Network**, **SNY**, **NBC Sports Boston** and various Bally Sports nets, while also dropping league channels such as **MLB Network** and **NHL Network**. Frontier is telling customers that they can still watch NESN through its partners **DirectTV Stream** and **fuboTV**. Frontier has been striking bundling deals with vMVPDs for its broadband customers, most recently adding a partnership with **YouTube TV**.

CES CLOSING EARLY, CABLE STAYING HOME

CES 2022 is continuing to adjust its plans in light of the Omicron variant, and so too are those that were planning on attending the in-person show. Large U.S. cable operators are sitting this one out. Neither **Comcast** nor **Charter** are attending the show, and new **Cox** President *Mark Greatrex* abandoned plans to make the trip after **CableLabs** canceled its in-person activities. Other industry players that are sending contingents are keeping their numbers low. **DISH** confirmed that they will have no formal presence at the show, but will have some folks in Las Vegas to attend meetings. The **Consumer Technology Association** announced on Dec. 31 that the show will be closing one day early as an additional safety measure in light of the Omicron variant, setting the dates of the show to Jan. 5-7. More than 2200 exhibitors are still confirmed to be exhibiting at the show, with 143 signing up to exhibit in-person in the final two weeks of 2021. Digital registration is available for those unable to make the trip to Vegas, but

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it will offer significantly less programming than it did last year. It will grant access to more than 40 livestreamed conference sessions, keynotes and select Media Days press conferences. CTA has made all conference sessions available to in-person attendees for no additional charge. Access to that programming previously required the purchase of a “Deluxe Conference Pass,” which was priced at \$700 for those that purchased before Dec. 9. Those that have already purchased a conference pass will have a refund processed automatically after the conclusion of the show.

CABLE ONE'S FIBER JV IS A GO

Cable One has officially entered into a joint venture with affiliates of **GTCR**, **Stephens Capital Partners** and **The Pritzker Organization** to support the growth of its fiber assets. The jv, called **Clearwave Fiber**, will hold Cable One subsidiary **Clearwave Communications** (minus its tower business) and select fiber assets from **Hargray Communications**. Clearwave Fiber's focus will be on investing in bringing fiber-to-the-premise service to both residential and business customers in its footprint and adjacent areas. It will be led by CEO *David Armistead* and Executive Chairman *Michael Gottdenker*, long-time Hargray veterans who were part of the company's leadership team when it was acquired by Cable One last year. Cable One teased the jv during its November earnings call, with CEO *Julie Laulis* saying the move would allow Cable One to remain focused on its primary business and continue integrating its recent acquisitions. Cable One will own a majority of Clearwave Fiber. The operations contributed to the joint venture by Cable One represent approximately 3% of Cable One's consolidated revenues for the three months ended Sept. 30, 2021.

FCC KICKS OFF ACP

It's out with the old and in with the new. The **FCC** launched the Affordable Connectivity Program, the \$14.2 billion successor to the Emergency Broadband Benefit, Monday. Eligible households are now able to apply for a \$30/month discount toward internet service or a \$75/month discount for households on qualifying Tribal lands. One-time discounts are also available of up to \$100 to purchase a laptop, desktop computer or tablet from participating providers so long as the households contribute more than \$10 and less than \$50 towards the purchase price. The Commission is expected to approve official rules for the program this month. Until those rules are approved and given an established date to go into effect, the **Wireline Competition Bureau** ordered that the ACP be operated under many of the same rules that have governed the EBB. However, certain qualifications that were applied to households applying to the EBB (showing a substantial loss of income since Feb. 29, 2020) will not be considered necessary for households applying for the ACP. EBB customers will continue to receive their existing \$50/month benefits through March 1 as the program transitions to the ACP.

VERIZON, AT&T REFUSE TO MOVE C-BAND DATE

Verizon CEO *Hans Vestberg* and **AT&T** CEO *John Stankey* have refused a request from the **FAA** to push back their plans to commercially deploy their C-band spectrum on Jan. 5. The public statements come after FAA Administrator *Steve Dickson*

and U.S. Secretary of Transportation *Pete Buttigieg* sent a letter to the wireless companies requesting a delay of no more than two weeks. Verizon and AT&T previously delayed their launches by a month to appease fears from the aviation industry that the deployment of C-band spectrum for 5G services could interfere with aircrafts. “At its core, your proposed framework asks that we agree to transfer oversight of our companies’ multi-billion dollar investment in 50 unnamed metropolitan areas representing the lion's share of the U.S. population to the FAA for an undetermined number of months or years,” the CEOs said in a response sent Sunday. Verizon and AT&T have agreed to hold off on deploying the spectrum around particular airports for the next six months.

COMCAST DEBUTS WIFI 6E GATEWAY

Comcast revealed its next generation xFi Advanced Gateway Monday, a device that includes WiFi 6E capabilities. It will ultimately up the capacity available in the 2.4GHz, 5GHz and the 6GHz band, reducing interference in the home while increasing bandwidth. It also supports symmetrical gigabit speeds. Comcast will begin rolling the gateway out to customers over the coming months, starting with those that have subscribed to Gigabit Internet or its xFi Complete package.

DISH FREE PREVIEWS

Basketball and hockey fans are in for a treat from **DISH**. The provider is offering a free preview of **NHL Center Ice**, the out-of-market hockey package, from Jan. 1-7. **DISH** is making **NBA League Pass** available for a preview Jan. 14-21. Non-sports fan can enjoy a month-long free preview of **DIY**, **ID** and **Science Channel**. Reminder, **DIY Network** is set to transition to the **Magnolia Network** on Wednesday.

PROGRAMMING

MSG Network announced a special, 30-day programming event celebrating former New York Rangers goalie *Henri Lundqvist*, called “30 Days of 30, presented by Caesars Sportsbook.” Coverage will continue through Jan. 28 at 5:30pm ET and lead into the Rangers' retirement of Lundqvist's number. – **Showtime** is making the first three episodes of “Ray Donovan” available free-of-charge through Jan. 31. Viewers can access the episodes on Sho.com, Showtime.com, YouTube, and Showtime partner platforms. “Ray Donovan: The Movie” is premiering on Jan. 14 at 9pm. – **Peacock** is debuting three original documentaries highlighting Olympic athletes ahead of **NBCU's** coverage of the 2022 Olympic Winter Games. “Meddling” (premiering Jan. 6) covers the 2002 Olympic figure skating scandal, “Picabo” (Jan. 21) chronicles the life of alpine skier *Picabo Street* and “American Rock Stars” (Jan. 26) follows *John Shuster* and the U.S. men's curling team as they prepare to defend their gold medal. – **USA Network** scored the cable rights to *Ryan Murphy* drama “9-1-1,” with eps to air in a block Wednesday nights from 7-11pm, starting Jan. 5. The deal covers all four previous seasons of the **20th Century Television** series, including an exclusive cable window that runs through mid-September. The agreement also includes future seasons and the current fifth season, which will come to USA Network later this year.