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WHAT THE INDUSTRY READS FIRST

Stronger Together: Providers Tackle Network Resiliency Burdens

Improving network resiliency is a pillar in the strategies of most providers, and 2022's hurricane season tested the limits of the best-laid plans. The good news—progress is being made in lessening the recovery time after those devastating events and improving overall coordination.

The Cross-Sector Resiliency Forum—a collaboration between communications providers, electric companies and their trade associations for network resiliency, particularly during disasters—is finishing up its third year. Recently, more than 40 member companies in the Forum reviewed the efforts to respond to Hurricane Ian and other disaster events in 2022, according to an **FCC** ex parte from stakeholders. Some of the takeaways were that in the days before Ian relevant state and cross-sector counterparts began communication and coordination efforts, including establishing a cadence of reporting and conference calls.

After Ian's landfall, there were daily "wires down" and make safe calls between electric and communications companies in hard hit areas. In some cases wireless providers proactively identified critical cellular towers which were then added to an electric companies' priority restoration lists. 2022 also included multiple regional training events, including joint earthquake exercises in California. The Resiliency Forum said some of the things that would help improve communication and collaboration would be wider distribution of the FCC's notices

about avoiding fiber cuts and by improving the process for distributing access letters that enable electric and communications company teams to enter disaster areas.

It's been a focus of the FCC under Chair *Jessica Rosenworcel* to enhance network resiliency across the country and hasten the time to a community's full recovery in the aftermath of unprecedented weather events. In July, the Commission adopted a Report and Order that introduced the Mandatory Disaster Response Initiative, a codified version of a voluntary agreement among some facilities-based mobile wireless service providers. Those participating embraced a five-pronged approach to enhance coordination during an emergency with steps including providing for reasonable roaming under disaster arrangements when technically feasible, fostering mutual aid among wireless providers during emergencies and improving public awareness and stakeholder communications on service and restoration status through specific procedures.

Facilities-based mobile carriers have until July 31 to show their compliance. Associations representing smaller providers are arguing that nine months simply isn't enough time to implement it properly. The Commission estimated that compliance with the new requirements would take approximately 200 hours for each provider—40 hours for legal services, 50 hours for software development and 100 hours for public relations and outreach activities.

"History has demonstrated that bilateral roaming agreements are not easily negotiated and testing of systems does not always go smoothly. Two hundred hours to negotiate and test—especially

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with multiple providers—is unrealistic,” **NTCA-The Rural Broadband Association** said in comments filed earlier this month.

Providers must also have mutual aid arrangements in place with all other similar providers from which it may request or receive a request for aid during emergencies within 30 days of the compliance date. NTCA added that this aspect of the R&O also could cause wrinkles as small providers are less likely than large providers to have pre-existing arrangements to use as a basis for the deals required by the regulation. “Forcing these small providers to enter into roaming arrangements and complete an initial round of roaming testing with multiple providers within 9 months would not only impose undue burdens, but it would also negatively affect their ability to negotiate reasonable terms and conditions.

The **Rural Wireless Association** agrees that a more flexible timeline should be allowed given these difficulties, arguing in comments of its own that facilities-based mobile wireless providers should be given at least 18 months to achieve compliance. If nothing else, the RWA is asking the FCC to provide some resources that would give rural carriers with only a handful of employees somewhere to start. For one, it has agreed with an assertion from folks like CTIA and the Competitive Carriers Association that the Commission should publish a list of facilities-based wireless providers to which MDRI obligations apply.

“Given the short amount of time currently afforded for implementation, it would aid carriers immensely to have a list of facilities-based mobile wireless providers to which MDRI obligations apply, along with relevant contact information,” RWA said. “This would expedite the commencement of negotiations.”

NEXSTAR SEES DISTRIBUTION REVENUE GROWING

While some operators may hope cord cutting will reduce retransmission consent costs, **Nexstar** isn’t subscribing to that philosophy. “We believe there is a core base of subscribers—73% of those age 45 and above that represent over 50% of the adult population—that have a pay TV service and are unlikely to drop that service,” said Nexstar CFO *Lee Ann Gliha* during a company investor presentation Tuesday. Even with continued subscriber attrition, Nexstar told investors it is banking on its viewership and scale to help it continue to grow distribution revenue from MVPDs. “We are the largest local broadcaster so we are very important to these MVPDs which provides us with a very strong negotiating position,” Gliha said. Nexstar avoided any major blackouts at the end of 2022, with **Comcast** and **Charter** both signing new deals. However, Nexstar-operated **Mission Broadcasting** and **White Knight Broadcasting** stations are currently dark on **DISH** and **DirectTV**. Nexstar took **SNL Kagan** MVPD and vMVPD subscriber estimates and overlaid various assumptions for compound annual growth rates for distribution fees per subscriber over the 2022 to 2026 projection period to come up with an implied distribution revenue figure, estimating a 5% rate CAGR would bring a in a \$2.555 million in distribution revenue, 10% would bring in \$3.078 million, 15% nets \$3.677 million and 20% would hit \$4.359 million. Nexstar also used the investor presentation to talk up its cable net **NewsNation**, which it said has been profitable since launch. It expects to take the channel to a 24-hour/five-day-a-week news network by the end of 2Q23 and 24/7 by the end of 2024. Execs reiterated that **The CW**, which it acquired 75% ownership in last October, should achieve



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profitability by 2025. Not only does CW ownership protect Nexstar from a changing network affiliate ecosystem, but Nexstar brass see it as key in unlocking national advertising opportunities, also giving it a foothold in the AVOD space through the CW app.

FUBO LOSES SOME LOCAL CBS STATIONS

Some **FuboTV** customers have lost access to their local **CBS** station feed after those local affiliates opted out of a retrans deal with the vMVPD. “Unfortunately, some CBS affiliates have decided not to opt into our current agreement. Fubo has switched to a national feed of CBS in those affected markets, allowing our customers to continue watching their CBS programming,” Fubo said on a customer support page. “Due to technical limitations, the programming guide for CBS in impacted areas may still show local content. We are working to correct this.” The impacted programming primarily consists of syndicated programming shown in a specific area as well as local news. **Paramount Global’s** national channels including **MTV** and **Nickelodeon** will remain on Fubo’s lineup as well as a national CBS feed.

STARRY BIDDING OHIO ADIEU

Starry has decided to leave the Columbus, Ohio, market and refocus its energies on its five core urban markets: Boston, NYC, Los Angeles, Denver and D.C. The decision is the next step in a long, hard road for Starry, a company that has struggled to raise capital since its founding. The fixed wireless provider announced its intent to serve the market in June 2021 and has since been able to build a network covering more than 350,000 homes in the area. Other achievements were the expansion of its digital equity program Starry Connect to nearly 3,000 units of affordable housing in Columbus and its hosting of more than 700 education and marketing events for the Affordable Connectivity Program. Starry’s decommissioning of the network will begin in March and be completed by June.

HOUSE COMMERCE RESTRICTS REMOTE WITNESSES

House Commerce Democrats are voicing their discontent after the Republican Majority voted to require any remote witnesses be approved by Chair *Cathy McMorris Rodgers* (R-WA). Their concern is that because Congress does not compensate or pay for the travel of witnesses to DC, the pool of those able to come and speak before the committee will be more limited. “Unfortunately, rather than taking advantage of the technological tools that allows us to engage with Americans where they are—instead of forcing them to come to us—I am afraid that Republicans’ unnecessary restrictions on remote witnesses means Congress will only hear more from the wealthy and well-connected,” Ranking Member *Frank Pallone* said in a response. “Further, I am concerned that this Rule and its implementing regulations will be used to limit the voice of the minority.”

WBD MOVING FAST

Warner Bros. Discovery struck content deals with **Tubi** and **Roku**, marking the first two partnerships for WBD’s branded FAST channels. Tubi will add more than 225 AVOD titles and 14 channels, which include three new curated offerings: **WB TV Reality**, **WB TV Series** and **WB TV Family**. Those will have all seasons

of “Westworld,” “FBoy Island,” “Finding Magic Mike,” “The Time Traveler’s Wife” and others, and they’ll be accompanied by 11 other FAST channels focused on various genres such as **WB TV Sweet Escapes**, **WB TV Supernatural**, **WB TV Paws & Claws** and **WB TV How To**. Content will begin rolling out on the platform Wednesday and continue throughout February. For Roku, it’ll get all WB-branded channels on The Roku Channel and around 2,000 hours of on-demand programming starting this spring.

NEXTGEN TV ARRIVES IN BOSTON

Six local TV stations in Boston transitioned to NextGen TV on Tuesday, a move that impacts over 2.5 million households. Those stations are WUNI (**Univision**), WCVB (**ABC**), WFXT (**Fox**), GBH (**PBS**), WBZ (**CBS**) and WBTS (**NBC**). Viewing enhancements will vary by device, offering 4K HDR video, consistent volume across channels, enhanced on-demand internet content and more.

RATINGS

Fox News reigned supreme in total day for the month of January, averaging 1.35 million viewers P2+. **ESPN** was close behind with 1.27 million, with **MSNBC** (703,000), **CNN** (524,000) and **Hallmark Channel** (505,000) rounding the top five. ESPN did take the crown for prime with 3.38 million viewers thanks to events like the College Football Playoffs and **NFL** contests. Fox News came second with 1.95 million and MSNBC third with 1.05 million. Hallmark Channel and **HGTV** completed the top five with 913,000 and 859,000, respectively. While ESPN did come first in prime for the month, Fox News did usurp the sports network in that category the week of Jan. 23. FNC averaged 2.12 million viewers P2+, followed by MSNBC with 1.08 million and HGTV’s 928,000. ESPN fell from last week’s first place to fourth at 916,000 (down from 2.48 million), and Hallmark Channel capped the top five with 827,000. – The airing of “GODZILLA vs. KONG” on Jan. 23 checked in as the top movie among P25-54 year to date in prime and total day, averaging 343,000 viewers in the demo and a .57 L3 rating. That helped **TBT** and **TNT** carry seven of the top 10 movie telecasts in prime year to date with movies such as “Avengers: Endgame” (TBS), “Suicide Squad” (TNT) and “Thor 3: Ragnarok” (TBS). The two also hold six of the top 10 spots in total day. – **Spectrum News** averaged 2.2 million daily viewing households over the month of January, edging out **ABC**, **CBS**, **Fox**, **NBC**, CNN and Fox News among daily viewing Spectrum households. Its highest rated markets (according to **Nielsen**) include Charlotte and L.A., which had 4% and 3% month-over-month viewership increases, respectively – Episode Three of **HBO’s** “The Last of Us” brought in 6.4 million viewers during its premiere, up 12% from the previous week’s viewership and 37% from the series debut. The first season is now averaging 21.3 million viewers across its first two episodes.

PEOPLE

On the heels of the upcoming combo of **Paramount+** and **Showtime**, *Erin Calhoun* was picked to fill the newly created position of EVP/Communications for Paramount Streaming and Cross-Company Publicity. She’ll oversee Paramount’s communications for its integrated streaming team and will help merge the communications teams for Paramount+, Pluto and Showtime.