

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Swing and Miss: Court Dismisses SG Complaint Over FCC ALJ Order

**Standard General** suffered another loss late Monday with the **DC Circuit Court of Appeals** dismissing the company's appeal of the **FCC's** decision to send its proposed merger with **TEGNA** to the agency's administrative law judge. The case is still alive however, as the court is still considering whether it should force the Commission to decide by April 28 on whether or not to transfer station licenses to Standard General.

The appeal was an attempt to have the court recognize the decision as the FCC's final word on the proposed merger, but the Commission had argued that the order on appeal is a Media Bureau order, not a Commission order. The DC Circuit only has jurisdiction over decisions and orders of the Commission in specified areas. "Of particular relevance here, section 402(b)(3) grants jurisdiction in cases in which an application for transfer of control or assignment of a license has been 'denied by the Commission,'" the FCC said in its motion to dismiss. "Second, even if the order could be attributed to the Commission, it does not constitute 'final' agency action."

The DC Circuit agreed with the Commission's arguments, saying in a two-page order that an appeal "filed after a bureau decision but before resolution by the full Commission is subject to dismissal as incurably premature." It also dismissed Standard General's motion to consolidate its

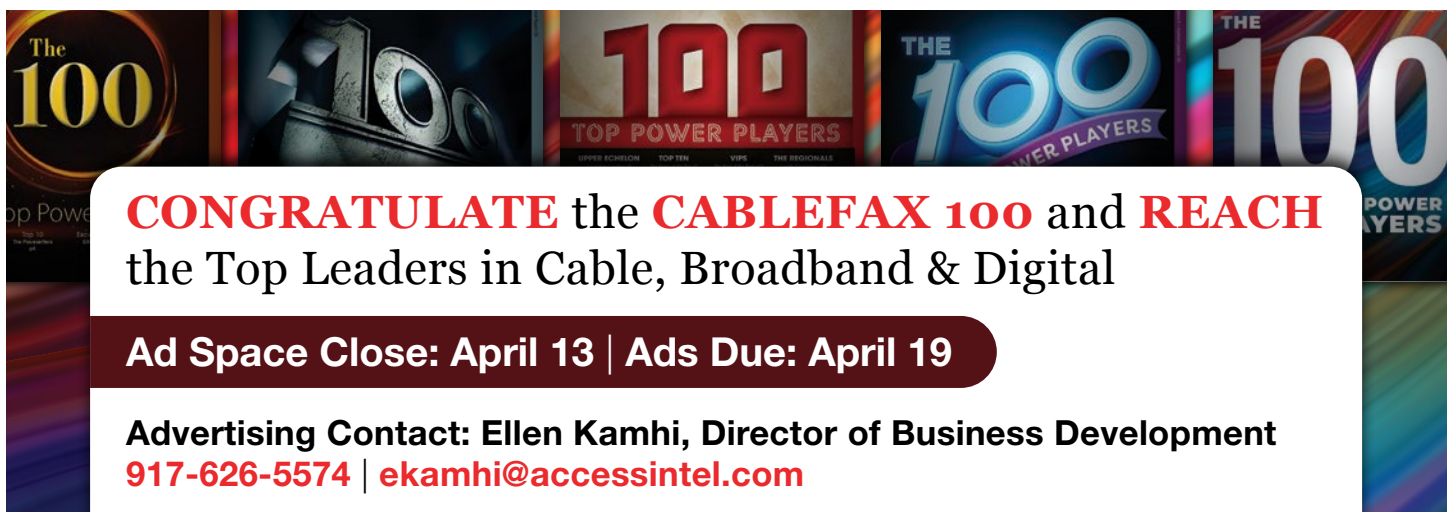
appeals as moot, but it granted the **NAB's** motion for leave to file an amicus curiae brief.

The court has also ordered an expedited schedule be taken up for the consideration of Standard General's conditional petition for a writ of mandamus. If granted, it would compel the Commission to rule on Standard General's applications to transfer station licenses by April 28.

"That petition requests a determination that, to the extent the Court concludes that the Commission has not yet taken final action on the applications, its withholding of such action (and shunting of the applications to an unconstitutional proceeding) is unlawful, and seeks an order directing the Commission to act," Standard General said in an emergency motion filed last week.

Under the new schedule, the FCC and opponents to the license transfer will need to submit briefs to the court by 4pm E.T. on April 11. Standard General will have the opportunity to reply, but must have that response in by 4pm ET on April 14. That means all may be quiet on the case for the next week or so, but the end of a year-long battle by Standard General to purchase TEGNA for \$8.6 billion is drawing near.

"If Standard General loses, we think that will be the end," **New Street Research** said in a note. "The company could appeal to full Court of Appeals (known as an appeal en banc) and/or to the Supreme Court but either route is exceedingly unlikely to succeed."



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**Magazine Publish Date: May 15**

## MOBILE OPERATORS AGREE TO EXTENDED C-BAND MITIGATION

The C-band saga is coming to a close with **USTelecom**, **AT&T**, **T-Mobile** and **Verizon** signing agreements tied to their deployment of the midband spectrum and impact on air traffic. The agreements, which were submitted to the **FCC** on Friday, include a promise to work with the **FAA** and keep the agency informed on all outdoor base stations near a list of 188 airports identified as part of the C-band mitigation efforts. The FAA will receive key coordination information at least 30 days before those stations are put to work. “These voluntary commitments will support full-power deployments across C-band, and are crafted to minimize the operational impact on our C-band operations,” the mobile operators said.

## AMPERSAND INTRODUCES SPORTS-CENTRIC SEGMENTS

TV ad sales and viewership insights company **Ampersand** is launching new sports-focused audience segments within its portfolio. It'll let brands reach sports viewers directly in an engaged environment, allowing them to gain insights into viewer behaviors over the course of a sporting event. Clients can choose an audience such as “College Football” or “NHL” and create a ranker for any market that features the chosen segment. Those rankings include “viewing time between broadcast and cable” and “viewing percentage between dayparts.”

## CATCH THE YANKEES WITH DIRECTV FOR BUSINESS

**DirecTV for Business** struck a distribution deal with **Prime Video** to carry the full 20-game slate of New York Yankees games this season. Previously, only Prime members were able to watch the select games on the platform, but now DirecTV commercial customers in the team's footprint (New York, Connecticut, north and central New Jersey and northeast Pennsylvania) can get in on the action. The first game is tonight at 7pm when the Yankees host the Phillies.

## COMSCORE FINDS ITS 'PULSE'

**Comscore** is enhancing its Comscore TV measurement suite with the addition of “Pulse,” which lets advertisers or publishers to access fast viewership data calibrated to final measurement results within 93% accuracy. It uses the same methodology that builds ratings and impressions viewing estimates by zip codes with a new analytics engine that accounts for distinct factors that could affect stability. That will in turn produce measurement that's consistent across multiple markets, time periods and programs.

## FCC RELEASES VIDEO TUTORIALS FOR MOBILE CHALLENGES

The **FCC's** Broadband Data Task Force has made available two videos walking providers through the steps to prepare and submit responses to challenges to mobile wireless coverage data filed in the Commission's Broadband Data Collection. The [first](#) video details the agency's rules for responding to a challenge,

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## Cable Hall of Fame special issue featuring interview with the 2023 Honorees

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- **JULIE LAULIS** – Chair of the Board, President & CEO, Cable One, Inc.
- **WONYA LUCAS** – President & CEO, Hallmark Media
- **CURB YOUR ENTHUSIASM** – HBO

**BOOK YOUR SPACE TODAY.** Contact Ellen Kamhi | [ekamhi@accessintel.com](mailto:ekamhi@accessintel.com)



*Print Issues Distributed  
at the Hall of Fame  
Dinner on April 27*

Cablefax Daily (ISSN 1069-6644) is published daily by Access Intelligence, LLC | [www.cablefax.com](http://www.cablefax.com) | 301.354.2101 | Editorial Director: Amy Maclean, 301.354.1760, [amaclean@accessintel.com](mailto:amaclean@accessintel.com) | VP/Group Publisher, Cablefax and Synopsis: Robbie Caploe, 917.974.0640, [rcaploe@accessintel.com](mailto:rcaploe@accessintel.com) | Managing Editor: Sara Winegardner, 301.354.1701, [swinegardner@accessintel.com](mailto:swinegardner@accessintel.com) | Associate Editor: Noah Ziegler, 301.354.1704, [nziegler@accessintel.com](mailto:nziegler@accessintel.com) | Director of Business Development, Cablefax: Ellen Kamhi, 917.626.5574, [ekamhi@accessintel.com](mailto:ekamhi@accessintel.com) | Dir of Marketing: Kate Schaeffer, [kschaeffer@accessintel.com](mailto:kschaeffer@accessintel.com) | Production Manager: Joann Fato, [jfato@accessintel.com](mailto:jfato@accessintel.com) | Kerry Smith, Divisional President, Marketing & Media Group, [ksmith@accessintel.com](mailto:ksmith@accessintel.com) | Group Subs/Subscription Questions, Client Services: 301.354.2101, [clientservices@accessintel.com](mailto:clientservices@accessintel.com) | Annual subscription price: \$1,799.00/year | Access Intelligence, LLC, 9211 Corporate Blvd., 4th Floor, Rockville, MD 20850

the timelines for mobile providers to respond to challenges and evidence that could be used to rebut a challenge. The [second](#) focuses on how to access challenge data, concede or dispute challenges, submit evidence and track the status of challenges located in the Broadband Data Collection system.

### SNAP, CRACKLE CONNEX AND POP

**Chicken Soup for the Soul Entertainment** unveiled its ad sales platform **Crackle Connex** to help simplify the buying process across in-home and out-of-home screens. It'll soon launch ad technologies that help with advanced measurement and customer interaction, also providing incremental and efficient reach when advertising on the company's networks. **Chicken Soup for the Soul** owns the free streaming service **Crackle**, **Redbox** and many other AVOD and FAST channels, all of which combine for over 80 million MAUs.

### USDA OKS MORE RECONNECT FUNDS FOR NEW MEXICO

The **USDA** is awarding \$40 million in grants from the fourth funding round of its ReConnect Program to three projects in New Mexico. **The Western New Mexico Telephone Company** will use \$23.8 million to deploy a fiber-to-the-prem network in Catron County, and the **E.N.M.R. Telephone Cooperative** will put \$2.6 million to use for the deployment of a similar network in De Baca, Guadalupe, Harding, Quay, San Miguel, Socorro and Union counties. The fiber network to be constructed by the **Peñasco Valley Telephone Cooperative** with its \$13.9 million grant will reach 550 people, 48 farms and 11 businesses in Chaves, Eddy, Otero and Lincoln counties.

### FIBER FRENZY

**Shentel's Glo Fiber** is rolling out symmetrical 5-Gig fiber internet service across its market. All 147,000+ homes in Virginia, West Virginia, Maryland and Pennsylvania will have access to the new speed tier for \$285/month. – **Brightspeed** is officially offering gigabit service in parts of Alabama, Indiana, North Carolina, New Jersey, Pennsylvania and Wisconsin. The ILEC is using XGS-PON for its fiber deployment, and it plans to reach one million homes and small businesses by the close of the year. **Brightspeed's** service territory covers more than 6.5 million locations across the Midwest, Southeast and parts of Pennsylvania and New Jersey. – **Vexus Fiber** is expanding its fiber network in Pampa, Texas. Customers can get symmetrical gigabit speeds and those in the initial construction areas can sign up online for their service to be installed. The provider is also in the midst of building new networks in the Rio Grande Valley, Tyler, Nacogdoches, Huntsville, Laredo and San Angelo, Texas, as well as areas in Louisiana and New Mexico.

### TORNADO RELIEF

**Verizon** is waiving prepaid and postpaid call, text and data usage from April 3-May 3 for Arkansas residents impacted by last week's storms.

Those in [eligible zip codes](#) won't have to change anything in their accounts, and those whose bill cycle has already closed will have overages credited back automatically.

### RATINGS

**Fox News** reclaimed its spot at the top of the primetime weekly cable net ratings after **March Madness** lifted **TBS** to No. 1 last week. **FNC** checked in with 2.32 million viewers P2+, followed by **ESPN** and **MSNBC** with 1.65 million and 1.46 million, respectively. **HGTV** came fourth with 861,000 before **History Channel** came fifth at 748,000. **FNC** kept its position at the top of the total-day rankings with 1.41 million viewers. **MSNBC** was second with 877,000 and **ESPN** third with 607,000, before **CNN** (510,000) and **HGTV** (440,000) completed the total-day top five. – The first Sunday Night Baseball game of the 2023 **MLB** season garnered 1.56 million viewers across **ESPN** and **ESPN2**, according to **Nielsen**. The **Phillies vs Rangers** main broadcast on **ESPN** had 1.31 million viewers and peaked in the 8pm-8:15pm window with 1.67 million viewers. On **ESPN2**, the "KayRod Cast" featuring **Michael Kay** and **Alex Rodriguez** took 15.7% of the overall average audience with 245,000 viewers.

### DOING GOOD

**Comcast** pledged \$650,000 to **Native Women Lead**, an organization dedicated toward investing in Native women in business. The donation will go toward **NWL's Matriarch Revolutionary Fund**, which when fully resourced will aid 200 Native women-owned businesses with \$50,000-\$250,000 each. The pledge will also be used to support **NWL's** network of more than 20,000 Indigenous women across North America, as well as the new **Rematriating Economies Apprenticeship Program** that supports 10 Indigenous women during a five-month paid apprenticeship to become an emerging fund manager.

### PROGRAMMING

Season 4 of **Showtime's** docuseries "Vice" will begin May 7 at 8pm, available to stream the same day. The season will have 16 total episodes split into two halves, with the midseason finale set for June 25. The premiere date for the remaining episodes will be revealed at a later date. – **Nickelodeon** will have a new original Halloween movie "A Really Haunted Loud House" premiere in the fall on the channel and **Paramount+**. Additionally, **Nickelodeon** ordered "The Really Loud House" for a 20-episode second season.

### EDITOR'S NOTE

It's last call to submit your [nominations](#) for the 2023 edition of **The FAXIES!** With categories like Digital Executive of the Year, New Product or Launch and Social Good Campaign, this awards program is ready to celebrate the best our industry has to offer in marketing and PR. The final deadline to submit is April 7.