

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

New Life: ALJ Delays SG-TEGNA Review, But Senator Calls for Action

It's official. The FCC's Administrative Law Judges will not examine the merger of **Standard General** and **TEGNA** until at least June.

A status conference was held with all parties at the FCC's headquarters last week, and Standard General, TEGNA and **CMG Media Corporation** proposed a hearing schedule that wouldn't include time for discovery and would see the proceeding close by May 17, five days before the deadline for financing the merger. On the other side of the spectrum, representatives from **The News Guild-CWA/National Association of Broadcast Employees and Engineers-CWA, United Church of Christ Media Justice Ministry, Common Cause** and the FCC's Enforcement Bureau asked for a six-month discovery period followed by six months of pre-hearing motions and other submissions. After hearing everything, the presiding judge determined that at least some discovery is needed to move forward, and the optimal course of action for now is to suspend the hearing proceeding until further notice.

"Those tasks, and other pre-hearing matters that are likely to arise, will take the duration of this hearing beyond the May 22, 2023, deadline that Applicants deem necessary to preserve their merger arrangement," Administrative Law Judge *Jane Hinckley Halprin* said in the order summarizing the meeting. She added that because there's no guarantee

that the deal will even still be a talking point by then, it doesn't make sense for the petitioners, the Enforcement Bureau and the Office of Administrative Law Judges to spend time and resources on the hearing until the merger survives that May 22 date. Standard General must submit a status report to the Office of ALJs on or before June 1 with updates on the transaction's status.

That's a severe, but expected, hit to the deal, and the chatter around the larger impacts of the FCC's approach to reviewing the transaction is getting louder. Last week, **NAB** President/CEO *Curtis LeGeyt* posted a [blog](#) warning every industry under the regulatory microscope to ask themselves if they will be the next to receive such treatment.

"To be clear, the National Association of Broadcasters does not take a position on the merits of potential mergers and acquisitions of specific broadcasters' companies. But even for those who do not support Standard General's acquisition, the FCC's actions raise serious concerns about the future of ALL broadcast transactions which may have a profound impact on broadcast viewers," he said.

LeGeyt highlighted a number of flaws in how the Commission addressed Standard General's proposed acquisition, calling the FCC's self-imposed 180-day shot clock "nothing more than an illusion" and criticizing the public interest review standard for allowing arbitrary demands that fall outside the FCC's oversight.

Senator *Bob Menendez* (D-NJ) also took to the chamber's

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Deadline: Friday, May 12 to submit two entries for free.

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floor last week to urge his colleagues to act when it comes to supporting diversity of ownership in the broadcast industry. He also drew a line in the sand, saying the issue would be a key determinant for him when it came time to vote on whether to approve the nomination of someone to the agency.

“I, for one, will not support nominees for the FCC if they are unwilling to support diversity, including by acting in a way that denies a vote to a diverse applicant,” he said. Menendez added that he will continue to put forth legislation targeted at the issue as well.

New Street Research believes that Menendez’s call to action raises a new possibility for the deal—that Democratic Senators would put pressure on FCC Chair *Jessica Rosenworcel* and FCC Commissioner *Geoffrey Starks*, the two Democrats at the Commission, to bring the matter to a full Commission vote.

“We don’t believe it will happen and even if it did, we think Starks would end up supporting the Chairs’ position and the license transfer would still lack the necessary votes,” the firm said. “Still, we will be watching to see if Menendez’s comments gain traction among other Democratic Senators in a way that could lead to a full Commission vote.”

CBRS SPECTRUM A MAJOR SUCCESS, SAYS NTIA

Spectrum sharing has become a more popular proposal as the amount of greenfield spectrum, particularly that in the midband, shrinks. A new report from **NTIA’s Institute for Telecommunication Sciences** focusing on CBRS seemingly proves that the model can work to satisfy federal and non-federal spectrum users while also furthering the nation’s goals of deploying connectivity to hard-to-reach areas. The [report](#) analyzed CBRS deployment data from April 1, 2021, to Jan. 1, 2023, and CBRS deployments grew at a steady rate across that period with a total increase of 121%. Approximately 45% of all active devices were deployed in counties where spectrum is shared with the **Department of Defense**, and more than 70% of all active devices were deployed in rural census blocks. “NTIA’s findings confirm that dynamic spectrum sharing utilizing CBRS technology is thriving, especially by enabling commercial users to share federal spectrum and expanding much needed connectivity in rural areas,” **NCTA** said in a statement. “With the use cases for CBRS continuing to grow, we are encouraged that NTIA’s data supports the FCC’s decision to develop a future-focused spectrum sharing strategy that encourages more participation and innovative uses of this finite resource.”

NTIA is asking for feedback on the report from stakeholders, including observations and insights on how future reports may be improved or how the CBRS model could be tweaked for better performance. Comments are due May 31. The agency is also working on a companion study that will see the deployment of sensors to measure how much spectrum CBRS emissions are occupying over time in areas where sharing is occurring with the Department of Defense.

ALTICE USA INTRODUCES OPTIMUM COMPLETE

Altice USA is all-in on convergence. The operator unveiled its Optimum Complete offering Monday, which includes multiple tiers that pair together its fiber-powered internet with mobile service. The most affordable tier comes in at \$45/month with download speeds of 300 Mbps and 1 GB of mobile data, but customers can also pay as much as \$125/month for 5 Gig fiber internet and an unlimited amount of mobile data. The plans are available to both new and current Optimum subscribers.

FCC FINING FOR RDOF AUCTION DEFAULTS

The **FCC** proposed fines of approximately \$8.78 million against 22 RDOF Phase I applicants for defaulting on their bids between May 3, 2022, and Dec. 16, 2022. Two applicants also failed to submit their audited financial paperwork, and the Commission placed higher penalties on them. Among those the Commission proposed fining are **Cable One** (\$46,287.03), **Charter** (\$12,000) and **Shentel** (\$36,000). “When applicants fail to live up to their obligations in a broadband deployment program, it is a setback for all of us,” FCC Commissioner *Geoffrey Starks* said in a statement. “Defaulting applicants pay a fine, but rural communities that have already waited too long for broadband pay a larger toll.”

SPEEDTUBETV UNDERGOES REBRAND

Automotive network **SPEED** [relaunched](#) as a **YouTube** channel **SPEEDtubeTV** in November, and now it’s undergoing a rebrand as it moves into the FAST and VOD markets. It’ll now be known as **POWERTube TV Network**, moving away from the “Speed” moniker to differentiate it from other auto-centric networks that use it in their respective titles. **POWERTube TV** will be available come June as a web-based FAST channel before rolling

out onto platforms like **Roku**, **Amazon Fire TV** and **Android TV**. Within the main FAST offering will be individual channels for each of POWERtube TV's shows, including "Drift America," "Webb's Offroad Garage" and "Pass Time."

FUBO SEALS DEAL WITH SOX

Fubo is partnering with the Boston Red Sox for the 2023 season, the first time the vMVPD has teamed up with an **MLB** franchise. Fubo will have branding and hospitality opportunities throughout Fenway Park and on digital platforms. The streamer covers all Red Sox games and other Boston-market teams with its carriage of RSNs **NESN** and **NBC Sports Boston**, and national networks **ESPN**, **Fox Sports 1** and **MLB Network**.

VIZIO LAUNCHES CONTENT STUDIO

Vizio is introducing a new business unit built to bring fresh content to its viewers. The **Vizio Branded Content Studio** will develop a lineup of data-informed programming across multiple formats. Vizio tested its new model with the debut of the short-form series "3 Pointers," which was sponsored by **BetMGM**. Each episode of the series had recipes tailored for a game-viewing experience, all with BetMGM brand messaging implemented. Other VBCS shows include "Clean Break" and "City Limits."

TWO STREAMERS INBOUND

UP Entertainment is launching two SVODs: **GaitherTV+** and **AspireTV+**. GaitherTV+ will feature specials and full-length concerts of country, gospel, bluegrass and Christian music, while AspireTV+—which will launch in 4Q23—will have content dedicated to Black culture. Pricing details for both are to be revealed.

CARRIAGE

Nexstar struck a multi-year distribution deal with **Hulu**. The agreement encompasses 122 Nexstar local stations, which includes its **MyNetworkTV** affiliates and independent stations. It also includes the extended carriage of **NewsNation** on **Hulu + Live TV**.

DOING GOOD

DirectTV will be the presenting sponsor for the upcoming 2023 **Military Basketball Association** Playoffs and championship game. The tournament will take place Memorial Day weekend in Wichita, Kansas, and the title bout will be aired on CBS Sports Network on May 28 at 7pm. The MBA was founded in 2017 to promote military athletes and bring awareness to the behavioral health concerns veterans face.

PROGRAMMING

Apple TV+'s "The Morning Show" with *Jennifer Aniston* and *Reese Witherspoon* will have its third season premiere this fall. – **Amazon Freevee** is also bringing one of its shows back for a third season. "Bosch: Legacy" was renewed ahead of its Season Two premiere, coming this fall. It wasn't the only programming note from Freevee as it announced more than 100 Amazon Originals from **Prime Video** will be available on the AVOD this year. Series such as "Lizzo's Watch Out for the Big Grrrls," "Modern Love" and "Sylvie's Love" are already available on Freevee, and more titles will be rolled out on the platform every month. On May 26, the first three episodes of "The Summer I Turned Pretty" will be available to stream, before Season One of "Reacher" and "The Wheel of Time" will launch on Freevee later this year. Also coming in May will be the first three episodes of "A League of Their Own," "The Terminal List" and "Paper Girls." – The Season 14 debut of "The Real Housewives of New York City" is set for July 16 at 9pm on **Bravo**. Episodes will be available to stream on **Peacock** the following day. – **ESPN+** will have 31 MLB games over the course of May, beginning with the Braves-Mets at 1pm on Monday. There will be two doubleheaders for the platform: D-Backs-A's at 3:30pm and Yankees-Blue Jays at 7pm on May 17, and Rangers-Pirates (12:30pm) and O's-Mariners (7pm) on May 24. – "Last Cowboy Standing," a four-part series exploring what it takes to become a professional bull riding champion, will premiere on **Fox Nation** on Sunday. – **CNN** will have a live town hall event with former President *Donald Trump* on May 10 at 9pm. Anchor *Kaitlan Collins* will moderate from St. Anselm College in New Hampshire in front of a live audience. Pay TV subscribers can watch live on CNN.com and its OTT and mobile apps. The town hall will be made available on demand the following day. – **Hulu**'s "Drag Me to Dinner" debuts May 31. Each episode sees two teams of drag queens battling head-to-head to throw the most fabulous dinner party.

PEOPLE

Mediacom is upping *Julien Dancona* to SVP/Corporate Controller, where he'll oversee all aspects of the accounting and financial reporting functions of the company. He'll replace *Brian Walsh*, who's retiring after 35 years in the cable industry. Walsh was Mediacom's first full-time accountant when he joined in 1996, and since he's helped build the company's accounting arm to more than 70 professionals. Additionally, Mediacom promoted *Ken Kohrs* to Group VP, Financial Reporting and *Suzanne Sosiewicz-Leggio* to Group VP, Financial Services. – **BCAP**'s board unanimously re-elected **Breezeline** Director, Government Affairs *Fran Bradley* as Chairman of the Board during the trade association's annual membership meeting last week. His chairmanship includes a two-year term. Bradley joined the 16-member board in 1990 when the organization was still known as the **Pennsylvania Cable and Telecommunications Association**.