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WHAT THE INDUSTRY READS FIRST

Retrans Fireworks: Nexstar Swats Back at DirecTV

Nexstar filed its motion to dismiss DirecTV's antitrust lawsuit against it, claiming it's just an attempt to gain a tactical advantage in its upcoming retransmission consent negotiations with the broadcaster.

"Unhappy with industry-wide increasing retransmission consent rates (caused in significant part by rising content costs for broadcast groups), DirecTV has already failed to agree on retransmission consent renewals with defendants **Mission Broadcasting** and **White Knight Broadcasting**, losing the right to broadcast their stations. Now, on [redacted] its renewal negotiations with Nexstar, DirecTV concocted this alleged antitrust conspiracy, based on rates proposed by Mission and White Knight that DirecTV did not pay," Nexstar said in its motion filed Monday.

While it's not known what the redacted portion says, it could be something like "on the eve of its renewal negotiations with Nexstar." We're making that guess based on the fact a nearly two-month long blackout started on July 3, 2019 between Nexstar and former DirecTV majority owner **AT&T**. DirecTV and AT&T U-verse lost 120+ Nexstar stations in 97 markets. There have been no warnings thus far of a potential blackout by Nexstar stations, but they could still come. We did notice that some Nexstar-owned stations, such as East Texas NBC affiliate **KETK**, are running ads on their websites about the loss of White Knight and Mission stations for DirecTV subs.

DirecTV filed the [lawsuit](#) in March against Nexstar, Mission and White Knight, accusing Nexstar of violating federal antitrust law by engaging in an illegal conspiracy with Mission and White Knight to manipulate, raise and fix prices of retransmission consent fees. Mission and White Knight stations have been dark on DirecTV since October 2022 with the parties unable to reach a new agreement. In the suit, DirecTV accused Nexstar of using the sidecars to set a sufficiently high price floor in their negotiations so Nexstar can enter its own negotiations with DirecTV "with confidence that it can attain a similarly supracompetitive rate."

Nexstar maintains it's well within the law. "DirecTV alleges that its inability to broadcast Mission and White Knight's stations caused it to lose customers and that it will continue to cause a loss of customers, including because of its anticipated failure to reach agreement with Nexstar," the broadcaster told the court. "That alleged prospective loss of customers is purely speculative. And this indirect, non-price harm is too attenuated from the alleged collusive conduct to establish cognizable harm, either prospectively or retrospectively. Ultimately, that prevents DirecTV from establishing either constitutional or antitrust standing."

Several MVPDs have raised alarms over Nexstar's arrangements with Mission Broadcasting and White Knight Broadcasting, with MVPD group **American Television Alliance** recently [opposing](#) the sale of Detroit broadcast station WADL from **Adell Broadcasting** to Mission, saying it highlights Nexstar's continued use of "sidecars" to evade television ownership rules and raise prices for consumers. **Comcast** also has filed

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a petition at the **FCC** that seeks to have Mission-owned WPIX attributed to Nexstar, which would put the broadcaster over Congress' 39% national ownership cap.

Nexstar's motion rebuts DirecTV's allegations that it used sidecars to conspire and fix prices, saying it offers no factual support: "DirecTV describes three allegedly parallel actions between Mission and White Knight: (1) use of the same [retrans consent agreement] negotiator; (2) similar demands for higher retransmission consent fees; and (3) the fact that both Mission and White Knight have services contracts with Nexstar. Because each of those actions had a lawful purpose and an obvious business explanation, DirecTV fails to nudge its conspiracy claims from merely possible to plausible."

CHARTER EMBRACING WIFI 6E, DEPLOYING NEW EQUIPMENT

Spectrum recently began deploying WiFi 6E routers to certain internet customers across its 41-state footprint, according to a [Q&A](#) posted to the company's site Tuesday. Along with offering the latest in WiFi technology, the routers are built to support speeds of up to 2 Gbps. The new routers are largely being deployed to support Spectrum's Advanced WiFi product and to deliver enhanced speeds to customers' homes. "WiFi technology is progressing rapidly and, while we recently began deploying our first WiFi 6E router, we are already looking ahead to WiFi 7, which can support speeds up to 10Gbps," Group Vice President, WiFi Products *Dave Rodrian* said in the Q&A. "We expect to have WiFi 7 routers available in the first half of 2024."

CARRIAGE

DirecTV has renewed its agreement with the NFL to continue carrying **NFL Network** for its satellite customers. Under the new deal, the MVPD will also add NFL Network to DirecTV Stream and U-verse customers as well as **NFL RedZone** across all platforms. The network and RedZone will be part of DirecTV's "Sports Pack," an add-on package it unveiled today that comes at less than \$15/month. **NHL Network, NBA TV, MLB Network, Golf Channel** and more are included in the package along with over 30 RSNs.

VERIZON EXPANDING FIOS FOOTPRINT

Verizon is building out its Fios offering to more communities in Virginia and Pennsylvania. Nearly 3,000 households and businesses in Virginia's Caroline and Greensville counties

and another 1,100 in western Pennsylvania's Washington and Westmoreland counties will gain access to Fios service when the upgrades are finished. The projects, which will cost \$24 million in total, are partially being funded by \$10.2 million from the American Rescue Plan Act.

RACE WITH ROKU

There's a new player in the live sports space: **Roku**. The platform is the new streaming home of the all-electric motorsport series Formula E after the competition signed new broadcast distribution partnerships. Formula E will air five races on **CBS Television Network** and simulcast on **Paramount+**, which are both already on the Roku platform. It's Roku's first live sports rights acquisition, but it's even getting **The Roku Channel** in on the fun. That'll carry 11 races in the ABB FIA Formula E World Championship starting next season.

ACAC: FTC NEGATIVE OPTION RULES SHOULD HAVE LIMITS

The **FTC's** proposal to amend its Negative Option Rule to protect consumers from auto-renewal programs is getting support from 27 state attorneys general, but some cable folks want to make sure the changes being proposed aren't too far-reaching. In comments submitted to the agency last week, **ACA Connects** asked the FTC to, in any final rule, exempt communications services providers. That's because the 1992 Cable Act already includes and enforces various consumer protection standards, including those tied to negative option billing, and the **FCC** has adopted additional rules around the subject. "Not only is imposition of the Proposed Rule not necessary to ensure subscribers to communications services are protected, it would result in regulatory chaos as other government agencies, communications services providers and consumers attempt to discern which regulatory regime applies and to what extent," the association said in its comments.

DIRECTV ADVERTISING TAPS 605 FOR ANALYTICS

DirecTV Advertising has struck a new partnership with measurement firm **605**. The two will bring together DirecTV's direct-to-consumer relationships with 605's methodology to provide customers with more visibility on lower funnel metrics. Those include sales lift, website activity, geolocation visitation and more.

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VERIZON BUSINESS EXPANDS SECURITY TOOLS FOR CUSTOMERS

Verizon Business is upgrading its fixed wireless offering with native security features and a cloud-based router management dashboard. At no additional charge, those customers will now have access to the Verizon Business Internet Portal, a tool allowing those enterprises to monitor and manage their entire portfolio of fixed wireless connections. Performance monitoring and diagnostics for all routers is included as are network management features like device rebooting and remote WiFi password control. Additional internet security services will also be available as paid improvements to LTE or 5G Business Internet plans. The Plus tier (\$10/line per month) includes ransomware and phishing protection, security insights and more. The Preferred tier (\$20/line per month) includes all Plus features as well as content filtering, the blocking of specific URLs and IP addresses and other advanced configuration enablement options.

LIFT LABS PARTICIPANTS SNAG PARTNERSHIPS

All eight of the startups taking part in **Comcast NBCUniversal's** LIFT Labs Generative AI Accelerator have secured pilots or proofs of concepts with Comcast, NBCU and/or **Sky**. The six-week program had founders work alongside teams from the three companies, with a particular focus on use cases like customer experience, video analytics and deep fake detection. The companies range from **Charisma.ai**, which is a technology that helps develop interactive narratives, to **NLX**, which is working with Comcast's Customer Experience team to advance communications with customers across a range of platforms. After the program concludes Wednesday during a Generative AI Summit, the companies will continue working with Comcast NBCU to explore potential long-term partnerships.

PARAMOUNT+ WITH SHOWTIME LAUNCHES

Today's the big day for **Paramount+ with Showtime**. The new combined streamer carries Showtime's entire portfolio alongside Paramount+'s library for \$11.99/month, but customers can get a lower-cost Paramount+ Essential Plan—which doesn't include Showtime—for \$5.99/month. Existing Paramount+ Premium subscribers will automatically receive access to Showtime content, and new customers can get a 30-day free trial through July 12.

RATINGS

It's **ESPN's** turn again at the top of the weekly primetime ratings. The sports giant averaged 1.78 million viewers P2+ thanks to the men's College World Series. **Fox News** fol-

lowed closely with 1.53 million, with **MSNBC** not far behind at 1.31 million. **HGTV** and **INSP** rounded the top five with 802,000 and 749,000, respectively. Fox News kept its seat at the top of the total-day ratings with 1.18 million. MSNBC came second at 849,000 and ESPN third with 662,000. Fox News did ultimately take the total-day ratings for 2Q23, but it was TNT that trumped all in the quarterly prime rankings after a successful NBA postseason. It averaged 1.96 million over the quarter. MSNBC had a successful 2Q23 as well, checking in at No. 2 in total day with 896,0090 average viewers and beating CNN in the A25-54 demo—also in total day. – **Spectrum News** checked in as the most-watched news network among Spectrum households during the month of June. Raleigh (12%), New York City (11%), Buffalo (10%) and Dallas (7%) all had better month-over-month viewership growth than the broadcast nets and Fox News.

FIBER FRENZY

Altafiber has partnered with the city of Dublin, Ohio, to build out a fiber network capable of 10 gigabit speeds to its residents and businesses. Altafiber will be investing roughly \$35 million in the fiber network, and the company will also provide additional tech infrastructure to be potentially used for public WiFi initiatives. – The Canadian and Ontario governments announced more than \$4 million in combined funding for **Mornington Communications** to bring high-speed internet to more than 400 homes in communities including Crosshill, Dorking, Hawkesville and Wellesley. – **WOW!** took another step in its greenfield expansion. The company added its first customers in Wekiwa Springs, Florida, giving them access to symmetrical internet speeds of up to 5 Gbps. New customers can get free professional installation and Visa Rewards gift cards.

DOING GOOD

Cable One pledged \$125,000 through its Charitable Giving Fund to 25 nonprofits in need within its footprint. The Fund focuses on three primary areas: education and digital literacy, food insecurity and community development. Nonprofit organizations that wish to apply for a grant can submit an application in the fall or spring. The next open period for grant requests will be October 1-31. – In partnership with **Comcast**, Tallahassee community leaders are creating a new program to bridge the digital divide and promote digital equity and inclusion in the city's southside neighborhoods. The Rotary Club of Tallahassee Southside, the Greater Apalachee Ridges Estates Neighborhood Association, Leon County Schools and Comcast hosted the community's Inaugural Community Digital Equity Forum. During that forum, Comcast announced it will award a \$75,000 grant to the Rotary Club and the Neighborhood Association, both of whom will work with the school district and other community organizations to launch a Digital Navigators program.