

Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

Game Time Decision: MLB Demands That Diamond Act on Rights

Major League Baseball is done waiting for Diamond Sports to decide on the future of its sports rights. In a joint motion filed in the Southern Texas Bankruptcy Court late Wednesday, the league along with the Cleveland Guardians, the Atlanta Braves, the Detroit Tigers, the Milwaukee Brewers and the Texas Rangers asked the court to force Diamond Sports to either assume or reject each of its telecast rights agreements.

Diamond filed for Chapter 11 bankruptcy in March, and MLB says that despite seven months of protection, Diamond is no closer to putting forward any sort of Chapter 11 emergence plan or a business plan of any sort.

“Instead, the Debtors have incurred hundreds of millions of dollars of cash losses, wasted time and estate resources on unnecessary litigation, shut down their Arizona and San Diego RSNs, failed to deliver the business plan required by their cash collateral order and asked this Court, on an emergency basis, to appoint mediators to help broker an agreement between the Debtors and their creditor constituencies,” MLB said.

The league said the ongoing indecision around what to do with its existing telecast rights agreements has already caused and continues to harm the clubs impacted by Diamond’s decisions. “For the entirety of the 2023 season, the Clubs faced the risk that the Debtors might reject or abandon Telecast Rights Agreements at any time, forcing the Clubs and MLB to scramble to telecast games to millions of fans,” MLB said.

With the 2023 postseason upon them, clubs are starting to make preparations for the next year’s telecasts, and MLB said their success depends on the lead time provided to them by Diamond. That’s not only because of the work it takes to coordinate hundreds of employees, contractors and vendors for the production of an entertaining game for fans in the stadium and at home, but also because of the necessary negotiations that have to take place with cable and satellite distributors and local advertisers. “The Debtors’ decision to reject some or all of the Telecast Rights Agreements could potentially multiply these efforts by a factor of twelve,” MLB said.

It claims that Diamond Sports already knows which of its telecast rights agreements it wants to hold on to when it emerges from Chapter 11. It is the league’s understanding that Diamond has already reached out to certain clubs to inform them that their rights agreements are on the chopping block, but there has been no official movement on Diamond’s end to make that happen. From where it is sitting, MLB said Diamond’s conduct “smacks as an attempt” to improperly take advantage of Chapter 11 protections.

“Without certainty from the Debtors, MLB is left in an untenable situation: invest tens of millions of dollars to further build out its telecast capabilities in the event the Debtors reject additional Clubs’ Telecast Rights Agreements without the immediate prospect of distributor revenue to offset these costs, or run the risk of failing to develop a sufficiently robust contingency plan to service every Club that may require MLB to support the telecast of its games,” it said.

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COMCAST OPENING DOORS TO DOCSIS 4.0 CUSTOMERS

Comcast announced Thursday that it will begin onboarding customers onto its DOCSIS 4.0 network next week. The roll-out will begin in select neighborhoods in Colorado Springs and expand to new markets across the country over the next few years. Select areas of Atlanta and Philadelphia are expected to come online before the end of 2023. Comcast is launching a new batch of internet plans to come alongside the introduction of the multi-gig symmetrical speeds. The newly introduced “X-Class” speed tiers include X-300 Mbps, X-500 Mbps, X-1 Gbps and X-2 Gbps upload and download speeds as well as low latency.

SCTE’S DZUBAN SAYS GOODBYE

SCTE President/CEO Mark Dzuban announced that he is preparing to retire and next week’s **Cable-Tec Expo** will be his last as head of the association. In a [column](#) posted to *Broadband Library*, Dzuban took a look back at his career in cable and telecom, one that began 55 years ago. He spent time in the commercial two-way radio and mobile spaces before moving on to cable, and he felt his world come full circle when everyone started talking about mobile and fixed wireline convergence a few years ago. “In fact, when I graduated from Middlesex College in 1972, I was in the last class of radio frequency science and technology because the world was going digital,” he wrote. “Five decades later, the industry is reconstituting those programs because of WiFi and mobility. Only now, the convergence of mobile and cable is executable!” As for what’s next, Dzuban is going to be spending time with his wife, children and grandkids, but he’s not going to be completely leaving the industry. He wants to become more involved with the **SCTE Foundation**, its Energy 20/20 program and the organization’s Business Continuity Planning and Disaster Recovery Working Group focused on coordinating disaster strategy with FirstNet. “There’s still a lot of work to be done, and I can’t wait to join you in Denver to celebrate 40 years of Cable-Tec Expo,” he wrote.

FTC RELEASES JUNK FEE PROPOSAL

This week, the **FTC** voted 3-0 to approve publication of a proposed rule to prohibit so-called “junk fees,” hidden fees that can add unexpected costs for consumers. The agency received more than 12,000 comments earlier this year on the issue and now it’s seeking a new round of comments on its proposal, which would prohibit unfair or deceptive practices

relating to fees for goods or services, specifically, misrepresenting the total costs of goods and services by omitting mandatory fees from advertised prices and misrepresenting the nature and purpose of fees. The proposal appears quite broad and industry neutral, so various cable fees could fall under the rule. The NPRM noted that individual comments about telecommunications, including internet, television, and telephone services, found consumers are confronted with advertised rates that do not include mandatory fees, which are only disclosed after consumers contract for services and in ways that consumers find difficult to understand. The issue got a call out in *Biden’s* State of the Union speech earlier this year, with the president declaring, “The idea that cable, internet and cell phone companies can charge you \$200 or more if you decide to switch to another provider—give me a break.”

Cablefax Executive Round Up

What does the future of addressable advertising in the ad space look like?



Larry Allen
VP/GM, Addressable Enablement
Comcast Advertising

“A recent Go Addressable survey noted that ~50% of advertisers told us the medium played a role in upfront negotiations and 73% are now using it, +16% a year ago. Marketers are understanding the importance of leveraging

first party and deterministic audiences to reach the right audiences at the right time with the right message. As we approach a pivotal inflection point in addressable TV advertising, interest, adoption and usage will grow as the market converges.”



Daniel Church
Head of Advanced TV Product
Beachfront

“The future of addressable TV advertising will be shaped by the convergence of TV platforms and evolving ad targeting signals. Initiatives like watermarking aim to unify ad delivery across different inventories and protocols amidst increasing

TV fragmentation. Common identifiers like IP addresses face scrutiny and potential blocking in ad targeting. This could lead to a resurgence in contextual advertising and data-driven linear practices as alternative forms of targeting.”



Mark Rotblat
CRO
Tubi

“Media buyers and advertisers are increasingly looking for incremental young and multicultural audiences they can’t get anywhere else. They want to make informed decisions around connected TV forecasting and planning, with effective measurement, to make sure they’re maximizing their budgets to reach

as many people as possible and drive brand impact at scale with the right allocations in CTV and across the board. Tubi has the scale and the tech to help them with that.”

FOX TV STATIONS GAINS SUPPORT IN LICENSE RENEWAL FIGHT

NAB and the **Pennsylvania Association of Broadcasters** are asking the **FCC** to deny **Media and Democracy Project's** (MAD) petition to deny **Fox Television Stations'** renewal of Philly station WTXF. The associations said they do not usually comment in broadcast station license renewal proceedings, but said their making an exception because the petition raises issues and makes arguments that concern all broadcast licensees, which must renew their licenses every eight years. "Most notably, the petition and its supporting materials have virtually nothing to do with WTXF-TV. Instead, the petition objects to the programming aired on a cable news channel, a national subscription platform that serves a purpose distinct from local broadcasters under the [Communications] Act," NAB and PAB said in their joint comments. MAD, which has the backing of former **Disney** and **Fox** lobbyist *Preston Padden*, filed its petition to deny the renewal in July, alleging that senior management of **Fox Corp.** manipulated its audience by knowingly broadcasting false news about the 2020 election. "Given the petition's overall non-broadcast concerns and its myriad faults, the Commission must dismiss it," NAB and PAB said. The MAD petition has the support of former **PBS** President and past **FCC** Commissioner *Ervin Duggan* and *ex-Weekly Standard* Editor *William Kristol*. Fox Television Stations has also been gathering supporters, recently submitting letters in favor of WTXF's license renewal from the **African American Chamber of Commerce of PA, NJ, and DE** and from *Patrick Murphy*, the 32nd Under Secretary of the Army and former U.S. Congressman for Pennsylvania's first congressional district.

SAG-AFTRA, STUDIOS WALK AWAY FROM BARGAINING TABLE

The momentum toward a new deal between **SAG-AFTRA** and the **Alliance of Motion Picture and Television Producers** came to a crashing halt late Wednesday as the studio CEOs walked away from the bargaining table. That decision came after SAG-AFTRA put forth its latest offer, one the guild believes embodied the spirit of the negotiations between the two parties. "These companies refuse to protect performers from being replaced by AI, they refuse to increase your wages to keep up with inflation, and they refuse to share a tiny portion of the immense revenue YOUR work generates for them," SAG-AFTRA's Negotiating Committee told members. "We have made big, meaningful counters on our end, including completely transforming our revenue share proposal, which would cost the companies less than \$0.57 per subscriber each year. They have rejected our proposals and refused to counter." In the other corner, AMPTP is arguing that SAG-AFTRA's latest offer included what the actors' guild called a viewership bonus that would cost more than \$800 million each year and create an "untenable economic burden." That seemed to be the cause of the breakdown between the two groups. SAG-AFTRA countered AMPTP's claim, saying the executives intentionally misrepresented the cost of the proposal,

overstating it by 60%. AMPTP also released a list detailing what it included in the offers it extended to SAG-AFTRA during the five days of negotiations, including a success-based residual for high-budget SVOD productions, substantial increases in pension and health contribution caps, and the highest percentage increase in minimums in 35 years. On the issue of AI, it says it proposed protections that would require the advance consent of performers and background actors to create and use digital replicas and prohibit digital replicas from being used without a performer's written consent and description of the intended use. SAG-AFTRA also takes issue with its characterization of that proposal, claiming that AMPTP says it wants to protect performer consent but continues to demand it on the first day of employment for any franchise project. "On common issues, such as general wage increases, High-Budget SVOD residuals, and viewership bonuses, the AMPTP offered the same terms that were ratified by the DGA and WGA. Yet SAG-AFTRA rejected these," AMPTP said. "We hope that SAG-AFTRA will reconsider and return to productive negotiations soon."

CARRIAGE

Warner Bros. Discovery is launching its first-ever Spanish-language FAST channel on **ViX**. **MotorTrend VELOZ TV** is now available in the U.S. and comes with 12 series to start, including "Shorty's Dream Shop," "Inside West Coast Customs," "Iron Resurrection" and "Junkyard Empire." MotorTrend VELOZ TV will add dubbed series from its current FAST offerings in the future. – **Local Now** is partnering with **Gannett** to add the **USA TODAY** and **USA TODAY Sports** channels. USA TODAY comes with series such as "Problem Solved," "Humankind" and "Entertain This!" while also featuring content by journalists from more than 200 of Gannett's local publications. USA TODAY Sports will include a weekly series "Sports Seriously." – **Newsmax** is headed overseas after being added to the TV platform **Freeview**, making the network available in 15 million households across the U.K.

PROGRAMMING

Hockey reporter *Barry Melrose* is retiring from **ESPN** after being diagnosed with Parkinson's disease. Melrose first joined the network in 1996. – **Vizio** is adding 70 new movies and shows to its free streaming service WatchFree+. That includes "Ben & Jen: Never. Say Never" as well as "Ben is Back" and "St. Vincent." WatchFree+ is also adding a curated channel featuring fall-related premieres such as the true crime movie "Mind Investigators," food and travel show "Hotel Hell" and "Alien Disclosure Files." – **Great American Media** decided Christmas wasn't coming soon enough. The company pushed up its holiday franchise Great American Christmas by a week, now starting Friday at 6am. The event will have 20 original movie premieres, including "Destined 2: Christmas Once More" on Saturday at 8pm and "A Royal Christmas Holiday" on Dec. 23 at 8pm.

PROGRAMMER'S PAGE

Raising Goosebumps Once Again

What goes better with a Friday the 13th in October than a spooky new series inspired by R.L. Stine's beloved *Goosebumps* books? **Disney+** and **Hulu** are serving up the first five eps this Friday as part of their Halloween and Huluween programming stunts. Unlike the anthology "Goosebumps" TV series of the '90s, Disney's version tells an episodic story following five main characters across 10 episodes. The creators had the entire Scholastic catalog of *Goosebumps* books to pore through. "In the first season of our show, we took five of the most popular books and use those for the first five episodes of the season. And we find that each of the high school kids in our show is being haunted by an element from one of those books and then halfway through the season, they come together, and they basically work together to survive and save the town," executive producer *Pavun Shetty* ("The Boys") told **CFX**. The five high schoolers are living in the present day, but there are some flashbacks to the past as they investigate the tragic passing in 1993 (when the original *Goosebump* books debuted) of a teen named Harold Biddle. Rather than faithfully retell Stine's stories, the series instead draws from central elements. "In those first five episodes, each of the totems—a Polaroid camera, a mask, a worm—is directly pulled from Stine books, but we take it into a hopefully surprising and interesting different direction," said executive producer *Conor Welch* ("Platonic"). "Each of those totems also is representative of a very real grounded, relatable issue that each of these characters is going through. I think that's one of the hallmarks of R.L. Stine's book series—it's not just scares for the sake of scares. It's scares as being representative of true relatable human issues and adolescent issues that these kids are going through." – *Amy Maclean*

REVIEWS

"For All Mankind," **Apple TV+**. One of the best attributes of today's television is possible because the bandwidth that cable affords the medium. Availability of numerous networks allows for myriad content experiments, which would be impossible with the ratings demands of broadcast. True, the downside is that some channels' slates overflow with re-runs of low-quality programming and infomercials. Yet, channels' ability to create and rescue worthy shows are unlikely without cable nets. An example is "For All Mankind," a well-done sci-fi series whose fourth season is set for premiere on Apple TV + Nov. 10. The series' premise is simple—the Soviet Union, not the U.S., won the space race and has landed cosmonauts on the moon in 1969. From there the careful hand of *Ronald D. Moore*, known best for **Starz's** historical fiction hit series "Outlander," is evident, with its mix of personality-driven plots. While Moore's success with *Outlander* is significant, his space bona fides are strong too. He wrote "Star Trek" iterations as well as "Battlestar Galactica" and "Caprica." Trust us, science fiction won't be quite the same after you experience the sight of an astronaut shooting a gun in the zero-gravity of the lunar atmosphere. A few negatives, early eps' length, roughly 60 minutes. Our advice, catch up on Seasons 1-3 so you're ready for Season 4. – *Seth Arenstein*

BASIC CABLE P2+ PRIME RANKINGS* (10/02/23-10/08/23)		
MON-SUN	MC US AA%	MC US AA (000)
ESPN	0.723	2278
FNC	0.641	2021
MSNBC	0.457	1441
HALL	0.263	830
CNN	0.250	787
HGTV	0.247	777
FS1	0.215	678
TBSC	0.215	676
INSP	0.202	636
TLC	0.175	552
USA	0.167	525
FOOD	0.165	521
HMM	0.152	478
HIST	0.144	454
TVLAND	0.141	444
ESPN2	0.140	441
DISC	0.136	428
ID	0.129	406
A&E	0.114	359
GSN	0.100	316
LIFE	0.099	311
BRAVO	0.097	307
REELZ	0.097	305
AMC	0.095	300
WETV	0.093	292
NWSMX	0.090	284
OXY	0.081	255
FX	0.081	255
ADSM	0.079	251
BET	0.073	229
FRFM	0.072	227
TNT	0.070	219
FETV	0.067	211
PRMNT	0.066	207
NAN	0.065	205

*P2+ L+SD rankers are based on national Nielsen numbers, not coverage.

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