

# Cablefax Daily™

WHAT THE INDUSTRY READS FIRST

## Independents' Day: Heated Debate on Indy Programmer-MVPD Dealings

Comcast sat out filing initial comments in the docket for the FCC's [proposal](#) to ban Most Favored Nation and Alternative Distribution Method clauses, but it's speaking out against such regulation in reply comments at the Commission this week. The FCC is considering such a move in an effort to allow independent programmers to compete more effectively.

Comcast noted it carries all of the independent cable programmers that commented in the proceeding, with it offering approximately 150 independent cable networks. **Fuse**, **UPTv**, **Aspire** and **Ovation** are among the independent nets who have publicly supported the FCC proposal.

"MFNs and ADMs of the sort that Comcast seeks help distributors and programmers 'get to yes' in contract negotiations," the company said, declaring that the provisions enable more long-term carriage deals while ensuring market-based prices for MVPDs. "Arguments in the record supporting the ban on MFNs boil down to letting programmers give special price and other concessions to OVDs (several of which have market capitalizations and cash reserves many times that of any MVPD) while sticking MVPDs and their customers with the bill—hardly a net public benefit. Similarly, ADMs ensure that customers are not paying for content that the programmer otherwise chooses to make available for free in the same viewing window."

Some independent networks that didn't offer initial comments stepped in with reply comments this week in support of the FCC

proposal. **Rural Media**, which operates **RFD-TV**, **The Cowboy Channel** and **The Cowgirl Channel**, said rural content and diverse voices have been silenced by current practices. "Oppressive carriage agreements paired with years of mergers and vertical integration among media conglomerates have resulted in MVPDs cutting back or outright eliminating rural independent and other non-urban programming from their channel lineups. This market failure has left many rural viewers with fewer and less relevant programming options, or in the dark completely," the company wrote.

One of Rural Media's complaints is that a major MVPD with an MFN can opt to carry one of its channels in a single market and get the same rate for a couple hundred thousand households as a competing MVPD that is delivering one of its nets to millions of households. That takes away Rural Media's ability to incentivize new launches on the less carried distributor.

This round of comments drew some outside parties. **NAB** didn't take a stance on the proposal, but it wanted to address a "handful of erroneous and misleading comments in the record" that suggest retransmission consent affects an MVPD's ability to carry independent programmers. "If it's an FCC proceeding—even if it has nothing to do with broadcasting—this same cast of characters will inevitably implore the Commission to step in to regulate retransmission consent," NAB wrote in comments that called out **Echostar**, **ACA Connects** and the "one-note" **American Television Alliance**. "Apparently, the pay TV industry believes that if it keeps arguing for the Commission to regulate retransmission consent negotiations and compensation—even unlawfully—the FCC will be

DIVERSITY  
& THE PRIDE LIST  
+ WORKPLACE CULTURE IN 2024 & BEYOND

PRESENTED BY CABLEFAX



It's time to nominate for The Cablefax Diversity and Pride List! Cablefax annually recognizes influential multi-ethnic execs for their dedication to diversity in the industry. Our issue spotlights The Pride List, honoring impactful LGBTQ+ execs. Other categories include D&I Mentor of the Year and Thrivers Under 30.

**NEW: A Celebration of Work Culture in 2024**—We're looking for innovative employers who are at the forefront of providing attractive and inclusive work environments.

**NOMINATE NOW**

Entries Close: July 19th, 2024

so concussed by the sheer repetitiveness of the industry's arguments that it will forget the law and accede to intrusive regulation significantly hampering broadcast TV stations."

A more surprising commenter was the **Independent Broadcast Group**, an association of Canadian programming providers. The group chimed in because earlier comments made reference to Canada's regulatory framework prohibiting MFN clauses and restricting ADMs. Canada also has established a broader dispute resolution framework that includes a final offer arbitration mechanism and other specific rules to support independent programming services.

The Canadian regs have been in place in their current form since 2015, with the group maintaining they have provided support to independent programmers. It noted that the number of independent networks has remained relatively stable—70 in 2019 and 68 in 2020. "Total revenue for this sector of the independent industry declined by a cumulative aggregate rate of - 3.8% over this period, which is higher than the rate of MVPD subscriber loss in Canada (-2.9%), but not so steep a decline as to cause independent services to cease operation en masse," the association said. "In comparison, the number of MVPD-owned discretionary services declined more than in the independent sector (from 81 services to 74), but those services were better able to retain their revenue, experiencing only a -1.0% cumulative annual decline in this period collectively."

Comcast painted the current marketplace as no longer a competition between a handful of MVPDs or even MVPDs and vMVPDs, but as a market that favors the online video distributor model, which can include everything from FAST channels to SVODs like **Netflix**. "As more viewers shift to OVDs and away from traditional MVPDs, programmers have steadily moved much of their newest content to OVDs, including through their own DTC offerings," Comcast said. "A number of independent programmers have launched DTC apps since 2016. The cumulative effect of the ever-evolving video market landscape has left MVPDs trailing OVDs in capturing viewers. As a result, there is no credible argument that MVPDs today stand in the way of programming being licensed to OVDs or made available directly to consumers. As recent viewership trends demonstrate, OVDs now regularly command a greater share of total viewership than either cable or broadcast television."

**Verizon** piled on in its comments, saying the FCC proposal is "particularly unwarranted because it would ban the use of MFNs by MVPDs but not by major online video distributors, even though MVPDs have historically carried significantly more diverse, independent programming than OVDs."

.....

## HALLMARK TO LAUNCH STREAMER

Welcome **Hallmark+** to the world of streaming. **Hallmark** re-

vealed it's launching a new subscription streaming service that combines ad-free content with discounts and promotions tied to its Hallmark retail stores. Hallmark+ will launch mid-September and offer an array of titles including the network's limited series "Holidazed" and "Mistletoe Murders" as well as the reality series "Finding Mr. Christmas." Scripted series "The Chicken Sisters" will also make its way onto the streamer as will the movie trilogy "Groomsmen." Hallmark+ will run at \$7.99/month and \$79.99/year. Additionally, the streamer will be accompanied by a rewards program that'll come with a monthly \$5 Hallmark Gold Crown Store coupon, unlimited eCards for free, rewards for shopping and surprise offers. Subscribers will also get rewards for simply streaming content. The Hallmark+ news continues the shift of Hallmark's linear and digital offerings, having **rebranded** Hallmark Movies & Mysteries to **Hallmark Mystery** and Hallmark Drama to **Hallmark Family** in late February.

.....

## NBA NEARS MEDIA RIGHTS FINISH LINE, TNT PONDERES OPTION

The **NBA** is **getting ready** to cross the finish line on its next media rights deals that'll be good for 11 years and be worth \$76 billion, according to *The Athletic* which cites executives with direct knowledge of the agreements. Contracts have been finalized to keep **ESPN** as the primary partner with **Prime Video** and **NBC** joining the fray. ESPN and **ABC** will continue to have the NBA Finals under the new deal, but ESPN's number of games is set to be reduced from 100 to around 80. Prime Video is expected to have streams mostly taking place on Fridays and Saturdays. It'll also become the new home of the NBA In-Season Tournament. NBC will have games on Tuesdays while **Peacock** will stream exclusive Monday games (on top of simulcasting all of NBC's games). All three partners will have playoff games. Prime Video and NBC will alternate on conference finals broadcasts as ESPN will have the other conference final each season. But as the ink gets ready to dry, many are wondering if **TNT Sports/Warner Bros. Discovery** will make a last-minute move. Once the NBA's governors approve the deals, TNT Sports will get the finalized contracts and have five days to determine if it wants to match another company's deal. The Athletic indicates Prime Video's deal would be in TNT Sports' sights.

.....

## NFL COMMISH ON PARAMOUNT-SKYDANCE, GAMES ON NETFLIX

With the **Paramount-Skydance** deal back in business, there are plenty of changes that'll happen within the company. But lost in that hubbub is the fact that should the deal go through, leagues that have **CBS** and/or **CBS Sports** as a broadcast partner could be able to renegotiate any existing deal. **NFL** Commissioner **Roger**



A Cablefax feature highlighting industry doings spotted in the real world.



DirecTV is feeling a bit legendary. It's taken over fabled New York soccer bar Legends through Aug. 12, creating the DirecTV Soccer Champion Lounge. It's an extension of the 2024 [DirecTV Soccer Champions Tour](#), which has some of the top clubs in Europe playing in U.S. stadiums. Manchester City



and AC Milan kick things off at Yankee Stadium on July 27, with the tour continuing through Aug. 5.

Midtown bar Legends was filled over the weekend with fans enjoying the quarterfinal contests of Euro 2024 and Copa América. The takeover represents DirecTV's first major sports activation in New York since its spinoff

from AT&T in 2021. The sponsorship makes sense given the provider's strong footing in the sports world. While it no longer has NFL Sunday Ticket, it's remained heavily involved in sports, not only emphasizing sports programming on its platforms but also through sponsorships, including a multi-year deal as official sponsor of Notre Dame Athletics.



The 38-day DirecTV Soccer Champion Lounge experience at Legends gives fans a chance to cheer on their favorite teams during the summer series, while also purchasing customized merchandise and entering sweepstakes to win signed jerseys, match tickets, field passes and more.

Goodell spoke on that issue during an appearance on **CNBC's** "Squawk on the Street," playing up the league's relationship with CBS/Paramount while also knowing due diligence is needed. "We'll obviously be paying close attention to the process. We know Skydance. We're partners with Skydance. They've done a terrific job with our relationship. So we'll look at the structure of the deal. We'll see how it impacts us. We'll see how it impacts our business and we'll make the best decision for the NFL at that point," Goodell said. He touched on the fact the league wants as big of reach as possible, and part of that as of late has come with putting games on streamers like **Peacock** or **Netflix**. While that puts games behind a paywall, Goodell reiterated that over 85% of NFL games are free to watch on TV, and when the league makes exclusive streaming deals, those games are aired in the respective local markets. "You see the changes and so, fans are moving off of paid television platforms. So we want to be where the fans are," Goodell said. "Netflix has close to 300 million subscribers on a global basis, which was really attractive for us in being able to reach that global fan. As you know international is a huge initiative of ours. And I think they want to really make this an event at Christmas Day and we think that's important just like Thanksgiving. And so, we've seen that."

.....

### AT&T TO APPEAL NAD DECISION

**AT&T** plans to appeal a decision from the **National Advertising Division** recommending it discontinue or modify the claim that its Supplemental Coverage from Space (SCS) is presently available to customers. The decision, which stems from a Fast-Track SWIFT challenge by **T-Mobile**, centers on AT&T's "Epic Bad Golf Day" [commercial](#). It announced plans to offer that SCS for customers in remote and unserved areas, but states coverage isn't available yet. NAD's focus was on whether the ad conveyed the message that SCS is currently available, recommending that AT&T either discontinue the claim that SCS is presently available to AT&T consumers or modify it to clearly and conspicuously disclose that SCS is not available now. AT&T plans to appeal the decision because the company "maintains its position that there is no implied message of present satellite calling availability" and "the commercial is simply a comedic romp that clearly showcases AT&T's investment in the future of satellite calling."

.....

### AFFORDABLE BROADBAND CAMPAIGN TURNS EYES TO USF

The **Affordable Broadband Campaign**, an org aimed at finding solutions to affordable broadband for low-income households, is shifting its focus from the renewal of the Affordable Connectivity Program to USF reform. "While we will continue to fight for ACP and hope that Congress advances bipartisan proposals to save the program, it is clear that the congressional appropriations process is ill-suited for funding universal access to affordable broadband," Board Chair **Greg Guice** said. The group launched its official [website](#), which will serve as the home for research reports, news items and more.



# PROGRAMMER'S PAGE

## It's a 'Hard Knocks' Life for the NY Giants

The summer heat means we're in the thick of the **NFL** offseason, but **HBO** is offering fans a lifeline to make it to the fall with "Hard Knocks: Offseason with the New York Giants" (premiered July 2 on HBO/Max.) HBO first unveiled the newest addition to the "Hard Knocks" franchise at the **Warner Bros. Discovery** upfront in May. It still has its fair share of game film and highlights, but the offseason iteration of Hard Knocks is more about the front office and the behind-the-scenes workings of an NFL team. HBO provides a deep look into what NFL franchise leaders have to endure during the offseason. There's free agency, the NFL Draft, hours of meetings and in the Giants' case, a player making his feelings about contract negotiations known on social media. Those factors require a level of trust for a production crew to come in and properly highlight what the offseason truly looks like. "It's important as documentarians to get them comfortable with knowing we're going to be around a lot, because we don't know when that great stuff is going to just happen off the cuff," *Paul Camarata*, a showrunner for the program, told **CFX**. "So you have to paint that picture, and then I think it's just a matter of through those conversations, getting them to trust our process to understand how we work." That "great stuff" documentarians yearn for came when the film crew got footage of Giants GM *Joe Schoen* speaking with the Panthers' GM *Dan Morgan* in what blossomed into a player trade. Fellow showrunner *Emily Cameron* added that in cases like Hard Knocks, it's vital to ensure that all things are captured in a non-invasive way. "We can't tell that story if we don't capture it. So it is a trust game with these teams, and I think the Giants put a lot of trust in us and gave us a ton of access," Cameron said. – *Noah Ziegler*

### REVIEWS

"My Lady Jane," **Amazon Prime Video**. There are few things more distracting from world affairs than a good summer romp. "My Lady Jane" fulfills that role admirably. A quick caveat: despite its family-centered plot lines, this 8-ep series is not a family-friendly endeavor. Indeed, one of its many pleasures is its bawdy content. Another is its not quite tongue-in-cheek narration, with English actor *Oliver Chris* having too much fun with puns, innuendos and funny lines. We'll not spoil your enjoyment and divulge some of the narrator's better quips, but don't miss ep 1's introduction, which uses word plays as it sets the tone for the series as rowdy take on English monarchical history with little or no concern for historical accuracy. In short, Lady Jane Grey (an excellent *Emily Bader*) refuses marriage, despite her family's dire circumstances. Jane prefers a bachelorette life, so she can read, study herbs and chat with her servant *Susanna (Máiréad Tyers)* who, when pushed, is more than she appears. Fortunately, Jane can lean on her best friend from childhood, England's king, an ailing *Edward VI (Jordan Peters)*. True, listing series Jane borrows from would fill this space. Still, it's a summer spoof, gorgeously filmed with a strong cast, including newcomers such as *Bader*, but also veterans like *Jim Broadbent* and *Anna Chancellor* as Jane's dictatorial mother. – *Seth Arenstein*

BASIC CABLE		
P2+ PRIME RANKINGS*		
(07/01/24-07/07/24)		
MON-SUN	MC	MC
	US	US AA
	AA%	(000)
<b>FNC</b>	<b>0.642</b>	<b>2025</b>
<b>FS1</b>	<b>0.335</b>	<b>1056</b>
<b>MSNBC</b>	<b>0.279</b>	<b>878</b>
<b>HALL</b>	<b>0.266</b>	<b>840</b>
<b>ESPN</b>	<b>0.250</b>	<b>788</b>
<b>HGTV</b>	<b>0.203</b>	<b>640</b>
<b>USA</b>	<b>0.186</b>	<b>586</b>
<b>INSP</b>	<b>0.185</b>	<b>584</b>
<b>CNN</b>	<b>0.166</b>	<b>523</b>
<b>DISC</b>	<b>0.154</b>	<b>487</b>
<b>HIST</b>	<b>0.154</b>	<b>485</b>
<b>PRMNT</b>	<b>0.146</b>	<b>460</b>
<b>TBSC</b>	<b>0.141</b>	<b>444</b>
<b>FOOD</b>	<b>0.135</b>	<b>425</b>
<b>TLC</b>	<b>0.128</b>	<b>404</b>
<b>ID</b>	<b>0.121</b>	<b>381</b>
<b>TVLAND</b>	<b>0.117</b>	<b>368</b>
<b>GSN</b>	<b>0.111</b>	<b>349</b>
<b>FX</b>	<b>0.102</b>	<b>323</b>
<b>LIFE</b>	<b>0.095</b>	<b>300</b>
<b>HALLMYST</b>	<b>0.095</b>	<b>299</b>
<b>WETV</b>	<b>0.091</b>	<b>288</b>
<b>OXY</b>	<b>0.090</b>	<b>284</b>
<b>SYFY</b>	<b>0.085</b>	<b>270</b>
<b>A&amp;E</b>	<b>0.085</b>	<b>268</b>
<b>TUDN</b>	<b>0.084</b>	<b>264</b>
<b>BET</b>	<b>0.081</b>	<b>256</b>
<b>NWSMX</b>	<b>0.077</b>	<b>243</b>
<b>AMC</b>	<b>0.076</b>	<b>240</b>
<b>BRAVO</b>	<b>0.075</b>	<b>237</b>
<b>TNT</b>	<b>0.073</b>	<b>231</b>
<b>NATGEO</b>	<b>0.073</b>	<b>230</b>
<b>MLB</b>	<b>0.067</b>	<b>212</b>
<b>NAN</b>	<b>0.065</b>	<b>205</b>
<b>E!</b>	<b>0.061</b>	<b>191</b>

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

**Cablefax Daily**

Partner with  
**Cablefax Daily**

Contact Ellen Kamhi at 917.626.5574  
or ekamhi@accessintel.com

**Cablefax is THE Place to Advertise.**

Send a targeted eblast.  
Advertise in our Daily newsletter.  
Promote your content to our audience.  
And MORE!