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WHAT THE INDUSTRY READS FIRST

Batter Up: Diamond Only Commits to Carrying Braves Post-Bankruptcy

MLB claimed it was essentially blindsided in a Southern Texas Bankruptcy Court hearing Wednesday where **Diamond Sports** announced it only plans to continue carrying the Atlanta Braves under current deal terms when it emerges from bankruptcy. It televises 12 MLB teams, and eight of those teams—the Reds, Tigers, Royals, Angels, Marlins, Brewers, Cardinals and Rays—were under contract to be carried by Diamond Sports RSNs in 2025.

Representation for MLB said they were only given a heads-up about the Braves-only plan an hour and 15 minutes before the start of the hearing, and filings that were supposed to be made in the court docket Monday for all sides to review were only made available by Diamond Sports on Wednesday morning.

“This is just another example of being given no information by the debtors and then being greeted with hurrahs that everything has changed once again, and we have no information about what is being done,” *Jim Bromley*, representation for MLB, told Judge *Christopher Lopez*. “We’ve had no opportunity to review and now we’re in front of the court being asked to make our comments.”

Diamond Sports representation fired back, arguing that during a presentation in August, the company laid out a baseline restructuring plan that said in the absence of deals, Diamond would reject all of its agreements with MLB teams except for that of the Braves and potentially one other team.

“Mr. Bromley’s suggestion that we’re doing nothing and he’s

being sandbagged and the teams are in the dark is simply not correct. It may be that the teams are not actively involving the Commissioner’s Office in the bilateral negotiations that they are having with us, but they are having them with us,” counsel *Andrew Goldman* said.

Diamond Sports has been talking directly with the baseball clubs it currently has deals with, working through a variety of proposals. In its eyes, the amended plan to emerge from bankruptcy puts the decision surrounding telecast rights back in the hands of the individual clubs. They can continue to try to reach new agreements with Diamond for the 2025 season, but if they choose not to, they would then be free to enter into whatever alternative arrangements fit their needs.

There are still questions around how Diamond will approach agreements with teams that are not formally tied to the bankruptcy agreement and are dubbed joint-venture teams. Those include the Angels, Reds, Cardinals, Royals and the Marlins. Goldman said Diamond continues to be in constant communication with those teams and they are well aware of the options in front of them.

So when will Diamond emerge from bankruptcy? It proposed a revised timeline that would set a final confirmation hearing for Nov. 14 at 9am CT with extended time set aside on the following day if necessary. In its revised plan, it also offered updates on where things stand in terms of its relationship with **Amazon**. Amazon pulled its \$115 million investment in Diamond Sports in August after Diamond revealed material

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changes to its proposed business plan and capital structure, but the two continue to be engaged in good faith negotiations regarding the terms of a go-forward commercial partnership.

Diamond also said it is close to reaching an agreement with a third party on the terms of an agreement on naming and branding rights for the RSNs. The deal currently being negotiated would lock in a partner for the 2024-25 **NHL** and **NBA** seasons and beyond, should Diamond be able to successfully continue operations under its new business plan.

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CHARTER, NBCU INK MULTI-YEAR CARRIAGE RENEWAL

Charter and **NBCUniversal** were next in line to reach a new carriage agreement. The two companies unveiled a multi-year deal that will keep NBCU's full portfolio of programming on Charter platforms while also making **Peacock** Premium available for Spectrum TV Select video customers at no added cost, with the option to upgrade to the ad-free tier Peacock Premium+. Charter will make both Peacock plans available for purchase to broadband-only customers in 2025. Financial terms weren't disclosed. It's another move for NBCU to make Peacock available in as many places as possible. It offers the streamer via Xfinity's NOW TV bundle as well as its StreamSaver bundle with **Netflix** and **Apple TV+**, but those packages run for \$30 per month and \$15 per month, respectively. For NBCU, it also wanted the value of both its linear and streaming products to be shown in the deal. "We also achieved our primary goal, which was to strike a deal that recognizes the value of our linear programming and the investments we've made in developing premium content, expanding the distribution of Peacock to more consumers," NBCU Chairman, Content Distribution **Matt Bond** said. With the NBCU deal, Charter said it's now completed renewals with all major programmers. Peacock joins a growing list of DTC services Charter has made available to customers, including **Disney+**, **AMC+**, **VIX** and **Max**.

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NCTA WORKS TO PROTECT C-BAND OPERATIONS

SES announced a deal to acquire **Intelsat** back in April, and **NCTA** is standing up at the **FCC** to ensure cable operators and programmers don't get hurt in the process. In a filing submitted Monday, the association asked the FCC to ensure that if the transaction moves ahead and SES gains access to Intelsat's licenses from 4.0-4.2 GHz that the satellite company continues to provide the same quality of service. When the FCC repurposed the lower 300 MHz of the C-band in 2020, the agency required that satellite operators that relo-

cated operations to the top of the band continued to provide video distribution that was at least as good as before. But in the proposed transaction, SES and Intelsat made claims that cable programmers are able to rely on fiber and wireless services for distribution and streaming is a viable alternative distribution path, but NCTA vehemently disagrees. NCTA said its largest operator and programmer members receive, on average, more than 80% of their cable programming signals via the C-band. Beyond that, companies like **GCI** said in 2018 that many of its C-band sites in Alaska serve customers that rely exclusively on satellite technology for the provision of basic telephone service, medical service and distance learning. "The Commission specifically rejected a proposal to migrate content distribution to fiber in the C-band proceeding. Nor are frequencies in other bands feasible as a replacement for content distribution," NCTA said. "Alternative satellite bands (such as the Ka and Ku bands) cannot offer the same quality of service due to significant rain fade and insufficient capacity for the large amount of video programming transmissions."

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VENU'S FRIENDS

Amicus briefs have come in for **Disney**, **Fox** and **Warner Bros. Discovery's** challenge of a temporary injunction that stopped the rollout of their **Venu Sports** streaming service. Among those filing friend of the court briefs in support of the programmers were House Judiciary Chair **Jim Jordan** (R-OH) and Ranking Member of Senate Judiciary **Lindsay Graham** (R-SC) as well as House Judiciary Members **Darrell Issa** (R-CA), **Scott Fitzgerald** (R-WI) and **Kevin Kiley** (R-CA). In their joint court filing, the lawmakers said they are particularly troubled by the district court's decision featuring analysis that "was less focused on antitrust harm – i.e., harm to consumers – but rather on potential harm to a single competitor (**Fubo**) in the fiercely competitive distribution market for sports content." Venu was set to launch this fall for a price of \$42.99/month. Fubo filed a lawsuit against the service two weeks after the programmers announced their plans for the offering on Feb. 6. In August, a judge in the Southern New York District Court granted Fubo's motion for a preliminary injunction. "The current market dynamic suggests that an innovative offering such as Venu could have the potential to promote competition, spur the development of more engaging content, and encourage companies to attract subscribers with more affordable pricing," the Republicans wrote. Also filing in support of Venu were the Republican AGs for Alabama, Iowa, Kentucky, Mississippi and South Carolina as well as NYU Law professor **Richard Epstein** and nonprofit research center The International Center for Law & Economics.

In The WILD

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

BCAP Puts on First-Ever Broadband Technology Day

As the pursuit to expand broadband access to all corners of the U.S. continues, so does the education and advocacy of the technology. The Broadband Communications Association of Pennsylvania (BCAP) headed to the state capitol building in Harrisburg to illustrate the history and power of broadband through a series of exhibits and demonstrations.



Seven BCAP members—Service Electric Cablevision, Blue Ridge Communications, Comcast, PCN, SCTE, USIC and Breezeline—set up exhibits at the event to spotlight the different technologies used to build and operate broadband networks. Two exhibits featured fiber splicing demonstrations and other parts of the exhibit detailed the process of connecting broadband in communities across the Keystone State. The latest equipment to operate smart home devices and WiFi were also on display, as well as certification and education programs designed to train new waves of broadband workers.

“Part of developing good public policy is understanding the industry, knowing why certain things are needed and seeing how things work. That’s why we are here today,” BCAP Chairman and Breezeline Director, Government Affairs Fran Bradley said at the event. “Our goal today is to explain what goes into a network, how fiber is spliced, how we design systems, and how we create backups for the backups in case of power failures or natural disasters. Our companies have been working continuously to build out broadband networks in communities that have not been previously served, and we remain dedicated to that goal.”



The Broadband Technology Day was a time to celebrate the investments by BCAP’s members to expand their networks over the past several years. Comcast, for example, has invested \$2.7 billion in technology and infrastructure in the state during the last three years. But the growing ire of

BEAD was a talking point for some. BCAP noted that Monday signaled 1,050 days since Congress gave its stamp of approval for BEAD, but customers have yet to be served. BCAP President Todd Eachus particularly called out climate change mandates, price controls and labor provisions as “unnecessary and burdensome requirements.”

“In spite of the hurdles before us, BCAP members continue to seek opportunity in the communities they have served for generations. Our members know better than any government official, better than any regulator and bureaucrat, what it takes to build, operate and maintain networks that are safe, resilient and sustainable,” Eachus said.

CHARTER GETS \$2.6M FOR BROADBAND EXPANSION PROJECTS

The New York Department of Public Service has approved the release of more than \$2.6 million to **Charter** for broadband expansion build projects. The money comes from \$6 million that Charter placed in escrow as part of its [2019 settlement agreement](#) over the network expansion conditions related to its 2016 acquisition of **Time Warner Cable**. The escrow is for funding broadband expansion efforts to be done at the direction of and in consultation with Public Service staff in addition to passing 145,000 addresses required by the merger order and settlement agreements. The operator sent letters in June requesting the release of \$2,689,245 to support the deployment of high-speed broadband services to 470 locations that were either identified by the Department or subsequently added by Charter. “Department staff has confirmed, through field inspection, that Charter has completed the necessary build work to provide high-speed broadband service at each of the 470 locations identified,” said a letter Wednesday from the Department’s Office of Telecommunications.

WBD, AEW RE-UP DEAL

Warner Bros. Discovery made another sports deal as it navigates a post-NBA world. It announced a multi-year rights renewal that now includes a streaming aspect. WBD’s linear networks will remain the home of “AEW Dynamite” (Wednesdays on **TBS**) and “AEW Collision” (Saturdays on **TNT**). Beginning in January, both of those programs will stream exclusively on **Max** for U.S. subscribers only. All other AEW programming that airs on WBD networks will also be available on-demand on Max. Pay-per-view events will also be put on Max later in 2025.

HURRICANE HELENE HELP

Many are stepping up to help those affected by Hurricane Helene. The **FCC** is offering discounted phone and broadband service via its Lifeline program. The Commission voted to temporarily waive certain program eligibility rules so consumers who are receiving federal disaster assistance can easily apply and enroll in the program. Eligible customers can receive up to a \$9.25 monthly discount on Lifeline-supported broadband internet access service, or an up to \$5.25 monthly discount on voice services. Those on qualifying Tribal lands can also get up to a \$34.25 monthly discount on supported services. **Spectrum** is pledging \$1 million to the storm’s relief efforts, including \$250,000 in cash contributions and \$750,000 in in-kind PSA airtime. Spectrum will donate \$50,000 each to the OneSC Fund, the Volunteer Florida Foundation and the North Carolina Disaster Relief Fund. Additionally, \$100,000 will be donated to local organizations in Georgia, western Florida

and the surrounding areas of Asheville, NC, and Spartanburg, SC. The company has also been helping its employees who were impacted by the storm. All Spectrum employees have been accounted for, and the company is providing emergency financial support and hotel accommodation for employees who have been displaced. It's also helping provide daily meals via food trucks along with daily access to toiletries and clothes for those in the Asheville area. **Sinclair** launched Sinclair Cares: Hurricane Helene Relief on Wednesday. It's a fundraising partnership with the Salvation Army to help with humanitarian relief efforts on the ground in western NC, SC, Georgia, Florida, Virginia and Tennessee. Sinclair will host a dedicated fundraising day Friday, and it'll also provide a corporate donation of up to \$50,000 for the first \$50,000 raised through SinclairCares.com.

MEASURING STATES' SPEED

The **FCC** revised its minimum speed requirement to 100 Mbps downstream and 20 Mbps upstream back in March, but how are states matching up with that standard? **Ookla** used Speedtest Intelligence data that was collected in 1H24 to compare the median download and upload speeds of all 50 states. Connecticut led states with over 65.8% of Speedtest users achieving standard broadband speeds. North Dakota and Maryland followed with 65.5% and 63.7%, respectively, while Delaware (63.3%) and Rhode Island (62.7%) snuck into the top five. States with sparse populations were toward the bottom of the list. Alaska, Montana and Wyoming were found to have less than 40% of residents receiving the minimum broadband speeds. Some states have made big strides in broadband speeds from 1H23. New Mexico had a 50% increase in Speedtest users obtaining minimum broadband speeds. Arizona had a 45% increase, Minnesota 38% and Nevada 37%. Colorado and Washington both had 35% improvements as well.

CARRIAGE

Family Entertainment Television, announced that **FETV** (Family Entertainment Television) and **FMC** (Family Movie Classics) have launched on **Fubo**, adding over one million subscribers to the distribution of each network. – **Cannella Media** launched **RVTV** on **DirectTV**. RVTV showcases programming that explores the culture of recreational vehicles, including reviews, maintenance tips and travel documentaries. It'll be available to all customers who stream DirectTV satellite-free. RVTV already has carriage on **Roku**, **Amazon Fire TV**, **Apple TV** and both Android and iOS smartphones.

FIBER FRENZY

Burlington Telecom has teamed up with Farrell Properties to install gigabit internet service in Farrell's new property in Burlington,

Vermont. Dubbed Sunset Hose and comprised of 134 units, it's the first MDU in Burlington to offer FTTH technology. Users can get speeds of up to 5 Gbps.

VP DEBATE RATINGS

It was the vice presidential candidates' turn to take the debate stage Tuesday night. The battle between Democratic VP candidate Minnesota Gov. *Tim Walz* and Republican VP pick Sen. *J.D. Vance* (R-OH) that was hosted by **CBS** averaged 43.15 million viewers P2+ across 15 total networks, according to **Nielsen**. The P18-34 group recorded 3.01 million viewers and P35-54 with 9.47 million, with P55+ coming in at 29.65 million. CBS led all networks with 9.57 million viewers P2+ and 2.76 million A25-54. When broken down by cable networks, **Fox News** came in with 7.93 million P2+ and 1.57 million A25-54. **MSNBC** had 4.88 million P2+ and 936,000 A25-54, while **CNN** contributed 3.37 million P2+ and 1.13 million A25-54.

NEWS NET QUARTERLY RATINGS

Another quarter is in the books, and **Fox News** led news nets in both primetime and total day among viewers P2+. Fox News recorded 1.57 million viewers in total day during 3Q24. **MSNBC** followed with 889,000 and **CNN** third with 557,000. That mark was good for MSNBC's largest in more than three years. Fox News also led the total-day category among P25-54 with 215,000, beating out CNN's 110,000 and MSNBC's 100,000. In prime, Fox News checked in with 2.73 million P2+ while MSNBC had 1.48 million. CNN had 924,000. For the P25-54 demo, Fox News had 367,000 followed by CNN (206,000) and MSNBC (181,000).

PROGRAMMING

Oxygen's newest true crime series "A Plan to Kill" will make its debut Oct. 27 at 7pm. The 10-episode season will cover cases like the murder of *Amie Harwick* as well as a mailman who was targeted on his daily route. – *Kardea Brown* signed a new exclusive deal with **Food Network**. She'll continue her role as a judge on "Spring Baking Championship" and co-host of the "Kids Baking Championship" series. She'll also be featured in the upcoming Halloween-themed special "Kids Baking Championship: Scary Good" (premieres Monday at 8pm) and the holiday-themed "Kids Baking Championship: Frosting the Snowman" (premieres Dec. 2 at 9pm).

PEOPLE

Viamedia named *Walter Baker* as Director, Business Development & Affiliate Relations. He'll focus on maintaining relationships with MVPDs while contributing to Viamedia's strategic expansion. Baker arrives from a 22-year stint at Prime Media Productions where he was VP, Business Services.

Think about that for a minute...

No It Wasn't

Commentary by Steve Effros

Not surprisingly, there's a lot of commentary this week about the announcement of the planned consolidation of DirecTV and DISH video satellite services. If you hadn't seen this coming you weren't watching terribly carefully. The trend away from "Cable TV's" then-biggest competitor, DBS, direct broadcast satellite, or "satellite TV" has been going on for quite some time. Indeed, as soon as broadband service and "streaming TV" became a reality, the satellite folks knew they were destined to cease being a viable telecommunications threat. The reason is sort of obvious; DBS satellite TV is a one-way service. Broadband, whether supplied by cable, wireless or satellite, is two-way. There is ultimately no effective competition between one-way and two-way video service offerings.

You'll note that I put quotation marks around all three of the video services folks are writing about this week because of the intended DirecTV purchase of DISH. I do that because it's become increasingly difficult to intelligently discuss the trajectory of these businesses when folks use the same words to mean different things. In this case, the most common thing you will read is that the combining of the subscriber bases of DirecTV and DISH will result in that combo becoming the largest television subscription service. Charter Cable and Comcast Cable will move down to second and third place. But what does that mean?

DirecTV and Dish are one-way services delivered via satellite. Charter and Comcast offer two-way services which also deliver video via linear bundles and broadband streaming from innumerable sources. If you combine the "cable" and "broadband" subscriptions of those two companies they far exceed the 18+ million subscribers that DirecTV/Dish should wind up with. And without question, the folks who currently subscribe to the one-way services are rapidly leaning towards signing up with a two-way service as soon as it's available. So is this new combination of any real significance to the current picture of video distribution competition? I don't think so.

The real competition, as it has been for the past few years, should be thought of as a rapid trend toward "streaming," or non-

linear delivery of video content versus linear packaging. In other words, the "cable TV" linear package, with the cable operator negotiating for, and paying for the delivery of a package of video channels is giving way to the "streaming/broadband" approach where the viewer purchases programming directly from suppliers and arranges, and pays for their own delivery.

Again, not surprisingly, the cost of that individually bought programming, now that the honeymoon of new, "introductory prices" has passed, is constantly going up as is the cost of "cable TV" since the competition results in smaller slices of the pie but more costs to compete. We've been examining this phenomenon in this column for years. It used to be phrased as the battle between "allowing consumers to just view what they want, when they want it" versus the "57 channels and nothing to watch" offerings. Or "a la carte" programming. The problem has always been that folks want more and want to pay less. The promoted theory has always been that if you just introduce more and more competition, you will reach that magic place. Some of us have long warned that the financial reality of this business was being totally ignored.

And yet, and yet, here's what one columnist had to say this week, noting that all of the services are costing more and providing less these days: "...The pain of sticking with cable or going with streaming shows that it's hard to anticipate the ripple effects when technology upends our behavior and the finances of entire

industries...It was hard to predict both how quickly we ditched cable and how fast streaming started to become more like it."

No it wasn't.

Steve

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(Steve Effros was President of CATA for 23 years and is now an advisor and consultant to the cable industry. His views do not necessarily reflect the views of Cablefax.)

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