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Broadcasters warned the Federal Communications Commission that retransmission reform advocates of “manufacturing” disputes to “spur the government to regulate more heavily.”

The FCC is about to tread into the thorny, never-ending debate over the retransmission consent regime as prescribed by language in the satellite reauthorization bill (STELAR) passed last year. In a section (103) of the bill, Congress asked the FCC to commence a rule making within nine months “to review its totality of the circumstances test for good faith negotiations.”



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Meeting with FCC officials last week, executives from the National Association of Broadcasters argued that nearly all retransmission consent agreements are inked without any interruption to consumers' service. But as August draws near, the NAB predicted that some pay TV companies would create conflict to try and convince the FCC to make changes to the current retransmission consent

regime. “The commission should... not be surprised by an uptick in pay TV-manufactured disputes as it launches its... proceeding. The commission should keep a close eye on this trend, as bad actors should not be rewarded with government assistance, especially when those actions come, yet again, at consumers' expense,” the NAB wrote in an ex parte filed with the FCC Monday night.

Citing recent SNL Kagan data, the NAB argued that retrans fees are not the leading reason why consumers' pay TV bills are growing. SNL Kagan's data, released last week, sparked another skirmish between broadcasters and retrans reformers. The data projected broadcast retransmission consent fees would rise to \$10.3 billion in 2021, up from \$6.2 billion this year. However, broadcast fees are a much smaller percentage, about 12.5 percent, of fees pay TV pays to cable and sports networks.

Retrans reform advocates pounced on the NAB's ex parte, calling it a “bombshell” and blaming broadcasters for 400 blackouts in the past five years. “The suggestion that Pay TV providers are manufacturing this blackout crisis is laughable,” said Trent Duffy, a spokesperson for the American Television Alliance, whose members include Charter Communications, Time Warner Cable, DirecTV, Dish, and MediaCom Communications. “When a blackout occurs, there is only one party responsible for depriving consumers of their signal: the broadcaster. Broadcasters abuse old laws to

Morning Call
Presidential
hopeful Rick
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wins backing
of the state
Republican
leaders

gouge consumers for what is supposed to be free over the air programming,” Duffy added. – *katyonthehill.com*

Bar owners want to wipe the floor with the NFL and DirecTV.

The country’s most powerful sports league, its teams and their pay-TV partner are colluding to overcharge the small business owners for the right to show out-of-town games to their customers via DirecTV’s Sunday Ticket, a class action lawsuit filed Tuesday alleges. The Sunday Ticket product, which allows football fans to view all non-network out-of-market games, should be offered by more than one company so the competition keeps prices low, the suit contends.

DirecTV has a \$12 billion exclusive deal with the NFL. It charges bars, depending on their size, \$2,314 to \$120,000 a year for Sunday Ticket, it is alleged. The suit comes at an awkward time for DirecTV — regulators are weighing whether to approve AT&T’s \$50 billion purchase of the satellite-TV giant.

A leading class-action lawyer, Michael Hausfeld, who successfully sued the NCAA to get college basketball players paid for the use of their likenesses in video games, said he filed the Sunday Ticket suit now — even though DirecTV has offered the package for more than 20 years — because “enough is enough.” The group also believes AT&T will jack up their rates once it owns DirecTV. “It’s a given pattern,” Hausfeld told The Post. “DirecTV is ready to increase the fees again. It’s already increased them 100 percent to date. That’s unconscionable.” Sports bars and hotels buy packages to screen NFL’s Sunday Ticket in order to maximize traffic and keep people drinking at the bar.

Bar patrons usually stay four hours and consume three or more drinks when games are screened, the suit, quoting stats from a trade newspaper, alleged. Bars with room for up to 100 people pay \$2,314, the suit alleges, while hotels can pay as much as \$120,000 per year. Hausfeld added that the suit may attract interest from distributors, such as cable operators, who may have a stake in upending DirecTV’s hold on the NFL contract, which runs through the 2022-23 season at \$1.5 billion a season.

The bar owners argue that other sports leagues, including MLB and NHL, allow distributors to bid for out-of-market games, separately creating a more competitive market. “Defendants have colluded to sell the out-of-market NFL Sunday afternoon games only available through DirecTV,” reads the suit. Hausfeld confirmed that those involved in the class-action suit have raised their issues with the AT&T-DirecTV merger with the FCC.

The NFL declined comment. DirecTV said in a statement: “The lawsuit is entirely without merit. We are fully confident of the legality of our agreement with the NFL.” Separately, Hausfeld on Tuesday scored another victory in his battle against the NCAA when a judge ordered the NCAA to pay \$46 million in legal fees and costs to the players’ legal team. “It’s a good step forward,” said Hausfeld. – *New York Post*

C-SPAN is partnering with a handful of regional newspapers in early-voting states for a nationally televised forum with the Republican presidential candidates just days before Fox News Channel’s first scheduled debate. The network has invited all 17 of the GOP presidential hopefuls to the Aug. 3 Voters First Forum in New Hampshire.

Publishers at the *New Hampshire Union Leader*, *South Carolina Post and Courier*, and *Iowa Gazette* say the forum was prompted in part by Fox News Channel’s controversial decision to cap the number of candidates in their Aug. 6 debate at 10. “Fox says only the ‘top’ 10 candidates, as judged solely by national polling, will be allowed on its stage,” the publishers said in a joint statement. “That may be understandable later, but the first votes are half a year away and there are a lot more than 10 viable candidates.” “The early primary process gives all candidates a chance to be heard,” they continued. “If

networks and national polls are to decide this now, the early state process is in jeopardy and only big money and big names will compete.”

The statement reflects the concerns of many Republicans, who say the national media and unreliable early polls shouldn't play a role in determining the top tier of candidates in a year when the GOP has a deep and diverse field. So far, Ben Carson, Sen. Ted Cruz (R-Texas), New Jersey Gov. Chris Christie, Ohio Gov. John Kasich, businesswoman Carly Fiorina, Louisiana Gov. Bobby Jindal, Sen. Lindsey Graham (S.C.), and former New York Gov. George Pataki have committed to the C-SPAN forum.

Of those, only Carson is currently a lock to participate in the Fox News debate. The rest of the candidates will be scrapping to raise their poll numbers to qualify for the final spots on the debate stage. The C-SPAN forum will be hosted by WGIR radio's Jack Heath, who hosts the "New Hampshire Today" show. The candidates will take turns answering questions in five minute segments. – *The Hill*



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