

Antitrust Chief Warns Against TV Station Ad Info Exchange

Continues to investigate alleged practice

BY JOHN EGGERTON

THE TRUMP administration's chief antitrust enforcer had a message for broadcasters who might be sharing certain competitive advertising information: Think twice.

Justice Department antitrust chief Makan Delrahim reminded businesses — broadcast and otherwise — that “agreements between competitors to exchange competitively sensitive information can violate the antitrust laws and lead to a civil enforcement action even if the conduct does not amount to the type of hard-core cartel conduct that the Antitrust Division prosecutes criminally.”

His warning came in a speech to the American Bar Association's Antitrust Section Fall Forum on



Justice Department antitrust chief
Makan Delrahim

Nov. 15 and underscored the department's just-concluded settlement with six broadcast groups over alleged illegal sharing of competitive information.

Justice's interest in the practices arose from its investigation of the proposed Sinclair Broadcast Group-Tribune Media merger, which the companies abandoned after the FCC designated it for hearing.

If more broadcasters are sharing such information, and the DOJ is still investigating the practice, Delrahim's warning is clearly directed at them.

Broadcast groups settling with DOJ — including Raycom, Meredith, Griffin Communications and Dreamcatcher Broadcasting — agreed to stop the sharing and confirm compliance with periodic reports over the next seven years.

Delrahim said DOJ “discovered that the defendants had been exchanging pricing information either directly between stations or

corporate headquarters, or indirectly through national representatives that help local stations sell advertisements to national advertisers.”

He said the practices harmed competition and competitive pricing, but stopped short of calling them price fixing. “By exchanging this information, the broadcasters were better able to anticipate whether their competitors were likely to raise, maintain or lower spot advertising prices, which in turn helped inform the stations' own pricing strategies and negotiations with advertisers,” he said.

Delrahim's bar speeches have resonated before. At the same forum a year ago, he signaled that DOJ frowned on behavioral conditions and favored spinoffs. Soon after, the DOJ filed suit against AT&T's acquisition of Time Warner because, while the firms offered behavioral conditions, they refused to spin off programming assets.

If past is prologue, Delrahim's warning is one broadcasters need to factor into their next sales strategy meeting. **■**

MAFFEI SOUNDS WARNING ON SPIRALLING CONTENT COSTS

Netflix may be at the top of the video food chain at the moment, but Liberty Media CEO Greg Maffei warned that the subscription video-on-demand pioneer has created an environment of ever-increasing content budgets that may not be sustainable for long.

Maffei has been skeptical of the enormous amounts of money being spent to produce content. Not just Netflix but Amazon, Apple, Google and Facebook all are spending heavily.

“There was a time when traditional media was a great business,” Maffei said at Liberty's Investor Day meeting Nov. 14. “But those times are changing.”

Maffei pointed to a prediction by CBS Corp. chief creative officer and Showtime Networks chairman and CEO David Nevins that total industry original content spend will reach

\$100 billion in the next two years.

“How will that earn a return?” Maffei asked. “How is that going to be justified?”

He answered his own question by saying the big tech players like Amazon and Apple who are dipping their toes in the content business don't have to rely on their media businesses to support that investment.

“If you're a new entrant with a new business model, you can have success defined in other ways,” Maffei said. “You can monetize outside of the traditional parameters of the media business.”

Apple, he said, could afford to spend as much as \$20 million on a single 30-minute episode of *Carpool Karaoke* simply by selling more devices. And Amazon's 100 million Prime members help it justify a “mind-blow-



Liberty CEO Greg Maffei says Apple can use its other businesses to fund such shows as *Carpool Karaoke*.

ing” media budget he estimated at as much as \$12 billion.

Maffei said even Netflix might find it hard to compete with seemingly endlessly deep-pocketed competition. — Mike Farrell



THE WATCHMAN

Senior content producer Michael Malone's weekly look at the programming scene

Netflix Visits Dark Ages England, 'Agatha Raisin' Makes Some Movies, Bravo Gets 'Dirty'

SEASON THREE of *The Last Kingdom* begins on Netflix Monday, Nov. 19. King Alfred's plan to unite the kingdoms of England is jeopardized by attacks from those pesky Danes. Alexander Dreyfuss plays Danish warrior Uhtred.

"The season starts off with him in a very peaceful place," Dreyfuss said, "which is very uncharacteristic for him." It doesn't last.

The show is set in the ninth century. Dreyfuss's highlight of the new season is a scene Uhtred shares with David Dawson's Alfred the Great. It's a bit of a "bromance" between he and Dawson, said Dreyfuss. "It's been an amazing journey, working with him," he said.

He promises "a huge roller-coaster ride" for Uhtred. "It's so beautiful getting a chance to play a character that really changes," Dreyfuss said.

Sticking with the England theme, *Agatha Raisin and the Wizard of Evesham* premieres on Acorn TV Nov. 19. Ashley Jensen plays Agatha, London PR ace turned amateur sleuth in the Cotswolds. *Wizard of Evesham* sees Raisin return from Cyprus with a broken heart and seriously frizzy hair.

It is the first of three *Raisin* movies, which means more romantic possibilities for the characters, Jensen said, and a few more red herrings tossed in. And, of course, fresh adventures for Agatha. "It's always fun to play a character who doesn't take no for an answer," said Jensen, who plays Fran on Amazon comedy *Catastrophe*.

Her character has a lot to offer viewers, Jensen said. "She's a strong female lead, she's unapologetic, and she



The Last Kingdom

has an amazing wardrobe."

And Bravo kicks off ambitious limited series *Dirty John* on Sunday, Nov. 25. The series stars Connie Britton and Eric Bana, and is based on the articles and podcast from *Los Angeles Times* reporter Christopher Goffard. A whirlwind romance between Britton's Debra and Bana's Meehan spirals into some nasty stuff.

"A great story is a great story, whether it's an article or a book or a podcast," said Richard Suckle, executive producer.

Or a TV series. Suckle calls *Dirty John* "a great whodunit" and a "very relatable story."

Bana's character is indeed named John, and he's definitely dirty. The title is a nod to his nickname in college, which Debra learns while seeing a wedding video involving her new husband and his buds.

Bravo is on board for a second season, too. Suckle said it will be "a complete reset" and "a completely new story."

The podcast is a smash. Initial plans had *Dirty John* premiering in 2019, but Bravo pushed to have it out sooner. "It just seemed like, the sooner we get it out, the better it would be," Suckle said, "since the story would still be in people's minds and in their consciousness."



Agatha Raisin

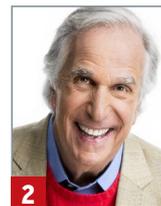
FATES AND FORTUNES EXEC MOVES OF THE WEEK

■ NATPE has announced the recipients of the 16th Annual Brandon Tartikoff Legacy Awards. The honorees are: comedian and media mogul (1) **BYRON ALLEN**; producer **MARA BROCK AKIL**; former chairman of NBC Entertainment mogul **ROBERT GREENBLATT**; actress, singer and dancer **RITA MORENO**; award-winning actress and comedian **BETTY WHITE**; and actor (2) **HENRY WINKLER**. The honorees will receive their awards at a reception Jan. 23 at the Eden Roc in Miami Beach, Fla., during NATPE's Miami Marketplace & Conference. ■ (3) **SUSANNA DINNAGE** has been appointed to head soccer's English Premier League. Dinnage had been global president of Discovery's Animal Planet. She

succeeds Richard Scudamore atop the league. Dinnage will likely assume her role in early 2019. ■ Comcast Spotlight has tapped (4) **MEGAN LATHAM** as VP of customer experience. At the cable giant, Latham will serve as the "voice" for the advertising sales division's current and prospective clients. Latham was most recently head of client service and revenue operations for Bloomberg. ■ **BRUCE CUMMINGS** has been named president and general manager of Tegna's KIII in Corpus Christi, Texas. Cummings, who will continue to oversee Tegna's other stations in Texas, succeeds Dan Robbins as GM of KIII. Robbins is retiring. ■ Univision Communications has named **DIANE KNIOWSKI** president and general manager of local media. Kniewski most recently was senior VP and regional manager of Nexstar Broadcasting, where she oversaw operations for 32 stations in 15 markets.



1



2



3



4