

CableFAX Daily™

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What the Industry Reads First

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Program Access: Sides Make Last Minute Pleas Ahead of FCC Vote

With the **FCC** expected to vote next Wed on tightening the so-called terrestrial loophole, there have been a flurry of visits to the Commission by interested parties in recent weeks. But exactly what will get a final vote was still fuzzy Tues. Rather than an outright ban on cable ops withholding terrestrially delivered programming from rivals, the Commission is expected to handle complaints on a case-by-case basis and prevent signal withholding if a competitor makes a successful case that an exclusive contract violates the rule against unfair competition. There is also talk that an updated version of the order would apply the new rules to terrestrially delivered RSNs only—thus local news nets would be safe. It's not clear if there will be a shot clock on complaints, but it's something cable's competitors would clearly appreciate. "To the extent that it may do so on a case-by-case basis through a complaint procedure, we trust that the Commission will also assure that such a procedure includes the important standstill and timing parameters that it has employed in merger conditions related to program access," **Richard Ramlall**, **RCN's** svp, strategic external affairs, programming & intl marketing, told us. In a meeting with FCC staffers last week, **DirectTV** took to task the idea of a complaint procedure route. "Why require MVPDs to suffer loss of subscribers... to demonstrate harm before acting on a problem clearly recognized?," it said in talking points filed with the Commission. It's urging the FCC to use predictive judgment of the effect of RSN withholding, instead of a complaint process. Similarly, **Verizon** is asking that the FCC adopt an across-the-board rule prohibiting cable ops from withholding access to regional sports programming (including the HD signal), just as it did when it prohibited exclusive access arrangements in apartment building and condos. If the FCC does go the complaint route, Verizon says there are several pending complaint proceedings "ripe for decision." **Cablevision** has also presented to the FCC the MSO's view that if the agency does decide to change how complaints about terrestrially delivered content are addressed, then those complaints should be determined case-by-case and demonstrate considerably more than what's required of satellite-delivered content. CVC argues that in weighing any complaints, the Commission should look at, among other things, whether there is an imminent, substantial threat to consumers—as opposed to competitors. **NCTA** staffers also were at the Commission last week, arguing that the DC Circuit's decision last year to uphold a '07 FCC ruling preventing cable companies from having exclusive contracts with apartments and other MDUs doesn't justify the FCC regulating contracts for the provision of terrestrially delivered content.



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Ratings: Many cable nets may be singing “Ding-Dong! Cable Football’s Dead” (at least until next season), as **ESPN** and **NFL Net** loosened their grips on cable prime last week. **USA** appears to have benefited the most from pigskin’s move to broadcast, crushing the competition with a 2.6/2.56mln. Ensuing were **Disney Channel** (1.7/1.68mln), **TNT** (1.7/1.66mln) and **Fox News** (1.7/1.63mln) in a 3-way tie for 2nd, while **Nick at Nite** (1.5/1.54mln) completed the top 5. ESPN notched 8th a 1.1/1.06mln, NFL Net 54th with a 0.2/111K. -- **Brag Book:** **Nat Geo’s** “Border Wars” premiered Sun night with 2.9mln total viewers, a 1.23 HH rating and a 0.84 rating among 25-54s to become the net’s highest-rated series bow ever. -- The season 4 premiere of **HBO’s** “Big Love” garnered 1.73mln viewers, up 49% over last season’s premiere. -- **ESPN** averaged 3.11mln HHs (+7%), 4.31mln total viewers (+8%) and a 3.1 rating (+3%) for 22 college football bowl games, marking the net’s most-viewed bowl season ever. **The Deuce**, meanwhile, averaged 1.83mln HHs (+10%), 2.5mln total viewers (+16%) and a 1.9 rating (+12%) to set bowl season records for viewership and ratings. -- **MTV** cited **Nielsen** data in claiming victory last Tues, Wed and Thurs for original series among 12-34s with “Teen Mom,” “Jersey Shore” and “Real World: DC.”

Programming: **USA** picked up the non-exclusive rights to CBS’ “CSI” for seasons 1-10 beginning in Dec and the exclusive off-network rights to season 11 and beyond starting in fall ’11. In Sept ’14, NBCU becomes the show’s exclusive home. -- **ESPN2** plans to serve 113 hours of live Australian Open coverage beginning Sun, and for the 1st time on **ESPN2 HD**. -- **Logo** greenlit 4 new series for ’10, including “The *Robert Verdi* Show Starring Robert Verdi” (Feb 10), spotlighting the eponymous “stylist to the stars,” and original series “The Arrangement” (Oct), following the action of a high-end floral design competition. -- **TV Land** ordered 6 eps of docu-soap “Harry Loves Lisa” (fall), featuring celebrity couple *Lisa Rinna* and *Harry Hamlin*. -- **CBS College Sports** bows this week a pair of weekly college hoops studio shows, “Courtside with *Seth Davis*” and “Inside College Basketball.” -- **Mighty Oak Ent** sold 2 new shows to **Spike**: “Knockout Sportsworld,” sports’ most spectacular knockouts (including *Mike Tyson’s* 25 best) and “Sports Crash,” a look at sports’ all-time greatest crashes. The 2 series have a total of 154 half-hour eps.

In the States: **Fox Soccer Plus** will launch in high def on Mar 1 as a complementary net to **Fox Soccer**. Exclusive match content from competitions including England’s Barclays Premier League and UEFA Champions League will be featured, and Fox plans to offer the net to nationwide operators and viewers as a premium service. Fox declined additional comment pending the launch. -- **Comcast** expanded its bandwidth-usage meter into Seattle after launching the Web-based app in Portland, OR, last month. Last fall, Comcast instituted a 250GB monthly usage cap, and the MSO says the avg customer uses 2-4GB of data in a month.

Rocking the King: We usually associate **History** with linear TV, but its horizons are broadening. An example is “Elvis at 21,” a Smithsonian traveling exhibit of *Alfred Wertheimer’s* photos of the rocker well before he became “The King.” The History-sponsored show opened Fri at The Grammy Museum in L.A. on Elvis’ 75th birthday. “Like our [TV show] ‘WWII in HD,’ we wanted to preserve these historic photos so they could be seen by a new audience, expose a new generation to them,” History’s outreach chief *Libby O’Connell* said. History also produces educational films seen at some 60 museums, she says.

On the Circuit: **NCTA** issued a call for presentation proposals for the 1st-ever panel-based competition within the CIO. IT track for CIOs and IT execs at **Cable Show** (May 11-13, L.A.). Vendors and suppliers will compete to help identify unique solutions to a wide variety of cable IT challenges. Proposals can be submitted online through Feb 5 (<http://submissions.miracd.com/CIOIT>). -- Following Mon’s Town Hall at the Dept of Justice on stalking (**Cfax**, 01/12), **Investiga-**

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BUSINESS & FINANCE

tion Discovery chief Henry Schleiff and anchor Paula Zahn met Atty Gen Eric Holder and officials at the White House to explore how ID can bring more attention to stalking. "We are actively creating more opportunities to elevate the national conversation and we look forward to involving our cable affiliate partners in similarly related events this year," Schleiff told us.

People: With continued speculation over who will be where post **Comcast-NBCU, Comcast Ent Group** locked up pres/CEO *Ted Harbert* through '16 with a 5-year contract extension. Harbert oversees **E!, Style and G4**. -- **Comcast's** West Div tapped *Curt Henninger* as regional svp, CA. -- **ShopNBC** named former **QVC** exec *Bill McGrath* as vp, quality assurance.

Business/Finance: Cablevision's board approved the spin off of its **MSG** business to CVC shareholders of record as of Jan 25, who on Feb 9 will receive 1 share of MSG Class A common stock for every 4 shares of Class A CVC shares (same ratio for Class B holders). Fractional shares of MSG stock will be aggregated and sold to the public, with the net proceeds distributed pro rata in the form of cash payments to stockholders who otherwise would be entitled to a fractional share of MSG. MSG Class A common stock is expected to begin trading on a "when-issued" basis on NASDAQ under the symbol "MSGNV" beginning Jan 25, 2010, and regularly on Feb 10, 2010 under the symbol "MSG."

CableFAX Daily Stockwatch

Company	01/12 Close	1-Day Ch	Company	01/12 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
BRITISH SKY:	36.25	(0.24)	AMPHENOL:	44.30	(0.99)
DIRECTV:	33.04	(0.61)	AOL:	25.21	(0.76)
DISH:	20.32	(0.91)	APPLE:	207.72	(2.39)
DISNEY:	30.82	(0.54)	ARRIS GROUP:	10.80	(0.05)
GE:	16.77	0.01	AVID TECH:	12.88	0.01
NEWS CORP:	15.89	(0.58)	BIGBAND:	3.34	(0.2)
MSOS					
CABLEVISION:	25.92	(0.37)	BLNDER TONGUE:	1.14	(0.02)
COMCAST:	16.51	(0.3)	BROADCOM:	29.98	(0.73)
COMCAST SPCL:	15.80	(0.28)	CISCO:	24.20	(0.39)
GCI:	6.31	(0.04)	CLEARWIRE:	7.72	(0.26)
KNOWLOGY:	11.34	(0.2)	COMMSCOPE:	27.24	(0.25)
LIBERTY CAPITAL:	24.64	(0.65)	CONCURRENT:	4.14	(0.02)
LIBERTY GLOBAL:	23.16	(0.53)	CONVERGYS:	11.31	(0.23)
LIBERTY INT:	11.59	(0.33)	CSG SYSTEMS:	18.42	(0.05)
MEDIACOM:	4.74	(0.14)	ECHOSTAR:	19.62	(0.07)
RCN:	10.06	(0.33)	GOOGLE:	590.48	(10.63)
SHAW COMM:	20.06	(0.31)	HARMONIC:	6.48	(0.03)
TIME WARNER CABLE:	41.62	(0.5)	INTEL:	20.61	(0.34)
VIRGIN MEDIA:	16.61	(0.53)	JDSU:	8.23	(0.38)
WASH POST:	449.31	(5.74)	LEVEL 3:	1.46	(0.08)
PROGRAMMING					
CBS:	13.56	(0.53)	MICROSOFT:	30.07	(0.2)
CROWN:	1.54	0.00	MOTOROLA:	7.40	(0.28)
DISCOVERY:	31.80	(0.87)	OPENTV:	1.48	0.00
GRUPO TELEVISIA:	20.22	(0.43)	PHILIPS:	30.12	(0.8)
HSN:	20.09	(0.47)	RENTRAK:	18.14	0.27
INTERACTIVE CORP:	20.98	(0.21)	SEACHANGE:	6.46	(0.19)
LIBERTY:	37.62	(0.3)	SONY:	31.57	0.97
LIBERTY STARZ:	50.00	(0.45)	SPRINT NEXTEL:	3.90	(0.15)
LIONSGATE:	5.54	(0.19)	THOMAS & BETTS:	35.50	(0.64)
LODGENET:	5.93	0.12	TIVO:	10.22	(0.42)
NEW FRONTIER:	1.92	(0.03)	TOLLGRADE:	6.28	(0.05)
OUTDOOR:	5.45	(0.1)	UNIVERSAL ELEC:	25.78	0.62
PLAYBOY:	3.32	(0.01)	VONAGE:	1.53	(0.08)
RHI:	0.36	0.00	YAHOO:	16.68	(0.06)
SCRIPPS INT:	45.59	(0.05)	TELCOS		
TIME WARNER:	28.50	(0.67)	AT&T:	26.96	(0.01)
VALUEVISION:	4.92	(0.07)	QWEST:	4.52	(0.17)
VIACOM:	31.16	(0.74)	VERIZON:	31.91	0.03
WWE:	15.97	(0.01)	MARKET INDICES		
TECHNOLOGY					
3COM:	7.63	(0.01)	DOW:	10627.26	(36.73)
ADC:	6.46	(0.27)	NASDAQ:	2282.31	(30.1)
ADVANTAGE:	2.01	(0.03)			
ALCATEL LUCENT:	3.61	(0.14)			
AMDOCS:	28.63	(0.19)			

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