

CableFAX Daily™

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What the Industry Reads First

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Legislative Outlook: A Look at What May Be Brewing at the State Level

Congress isn't the only body back in session. Most state legislatures have kicked off a new term, and that means navigating telecommunications policy that can vary wildly throughout the country. With '13 still pretty fresh, it's a little early to identify hot buttons. But there are still some issues the industry is eyeing—including laws that could affect the relatively new business of home security. *Rick Cimerman*, **NCTA** vp of state govt affairs, said a patchwork quilt of regulations affect the area. "There are a couple of bills already out there that we're watching closely," he said. "A lot has to do with who can and can't install the equipment. There's at least 1 state that has a piece of legislation that would require providers to have a 10-year battery that is being pushed by the manufacturer of 10-year batteries." Thus far, there is no overarching issue for '13 like there was a few years ago with statewide franchising when the Bells got into video. Still, NCTA is keeping close watch on a few areas, particularly tax issues. "Lots of states have fiscal situations that are not great, and there will be bills looking at tax and budget changes. We just want to be sure that we're treated fairly," Cimerman said. In TX, the state cable assn is examining possible legislative options to cut the amount of state and local sales tax paid by cable companies. "Currently, satellite companies are the only video providers that do not pay state or municipal regulatory fees or local sales tax in TX," said a rep for the **TX Cable Assn**. Other areas of interest in the Lone Star State include right-of-way tax relief. Under current law, utilities, including cable, are allowed 50% reimbursement for the relocation of facilities for toll road and turnpike projects, including expansion. The law expires in Sept, and **TCA** will be pushing for legislation that aligns with current federal law to provide for 100% reimbursement. *Dan Tunnell*, pres of the **Broadband Cable Assn of PA**, said he expects **Verizon** to reintroduce legislation to deregulate its wireline service in the state. The assn thinks that could let VZ claim to meet state obligations to deploy broadband by a date certain by using wireless in some areas. "We do believe we have some interest in this whole discussion, primarily to make sure we're not abused in the interconnection marketplace, that we still have all those rights and a way to adjudicate disputes," Tunnell said. "We couldn't care less if they want to deregulate. However, if they're going to do it, there are certain things we want to make sure are preserved and certain aspects need to be considered for elimination—like USF." Both groups have pole attachment woes they're working on. And of course, USF is a big issue for all, with changes underfoot at the federal level. "That's a case of us being more in the defensive than offensive category because in virtually in no instance are we out there looking for high-cost funding," Cimerman said. TCA, as part of the USF Reform Coalition with **Sprint** and **TW Telecom**, is urging that consumers not be required to pay taxes to subsidize phone companies that compete with unsubsidized providers unless it can be shown that the subsidies are truly needed to maintain affordable local rates. Tunnell said it's worse than that in PA with unsubsidized companies paying into a state fund to subsidize their competitors.

Sports Surcharge: In a move similar to other cable ops, **Cablevision** has implemented a sports programming sur-

100
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charge of \$2.98 a month, which will take effect in April. The MSO hasn't increased its cable TV pricing since late '10. The fee will be applied to customers subscribing to Family or Value packages or above. The op is also adding a \$2-per-month adjustment to the price of its Optimum en Espanol Spanish-language package. Commercial cable TV service offered through Optimum Business will increase by \$4 a month. "We are very focused on the price our customers pay for our services, and the value we deliver," *Bradley Feldman*, vp, video product management, said in a statement. "We have not raised our cable television prices in more than 2 years, even as we have added channels, On Demand content, new TV to GO services and other benefits. Unfortunately, the rising cost of programming has resulted in this sports surcharge, which is similar to those introduced by other TV providers."

At the Portals: The **FCC** must speed up its work, commish *Ajit Pai* said at an **FCBA** luncheon Thurs. Specifically, the agency should streamline its internal process where possible, according to his prepared remarks, and handle applications for review by instituting something similar to the US Supreme Court's certiorari process. That would mean that if no commish requests consideration of an application for review within 90 days, the Bureau's decision would be automatically affirmed. In addition, the agency needs to start taking statutory deadlines more seriously and establish internal deadlines where it doesn't yet have them, the Republican commish said. "Let's codify in our rules the 180-day shot-clock for transactional review. Let's institute a 9-month deadline for acting on petitions for reconsideration and applications for review. And let's set a 6-month deadline for ruling on waiver requests," he said. -- The **FCC** should establish a process to ensure that the agency's Connect America Fund isn't used where broadband service is already available by an unsubsidized provider, **ACA** said in a filing with the agency. ACA's comments addressed the process for verifying the areas where large telcos (price cap LECS) may utilize support through the CAF program, and doesn't impact the distribution of funds for smaller telcos (Rate of Return LECs). The group recommended an outline that would require a price cap LEC challenging a census block designation on the National Broadband Map to file sufficient evidence to support the challenge. After reviewing all challenges from price cap LECs, the FCC should publish a list of all census blocks that are potentially unserved because sufficient evidence was provided and ask for responses from those claiming to serve the area, ACA said. It urged the FCC to modify the NBM when a census block is inaccurately classified as served or unserved.

In the States: A contractor working for **Time Warner Cable** accidentally hit a gas line Tues evening in Kansas City, causing a natural gas explosion that killed 1 person and injured 15 others. According to the *Kansas City Star*, contractor **Heartland Midwest** notified the state non-profit set up to help excavators and utilities dig safely. The explosion destroyed a Kansas City restaurant. "Like all residents of Kansas City, we are saddened to hear of the fire in the Plaza. Our thoughts and prayers go out to each family that has been affected by this incident. TWC stands ready to support the local authorities with their investigation should that be needed."

Advertising: In a new policy, **Comcast Spotlight** will no longer accept new ads for firearms or weapons. The move came a month after industry officials met with Vice President *Joe Biden* and his task force focused on reducing gun violence.

Cox Speeds: **Cox** raised the monthly data-usage limits on most broadband services nationwide, a rep said. According to its Website, the new monthly data caps include the 50 GB, 100 GB, 250 GB and 300 GB. The Ultimate cap remains 400GB. In addition, the op is increasing speeds for its most popular Cox High Speed Internet tiers, tripling

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speeds on the top tier. The increases already occurred in Las Vegas and Phoenix, with more markets to follow throughout the year.

Online: Nickelodeon launched the Nick App. Available initially for iPad, the app features a moveable tile layout that can be swiped in any direction, promoting discovery and exploration and offering kids instant and on-demand access to Nickelodeon-themed content. Full-length eps of Nick's current shows also will be available for subs through authentication. In addition, the app will add new content daily.

Labor Talks: AT&T reached a tentative agreement with the CWA District 9 for wireline workers in the West region. Covering over 17K wireline employees in CA and NV, the 3-year agreement will be submitted for ratification in a few days.

Programming: VH1 added 3 new shows to its spring '13 slate of music and pop culture programs, including "The Gossip Game," "I'm Married to A...," and "100 Sexiest Artists." VH1 also greenlit a 3rd season of "T.I. and Tiny: The Family Hustle." -- WE tv greenlit docu-series "Glam & Gold." Six 1-hour eps premiere this summer.

Sponsorship: IFC signed up companies including Capital One, Microsoft Outlook, Stella Artois and T-Mobile as its sponsors for its 28th annual Film Independent Spirit Awards.

CableFAX Daily Stockwatch

Company	02/21 Close	1-Day Ch	Company	02/21 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DIRECTV:	47.77	(0.35)	CSG SYSTEMS:	20.11	(0.13)
DISH:	35.04	(0.99)	ECHOSTAR:	39.32	(0.23)
DISNEY:	54.17	(0.43)	GOOGLE:	795.53	3.07
GE:	23.25	0.04	HARMONIC:	5.59	(0.08)
NEWS CORP:	28.75	(0.46)	INTEL:	20.25	(0.48)
MSOS					
CABLEVISION:	14.43	(0.61)	JDSU:	14.40	(0.39)
CHARTER:	77.03	(0.96)	LEVEL 3:	20.37	(0.56)
COMCAST:	40.08	(0.87)	MICROSOFT:	27.49	(0.38)
COMCAST SPCL:	37.88	(0.68)	RENTRAK:	21.13	(0.06)
GCI:	8.41	(0.07)	SEACHANGE:	11.38	(0.27)
LIBERTY GLOBAL:	63.39	(1.18)	SONY:	14.07	(0.4)
LIBERTY INT:	20.82	(0.67)	SPRINT NEXTEL:	5.79	UNCH
SHAW COMM:	23.51	(0.18)	TIVO:	12.66	(0.18)
TIME WARNER CABLE:	84.75	(1.69)	UNIVERSAL ELEC:	18.62	(0.46)
VIRGIN MEDIA:	43.88	(0.52)	VONAGE:	2.57	(0.03)
WASH POST:	410.86	(5.98)	YAHOO:	20.83	(0.09)
PROGRAMMING					
AMC NETWORKS:	58.97	(0.71)	TELCOS		
CBS:	43.41	(0.41)	AT&T:	35.43	(0.04)
CROWN:	2.00	0.06	VERIZON:	45.11	0.19
DISCOVERY:	68.71	(0.96)	MARKET INDICES		
GRUPO TELEVISIA:	28.09	(0.2)	DOW:	13880.62	(46.92)
HSN:	53.43	(4.43)	NASDAQ:	3131.49	(32.92)
INTERACTIVE CORP:	41.57	UNCH	S&P 500:	1502.42	(9.53)
LIONSGATE:	20.37	0.02			
OUTDOOR:	7.61	0.04			
SCRIPPS INT:	61.10	(0.83)			
TIME WARNER:	52.59	(0.64)			
VALUEVISION:	2.87	(0.17)			
VIACOM:	60.73	(0.72)			
WWE:	8.46	(0.06)			
TECHNOLOGY					
ADVANTAGE:	2.30	0.01			
ALCATEL LUCENT:	1.47	(0.05)			
AMDOCS:	35.57	(0.2)			
AMPHENOL:	69.26	(0.23)			
AOL:	37.60	(0.16)			
APPLE:	446.06	(2.79)			
ARRIS GROUP:	16.91	(0.15)			
AVID TECH:	7.62	(0.03)			
BLNDER TONGUE:	1.40	0.10			
BROADCOM:	33.72	(0.62)			
CISCO:	20.76	(0.34)			
CLEARWIRE:	3.16	0.04			
CONCURRENT:	7.47	(0.17)			
CONVERGYS:	16.32	(0.18)			

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PROGRAMMER'S PAGE

Par For the Course

We almost lost *Michael Phelps* to golf. Well, not quite. But the decorated Olympian did take up the sport to do something not focused on swimming, and at one point considered quitting the pool altogether for golf. "But then we quickly decided that probably wasn't the best idea," Phelps told reporters on a **Golf Channel** conference call Wed. Phelps is the latest star pupil of "The Haney Project," a series that follows student golfers across the globe as renowned coach *Hank Haney* whips them into shape. "It is probably one of the most humbling things I've ever done in my entire life," Phelps said. Coach *Hank Haney* agreed: "As most unbelievable athletes see, translating it into golf is a little bit harder than it looks." But Phelps' size, height and length of arms do give him a clear advantage. "So much of golf is distance, it's power and how far you can hit the golf ball," Haney explained. Still, as much as size is an asset, "it's also a detriment." Speed and power "brings you wildness," Haney added. Indeed, practice makes perfect. So on the show we'll see a lot of swings. "There have been many times on the show where we have hit 500 to 1,000 golf balls, just being on the range," said Phelps. Meanwhile, also premiering on February 25 is Golf Channel's 3rd season of "Feherty," in which former pro golfer *David Feherty* interviews well-known personalities who share a passion for the game. Guests this season include *Jack Nicklaus* and basketball coach *Bobby Knight*. "My strategy is that I actually have absolutely no strategy," he said. "I'll forget what the question was halfway through it and my subject has to help me out." In actuality, this sense of humility is Feherty's strength. It's disarming. Viewers learn something new about subjects who have been interviewed countless times. And that, quite frankly, is refreshing. - *Kaylee Hultgren*

Reviews: "Parade's End," premiere, Tues, 9p, **HBO**. "Downton Abbey" fans and many others will devour this WWI-era 5-part mini about love and changing times. Although the production is otherwise flawless, audio problems might push viewers to use closed-captioning. They'll also need to lean in to follow the story, and its surfeit of characters. Still, deep-voiced *Benedict Cumberbatch* is perfect as a gentleman-scholar and patrician. *Rebecca Hall* sizzles as his gorgeously oblivious wife. -- "Who's Cooking with Florence Henderson," premiere, Wed, 9p, **RLTV**. At times, this delightful new entry feels more like a coffee klatch than a TV show. But that's its charm. And **CableFAX** friend/host *Florence Henderson*, 79 years young, holds court wonderfully as she invites friends to cook favorites, then asks *Chef Govind Armstrong* to make them healthier. The debut guest is Virginia Madsen, looking and cooking great at 51. -- "Out There," premiere, Fri, 10:30p, **IFC**. There's absolutely nothing misleading about the title of this animated series. The characters in this coming-of-age story look and act 'out there,' yet something is nice about this quirky cartoon. Voice standouts include Fred Armisen and Megan Mullally. -- "Armed and Ready," premiere, Tue, 10p, **Travel**. Born without legs, *Kevin Michael Connolly* is short, but he's all heart. His determination to enjoy outdoor activities is infectious, as is his humor. - *Seth Arenstein*

Basic Cable Rankings (2/11/13-2/17/13)			
Mon-Sun Prime			
1	TNT	2.2	2191
1	USA	2.2	2186
3	DSNY	1.9	1921
4	FOXN	1.6	1604
5	HIST	1.5	1449
6	TBSC	1.4	1441
7	ESPN	1.1	1086
8	HGTV	1.0	1016
8	AMC	1.0	1012
8	ADSM	1.0	964
8	FX	1.0	946
8	DSE	1.0	73
13	A&E	0.9	941
13	LIFE	0.9	895
13	DISC	0.9	873
16	NAN	0.8	840
16	CNN	0.8	838
16	SYFY	0.8	819
16	FOOD	0.8	804
16	MSNB	0.8	793
16	FAM	0.8	761
16	BRAV	0.8	736
16	TRU	0.8	700
24	TLC	0.7	714
24	CMDY	0.7	673
24	MTV	0.7	641
24	BET	0.7	626
24	NGC	0.7	595
24	ID	0.7	588
30	SPK	0.6	605
30	TVLD	0.6	580
30	APL	0.6	552
30	LMN	0.6	508
30	HALL	0.6	492
35	EN	0.4	404
35	HLN	0.4	367
35	OXYG	0.4	324
35	OWN	0.4	311
35	NKJR	0.4	296
35	H2	0.4	277
35	INSP	0.4	259
35	RLZC	0.4	245
35	HMC	0.4	189
44	CNBC	0.3	332
44	TRAV	0.3	320
44	VH1	0.3	291

*Nielsen data supplied by ABC/Disney

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