

CableFAX Daily™

Wednesday — March 14, 2012

What the Industry Reads First

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Show Me: Comcast-NBCU Wants More Info in Complying with FCC's Online Video Condition

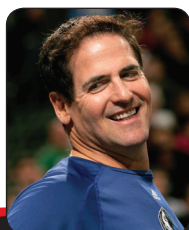
Comcast-NBCU says it needs some help when dealing with online video distributors that are seeking programming deals as part of a condition adopted by the **FCC** in the Comcast-NBCU order. The problem, according to Comcast-NBCU, is that the distributors seeking carriage of NBCU programming aren't disclosing peer programming deals that would help in negotiating an agreement. Thus, Comcast-NBCU wants the FCC Media Bureau to clarify that such deal info is required for online distributors seeking to trigger the condition and issue a protective order for the deal details. Comments are due Mar 27, replies Apr 3. Under the FCC's Comcast-NBCU order, company-owned programmers must provide a requesting online video distributor with online video programming that is comparable to the online video programming it has received from a qualifying peer programmer on economically equivalent terms. If negotiations fail to provide a mutually acceptable agreement, the OVD may initiate an arbitration proceeding. Comcast's argument is, how can it know any of that without evaluating the terms of those deals? But content owners are already speaking out against having their deals shared with Comcast-NBCU. "In addition to the serious concerns we share regarding the disclosure of highly confidential competitive information and the potential abrogation of bilateral commercial agreements, we are concerned that the request is over-broad and will harm competition in the evolving video marketplace generally," **CBS, News Corp, Time Warner, Viacom, Disney** and **Sony Pictures** said in a letter dated Feb 27. So far, no online video distributors have inked a deal through the merger condition. One that we know is interested is **Project Concord**, which describes itself as a private venture capital-funded company that wants to "answer people's calls for convenient and legal access to top movies and TV shows—but without the unwanted commercials or the need to reach into your wallet." In Oct, it provided the FCC with a copy of the notice it had served on NBCU regarding its intent to request arbitration pursuant to the merger condition. Late last month, Concord said NBCU has requested a copy of a peer programming agreement. It opposes the NBCU request to adopt a new protective order and wants the Media Bureau to emphasize that no arbitration proceedings should be delayed based on NBCU's proposal. As for info about Project Concord, *Boston.com* identified the founders in Jan as husband-and-wife team *Andrew Prihodkoand* and *Sharon Peyer*. Their last start-up was video and photo-sharing site **Pixamo**.

More CVC Exits: Another day, another **Cablevision** departure. Evp, consumer operations *Kathleen "Kip" Mayo* has informed the company of her intention to resign. She'll leave later this month. Cablevision confirmed a *Light Reading Cable* report Tues that Cablevision evp, corp engineering and tech *James Blackley* is leaving the company. He will stay on until May. "As Cablevision evolves into a more competitive and customer-focused organization, executive changes are to be expected. It is an occurrence that is inevitable as we continue to grow and transform as a company," CVC said. On Mon, it was announced that former **SeaChange** pres *Yvette Kanouff* was joining the MSO as evp, engineering, software design, and that she would report to Blackley and sr adviser of engineering and tech *Wilt Hildenbrand*. Others to take the last train out of Bethpage in recent months include former CEO *Tom Rutledge*, then COO *John*

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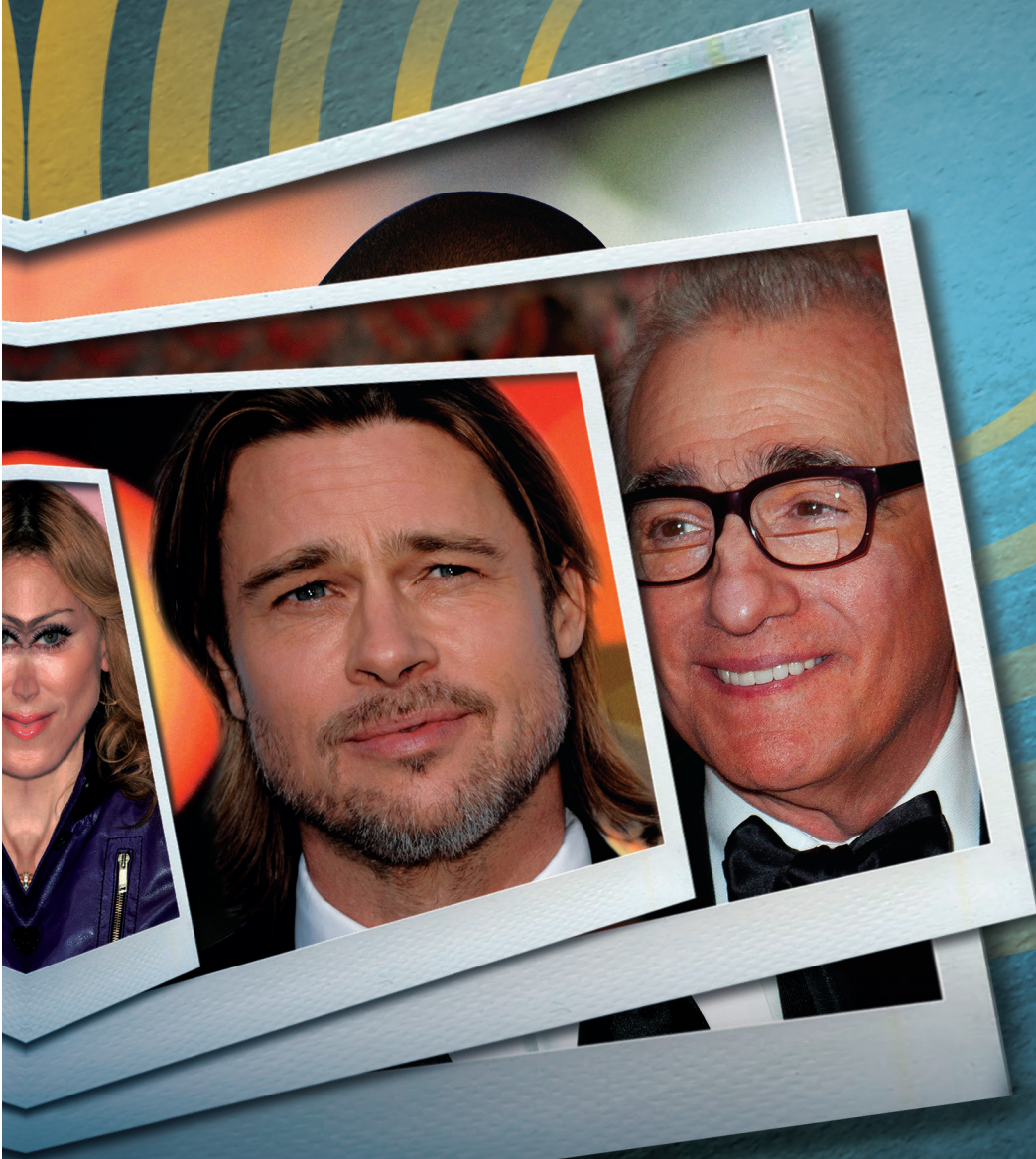
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Bickham and *evp*, marketing *Jonathan Hargis*.

At the Portals: No surprise here. **NCTA** says the dual carriage requirement from the DTV transition should not be extended. It will sunset in June unless the **FCC** extends the viewability rule requiring ops to carry analog and digital must-carry signals. **NCTA** said mandatory carriage of must-carry stations in analog disrupts cable ops' ability to manage their digital transition, burdens ops and consumers and would not survive 1st Amendment scrutiny. **NAB**, on the other hand, thinks dual carriage is delightful. In calling on the FCC to extend the rules for 3 more years, **NAB** said there are millions of analog receivers still being served by cable ops.

In the States: **Optimum Lightpath's** targeting large enterprises and financial services firms with a **Private Fiber Service** that doesn't require the equipment management or large upfront operational costs typical of dark fiber products. It offers throughput of up to 390GB and distance-based pricing. -- **AT&T** announced the imminent availability of **4G LTE** services in 12 additional cities including New Orleans, St. Louis and Akron.

Aerobatics: Looks like the media industry has a high-profile dogfight to watch and perhaps learn from. Ahead of its announced Wed public launch date in NYC of a service offering access to broadcast programming via the Web (**Cfax**, 2/15), **Aereo** countersued 1 group of broadcasters (**ABC, NBC, CBS**) seeking an injunction against the service for copyright infringement and plans to soon countersue a 2nd group (**Fox, Univision, PBS**). Backed by *Barry Diller's IAC*, **Aereo** said in the suit its technology allows consumers "to do no more than what they are entitled to." During a keynote address Mon at SWSX, *Diller* said he's prepared for a fight and said he expects the service to be available in 75-100 cities within 12 months.

OTT: **Intel** has staged preliminary talks with content companies about launching an IPTV service later this year that would act as a virtual cable op providing bundled packages, according to the *WSJ*. The company's plan calls for a set-top connected to the TV, with subs required to buy their own broadband service. "They've got the set top box concept down," said **Sanford Bernstein** of Intel. "Now, all they need is... everything else. Content, for example."

Technology: Kudos to **Coincident**, which was selected as having the best new idea most likely to succeed as part of informal polling during the **CableLabs** Winter Conference Innovation Showcase Mon. **Coincident** demo'd "ScreenSync TV," which allows for close synchronization of tablet content to cable broadcast or on-demand linear television content. The platform allows video owners and distributors to make, manage and measure second-screen companion applications across multiple device categories. Other Showcase participants were **ConteXtream, DigitalSmiths, Elemental Technologies, Joyent Inc., Myriad Group, Philips, Technicolor/M-GO** and **Thuuz**. -- **Active Video Networks** intro'd a sub service comm and control platform that offers consumers real-time insight into broadband usage consumption and allows them to make timely choices about service options. **Active's** pitching the platform as a way for ISPs to improve the customer experience, increase sub choice, create new service packages and align service delivery costs with usage.

Q&A with YES CEO Tracy Dolgin: **YES Net** isn't just celebrating its 10th anniversary this week. It's also still reveling in wrapping up the best Yankees season overall in terms of ad sales. We sat down with YES CEO Tracy Dolgin to chat about the anniversary, RSNs and the future of sports programming. **What was the RSN scene like when YES first launched?** I remember vividly the day that YES was announced, and the day it went on the air (because we [at FOX] were all watching it)—and it scared us all to death. To have the #1 sports team in the world go out on their own and do their own regional sports network, not tied to a distributor, not tied to anybody else—just money, basically, and their own brand—and do something themselves without the FOX imprint on it, was really scary. And in NY, Cablevision basically owned the sports business. They had every single team in the NY area—3 hockey teams, 2 basketball teams and 2 baseball teams, all on the MSG family of networks. You were trying to take away the Yankees and the Nets from the guy that controlled the marketplace. It wasn't going to be a friendly launch. **Speaking of MSG, we just saw Time Warner Cable in a dispute with them. What about distributors who have said sports programming costs are too high?** The same people who say that programming costs are so high are the ones who actually just bid on the Lakers rights. The expanded basic system where you get this bundle of channels is the best system in the world for 2 reasons: Number 1, you would not have the quality you have, on **FX, AMC**—you name it—they wouldn't exist. You have incredible choice and diversity. Number 2: If you debundled these things, most of these channels wouldn't exist—they'd just

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go away. You'd have less choice, less content and less money put into the content programming. If they unbundle, the prices for consumers are going to go up, for less channels. **What's the next big trend in sports viewing?** The next big leap—and I don't know when this is going to happen—is a 2-screen experience on one screen. I think that social media will become so prevalent and the TVs will become so smart that you'll be able to watch a Yankee game with a group of friends who aren't with you. You can do that to a certain degree now using social media. We're actually working on a 2-screen Yankee experience where you can have social media, get information and statistics that you want, and at the same time you're watching the game on television. That may happen this season. **How is YES progressing with TV Everywhere?** First of all, TV Everywhere doesn't work yet, technically. The authentication system needs to be improved—number one. There are people out there who are trying to do it, trying to experiment, and their system is good—and I applaud them. People like **ESPN** and **HBO Go**. But to my liking, it's not perfect yet. I think you need to be able to authenticate down to the user—not an account. Eventually you'll be able to deal with that, whether it's [through] voice authentication, thumb prints... technology is changing. The 2nd reason is my old buddy Nielsen. They're not ready [to measure] anything outside a cable box in a primary residence. And even there, their sample size is so small. I don't see a world where you have 300 channels of TV Everywhere. There'll be a few channels that are live, and the other ones will be more VOD-based for your cell phone, iPad and your computer. *Read more from our interview with Dolgin at **CableFAX.com**.*

Satellite 2012: Programmers will continue to rely on satellite distribution for the foreseeable future, even though some of their customers have asked for more fiber-based distribution because of the quality. *Barbara Jaffe*, svp/ technology operations at **HBO**, said at the **Satellite 2012** conference Tues that while her large customers have asked for fiber distribution, "we need to get the economics down; there will be a hybrid." She also worries about reliability, adding there needs to be a hot backup: "We'd like to rely less on satellite and more on fiber if fiber were as reliable as satellite." *Vince Roberts*, evp/global operations and CTO at **Disney ABC Television Group**, said the nature of how his group buys satellite capacity will change, but satellite will continue to be king because of its cost-effectiveness. "We transmit 30 terabytes of data globally each day," he added. Touching on the future of affiliate relationship, there was some speculation from the audience that affiliates would be a thing of the past 15 years from now. HBO's Jaffe strongly disagreed, saying "I don't see us ever getting away from affiliates."

Ratings: The premiere of **HBO's** "Game Change" averaged 2.1mln viewers to become the net's most-watched original film in nearly 8 years. 3.6mln total viewers watched the film across 4 weekend plays. -- **Animal Planet's** "Finding Bigfoot" averaged 1.38mln P2+ across its 9-ep 2nd season, marking a 15% gain over its freshman run. The series now ranks among the net's top-three performing series of all time in the demo. -- The 1st ep of **FX's** "Ultimate Fighter Live" scored 1.28mln total viewers Fri night.

Programming: **History** announced "Vikings" as its 1st scripted drama series. Slated for premiere next year, the historical show will chronicle the legendary Norseman who raided, traded and explored during medieval times. -- **Ovation** greenlit dance competition series "A Chance to Dance" (Aug 17), which challenges two dancers/choreographers to form an American dance company in 4 weeks. -- A group of Brooklyn exterminators are featured in **A&E's** new series "Rambug" (Apr 28). -- **Smithsonian** will premiere "Titanic's Final Mystery," a 2-hour special investigating a century of theories and new forensic evidence about the ship's fatal voyage, Apr 5, 8pm. -- **Lifetime** ordered 20 more eps of "America's Most Wanted," which airs Friday a 9pm on the net. The series has led to the capture of 12 people profiled since it returned to TV in Dec. -- Ahead of its Mar 23 launch, **Disney Junior** announced a newly formed council of academic advisers to guide its learning and development curriculum for kids. Among the advisers are *Kevin Clark*, founder and dir of George Mason's Center for Digital Media Innovation and Diversity, and *Catherine Snow*, the Henry Lee Shattuck Professor of Education at Harvard Graduate School of Education.

People: **Lifetime Nets** named *Michele Moore* svp, publicity. -- **Starz Ent** upped *Ed Huguez* to pres, affil distribution. -- *Vinnie Malhotra* joined **CNN** as svp, dev and acquisitions. -- *Michael Huseby*, who resigned as **Cablevision's** CFO last year, was named CFO of **Barnes & Noble**. -- **Bravo** tapped *Andrew Wang* as vp, scripted dev and prod.

On the Circuit: Tues' Wonder Women luncheon in NY, presented by *Multichannel News* and **WICT's** NY chapter, was chock full of inspirational and humorous stories from a dozen female powerhouses. Some of the highlights: *Jennifer Ball*, **Univision** svp, affiliate marketing and distribution, thanked the Wicked Witch of the West for contributing to her success. After being cast as a munchkin in a school play, Ball's mom promptly called the school and got her recast in the shared role of the Witch. From this she learned, "Don't let anyone define you or take away your power." *Sherry Brennan*, svp, distribution strategy and development, **Fox Networks**, revealed that she actually voted against the Wonder Women

BUSINESS & FINANCE

awards back when WICT board members were considering another set of industry honors. On stage, she admitted defeat gracefully: "I'd like to take this opportunity to publicly acknowledge I was wrong." **Comcast's** vp, administration, *Karen Dougherty Buchholz*, noted that helping young women develop talents to succeed is a priority, while **ESPN's** svp, business strategy and operations, *Lori Lebas* is most proud of mentoring her colleagues. *Marissa Freeman*, svp, brand strategy and marketing communications, **Time Warner Cable**, noted to an amused, mixed gender crowd, "there's a Wonder Woman inside of all of you, even you men—you just have to set her free." *Rebecca Glashow*, svp, digital media distribution, **Discovery Comm**, is the daughter of a Nobel Prize winning scientist, but noted she couldn't cut it in the field of physics. She thanked *Bill Goodwyn* above all, for mentoring and championing her since she walked through the doors of Discovery. *Kelli Grutko*, svp, marketing, **Comcast Spotlight**, said her company "despite its size, feels very much like a family," and suggested being "willing to take a step that will change the status quo." The last to give a speech, *Dana Zimmer*, evp, TV Networks Distribution, **NBCU**, observed that she had nothing in common with Wonder Woman—except the big Jersey Hair. Her magic tricks don't include a lasso, but rather "Starbucks, red wine and killer 5-inch stilettos."

CableFAX Daily Stockwatch

Company	03/13 Close	1-Day Ch	Company	03/13 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DIRECTV:	47.80	0.98	CLEARWIRE:	2.14	0.07
DISH:	31.59	0.49	CONCURRENT:	3.70	0.10
DISNEY:	44.01	1.67	CONVERGYS:	12.67	0.24
GE:	19.59	0.46	CSG SYSTEMS:	16.20	0.21
NEWS CORP:	20.29	0.49	ECHOSTAR:	28.70	0.39
MSOS					
CABLEVISION:	14.87	0.31	GOOGLE:	617.78	12.63
CHARTER:	62.89	0.42	HARMONIC:	6.00	0.26
COMCAST:	30.04	0.43	INTEL:	27.49	0.51
COMCAST SPCL:	29.50	0.42	JDSU:	13.91	0.56
GCI:	10.44	0.17	LEVEL 3:	24.02	0.24
KNOLGY:	18.35	0.09	MICROSOFT:	32.67	0.63
LIBERTY GLOBAL:	51.59	1.29	MOTOROLA MOBILITY:	39.79	0.03
LIBERTY INT:	19.11	0.36	RENTRAK:	20.53	0.46
SHAW COMM:	20.77	0.30	SEACHANGE:	7.90	0.55
TIME WARNER CABLE:	81.00	1.07	SONY:	21.14	0.29
VIRGIN MEDIA:	25.11	0.30	SPRINT NEXTEL:	2.79	0.07
WASH POST:	399.65	9.40	THOMAS & BETTS:	72.02	(0.04)
PROGRAMMING					
AMC NETWORKS:	45.95	0.33	TIVO:	11.55	0.42
CBS:	31.33	0.77	UNIVERSAL ELEC:	19.81	0.36
CROWN:	1.30	0.04	VONAGE:	2.16	UNCH
DISCOVERY:	48.15	1.44	YAHOO:	14.55	0.06
GRUPO TELEVISA:	21.13	0.50	TELCOS		
HSN:	37.90	0.13	AT&T:	31.63	0.19
INTERACTIVE CORP:	49.34	1.10	VERIZON:	39.48	0.16
LIONSGATE:	13.71	0.02	MARKET INDICES		
LODGENET:	3.56	0.12	DOW:	13177.68	217.97
NEW FRONTIER:	1.30	0.01	NASDAQ:	3039.88	56.22
OUTDOOR:	7.84	0.23	S&P 500:	1395.96	24.87
SCRIPPS INT:	47.68	2.70			
TIME WARNER:	36.52	0.34			
VALUEVISION:	1.94	0.11			
VIACOM:	54.16	0.89			
WWE:	8.96	0.07			
TECHNOLOGY					
ADVANTAGE:	2.17	0.03			
ALCATEL LUCENT:	2.37	0.04			
AMDOCS:	30.89	0.23			
AMPHENOL:	58.00	1.29			
AOL:	17.84	0.28			
APPLE:	568.10	16.10			
ARRIS GROUP:	11.25	0.05			
AVID TECH:	10.97	0.39			
BLNDER TONGUE:	1.35	-0.00			
BROADCOM:	37.39	1.45			
CISCO:	20.22	0.39			



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GUEST COLUMNIST

ACA: Still Going Strong

In Washington, D.C., it's a rite of spring: Cherry blossoms around the Tidal Basin and ACA members on Capitol Hill. Although many counted us out and thought ACA would never survive as long as it has, the independent cable community is still going strong and fully engaged in every policy debate vital to the communications needs of hometown America.

Hundreds of ACA members from around the country will visit the Nation's Capital this week to attend ACA's Annual Summit, a marquee event for smaller, independent and competitive cable operators that want to exchange public policy ideas with the Obama Administration, Capitol Hill lawmakers and senior FCC officials. This year's Summit is our 19th, extending a tradition as the most important forum nationally to honor the critical role independent cable operators play in linking remote regions of the country to the networked economy. At ACA, our credo says it all: "Connecting Hometown America."

Appropriately, the theme for this year's show is "Geared Up For Progress," which should let all know, whether friend or foe, that ACA is firmly committed to finding solutions to the critical issues of our day, including retransmission consent and access to content on fair and reasonable terms.

Two decades ago, Congress passed the 1992 Cable Act, awarding retransmission consent rights to commercial TV stations. The law is broken, forcing consumers to pay outrageous sums for "free TV."

Replacing this law would demonstrate that Congress is capable of acting on overwhelming evidence that broadcasters are abusing their market power to line their own pockets. Recently, SNL Kagan reported that retrans fees shot up nearly 50% over the two-year period ending in September 2011. Obviously, this study did not capture the cash grab that broadcasters staged during last fall's retrans election cycle.

I'm pleased that some members of Congress refuse to

digest the whopper served up by broadcasters that "the market is working." Last December, Sen. Jim DeMint (R-S.C.) and Rep. Steve Scalise (R-La.) proposed a bill that would update video laws and regulations that are failing to keep pace with market conditions and consumer preferences. We look forward to working with Sen. DeMint and Rep. Scalise, knowing full well that broadcasters want to see this pro-consumer effort derailed.

At the FCC, we're hopeful new retrans rules will emerge in a stand-alone rulemaking or in connection with the quadrennial review of media ownership rules. ACA has documented dozens of instances where same-market, separately owned TV stations have coordinated retrans negotiations in a flagrant attempt to gouge consumers by gaining even more leverage over

ACA members. It's about time someone said broadcaster collusion of this sort is the antithesis of "good-faith" bargaining required by law.

The cost of sports programming is another concern. ESPN, NBC, CBS, and FOX have new deals with the NFL that will cost \$42 billion. This massive liability will be forced down the throats of all pay-TV subscribers, including millions of consumers who are not sports fans. I totally agree with author Frank DeFord's reflection on these pricey deals: "If you pay for cable, you're a hostage of sports." Because these NFL deals sack the consumer, I suspect it won't be long before Washington officials decide it might be appropriate to call time out.

I expect this year's ACA Summit to be the best one yet, which means an action-packed agenda that serves to advance the cause of some of America's finest entrepreneurs in the field of communications, who will be serving rural areas and small town America for many years to come. To paraphrase Mark Twain, "The rumors of independent cable operators' demise have been greatly exaggerated."

Matt Polka is president and CEO of the American Cable Association



Matt Polka

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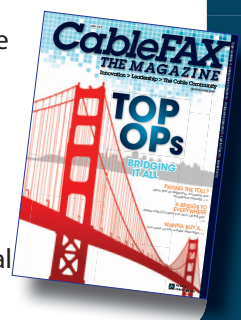
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