

CableFAX Daily™

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What the Industry Reads First

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Stimulation Question: GOP Leaders Want Answers On Broadband Spending Plans

Republican **House Commerce** members *Joe Barton* (R-TX) and *Cliff Stearns* (R-FL) are quizzing the heads of the **FCC**, **NTIA** and **RUS** on plans for the \$7.2bln in broadband funding located in the stimulus bill. They're particularly interested in prioritizing funds for unserved areas and areas where broadband mapping has taken place. In a letter Wed to the 3 agency heads, the lawmakers put forth 6 questions that they want answered by Tues. "While we applaud President *Obama's* focus on this type of transformational infrastructure, we fear that the haste with which the legislation was drafted and enacted, and the short timeframe the respective agencies are afforded to accomplish their tasks, may prevent the agencies from achieving these worthwhile goals as effectively as might otherwise have been possible," they wrote. "The very real risk, of course, will be that taxpayer dollars are once again wasted on another ineffective government program." Specifically, they ask if funds should be prioritized in states where broadband mapping has been completed and allocated based on that data. Nationwide mapping might not be complete before the bill requires funds to be awarded, but maps have been completed in several states, they wrote. Like cable, they suggest prioritizing unserved areas over underserved areas, saying that not doing so would allow some to "get back in line for 'seconds' before other areas have had a chance to get 'firsts.'" If funds do go to underserved areas, they ask the 3 orgs to weigh in on having that money stimulate demand, rather than supply. That's another proposal that cable has made, with **NCTA** suggesting that the money in underserved areas go toward overcoming barriers to adoption—such as affordability, lack of a computer, low digital literacy.

Stop Calling: The **FTC** has brought a case against **DISH** over alleged violations of the National Do Not Call Registry. The **Dept of Justice** filed suit at the FTC's behest Wed, with the Attorneys General of CA, IL, OH and NC as co-plaintiffs. Notably, the govt is going after DISH not necessarily for violations it may have made, but for those possibly made by its authorized retailers. "If you call consumers whose numbers are on the Do Not Call Registry, you're breaking the law. If your authorized dealers call consumers whose numbers are on the Registry, you're breaking the law," said *Eileen Harrington*, acting dir of the FTC's Bureau of Consumer Protection. The govt is seeking a permanent injunction against DISH that prohibits it from violating the telemarketing rule and requires it to monitor and enforce authorized dealers' compliance. It's also seeking civil penalties. DISH said it disagrees with the charges. "An independent audit demonstrates that DISH Network is in compliance with 'do-not-call' laws, has proper controls in place, and is well within the safe-harbor provisions of the law," the company said. "We also believe that the FTC is equating merely doing business with an independent retailer to 'causing' or 'assisting and facilitating' violations by that retailer, which creates a strict liability standard that does not exist in the law and was not intended by Congress. We look forward to resolving these differences of opinion through the judicial process." DISH has terminated some marketing pacts with retailers for Do-Not-Call Violations over the years. The DOJ is also filing complaints against 2 of DISH's authorized retailers, **Vision Quest** and **New Edge Satellite**.

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WiMAX: Although many branding questions exist, cable must be heartened by **Sprint's** commitment to multi-city launches of mobile broadband services and devices. The company's deployment plans include Chicago, Seattle, Atlanta and other markets that overlap with the roll out plans of **Clearwire** this year, and Boston, Houston, NY, San Francisco and D.C. in '10. After the recent news that **Comcast** plans to offer WiMAX services in Portland under its own brand instead of **Clear**, Sprint's announcement seems to further hint that the cable/Clearwire/Sprint partnership is intent on blanketing the nation with mobile broadband services under various brands and through different channels to see what works best. **S&P** maintained its 'hold' opinion of Sprint shares, saying that although the company's 4G plans "will remove some doubt as to buildout plans for WiMAX and its long-term viability," WiMAX may still be at a disadvantage verses LTE tech in scale and scope. -- With membership representing more than 455 WiMAX network deployments in 135 countries, the **WiMAX Forum** appointed as new board members **Comcast Cable** svp, wireless tech *Dave Williams* and **Clearwire** svp, global ecosystem and standards *Ali Tabassi*.

Competition: **Verizon** said it's looking to launch local TV programming similar to DC's **FiOS1** in all FiOS markets, but gave no time table after reports pegged summer as the roll out date for NYC.

Upfronts: Intent on developing opportunities for advertisers to activate their brands across its portfolio, **Cartoon Net** announced its largest-ever commitment to new content development. Among the net's 19 new programming ventures ('09-'10): animated series "Scooby-Doo--Mystery, Inc.;" live-action series "The Othersiders," following 5 friends on real missions exploring paranormal activity; original movie "Ben 10: Alien Swarm," based on the net's popular animated series; and scripted pilot "Unnatural History" (wt), an adventure series centered on a teenager who must tackle high school after traveling with his anthropologist parents. -- **ION TV** plans to develop and prod 12 original films/yr that offer advertisers integrated marketing opportunities. The 1st is set to premiere in 4Q. The movies will join in the net's lineup of off net series such as "Ghost Whisperer" and "Criminal Minds," plus original acquired series "Durham County."

Intl: **Rainbow Media** inked with **Numericable** a deal to launch **Sundance Channel** in France, marking the net's 1st intl distribution pact.

Ratings: **USA** rebounded strongly from its arguable prime defeat at the hands of **Disney Channel** to regain its typical form, crushing the competition with a 2.4/2.35mln and the consistent help of **WWE** content, which averaged a 3.7/3.56mln. Disney (1.8/1.74mln) followed in 2nd, **Fox News** (1.7/1.66mln) in 3rd, and **TBS** (1.3/.33mln) and **Nick at Nite** (1.3/1.26mln) tied for 4th. -- **Brag Book:** The season finale of **ABC Family's** "The Secret Life of the American Teenager" tied a series record with 4.5mln total viewers while becoming the net's top telecast ever among females 12-34 (2.4mln). -- Since its re-branding launched last fall, **ION TV** has achieved 30% ratings growth among 25-54s and 16% among prime HHs. -- The season finale of **TLC's** "Jon & Kate Plus 8," which came amid rumors of marital woes, topped **NBC's** "Heroes," **CBS' "Two and a Half Men"/"Rules of Engagement"** and **Fox's "24"** in women 18-34. The show delivered nearly 1.1mln women 18-39, topping **NBC** by 32%, **CBS** by 16% and **Fox** by 23%. The finale, the highest-rated ep ever, averaged 1.8mln women 18-49. For the record, it didn't address the rumors, but *Jon's* discomfort with the spotlight.

Programming: **Black Broadcasting Net** will have some sports programming when it launches later this year. On tap in HD are: "Black College Sports," a showcase of highlights from historically black colleges; "Ringside Boxing," IBF World



BUSINESS & FINANCE

Championship boxing and "Premier Basketball League," a league with 13 teams. -- **MLB Net's** initial 8 live regular season games feature 16 different teams and kick off Apr 9. *Bob Costas* will provide play-by-play Apr 16 for the debut of the new Yankee Stadium.

-- **TV One** has partnered with **K2 Pictures** to prod "Life After" (fall), offering behind-the-scenes stories of how some American celebrities have dealt with major turning points in their lives.

Online: After bowing a partnership in Dec with **Netflix**, **TiVo** has agreed to deliver **Blockbuster's** digital movie library directly to TV through broadband-connected TiVo DVRs beginning later this year. Additionally, TiVo DVRs will be sold at thousands of Blockbuster stores and on **Blockbuster.com**.

Honors: With induction set for Oct at **The Cable Center**, **The Cable Hall of Fame Class of '09** includes **Showtime Nets** chmn/CEO *Matt Blank*; **CTAM** pres/CEO *Char Beales*; **Cablevision** COO *Tom Rutledge*; **CNN** anchor emeritus *Bernard Shaw*; **Heritage Comm** co-founder/past pres *Jim Cownie*; **Prime II Investments** chmn *Bob Hughes*; and **Core Capital Partners** managing dir *Tom Wheeler*.

People: **TV One** hired *Eric Claytor* away from **Sportsman Channel**, making him vp, affil relations/Western region and natl accounts. -- *Scott Richman*, **MSG Media** svp, gm of interactive, will take on an expanded role of overseeing the **Fuse** digital dept.

CableFAX Daily Stockwatch

Company	03/25 Close	1-Day Ch	Company	03/25 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
BRITISH SKY:	25.83	(0.47)	AMDOCS:	17.64	0.26
DIRECTV:	23.14	0.24	AMPHENOL:	29.37	0.28
DISH:	11.72	0.28	APPLE:	106.49	(0.01)
DISNEY:	18.53	0.24	ARRIS GROUP:	7.60	0.24
GE:	10.49	0.08	AVID TECH:	9.60	0.09
HEARST-ARGYLE:	4.03	1.94	BIGBAND:	6.56	(0.08)
NEWS CORP:	7.76	0.10	BLNDER TONGUE:	0.86	0.00
MSOS					
CABLEVISION:	13.75	0.08	BROADCOM:	19.80	(0.78)
CHARTER:	0.04	0.00	CISCO:	16.57	(0.11)
COMCAST:	13.94	(0.05)	CLEARWIRE:	4.40	0.13
COMCAST SPCL:	13.07	(0.19)	COMMSCOPE:	9.91	0.11
GCI:	6.32	0.27	CONCURRENT:	3.31	0.07
KNOLOGY:	3.97	0.07	CONVERGYS:	8.25	0.59
LIBERTY CAPITAL:	6.88	0.39	CSG SYSTEMS:	13.44	0.19
LIBERTY ENT:	20.10	0.25	ECHOSTAR:	15.44	(0.05)
LIBERTY GLOBAL:	14.69	0.22	GOOGLE:	344.07	(3.09)
LIBERTY INT:	3.48	0.06	HARMONIC:	6.50	0.20
MEDIACOM:	4.50	0.25	INTEL:	14.94	(0.06)
SHAW COMM:	16.09	(0.09)	JDSU:	4.00	0.09
TIME WARNER CABLE:	26.73	(0.18)	LEVEL 3:	0.70	(0.02)
VIRGIN MEDIA:	5.07	(0.16)	MICROSOFT:	17.88	(0.05)
WASH POST:	377.35	3.71	MOTOROLA:	4.20	(0.03)
PROGRAMMING					
CBS:	4.39	(0.08)	OPENTV:	1.45	0.05
CROWN:	1.99	0.01	PHILIPS:	17.00	0.66
DISCOVERY:	16.24	0.04	RENTRAK:	9.00	(0.05)
EW SCRIPPS:	1.61	(0.15)	SEACHANGE:	5.83	0.06
GRUPO TELEVISA:	13.66	0.11	SONY:	21.62	0.22
HSN:	5.05	0.40	SPRINT NEXTEL:	3.70	0.01
INTERACTIVE CORP:	14.88	0.17	THOMAS & BETTS:	24.80	0.82
LIBERTY:	23.12	0.62	TIVO:	7.20	0.22
LODGENET:	1.23	0.14	TOLLGRADE:	5.99	(0.01)
NEW FRONTIER:	1.30	(0.12)	UNIVERSAL ELEC:	19.07	1.29
OUTDOOR:	6.82	0.32	VONAGE:	0.40	0.02
PLAYBOY:	1.92	(0.06)	YAHOO:	13.55	(0.06)
RHI:	1.33	(0.02)	TELCOS		
SCRIPPS INT:	22.18	0.30	AT&T:	26.18	(0.15)
TIME WARNER:	8.56	0.04	QWEST:	3.68	(0.09)
VALUEVISION:	0.44	0.01	VERIZON:	30.15	(0.36)
VIACOM:	19.58	0.14	MARKET INDICES		
WWE:	11.92	0.67	DOW:	7749.81	89.60
TECHNOLOGY					
3COM:	2.95	0.11	NASDAQ:	1528.95	12.43
ADC:	3.40	0.10			
ADVANTAGE:	1.52	0.02			
ALCATEL LUCENT:	1.95	0.07			

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Entry Deadline: May 1, 2009
Late Entry Deadline: May 8, 2009
Luncheon: September 16, 2009
Location: Grand Hyatt New York, NY

