

# CableFAX Daily™

Friday — April 11, 2008

What the Industry Reads First

Volume 19 / No. 070

## Label Maker: FCC Shows It's Serious When it Comes to DTV Enforcement

With Congress continuing to scrutinize what the **FCC** is doing to prepare the nation for the upcoming DTV transition, the agency approved more than \$6mln in fines for companies it said didn't meet DTV labeling requirements and for other violations. Seven companies allegedly failed to label analog TVs, with **Sears Roebuck/K-Mart** nabbing the biggest fine, nearly \$1.1mln. Also receiving notices of apparent liability for forfeiture were **Wal-Mart** (\$992K), **Circuit City** (\$712K), **Fry's** (384K), **Target** (\$296K), **Best Buy** (\$280K) and **CompUSA** (\$168K). All of the stores had received previous warnings over their labeling. These are the largest fines yet for DTV labeling, with the 1st coming last Oct. The warning labels inform customers that a converter box will be needed after Feb 17, '09 to receive over-the-air broadcasting. The FCC's field offices began issuing citations for failure to comply with the labeling requirement on May 30. Other fines Thurs go to **Syntax-Brilliant** and **Precor** for allegedly shipping TV sets that can't receive digital signals. Syntax was fined \$1.26mln, and Precor \$357,900. **Polaroid** was fined \$775K and **Proview** \$300K for allegedly making sets that don't include V-chips, which let parents block inappropriate content for children. Later Thurs, the FCC Enforcement Bureau announced another proposed \$3.4mln in fines for 7 manufacturers for possible V-chip violations. The Bureau's investigations examined whether TV makers had complied with an FCC rule requiring that TVs can adapt to changes in the content advisory rating system. The consent decrees, which reflect the specific factual circumstances of each case, include significant voluntary contributions as well as compliance measures (such as training employees in FCC rules and testing equipment) to avoid future violations. **LG Electronics** was given the largest proposed fine (\$1.7mln), with the others ranging from \$20K-\$450K. All of the companies will get a chance to appeal to have the fines reduced or thrown out.

**Net Neutrality:** Still no word out of the **FCC** on participants for next week's broadband network management hearing at Stanford. Scuttle is that several public interest folks will be invited. Meanwhile, **Comcast** told the FCC that **Pando Networks'** announcement this week was further proof that market forces, rather than govt, should drive evolution of the Internet. The content delivery service provider employed "P4P" protocols to improve P2P performance and reduce costs for ISPs. Pando's results showed increased delivery speeds of up to 235% across US cable networks and up to 898% across intl broadband networks. Testing began Feb 21, with Pando delivering video content to more than 1mln people on broadband networks, including **AT&T**, **Cablevision**, **Comcast**, **Cox**, **Telecom Italia**, **Time Warner** and **Verizon**.

**In the Courts:** As competitive ads proliferate among multichannel ops, so too do false advertising spats like the NY lawsuit filed Wed by **Verizon** against **Time Warner Cable**. Previously, **DirectTV** called out both **Cox** and **Comcast** for allegedly misleading HD spots. Now, Verizon claims certain Time Warner ads "misrepresent the capabilities of Verizon's all digital fiber-optics-to-the-premises network and falsely claim that Time Warner's inferior coaxial cable system is superior to and more advanced than Verizon's FiOS network." Among the "false" implications: VZ does not offer a triple-play

**BINGO AMERICA**  
**WEEKNIGHTS 7PM/6c**

HOSTED BY PATRICK DUFFY

**GSN**

©2008 GAME SHOW NETWORK, LLC. ALL RIGHTS RESERVED.

CABLEFAX DAILY (ISSN 1069-6644) is published daily by Access Intelligence, LLC ● www.cablefax.com ● fax:301/738-8453 ● Editor-in-Chief: Amy Maclean, 301/354-1760, amaclean@accessintel.com ● Exec Editor, Michael Grebb, 301/354-1790, mgrebb@accessintel.com ● Assoc Editor, Chad Heiges, 301/354-1828, cheiges@accessintel.com ● Asst VP, Ed Director, Seth Arenstein, 301/354-1782, sarenstein@accessintel.com ● Publisher: Debbie Vodenos, 240/753-5696, dvodenos@accessintel.com ● Acct Mgr: Erica Gottlieb, 212/621-4612 ● Marketer: Doreen Price, 301/354-1793, dprice@accessintel.com ● Marketing Director: Carol Bray, 301/354-1763, cbray@accessintel.com ● Prod: Joann Fato, cdaily@accessintel.com ● Diane Schwartz/VP and Group Publisher ● Paul Maxwell/Columnist.Subs/Client Services: 301/354-2101, fax 301/309-3847 ● Group Subs : Angela Gardner, 757/531-1369, cfaxgroupsub@accessintel.com

bundle, and FiOS TV requires a satellite dish. The telco seeks injunctive relief, corrective advertising and damages. "We feel the lawsuit is without merit, and we look forward to defending against it in the appropriate venue," said Time Warner.

**In the States:** An IL Senate cmte passed a bill that directs to mandatory arbitration any carriage dispute between cable and indie programmers. It's the 1st notable success for **NFL Net**, which has lobbied for similar bills in multiple states. The legislation now heads to the full Senate. NFL Net lauded the vote as a blow to "cable companies blocking competition and raising rates simply to increase their company profits."

**Competition:** **FiOS TV** is now available in 6 additional NJ communities, bringing to 280 the number of state municipalities in which the service is offered.

**Board Room:** **Time Warner** pres/CEO *Jeff Bewkes* was elected to **Time Warner Cable's** board Tues, filling the vacancy created by former **New Line** honcho *Michael Lynne's* resignation last month.

**Deals:** **Time Warner** shares closed up 1.25% following reports it's talking with **Yahoo!** about combining Internet ops to thwart **Microsoft's** \$44.6bln takeover offer for Yahoo!. Meanwhile, Microsoft is talking with **News Corp** about a joint bid.

**Smack Down:** As Web site Consumerist.com looks for the "Worst Company in America," pitting a roster of companies nominated by Web site visitors against each other, video providers have been among those drafted into the game. Thurs' match-up (Round 21 in the contest) had **Time Warner Cable** up against **RadioShack**. At press time, the MSO was leading in worst votes—57% vs 43%. Past head-to-head matches (in which voting's still open) have featured **Comcast** vs Menu Foods (Comcast currently has 70% of the vote), **AllState** vs **Verizon** (the telco had 61% at last check), **CompUSA** vs **DirecTV** (CompUSA has 57%), **Wellpoint** vs **Charter** (Wellpoint leads with 62%) and **eBay/PayPal** vs **Cox** (eBay has a whopping 72% of the vote).

**Carriage:** **Cox** launched **Comcast SportsNet Mid-Atlantic HD** in Northern VA just as Caps and Wizards playoffs start.

**Research:** Echoing 1 of *Rep Rick Boucher's* (D-VA) key DTV transition concerns, research firm **Centris** said one-quarter of US consumers residing in difficult reception areas will need to upgrade their antenna to receive any signals, while an additional 10% will only receive 1 station without antenna replacement. The firm's study identified the 10 most at-risk TV markets, which collectively account for 2mln OTA HHs in poor reception areas: NY, Boston, L.A., Philadelphia, D.C., Seattle-Tacoma, San Francisco, Minneapolis-St. Paul, Atlanta and Cleveland.

**Programming:** **CNN's** coverage of a forum (Sun, 8pm ET) organized by Faith in Public Life will feature *Hillary Clinton* and *Barack Obama* discussing moral issues. -- **FX** will air Sat (11pm ET) a condensed version of the **MySpace**-sponsored variety show staged last month for US troops in Kuwait. Featured are *Jessica Simpson*, *Pussycat Dolls* and comedian *Carlos Mencia*. -- **Speed's** "Wrecked" (Jul) chronicles the activities of Chicago O'Hare Towing & Recovery, and joins the vocation-based reality show arena already inhabited by **Discovery Channel**, **Nat Geo**, **History**, **truTV** and others. -- **TVG's** unprecedented coverage of Sat's Toyota Bluegrass Stakes will include 24 race cameras, mic'd jockeys, tracking tech to better follow particular horses, and new in-race graphics. -- Longtime **Discovery** personality *Christopher Lowell* is returning to TV, joining **Fine Living** on July 26 with new series "Work that Room with Christopher Lowell." -- **C-SPAN** features on Fri at 2pm ET live coverage of the Newseum's formal dedication. *Rupert Murdoch* and *Michael*

Call For Entries

## CableFAX PROGRAM AWARDS

Saluting Cable's Top Shows and People

Entry Deadline: May 9, 2008

Presented by:

CableFAX Daily CableFAX CABLE 360 NET



From the most outstanding cable programs to the best surprise ending, The First Annual CableFAX Program Awards honor the best in cable shows and people.

Visit [www.CableFAXProgramAwards.com](http://www.CableFAXProgramAwards.com) for more information.

**Sponsorship Opportunities:** Contact publisher Debbie Vodenos at (301) 354-1695, or email [dvodenos@accessintel.com](mailto:dvodenos@accessintel.com)

**Entry Questions:** Contact awards coordinator Saun Sayamongkhun at (301) 354-1610, [ssayamongkhun@accessintel.com](mailto:ssayamongkhun@accessintel.com).

# BUSINESS & FINANCE

Bloomberg will be among those on hand for the unveiling of the new DC museum on news.

**Public Affairs:** The Comcast Foundation has doled out \$1K scholarships to nearly 2K high school seniors across the country this year as part of the "Comcast Leaders and Achievers" program. Since the program began 8 years ago, Comcast has awarded nearly \$10mln in scholarships. -- Cable modem inventor *Rouzbeh Yassini*'s **Yassini Broadband Knowledge Center** has launched a grant program to provide \$200K and research support for post-graduate projects. Execs from Comcast, Cox, Charter, Cablevision and Time Warner Cable will be involved in the evaluation process. Info at [YAS.com](http://YAS.com).

**On the Circuit:** Was that our old pal *Johnny O* ranking higher than ESPN's *Dick Vitale* in SI.com's list of media power rankings? ([http://sportsillustrated.cnn.com/2008/writers/richard\\_deitsch/04/07/media.0407/index.html](http://sportsillustrated.cnn.com/2008/writers/richard_deitsch/04/07/media.0407/index.html)). How much bigger can his head swell?

**People:** Cox upped *Jay Rolls* to svp, tech. *Sandy Mencher* was promoted to vp, financial planning & analysis. *Laurel Wichert* was promoted to vp, research for TV Land. -- Disney/ESPN Media Nets promoted *Matt Kenny* to vp, field sales, Western div, and *Eric Ratchman* to vp, business strategy and development. -- truTV promoted *Darren Campo* to svp, programming, production and development.

## CableFAX Daily Stockwatch

Company	04/10 Close	1-Day Ch	Company	04/10 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
BROADCOM:	21.70	0.75	AMDOCS:	28.27	0.12
BRITISH SKY:	43.81	(0.64)	AMPHENOL:	41.98	1.07
DIRECTV:	26.21	0.21	APPLE:	154.55	3.11
DISNEY:	31.35	0.50	ARRIS GROUP:	6.36	0.23
ECHOSTAR:	31.63	1.07	AVID TECH:	24.99	0.31
GE:	36.75	0.31	BIGBAND:	6.24	0.24
HEARST-ARGYLE:	20.08	0.26	BLNDER TONGUE:	1.35	(0.07)
ION MEDIA:	1.45	0.00	BROADCOM:	21.70	0.75
NEWS CORP:	19.46	(0.07)	CISCO:	24.04	0.51
<b>MSOS</b>					
CABLEVISION:	22.77	(0.74)	COMMSCOPE:	37.60	0.61
CHARTER:	0.99	0.03	CONCURRENT:	0.72	0.01
COMCAST:	19.96	(0.14)	CONVERGYS:	15.11	0.06
COMCAST SPCL:	19.74	(0.09)	CSG SYSTEMS:	11.47	0.13
GCI:	6.46	0.00	ECHOSTAR HOLDING:	28.64	0.02
KNOLOGY:	13.39	(0.14)	GEMSTAR TVG:	4.84	0.07
LIBERTY CAPITAL:	16.19	(0.22)	GOOGLE:	469.08	4.89
LIBERTY ENTERTAINMENT:	25.19	0.16	HARMONIC:	7.75	(0.05)
LIBERTY GLOBAL:	34.91	(0.21)	JDSU:	14.37	0.16
LIBERTY INTERACTIVE:	16.04	0.07	LEVEL 3:	2.08	0.02
MEDIACOM:	4.41	(0.16)	MICROSOFT:	29.11	0.22
ROGERS COMM:	42.97	0.00	MOTOROLA:	9.11	(0.2)
SHAW COMM:	19.92	0.24	NDS:	47.78	1.14
TIME WARNER CABLE:	26.26	(0.03)	NORTEL:	7.29	0.15
VIRGIN MEDIA:	12.37	(1.63)	OPENTV:	1.14	(0.01)
WASH POST:	679.00	(1)	PHILIPS:	38.37	(0.52)
<b>PROGRAMMING</b>					
CBS:	22.07	0.09	RENTRAK:	13.05	(0.38)
CROWN:	4.82	0.16	SEACHANGE:	6.97	(0.02)
DISCOVERY:	22.20	0.20	SONY:	40.83	0.51
EW SCRIPPS:	42.07	0.25	SPRINT NEXTEL:	6.58	0.05
GRUPO TELEVISA:	24.41	0.12	THOMAS & BETTS:	39.62	0.45
INTERACTIVE CORP:	21.13	0.40	TIVO:	8.78	(0.08)
LIBERTY:	1.00	0.00	TOLLGRADE:	5.66	(0.06)
LODGENET:	6.01	(0.05)	UNIVERSAL ELEC:	25.67	0.31
NEW FRONTIER:	4.99	0.03	VONAGE:	1.89	0.02
OUTDOOR:	7.18	(0.05)	YAHOO:	28.59	0.82
PLAYBOY:	8.71	(0.01)	<b>TELCOS</b>		
TIME WARNER:	14.61	0.18	AT&T:	38.20	0.01
UNIVISION:	36.23	0.00	QWEST:	4.65	0.07
VALUEVISION:	4.95	0.03	VERIZON:	35.83	(0.19)
VIACOM:	40.73	(0.09)	<b>MARKET INDICES</b>		
WWE:	19.00	(0.24)	DOW:	12581.98	54.72
<b>TECHNOLOGY</b>					
3COM:	2.36	(0.01)	NASDAQ:	2351.70	29.58
ADC:	12.98	0.02			
ADVANTAGE:	3.72	(0.05)			
ALCATEL LUCENT:	6.00	(0.1)			



may 18-20, 2008 new orleans

# Thinking BIG has never cost so little.

Register Now: [www.thecableshow.com](http://www.thecableshow.com)



**PROGRAMMER'S PAGE** with Chad Heiges and Seth Arenstein

**Forget Counting Calories**

Nat Geo's estimable "Save Our Planet" conservation initiative seeks this year to help consumers understand their ecological impact and provide environmentally-conscious alternatives. The former goal is well achieved with "Human Footprint" (Sun, 9pm), hosted by ABC News' Elizabeth Vargas. Unfortunately, the special, though clever, lacks ample variation in its presentation and therefore feels more like an extended PSA or school fodder rather than an engaging eye-opener. In short, a narrower telecast window would likely have been a more prudent. Even so, Vargas is sharp, if measured, and the show is worth a look. Nat Geo evp, content Steve Burns likes the show's simplistic thrust and neutrality. "It's made without judgment and without special effects... and follows cradle to grave our consumption," said Burns at a D.C. screening. A truck load of cogent and often shocking imagery does help drive home just how much we as humans consume over approx 80 years, saving viewers from drowning in a bay of numbers. Sizeable regiments of rubber duckies and milk cartons, for example, serve to illustrate the average human's 28K lifetime showers and average lifetime consumption of 13K milk pints. The breadth of consumer goods highlighted—diapers to eggs to oil—effectively spotlights various stages of human development—and product inhalation. "We are a prodigious user and discarder on this Earth," said Vargas. Indeed. 1 interesting note: an avg male is said to spend \$53K on clothing during his lifetime, and although the show implies a greater investment by women, it never gives an exact figure. Perhaps Vargas played a role in that omission even though she wears the same shirt throughout. The screening event also saw Nat Geo award several college students with prizes for PSAs and short films that highlight elements of conservation. The PSAs will air on the net Apr 22. Cool stuff, but alas, there's no mention in Human about college students' consumption patterns of pizza and beer. CH

**Highlights:** "Classical Baby: The Poetry Show," Sat, 6:30pm, HBO. This gem, intended for children but entertaining for everyone, illustrates why the hysteria concerning HBO's demise post "The Sopranos" is silly. Augmenting the Emmy-winning "Classical Baby" music, painting and dance specials, this edition features poetry. The mix of cartoons, literature, music and famous narrators (Andy Garcia, John Lithgow, Susan Sarandon, among others) is a formula that still works. And how does HBO get young kids to emote so well about poetry in the breaks between the cartoons? SA

**Worth a Look:** "Viva Hollywood!" Sun, 10:30pm, VH1. 12 young Latino and Latina actors—all buff, beautiful and wickedly sexy—live together in the reality series requisite dream house to vie for a telenovela part. So simple, so decadent, so hot, so what? SA

**Notable:** "Live From The Masters," (before and after network coverage), Fri-Sun, The Golf Channel. We're repeating ourselves, but it's true, nobody does it better. -- "CMT Music Awards," Mon, 8pm ET. The fan-voted awards should be even better with Miley Cyrus and her daddy co-hosting. SA

Basic Cable Rankings (3/31/08-4/06/08)			
Mon-Sun Prime			
1	USA	2.2	2122
2	DSNY	1.9	1810
3	TNT	1.7	1644
4	SPK	1.6	1525
5	NAN	1.5	1407
6	FOXN	1.4	1305
7	ESPN	1.3	1253
8	TBSC	1.2	1177
9	LIFE	1.1	1011
10	A&E	1	991
10	HGTV	1	945
10	FAM	1	937
10	TOON	1	931
10	CMDY	1	930
10	HALL	1	804
10	LMN	1	587
17	HIST	0.9	886
17	AMC	0.9	878
17	DISC	0.9	872
17	TRU	0.9	840
17	SCIF	0.9	834
17	FX	0.9	809
23	MTV	0.8	792
24	ESP2	0.7	698
24	CNN	0.7	691
24	VH1	0.7	678
24	TLC	0.7	664
24	FOOD	0.7	634
29	EN	0.5	499
29	TVLD	0.5	491
29	BRAV	0.5	487
29	BET	0.5	446
29	MSNB	0.5	443
29	NOGG	0.5	294
35	APL	0.4	409
35	TTC	0.4	338
35	OXYG	0.4	329
35	NGC	0.4	276
35	SOAP	0.4	251
35	HI	0.4	189
35	BIO	0.4	178
42	HLN	0.3	311
42	WGNC	0.3	220
42	GSN	0.3	215
42	WE	0.3	202
42	SPD	0.3	195

\*Nielsen data supplied by ABC/Disney

The **CableFAXIES** awards

Tuesday, May 6th

Noon – 2:00pm

National Press Club, DC

**CableFAXIES Awards Luncheon**

Join us as we salute the most outstanding marketing and PR programs and people in the highly competitive and dynamic cable arena.

Tickets to this exclusive event are limited.

Register at [www.cable360.net/events/faxies](http://www.cable360.net/events/faxies)