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What the Industry Reads First

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What's an MVPD? NCTA, NAB Try to Help FCC Figure It Out

If a rose is a rose is a rose, is an MVPD an MVPD? Need you even ask? Nothing that uses acronyms can ever be that simple (or smell as sweet). The **FCC** has solicited comments on how it should define multichannel video providers (MVPDs) in today's digital age and whether online video providers (OVPDs) should be subject to the same carriage requirements. In comments filed Mon, **NCTA** said that MVPDs must provide multiple channels of programming and a transmission path. The cable group said the FCC's own definitions have shown that a "channel" is not merely the programming, but the physical transmission for delivering it. Under that definition, entities that leased satellite transmission capacity in order to provide video packages to viewers with C-Band backyard satellite dishes qualified as MVPDs, but those that simply entered into arrangements with cable nets to sell C-Band customers the right to receive and view the same encrypted satellite transmission of their programming—providing no transport component—were not MVPDs. "Entities that offer or package video programming for viewing on the Internet do not generally include such a transmission path in their service offerings to customers; that path is purchased by customers separately from their Internet service providers. And, as a result, such entities are not MVPDs, as the term is defined in Title VI," NCTA said. **NAB** also weighed in Mon, saying that broadcasters see great potential in the development of broadband video services to increase competition in the MVPD marketplace. "However, the deployment of such services must include long-standing policies that have successfully promoted competition and diversity in the video market for many years," NAB said in its filing. In other words, broadcasters must be able to control the transmission of their signals online and earn retrans consent. "If new technologies can evade retransmission consent and erode local viewership by overriding program exclusivity rights of local stations and offering the same programs on stations imported from other markets, the viability of local TV stations—and their ability to serve their local communities with high quality programming—could well be lost," NAB said. The FCC sought comments on the issue in regards to **Sky Angel's** '10 program access complaint against **Discovery**. Discovery withdrew its programming after Sky Angel switched from satellite service to an Internet video service. The FCC has said it's unclear if Sky Angel constitutes an MVPD and it wants more info.



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FCC Full House: Seems kind of appropriate that the same day **LightSquared** filed for bankruptcy, the **FCC** swore in its 2 pending Commissioners. *Jessica Rosenworcel* and *Ajit Varadaraj Pai*'s nominations were held up for months by Sen *Chuck Grassley* (R-IA) because he wanted more info on the FCC's handling of **LightSquared**. Grassley withdrew the hold a few weeks ago, and the Senate approved the 2 on May 7. Dem *Rosenworcel* takes the seat emptied by *Michael Copps* in Dec. Republican *Pai* fills **Comcast** *Meredith Attwell Baker*'s old seat. As for **LightSquared**, it ran into serious trouble in Feb when the FCC said it would withdraw preliminary approval for its network because govt test showed interference with GPS equipment.

In the Courts: The 4th Circuit Court of Appeals upheld the FCC's decision that **Time Warner Cable** did not unlawfully discriminate against **MASN** by refusing to carry it in NC. **MASN** appealed the Dec '10 decision, which was a reversal of the Media Bureau's previous upholding of an arbiter's 2008 decision that the MSO had to carry the RSN on its analog tier in NC. "We have always maintained that it made no sense to make almost all of our NC customers pay for programming in which the overwhelming majority of them have minimal interest," TWC said, adding that it's "gratified" the court agreed that the decisions regarding **MASN** carriage were made for "valid business reasons." **MASN** was disappointed. "We will continue to explore ways to bring our exciting lineup of live sports action to Time Warner Cable's subscribers in North Carolina," the net said. "Viewers in NC who want to watch **MASN**'s programming can find it on **DirecTV, Dish, Charter, Mediacom, M I Connection, Tri-County Cable, Randolph TV, Sky Best, Fibrant, Reds Cable** and **Salem TV**."

Spectrum Wars: In case you missed the memo, a group of folks oppose **Verizon Wireless** and cable's spectrum and marketing deals. So much so that opponents, including **T-Mobile, Sprint** and **Free Press**, have formed an alliance to fight the deal (or at least condition it). "Same PR firm different day," was the reaction of **Comcast** vp, govt comm *Sena Fitzmaurice*. "The groups organized by this PR firm have been sending out similar press releases, doing press conferences and filings at the FCC together for months. There's nothing new here. We've already demonstrated the hypocrisy and self-interest of the members of this group, T-Mobile in particular, in filings at the FCC." **SpectrumCo** and **Verizon wireless** told the FCC last month that T-Mobile's arguments contradict statements it made months earlier in its proposed **AT&T** transaction (*Cfax*, 4/27). During Mon's press call, the groups forming **The Alliance for Broadband Competition** outlined their complaints about the deal. *Steven Berry*, pres/CEO of **RCA – The Competitive Carriers Assoc**, said his group hasn't opposed the transactions but does believe there should be conditions, including spectrum divestiture review. *Berry* noted while the spectrum is a very attractive buy for **Verizon**, it also would be attractive to many carriers that he represents. **Free Press** policy analyst *Joel Kelsey* continued to ring the alarm bell over **Verizon**'s joint marketing arrangements with **Cox, Comcast, Bright House** and **Time Warner Cable**. "They are simply agreements that represent a deal to stay out of each other's way in perpetuity," he said. Also members of the alliance: **Public Knowledge** and **American Antitrust Institute**.

At the Portals: The full **FCC** has stayed the **Comcast-Tennis Channel** order, so the MSO does not have to implement any channel moves until the full Commission examines the issues. Earlier this month, the FCC Gen Counsel's office issued an interim stay of the Dec ALJ decision granting **Tennis**' complaint against **Comcast** for carriage discrimination. **Tennis** is carried on **Comcast**'s sports tier. It wants to be treated the same as **NBC Sports** and **Golf**. The ALJ agreed that **Tennis** should be carried in the same way the **Comcast**-owned channels are. "A stay will preserve the status quo while the Commission has an adequate opportunity to examine the record and the ALJ's disposition of each issue closely, and it will avoid potential disruption to consumers and any affected third-party programmers in the event that the Commission subsequently reverses or modifies the ALJ's remedy," the FCC said.

Research: **ABC, CBS, Fox, NBC, ESPN, Discovery, History, USA, Food** and **TNT** scored the best in **Solutions Research Group**'s "Must Keep TV" report. The survey is based on 1400 consumers in Mar, who evaluated 73 TV brands. **ABC** was identified as the top "must keep" brand at 51%, followed by **CBS, Fox** and **NBC**. In what could be bad news for *Charlie Eger* given his threats to drop **AMC** in June, **AMC** moved from #51 among 18-49s last year to #30. Among 18-34s, it jumped to #19 from #34 last year, putting it ahead of brands such as **TLC** and **A&E**. Among 18-49s, **Starz** dropped from #34 last year to #41. **Cinemax** fell to #53 from #46 and **The Movie Channel** dropped 10 spots to #59. **Nick** fell 5 spots to #25, while **Fox News** dropped 7 to #30.

Competition: **DISH** customers who get its Heartland Package or Blockbuster @Home service can now stream inspira-

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tional titles from **GMC**. GMC calls the faith-friendly streaming service “G-Movies.” It has more than 150 feature films, TV series and biblical docs.

Carriage: **Univision** and **AT&T** signed a multi-year, multiplatform agreement to deliver Univision content across all AT&T platforms (U-Verse, online, smartphones and tablets). It also means that AT&T will join DISH in carrying Univision’s new nets **tlnovelas**, **Deportes** and **FOROtv**. Univision Deportes and Univision tlnovelas will launch in the coming weeks, and FOROtv will launch later this year.

Programming: **Travel Channel** debuts original special “Gem Hunt,” chronicling the search for gem stones in remote areas of Madagascar, June 3, 10pm.

Obit: **History’s** “Swamp People” star *Mitchell Guist* passed away Mon. No cause of death was given, but in a joint statement, History and production company **Original Media** said Guist “passed on the swamp, doing what he loved,” and asked for privacy for his family.

People: **Mediacom** promoted *Italia Commisso Weinand* to evp, programming and HR. -- **Tennis Channel** appointed TV prod *Gary Lang* to vp, production. -- *Jeffrey Binder*, the founding CEO of **Broadbus**, has joined the board of **This Technology**. The company helps with dynamic ad insertion deployments across VOD, TVE and IPTV.

CableFAX Daily Stockwatch

Company	05/14 Close	1-Day Ch	Company	05/14 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DIRECTV:	46.93	(0.64)	CLEARWIRE:	1.23	(0.03)
DISH:	30.59	(0.24)	CONCURRENT:	3.52	(0.16)
DISNEY:	45.17	(0.39)	CONVERGYS:	13.33	0.67
GE:	18.60	(0.41)	CSG SYSTEMS:	16.57	0.04
NEWS CORP:	20.40	(0.11)	ECHOSTAR:	27.47	(0.18)
MSOS					
CABLEVISION:	12.36	(0.2)	GOOGLE:	604.00	(1.23)
CHARTER:	66.23	(1.26)	HARMONIC:	4.29	0.06
COMCAST:	28.89	(0.49)	INTEL:	27.02	(0.61)
COMCAST SPCL:	28.64	(0.38)	JDSU:	10.62	(0.07)
GCI:	6.99	(0.17)	LEVEL 3:	23.88	(0.4)
KNOWLOGY:	19.48	(0.04)	MICROSOFT:	30.68	(0.48)
LIBERTY GLOBAL:	49.77	(1)	MOTOROLA MOBILITY:	39.35	0.12
LIBERTY INT:	17.92	(0.42)	RENTRAK:	16.49	(0.53)
SHAW COMM:	19.08	(0.09)	SEACHANGE:	8.11	(0.09)
TIME WARNER CABLE:	76.11	(1.04)	SONY:	14.20	0.02
VIRGIN MEDIA:	22.13	(0.28)	SPRINT NEXTEL:	2.50	0.01
WASH POST:	330.02	(6.18)	THOMAS & BETTS:	71.97	UNCH
PROGRAMMING					
AMC NETWORKS:	42.35	0.65	TIVO:	9.88	(0.27)
CBS:	31.77	(1.03)	UNIVERSAL ELEC:	14.73	(0.14)
CROWN:	1.50	(0.01)	VONAGE:	1.72	(0.04)
DISCOVERY:	50.61	(0.78)	YAHOO:	15.50	0.31
GRUPO TELEVISA:	20.34	(0.16)	TELCOS		
HSN:	36.18	(0.37)	AT&T:	33.53	(0.06)
INTERACTIVE CORP:	47.62	(0.9)	VERIZON:	40.89	(0.27)
LIONSGATE:	12.05	(0.35)	MARKET INDICES		
LODGENET:	1.73	(0.05)	DOW:	12695.35	(125.25)
NEW FRONTIER:	1.51	UNCH	NASDAQ:	2902.58	(31.24)
OUTDOOR:	6.84	UNCH	S&P 500:	1338.35	(15.04)
SCRIPPS INT:	53.46	(0.71)	TECHNOLOGY		
TIME WARNER:	35.57	(0.12)	ADVANTAGE:	2.35	(0.11)
VALUEVISION:	1.59	0.07	ALCATEL LUCENT:	1.46	(0.05)
VIACOM:	51.20	(0.19)	AMDOCS:	29.99	(0.1)
WWE:	8.70	(0.09)	AMPHENOL:	53.46	(0.58)
TECHNOLOGY					
ADDVANTAGE:	2.35	(0.11)	AOL:	26.08	0.02
ALCATEL LUCENT:	1.46	(0.05)	APPLE:	558.22	(8.49)
AMDOCS:	29.99	(0.1)	ARRIS GROUP:	12.44	(0.07)
AMPHENOL:	53.46	(0.58)	AVID TECH:	7.16	(0.2)
AOL:	26.08	0.02	BLNDER TONGUE:	1.15	UNCH
APPLE:	558.22	(8.49)	BROADCOM:	33.05	(0.74)
ARRIS GROUP:	12.44	(0.07)	CISCO:	16.70	0.20
AVID TECH:	7.16	(0.2)			
BLNDER TONGUE:	1.15	UNCH			
BROADCOM:	33.05	(0.74)			
CISCO:	16.70	0.20			

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