

# CableFAX Daily™

Sunday — May 18, 2008

What the Industry Reads First

Volume 19 / SPECIAL EDITION

## Privacy Alert: Congress Members Probing Charter Ad Plans

**Charter's** plan to sell data from its HSD users to **NebuAd** has drawn the attention of high-ranking members of Congress. The MSO started sending out letters to a few hundred thousand subs earlier this month in 4 markets (Fort Worth, TX; San Luis Obispo, CA; Oxford, MA; and Newton, CT), informing them that it will keep track of Web sites they visit and provide that info to the data collections firm. NebuAd will use that data to show subs targeted Web ads related to their interests. Customers are able to opt out. The MSO plans to test the system within 30 days and decide whether to introduce it to its 2.8mln HSD subs after that. On Fri, House Telecom chmn *Ed Markey* (D-MA) and Ranking Commerce member *Joe Barton* (R-TX) sent a letter to Charter outlining their concerns and asking that the MSO not move forward until they have a chance to discuss the issue. "Charter has always taken an open approach with our customers, and will do the same with Chairman Markey and Congressman Barton," a rep said. "Our goal is to bring an enhanced Internet experience to our customers while meeting all privacy protection requirements. We believe we have done that but are pleased to discuss this matter with the Chairman and the Congressman." *The Washington Post* reported last month that NebuAd is also working with overbuilders **Knology** and **Wide Open West**. Markey and Barton are particularly concerned that customers have to opt-out of the data mining, instead of opting in. "These privacy issues and how this venture is consistent with communications privacy laws must be addressed before the company moves forward with this plan," Markey said. The Congressmen are scrutinizing Sect 631 of the Communications Act to see if NebuAd jives with privacy provisions. "Any service to which a subscriber does not affirmatively subscribe and that can result in the collection of information about the Web-related habits and interests of a subscriber, or a subscriber's use of the operator's services, or the identification of an individual subscriber, and archives any of these results without the 'prior written or electronic consent of the subscriber,' raises substantial questions related to Section 631," they wrote in a letter to Charter CEO *Neal Smit*.

**In the Courts:** A federal appeals court rejected **Comcast's** challenge to the **FCC's** refusal to grant it a waiver from the July '07 set-top integration ban. "While we are disappointed in this decision, we will continue to actively deploy digital services to our consumers," a Comcast rep said. "Our only interest has been to facilitate and accelerate the digital transition for our customers in the most cost effective fashion. We've announced plans to help even more consumers to go digital faster and economically and we will continue to bring innovative services to consumers." The DC Court of Appeals heard oral arguments last month, and at the time, court watchers predicted Comcast's chances of prevailing weren't good (*Cfax*, 4/9). The integration ban requires all cable ops not receive waivers to deploy costlier boxes featuring CableCards. The court said it thinks the FCC's explanation of why Comcast wasn't granted a wavier was "quite reasonable." In writing the decision, released Friday, Judge *Laurence Silberman* said that the FCC doesn't have a commitment to grant waivers to all low-cost set-tops, having said it only would "consider" such waivers. If Comcast feels it's at



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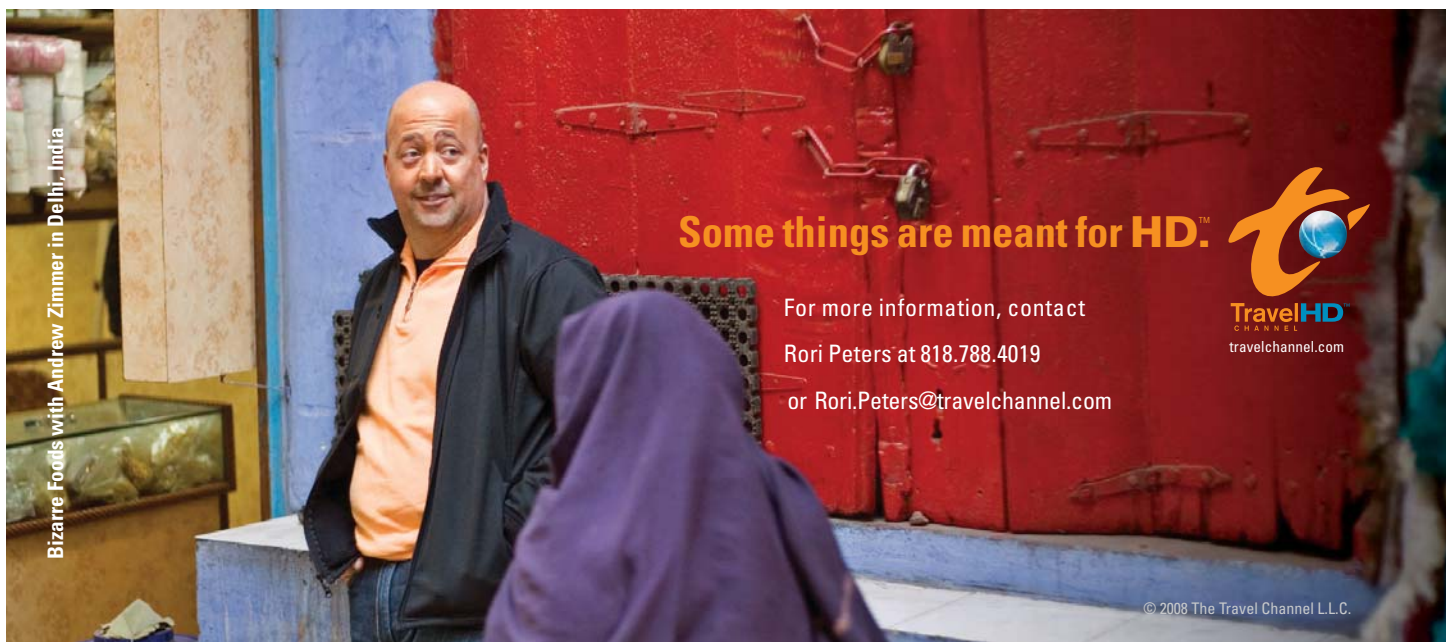
a competitive disadvantage against video providers that have received waivers, the court suggested it could petition the FCC to revoke those waivers granted by the Media Bureau. "At that time, the FCC must either revoke the other waivers or offer a reasoned explanation for why it rejected Comcast's waiver but granted the others," Silberman wrote. Comcast said it never appealed those waivers because it agreed with them.

**Research:** The cable industry provided nearly \$2bln dollars in support to local communities in '06, up more than \$600K from '04, says a study by **ACC** and **Cision US**. The industry provided \$159mln in support to schools and educational institutions across the nation, an increase of 29% over the 2-year period from 2004. Schools and educational institutions received the equivalent of \$50mln in free broadband and cable services. Cash and in-kind support by cable to charities, non-profits and educational institutions totaled \$925mln, an increase of 122%. PSAs were valued at \$897mln, up 11%. Cable provided \$8.5mln in volunteer time and \$4.6mln in contribution of broadband services to libraries and youth centers. -- Potential growth in urban triple-play bundles is highest among Spanish-dominant Latino and African-American homes, according to **Horowitz Assoc**, and Hispanic, bilingual and Asian homes aren't far behind. 46% of overall urban HHs now receive bundled services, with 70% of those homes subscribing to a double-play and 30% to a triple-play.

**In the States:** **Suddenlink** struck a multi-year deal with **TVN** for VOD. -- **Avail Media** will launch on its IPTV platform later this month **WealthTV**, which will also provide Avail with 30 original HD VOD titles.

**Name Game:** After more than a decade as **ICTV**, the Web media-to-TV provider is changing its name to **ActiveVideo Networks**. "We made this change because television really isn't TV anymore. With the advent of Internet TV and other technologies, suddenly TV just doesn't capture it any more," said evp/chief strategy officer *Ed Forman*. As a long time player in the iTV space, we had to ask if the age of interactive TV has come. Yes, said pres/CEO *Jeff Miller*, but it's not ordering pizza from your set-top box like some had predicted. Instead, he's looking to the Web. "The fastest growing segment of video consumption today is online," Miller said. "While the TV industry has been considering what version of interactive TV to put out there—more VOD? DVRs? What about the boxes that are already out there?—the Web has been going at light speed. Those [traditional TV] questions have been hovering around the interactive TV industry for more than a decade. Those problems are harder to solve." ActiveVideo Networks will unveil its name this week at the **Cable Show** and **tru2way Developers Conference** in New Orleans. The firm is showing upwards of 20 apps in its booth (415), more than triple the number shown last year.

**Technology:** **Zodiac Interactive** emerged victorious from **NCTA's tru2way Developers' Showcase Challenge**, earning the chance to showcase its **Java**-based tru2way apps at the Cable Show developers' conference/tech showcase.



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**Online:** Google sites took over in Apr the top spot in **comScore's** top 50 US properties rankings (based on monthly uniques) for the 1st time, powered by continued search growth and rapid growth at **YouTube**. Other notables: **AOL** (#4), **Fox Interactive** (#5), **Viacom** (#15), **The Weather Channel** (#15), **AT&T** (#21), **Verizon** (#24), **Disney** (#26), **Comcast** (#29), **ESPN** (#38), **Scripps** (#45), **Cox** (#47) and **NBCU** (#49).

**5Qs with Hallmark Channel svp, network distribution & service Janice Arouh:** Now that you've completed your big renewals, what's your goal for '08? Hallmark Movie Channel standard-def and high-definition. Apr 2 we launched Hallmark Movie Channel HD. The priority for us is to get those channels out there. **Where are you now in terms of Hallmark Movie carriage?** We're nearing 10mln **Nielsen** viewing homes. We've launched [in HD] on **Time Warner** Manhattan, Brooklyn, Queens, Staten Island, Hudson Valley. As a part of our renewals, our distributors have the opportunity to launch **Hallmark Movie Channel** in HD. We have a deal in place with **Cox**, Time Warner,  **DirecTV**, **EchoStar** and **Cablevision**. They all have the opportunity to launch Hallmark Movie HD. However, Time Warner is the 1st to jump on board and launch it. We don't have commitments from the others, but they have the opportunity to as part of the renewal. The focus of 2008 is Hallmark Movie Channel HD and SD. At the end of the year, I'd love, love, love to be in 20mln Nielsen viewing homes. **What's unique about it?** The other HD networks that are launching... many of those networks skew heavily male. I believe we have carved out this niche that is underserved, featuring the best of family friendly programming. The key to Hallmark Movie Channel is success on the 4 tent poles of the channel. The tent poles are based on the following: classic theatricals, best of Hallmark Channel originals, the Hallmark Hall of Fame presentations, and special miniseries and events. **How much crossover will there be between Hallmark Channel and Hallmark Movie?** It's going to be about the best of our Hallmark Channel originals—2.8 [rating] or greater. And it's just going to be movies. That's what distinguishes it. **What are you looking forward to about returning to the city of New Orleans?** I'm looking forward to reconnecting with the city. The Big Easy is a great town. I think it's terrific that **NCTA** and the industry are hosting the event in New Orleans. As an industry, we have to give back, and we will be in many demonstrable ways.

**Programming:** **Outdoor Channel** will fatten its '09 programming lineup with series such as "Fly Fishing the World" and "Gore-Tex Outdoor Adventures," and declined to renew 10 **Intermedia** programs to make room for the shows. As a result, Intermedia, the parent of Outdoor competitor **The Sportsman Channel**, said it will shift the programming to its own net along with new content. Interestingly, Intermedia said that it was the party that chose not to renew the Outdoor agreements. -- **HGTV's** online feature "Rate My Space" will make the jump to the small screen with a preview Jun 8 (10pm), and settle into its regular Thurs slot Jun 12 (9pm). -- The 2nd season of **Lifetime's** "How to Look Good Naked" returns Jul 22 (10pm) with an expanded 1-hr format.

**Honors:** "HDNet World Report" earned a **Robert F. Kennedy Journalism Award** for its piece "A Silent War, A Violent Peace: Uganda's Child Soldiers." -- **USA** has been recognized 15 times in the intl **Horizon Interactive Awards**, including for initiatives surrounding "Monk" and "Psyche."

**People:** **Scripps Nets** appointed *Lisa Choi Owens* svp, online partnerships and distribution. -- **Music Choice** promoted *Rick Bergan* to svp, distribution. -- **Nat Geo** promoted *Heather Moran* to svp, programming and strategic development.

**Business/Finance:** *Carl Icahn's* Thurs letter challenging the efficacy of **Yahoo!'s** board because it declined **Microsoft's** \$33-per-share bid "reflects a significant misunderstanding of the facts," wrote Yahoo! chmn *Roy Bostock* to Icahn in response. Regarding Microsoft's overtures and the pair's lengthy discussions, Yahoo!'s board simply refused "to allow control of this company to be acquired for less than its full value," wrote Bostock. -- **Nielsen** has completed its acquisition of **IAG Research**, which measures consumer engagement with television programs, national commercials and product placements.





## APPEARING TODAY

BOOTH #1705

**SUNDAY**  
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Tuesday 11:00 a.m.-12:30 p.m.



## Also appearing:

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Tuesday 12:30-2:00 p.m

Noelle Katai, host of **Everybody Nose** on Veria TV, will share her personal aromatherapy recipes for stress relief, travel woes and the work place.  
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Tuesday 2:00-4:00 p.m.

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## GUEST COLUMNIST

### CableCares Gives Way To 'Cable Connection'

As is so common in our business, our annual gathering for The Cable Show is a time not so much to reflect on past glories, but to look ahead to future opportunity. That's especially true this year, as we help a major American city look to its future, and plan exciting days ahead for our industry as well.

Last fall, as the NCTA Board of Directors was contemplating the staging of The Cable Show '08 in New Orleans, our chief executives asked us to embrace a community service initiative tied to the show—one that would “give back” to a city that has given us so much over the years, and which remains so in need even as its residents return and life resumes its normalcy. Following months of careful planning, we are confident that many CableCares projects will undoubtedly leave New Orleans with a real, lasting contribution to a city striving to revitalize, rebuild and rejuvenate.

CableCares primarily is focused on assisting the school children of New Orleans. Prior to the Cable Show, volunteers were to construct two brand-new school playgrounds and spruce up the grounds of a high school. Another school will see volunteers install more than 40 new computers, while yet another will receive the full breadth of cable services, including new wiring, HDTVs, DVRs and other content-rich applications. School libraries throughout the city also will gain thousands of new books from a comprehensive book drive. And of course, the Big Show closes Tuesday night with industry executives “rockin' out” to raise money for New Orleans charities during “Battle of the Bands.”

Our corporate and organizational partners in this endeavor also have played a critical role in CableCares. We've witnessed companies of all sizes generously step forward with offers of support. To the organizations that have donated money, goods, time, services, and human resources

to make these projects a reality, we say, thank you.

Donations have been varied, and they often play to the strengths of each company. They include musical instruments, backpacks filled with supplies, DVDs, computers, video equipment and other items too numerous to mention. At schools in the city, volunteers will have planted trees, shoveled and spread mulch, installed HDTVs, carried books, run wiring, and more. And of course, the book drive to rebuild the city's school libraries will surely create a tall mountain of books on the show floor by Tuesday.

To us at NCTA, CableCares feels like the epicenter of this year's convention. However, we haven't forgotten that the Cable Show is the time of year when the entire industry gathers to do business. The program is strong this year, including first-time visits from the CEOs of

Intel, Sun Microsystems and Panasonic. And, plenty of thought and planning already are going into next April's big event, the first-ever “Cable Connection – Spring,” in Washington, D.C. Many other industry organizations will wrap their events around The Cable Show for a truly deep and broad cable experience.

Industry association leaders have been hard at work planning for next spring and the years beyond, for ways to more efficiently bring our industry together. So we'll embrace the new “Cable Connection” for the first time next year, in both its spring and fall format, and we'll enjoy the excitement of having many different segments of our business in one place, at one time.

Whether it's CableCares or Cable Connection, we've seen our industry join together countless times to give back to its communities, and look to the future. Here in New Orleans, we're well on our way to achieving those objectives, showcasing the best cable has to offer, be it in the convention center, or in the schoolyard.

*(Barbara York is NCTA's svp, industry affairs).*



**Barbara York**

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# The Unconventional Guide

## The Return to NOLA

Well, here we are again. It has been a while since the cable industry gathered in the Big Easy, and a lot has changed. In 2005, Katrina just barged in, trashed the place and rudely left. But this is a resilient town. And the locals don't want you to pity. They want you to party! So if you really care about helping New Orleans recapture its former glory, you have a personal responsibility to get stupid and spend money. Here are some of our completely unscientific recommendations.

### Restaurants

You gotta eat, right? We turned to our own *Amy Maclean*, a Georgia native who we consider our in-house expert on Southern cuisine, to put forth **CableFAX's** official (and quite unpretentious) eatery of choice... followed by pseudo-yankee duo Seth and Mike's best attempts.

**Amy's Pick:** *Camellia Grill*, 626 South Carrollton, 504-866-9573 (average price - \$10) -- Grab a cab and head to Camilla Grill, a New Orleans, white columned institution that just reopened last year after Hurricane Katrina. Be prepared to wait in line until there's a stool available for you inside the Greek Revival structure. Enjoy a hamburger and a Orange Freeze with a touch of class—a white cloth napkin—in this unique diner. Also noteworthy are those giant ham and cheese omelets.

**Seth's Pick:** *Dooky Chase*, 2301 Orleans Ave, 504/821-0600, (average price - \$20). A decades-old hangout for musicians like *Ray Charles* and politicians like *President Bush* and *Barack Obama*. It's worth a trip just to watch 85-year-old chef-owner *Leah Chase* cook authentic creole and soul food and opine (when Obama arrived for a quick bite last year, she ordered him to sit and chow down. "You're too frail," she said).

**Mike's Advice?:** Get liquored up on one of those multi-colored, alcoholic Slurpee drinks and start walking down

Bourbon Street. Whichever restaurant is closest when you finish the drink was chosen for you by destiny. Go inside. Order lots of food. Be merry.

And in case you want real expert advice (and a bit more gourmet fare), here are the top 10 picks from restaurant gurus *Chuck Klein* and *Shelley Babcock*.

*August* – 301 Tchoupitoulas St. (504) 299-9777 \$\$\$\$:  
The menu fuses a Mediterranean style with a Louisiana accent, and the results are food magic.

*Bayona*– 430 Dauphine St. (504) 525-4455 \$\$\$\$: Star chef *Susan Spicer* keeps things lively with genius combos like her lamb loin with goat cheese-zinfandel sauce and stellar desserts like the toasted

pecan roulade with caramel mousse and pecan syrup.

*Brigsten's*– 723 Dante St. (504) 861-7610 \$\$\$+: One of the great dining traditions in New Orleans, *Brigsten's* dusted itself off after Katrina, and continues to charm and delight its many and loyal fans.

*Commander's Palace*– 1403 Washington Ave. (504) 899-8221 \$\$\$+: A stellar 6 million dollar post-Katrina facelift made this legendary eatery even grander and more elegant than ever. Service is nearly psychic, and the haute Creole cuisine is impeccable.

*Cuvée*– St. James Hotel, 322 Magazine St. (504) 587-9001 \$\$\$\$: *Cuvée* gets raves all around for inspired contemporary Creole cuisine and an amazing wine list.

*Emeril's*– 800 Tchoupitoulas St. (504) 528-9393 \$\$\$\$:  
Bam! This is where celeb-chef *Emeril Lagasse* first struck out on his own. The rest, as they say, is history.

*Galatoire's*– 209 Bourbon St. (504) 525-2021 \$\$\$: After a century of serving, *Galatoire's* still wows diners with decadent French Creole food and impeccable service.

*Herbsaint*– 701 St. Charles Ave. (504) 524-4114 \$\$\$:  
*Susan Spicer*, of *Bayona* fame, is the talent behind



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# The Unconventional Guide

this more affordable warehouse district find. Cuisine is French-American with a bit of Southern soul.

*New Orleans Grill (formerly The Grill Room)- Windsor Court Hotel, 300 Gravier St. (504) 522-1992 \$\$\$\$+*: The posh one. The exquisite décor, unforgettable haute New American cuisine, stellar service and 10,000-bottle wine list will knock your socks off.

*Stella!- 1032 Chartres St. (504) 587-0091 \$\$\$\$*: Chef *Scott Boswell's* inventive New American cuisine gives more than a nod to local ingredients, with Stella-r dishes like veal and gulf shrimp dumplings, paneed veal loin, crispy veal sweet-breads and tandoori-spiced Atlantic salmon.

## Nightclubs/Bars

Just hit Bourbon Street and wing it. We promise you'll find something tailored to your unique disposition—even if it's just stumbling around with an open container in the street (that's legal here, you know). If you don't drink, even better! You can watch other people stumble around like idiots and feel even better about your sobriety!

## Hardly Working

Oh, yeah. There's also this convention thing going on. And you're down here on an expense account trying to justify those pricey evening "networking opportunities." Obviously, go to all the general sessions, which include big wigs like *Brian Roberts* and *Glenn Britt*. But there are a few other great panels you should attend...

## There's Something About Room 208...

Perhaps it's a coincidence, but it seems like the **NCTA** clustered the best panels into Room 208 of the convention center. So for those of you who may be nursing especially brutal hangovers and are too weak to walk very far, we have devised a must-attend session list that all revolves around this room. You can thank us later:

## Monday

- 9 am – Room 208 -- **Comcast's** *Stephen Burke*, **Cablevision's** *Thomas Rutledge*, **Discovery's** *David Zaslav*, **Time Warner's** *Landel Hobbs* and **NBCU's** *Jeff*

*Gaspin* dissect the evolving VOD landscape. This is simply a must-attend session.

- 3 pm – Room 208 – **CTAM's** *Char Beales* leads a discussion about operational excellence, which has never been more important considering the competitive landscape. **Cox's** *Jill Campbell*, **Comcast's** *Michael Doyle*, **Charter's** *Marwan Fawaz* and **Time Warner Cable's** *Sam Howe* should all have some incredible insight.

## Tuesday

- 11 am – Room 208 -- Wow. What a group. Research guru *Bruce Leichtman* moderates a discussion about digital media platforms with some of the best minds around, including **Comcast's** *Amy Banse*, **Cox's** *Mark Bowser*, **Discovery's** *Bruce Campbell*, **Scripps Networks'** *John Lansing*, **Starz'** *Bill Myers* and **BET's** *Denmark West*.

- 2:45 pm – Room 208 – Another wow panel. None other than **Insight's** *Michael Willner* leads what will no doubt be a spirited discussion about sports programming. How do we know it will be spirited? The panel includes **ESPN's** *Sean Bratches*, **Fox Regional Cable Sports Networks'** *Randy Freer*, **Comcast SportsNet's** *Jon Litner*, **Cox's** *Robert Wilson* and **Time Warner Cable's** *Melinda Witmer*. Once again... wow.

## The Battle of the Bands

OK, we're extremely biased because our own *Seth Arenstein* and *Michael Grebb* are competing as part of the **TV Rejects** (such an appropriate name for us), but everyone must resist the urge to fly home early and instead stick around for this worthy charity event. As an added bonus, you can watch your industry colleagues live out their mid-life crises right up on stage in front of everyone. Will the **TV Rejects** emerge victorious? Well, we're up against a billionaire (*Paul Allen*) and a musical prodigy (**Time Warner Cable's** band **More Cowbell** includes *Julie Simon*, *Carly Simon's* niece!), along with several other talented folks. We'll do our best. Just remember: No applause, no ink.

See the NCTA version of **Celebrity Says**

We're playing the game Monday on the show floor.  
Game times 11:30a, 1:30p, 3:30p

Booth 915

**Celebrity Says!**

Speech bubbles: "I exercise naked", "My dog is a vegetarian", "I was abducted by aliens"

TV GUIDE NETWORK

# MAXWELL'S PICKS

## Don't Miss...

Hope you didn't miss yesterday's "Cable Cares" duties... well worth it (and fun... thanks to **Sportsman Channel's** after-work party celebrating Hunt.Fish.Feed!).

Thanks to all the participants and sponsors! We did some (a little) good.

Glad to be back in New Orleans!

**Today (Sunday):** So, pick up your badge! After breakfast at Brennan's maybe? I've got a Cable TV Pioneer's Board meeting this morning and a black tie dinner tonight inducting 26 new members—including friends *Bridget Baker, Greg Bicket, Paul Braun, Jim Carlson, Dave Fellows, Dan Mulvenon, Steve Nelson* and *John Pascarelli*.

The opening General Session (GS) @ 1:30pm features *Brian Roberts, Peter Chernin, Paul Otellini* and *Yoshi Yamada* on a panel moderated by former **FCC** chmn *William Kennard* (just so it ain't Heedless or that Martian!).

Show floor opens immediately after. You should check out our (that is whereishd.com, which just added cable VOD listing, and *adgorilla*) press conference at 3:30 pm (and our booth: #738).

There's a media reception (friendly, I'm promised) by the **NCTA** at 6 pm in the Convention Center, 2nd Floor.

**Monday:** Wake up! This morning's **NAMIC** breakfast is at 7:15! The show floor opens at 10. There's an invitation only public policy luncheon today and tomorrow (check out **CableFAX Daily** for updates).

At a minimum, *Glenn Britt, Scott McNealy* and *Debra Lee* will show up for the afternoon's GS @ 4:30.

VERY busy evening:

-- Invitation-only gigs include a **Viacom** dinner, "The Blind Boys of Alabama" (great group) performing for

## The Gospel Channel.

-- The annual Chairman's Reception featuring a grinning *Decker Anstrom* (don't be a dolt and ask him how much he'll get out of the sale!).

-- A **Tennis Channel** gig at a cool gallery.

-- A **Lifetime** dinner.

-- And one of my annual favorites at the Windsor Court with **RBC Daniels**.

-- There are a thousand or so good restaurants to haunt.

**Tuesday:** Try to wake up... maybe hit Café du Monde?

-- A morning GS today @ 9:30 with *Pat Esser* (or his clone), *David Verklin, Tony Vinciguerra* and a favorite of ours, moderator *Craig Moffett*.

-- Floor opens at 11... so place a few orders, will ya?

-- The Vanguard Awards commence a few minutes after 4:15 with others of our personal favorites joining us with these cute mementoes: *Matt Blank, Anne Sweeney, Ken Lowe, Steve Brookstein, Mike Pohl* and *Sam Howe*... Vanguards also to *Carol Melton, Paul Allen* and *Bret Perkins*.

-- And "The Battle of the Bands"... great way to end the show. It starts about 8 with stage naming rights to **Motorola** and **Cisco**. The silent auction—with autographed guitars and more—should be fun. The band battle itself might lead to a laugh or two, and a gasp at how good some of these guys are! All proceeds to Cable Cares!

**Wednesday:** Don't miss your flight home!



Paul S. Maxwell

Paul Maxwell

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**An Open, Flexible Solution**—Our USRM deploys industry open interfaces to provide an end-to-end solution or simple integration with third-party network devices. From content acquisition, headend and set-tops to service assurance with operational support applications – we give you more choice and more flexibility.

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