

CableFAX Daily™

Friday — May 31, 2013

What the Industry Reads First

Volume 24 / No. 105

Round 132? Cablevision, CWA Go At It Some More

Want to talk about labor pain? Chat up *Jim Dolan*. Last week, the police were called after disruptions regarding union pay policies during **Cablevision's** shareholders meeting. On Thurs, Cablevision CFO *Gregg Seibert* was shouted down by at least 3 different protesters while presenting at the **Nomura** Global Media Summit in NY. Later in the day, Cablevision said it had filed a petition with the DC Circuit seeking immediate suspension of the **National Labor Relations Board's** pursuit of pending complaints against it, all related to disputes with **CWA**. Cablevision and the union have been negotiating over contract terms for more than a year now. At one point during the investor conference disruption, Seibert quipped that this is a "brief sample" of what we're dealing with in terms of CWA. Seriously, this has been anything but brief, with CVC filing suit against CWA in Dec alleging it made false claims about its Internet service in Brooklyn. Other key points have included CWA filing the above mentioned NLRB complaints, the dismissal of 22 workers and employees in Brooklyn petitioning the NLRB to schedule an election that would allow employees to vote on whether CWA will continue to represent them. "This will never end," one of Thurs' protesters yelled. We know the feeling... In its court filing Thurs, Cablevision argues that 2 different federal court of appeals (the DC Circuit and the 3rd Circuit) have ruled that NLRB lacks a valid quorum and thus has no authority to take action. "Yet the NLRB is ignoring these rulings, and continues to prosecute various unfair labor practice charges against Cablevision—charges that are baseless but will nonetheless require that the Company—not to mention the taxpayers—devote overwhelming amounts of time and money to participate in a lengthy, pointless trial," Cablevision said. CWA is having none of that. "Rather than trying to make their case against charges of anti-union behavior before a neutral law judge, Cablevision has now resorted to trying to undermine the authority of the federal agency which reviewed the evidence and issued the charges," said *Bob Master* of CWA District 1. "This is just more of the same from a company that seems to think that the law doesn't apply to them, and leaves workers and customers behind." -- As for Thurs' Nomura presentation, it was closed to the press, but hecklers got in and were heard during a Webcast of the event. "I couldn't care that I'm interrupting this 1% gathering," one yelled after being told to leave. "There was a minor disturbance caused by a handful of uninvited individuals during Cablevision's presentation, however the situation was swiftly brought under control and

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PROGRAM AWARDS

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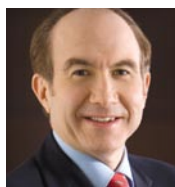
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WORLDS AHEAD

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the event continued without further incident,” Nomura said. However, audio was cut on the Webcast after the interview of Seibert was interrupted several times and was never returned. Shortly before the disruption, the CFO had been talking about how enhancements at Cablevision haven't just been product focused, but organizationally focused as well. That included upping compensation for non-executives (techs, CSRs, etc).

In the Courts: As **Time Warner Cable** waits for the 2nd Circuit to act on its challenge of the **FCC's** program carriage dispute resolution process, it's flagging this week's **Comcast-Tennis Channel** ruling for the court. TWC and **NCTA** have challenged the FCC's rules, particularly the standstill provision that allows a complaining programmer to file a petition requesting a temporary standstill of price, terms and other conditions of the existing contract. Oral arguments were back in Oct, so a ruling is expected any day now. On Tues, the DC Circuit ruled for Comcast in its challenge of an FCC order requiring it to carry Tennis in the same manner as **Golf** and **Versus**. It was the 1st time the Commission found that an operator had violated program carriage rules, but the DC Circuit said the FCC showed no material evidence of unlawful discrimination. The case “illustrates the risk of error inherent in preliminary assessments of the merits in program-carriage cases—a risk the standstill rule exacerbates,” TWC's counsel wrote in a letter to the court on Thurs. The MSO not surprisingly also heavily cited judge *Brett Kavanaugh's* concurrence, which said the govt can only interfere with an MVPD's editorial discretion when the MVPD possesses market power.

HBO Talks: Though nothing is imminent, **HBO CEO Richard Plepler** provided a little more specifics that further suggest HBO Go could be a standalone offering some day. At the **Nomura Global Media & Telecom Summit** Thurs, he said the net's working on an upgrade the TVE app to include “as much flexibility as possible.” “HBO Go is like the BMW5 series... we want to build the BMW7 series,” he said, before making it clear that a standalone offering isn't a near-term option. For HBO, “it's not a zero sum game,” he said. The mission is to target the 70mln non-HBO homes, and to do that, movies play an important part. He said more than 80% of viewing on HBO is theatrical movies, and some 40% of HBO's subs don't watch original programming: So “while original programming is the halo of our brand, our subscribers love the movie.”

Carriage: **Time Warner Cable** inked a long-term deal with **Starz** and **Encore** for a new TVE offering and expanded VOD.

Customer Service: **Time Warner Cable** now offers 1-hour appointment windows in much of its NYC service area (1-hour windows are already available to most of TWC's footprint). TWC NY also expanded Sat and Sun appts and nighttime appts through 10pm (11pm in Lower and Midtown Manhattan), and. Customers can now get a text when a tech is en route.

Clearwire: The **Clearwire/Sprint/DISH** love triangle got a lot more interesting after DISH raised its bid to \$4.40 a share in cash, topping Sprint's most recent offer of \$3.40 a share. Clearwire shareholders are set to vote on the offers Fri. Clearwire spectrum is key to implementing DISH's wireless plans, said chmn *Charlie Ergen* in a statement. According to **S&P Capitol IQ** analysts, the move creates a “difficult” situation for Sprint and may require another delay in the Clearwire vote, Clearwire's special committee reviewing the DISH offer has yet to change its recent recommendation of the Sprint bid. Meanwhile, the US Committee on Foreign Investment cleared **SoftBank's** proposed takeover of Sprint. The clearance removed a key government hurdle as the FCC reviews the communications license transfers necessary to finalize SoftBank's proposed merger and Sprint's planned takeover of Clearwire, **Stifel Nicolaus** analysts wrote. DISH, competing with the Japanese carrier on the potential Sprint takeover, urged Congress to “take a close look” at the committee's review process. “Oversight and accountability for these assets are critical at a time when offshore cyber attacks, including the hacking of weapons systems designs, continue to rise,” said *Stanton Dodge*, evp/general counsel, in a statement.

Retrans: **NAB** took cable and **ACA** to task for what it calls “inaccurate claims” about retrans consent, specifically joint negotiation of retrans deals. The broadcast trade group told the FCC Wed that cable's own analyses don't support the claim that joint negotiation of retrans results in dramatically higher rates. “Not only is it ludicrous for cable operators to tell the FCC that they are disadvantaged by having to jointly negotiate retransmission consent for two local stations' signals, it is also hypocritical,” NAB said. “NAB members report having cable operators request that retransmission consent for multiple stations be negotiated together.” It went on to note that **Time Warner Cable** routinely negotiates retrans rights for **Bright House**. The comments come a couple weeks after Sen Commerce chmn *Jay Rockefeller* (D-WV) requested that **GAO** take a closer look at broadcasters' shared service agreements, which allow joint negotiation of retrans deals. **ATVA**, a group made up of several MVPDs, including TWC and **DISH**, applauded Rockefeller's request. “The NAB can continue

BUSINESS & FINANCE

to kick and scream at the FCC, but there's no legitimate defense of the antiquated retransmission consent rules that are leading to unprecedented blackouts and retrans revenues for broadcasters," ATVA said Thurs.

People: Leah LaPlaca will transition from vp, programming to vp, digital video distribution in the affil sales and marketing dept. LaPlaca and her team will work on the syndication of **ESPN.com** content and short-form programming for the upcoming **SEC Network**; content distribution to digital MVPDs; and new projects. She reports to *Matt Murphy* svp, digital video distribution. -- **Participant Media** named *Jennifer Garnick*, vp, public relations, for the company's new net **Pivot**, to be launched in Aug. -- **Fox Sports** named longtime **Fox** exec *Bill Dallman*, vp/news director, for **Fox Sports 1**, which will be launched Aug 17. -- Acting **FCC** chairwoman *Mignon Clyburn* named *Michele Ellison*, currently chief of the Enforcement Bureau, as chief of staff. *Dave Grimaldi* will serve as chief counsel and sr legal advisor. Other newly appointed legal advisors include *Louis Peraertz* for wireless, international, and public safety issues; *Rebekah Goodheart* for wireline issues; and *Sarah Whitesell*, currently deputy bureau chief of the media bureau, for media issues.

Business & Finance: Roku received \$60mln in funding from investors including **News Corp** and **British Sky Broadcasting**.

CableFAX Daily Stockwatch

Company	05/30 Close	1-Day Ch	Company	05/30 Close	1-Day Ch			
BROADCASTERS/DBS/MMDS								
DIRECTV:	63.10	(0.32)	ECHOSTAR:	39.55	(0.05)			
DISH:	39.52	0.27	GOOGLE:	870.76	2.45			
DISNEY:	64.65	(1.61)	HARMONIC:	6.15	(0.08)			
GE:	23.60	(0.04)	INTEL:	24.21	(0.06)			
NEWS CORP:	32.57	(0.4)	JDSU:	13.73	0.17			
MSOS								
CABLEVISION:	15.47	0.12	LEVEL 3:	21.96	1.06			
CHARTER:	111.81	(0.84)	MICROSOFT:	35.03	0.15			
COMCAST:	40.95	0.16	RENTRAK:	23.81	0.28			
COMCAST SPCL:	39.44	0.12	SEACHANGE:	10.87	(0.11)			
GCI:	8.82	0.09	SONY:	20.84	0.74			
LIBERTY GLOBAL:	74.51	(0.5)	SPRINT NEXTEL:	7.34	0.06			
LIBERTY INT:	22.66	(0.08)	TIVO:	13.01	0.01			
SHAW COMM:	22.87	(0.1)	UNIVERSAL ELEC:	26.80	0.56			
TIME WARNER CABLE:	96.89	0.87	VONAGE:	2.72	0.01			
VIRGIN MEDIA:	50.01	(0.14)	YAHOO:	26.33	0.52			
WASH POST:	476.59	(2.76)	TELCOS					
PROGRAMMING								
AMC NETWORKS:	65.42	(1.39)	AT&T:	35.50	(0.41)			
CBS:	50.30	(0.15)	VERIZON:	49.08	(0.49)			
CROWN:	2.07	0.01	MARKET INDICES					
DISCOVERY:	79.89	0.59	DOW:	15324.53	21.73			
GRUPO TELEVISIA:	25.99	(0.05)	NASDAQ:	3491.30	23.78			
HSN:	56.89	0.36	S&P 500:	1654.41	6.05			
INTERACTIVE CORP:	49.45	(0.04)						
LIONSGATE:	28.03	(0.41)						
SCRIPPS INT:	68.24	(0.49)						
STARZ:	23.70	0.37						
TIME WARNER:	59.58	0.38						
VALUEVISION:	5.01	0.16						
VIACOM:	68.90	(0.52)						
WWE:	9.67	0.15						
TECHNOLOGY								
ADDVANTAGE:	2.29	0.05						
ALCATEL LUCENT:	1.68	0.10						
AMDOCS:	36.23	0.12						
AMPHENOL:	78.45	0.22						
AOL:	33.93	(0.22)						
APPLE:	451.58	6.63						
ARRIS GROUP:	15.35	0.14						
AVID TECH:	6.57	0.15						
BROADCOM:	36.26	0.25						
CISCO:	24.37	0.25						
CLEARWIRE:	4.50	1.02						
CONCURRENT:	7.62	0.17						
CONVERGYS:	18.41	0.16						
CSG SYSTEMS:	21.70	0.13						

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PROGRAMMER'S PAGE

For Your Consideration...

Everyone knows the Emmys are important. Sure, they're not as awe-inspiring, life-altering and supercalifragilistic as the **CableFAX** Program Awards (That June 21 nomination deadline's coming, folks... chop, chop). But still, the Emmys are a pretty big deal. The problem is that you can't win unless you're nominated. And this is where the more than 15K members of the Academy of Television Arts & Sciences become a very popular bunch. These Emmy voters are an eclectic mix. Some are artists. Some are executives or technicians. In all, 28 peer groups make up the rolls. And they simply can't watch everything on TV, which is why "For Your Consideration" screenings and events are now all the rage. Many are hosted right at the Academy itself in North Hollywood. Case in point: Just last week, cable staple **Bravo** smartly packed 4 shows into one event as programming exec and "Watch What Happens Live" host *Andy Cohen* interviewed *Padma Lakshmi* ("Top Chef"), *Jeff Lewis* ("Flipping Out") and *Lisa Vanderpump* ("Real Housewives of Beverly Hills") on stage, devoting a good portion of time to audience questions. Who was in the audience? Yep. Emmy voters. An after-reception included food prepared by actual Top Chefs, as talent pressed the flesh and posed for pics. In a world awash in so much TV content, these sorts of strategic events are becoming more vital than ever. Next Fri, *Michael Hirst*, writer and creator of **History's** "Vikings," will join *Travis Fimmel*, *Gabriel Byrne* and the rest of the cast at an Academy event aimed at drumming up more interest in the freshman series (which is excellent, by the way). For better or worse, it takes this and more to get noticed. When I asked Bravo's Cohen if he thinks these events really move the needle with voters, he just smiled and said "I have no idea." Then again, why not pull out every stop? After all, it's the Emmys. — *Michael Grebb*

Reviews: "Inside WWII," Fri, 7p, **Nat Geo**. There is much to recommend this fine re-telling. Its footage is impressive as is its scope. Coverage of the Pacific and N. Africa campaigns is excellent. Above all, the storytellers—common soldiers and ordinary citizens—provide a realism that sets this documentary apart. Be advised, some footage and discussions are inappropriate for children. -- "The Killing," season III premiere, Sun, 8p ET, **AMC**. There's been much off-screen drama associated with this Emmy-nominated thriller. Yet this premiere is solid, immediately re-creating a dark world in the perpetual gray of rainy Seattle. This gloom dominates to great effect. We'll avoid details, per AMC, but it seems the Rosie Larsen murder case isn't quite over, at least for Sarah Linden (*Mireille Enos*) and her brooding visage. -- "Holliston," season II premiere, Tues, 10p ET, **FEARnet**. The net's first original series, offbeat comedy "Holliston," returns Tues with "Reaper" (9p ET). Nothing is sacred or too sophomoric for this series, which manages to have its moments. The two male protagonists host a local TV horror show and struggle to produce an indie horror film. Often, though, the series spoofs elements of the horror genre. -- "Norman Rockwell's Shuffleton's Barber Shop," Sat, 9p, **Hallmark Movie Channel**. Cute going-home-again story uses Rockwell's painting as a starting point. - *Seth Arenstein*

Basic Cable Rankings (5/20/13-5/26/13)			
Mon-Sun Prime			
1	TNT	2.4	2402
2	USA	2.1	2046
3	FOXN	1.6	1603
3	DSNY	1.6	1554
5	TBSC	1.2	1195
5	HIST	1.2	1155
7	ESPN	1.1	1127
7	NBCS	1.1	846
9	A&E	1.0	1011
9	HGTV	1.0	941
11	ADSM	0.9	902
11	DSE	0.9	64
13	FX	0.8	799
13	NAN	0.8	791
13	TLC	0.8	747
13	APL	0.8	743
17	FOOD	0.7	736
17	DISC	0.7	732
17	SYFY	0.7	686
17	FAM	0.7	665
17	TRU	0.7	636
22	CNN	0.6	616
22	SPK	0.6	599
22	LIFE	0.6	594
22	BRAV	0.6	583
22	HLN	0.6	578
22	AMC	0.6	570
22	LMN	0.6	507
22	ID	0.6	464
30	TVLD	0.5	530
30	CMDY	0.5	492
30	VH1	0.5	484
30	BET	0.5	466
30	MSNB	0.5	464
30	OXYG	0.5	418
30	DSJR	0.5	305
37	MTV	0.4	438
37	HALL	0.4	377
37	EN	0.4	349
37	NKJR	0.4	334
37	NGC	0.4	322
37	GSN	0.4	316
37	H2	0.4	281
37	HMC	0.4	197
37	FXDN	0.4	78
46	TWC	0.3	329

*Nielsen data supplied by ABC/Disney

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