

CableFAX Daily™

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What the Industry Reads First

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Retrans Fun: Lawsuit #2, Call for AG Intervention

As the **Time Warner Cable/CBS** retrans spat hit the 2-week mark with no intervention in sight, 3 TWC consumers filed a lawsuit seeking class-action status in LA Superior Court against the MSO. Asking for reimbursement for subscription fees, the suit claims the subs paid for programming that they didn't receive. The suit, following a similar one earlier over **Journal Broadcast** blackout, accused the operator of violating the CA Business and Professions Code, breach of contract and unjust enrichment. Meanwhile, Journal wants the WI Attorney General to intervene to stop the blackout that has lasted more than 2 weeks, affecting stations in 6 markets including Milwaukee and Green Bay. In a letter, the broadcaster asked the state to require TWC to "fulfill its statutory obligations to provide Wisconsin customers with a credit for the service they have been denied and to stop charging for programming it is not providing." At the same time, Journal said it looks to engage in "productive negotiations." Said TWC in a statement: "We look forward to discussing with the Attorney General why the law cited by Journal Broadcasting Group does not apply in this situation, and why Journal persists in misleading its viewers in this way. We regret that our customers are being subjected to these falsehoods, and would prefer Journal put as much energy into completing our negotiations as they are in distracting viewers from the real issues." The MSO is working to educate consumers in Milwaukee on the dispute. TWC is providing free HD antennas at its stores to affected subs, according to a blog post. That's one way to watch the Green Bay Packers' Fri night preseason game against the Arizona Cardinals. Will the **FCC** intervene in the CBS dispute? Unlikely, according to **Wells Fargo** analysts. Similar to what we were told earlier (**Cfax**, 8/14), the analysts believe that because the parties are still in talks and neither has filed a formal complaint against the other, regulators can't do much other than urge a resolution. And because the FCC would prefer that retrans remain "a market-based regime rather than enforce a heavy hand," it's unlikely that the FCC would ask for more authority from Congress, the analysts wrote.

Al Jazeera America: The key for **Al Jazeera America**, set to launch on Aug 20, is to "cover the uncovered and under-covered," said pres *Kate O'Brian* during a conference call Thurs. The online stream of **Al Jazeera English** will be removed when the new net debuts. Compared to competing nets, the new net is "less opinion, less yelling, and fewer celebrities," interim CEO *Ehab Al Shihabi* said. While "the media landscape focuses on the 10%, including the politicians

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and celebrities... and ask the 90% what they think," the new net is "changing that model and focusing on the 90%... We ask the 10% what they think about what the 90% is saying." The execs didn't provide any specifics on distribution. As for potential image issues stemming from the net's name, Shihabi said national testing found that the 75% with a negative reaction are non-viewers, with most actual viewers having a good impression. The net also wants to attract younger viewers. Based on research, 24 to 30-year-olds are tech-savvy and interested in international news, Shihabi said. "Al Jazeera is appealing to that demographic, which we saw with Al Jazeera English," he said. On advertising, the net will feature 6-min per hour commercials vs the average 15-min an hour ones at other nets, the execs said.

Fox Sports 1: Without giving specifics, **Fox** said **Fox Sports 1's** Sat launch has "every major distributor on board." **Fox Networks** pres, distribution *Mike Hopkins* said in a statement that "virtually all pay-television customers across America will have access to FOX Sports 1." At launch, the net features live events all day, including a **NASCAR** Camping World Truck Series race and **UF** Fight Night in primetime. A new rights agreement with **MLB** takes effect next year, covering regular and postseason games. Programming also features college basketball and football, and soccer, among others.

Variety SES: Media execs gathered at *Variety's Sports Entertainment Summit* in L.A. Thurs sounded in no mood to disrupt the TV ecosystem that keeps the industry fed and clothed despite rising sports costs. "A la carte is just a complete fantasy, and it's not good for anybody," said **Fox Sports** co-pres/COO *Randy Freer*, who said "sports is clearly more important than it was 20 years ago... Sports has increased its value and will continue to increase its value... That's why it's not overvalued. It's undervalued." Of course, rising sports costs may force at least some changes—any number of which could alter forever the relationship between content owners and distributors. **Verizon** vp, content strategy & acquisition *Terry Denson* agreed that "a la carte is not a healthy way to go" but said more distributors may start letting consumers "go somewhere else" for sports to avoid high fees. The use of mobile devices for video, however, "is probably the biggest opportunity to materially change the current model" because leagues could eventually go direct to fans. "RSNs actually don't need to exist in a mobility world," he said. Emerging at some point could be a new model in which "the whole foundation implodes, and it can be rebuilt in a way in which there's a profitability shift to new players." He noted that **ESPN** and other nets could eventually bypass distributors altogether, at which point Verizon and others could simply fall back on higher-margin broadband services. Meanwhile, **Showtime Sports** evp/gm *Stephen Espinoza* said "some sort of over the top is inevitable for the entire industry" as "the consumer has now been trained... to get the media directly from content sellers." The only way to separate traditional pay TV from **Netflix** and **Amazon**? "Live sports," he said. Or at least until OTT providers start bidding for sports rights. Stranger things have happened...

Cynopsis Sports Summit: A few more highlights from the *Cynopsis Sports Business Summit* Wed: Sports plays a particularly big role for **Turner**, said pres *David Levy*, but because the company "unfortunately" doesn't have a 24-hour sports net, it has to brand itself in a different way—as a portfolio of "premium sports properties for our brands." On being outbid by **NBC** recently for **NASCAR** rights, Levy said that it was a good example of how financially the company just "couldn't make the numbers work anymore." Whereas **NBCSN** and **Fox** require a sports property around which to build their brands, drive affiliate fees and get viewers, "we already have the strong brands," he said. Asked whether Turner expects a renewal of its **NBA** partnership, he cited the 26-year relationship between the companies, including its profit sharing with the NBA's digital business. "I anticipate our company will continue that for many, many years." As far as regrets, however, he said he wished Turner had not lost the **NFL**. "I thought that would have been a mistake. It's probably going to be the last appointment viewing for television."

Partnership: **Comcast** and **Time Warner Cable** will join forces on set-top software, launching joint venture RDK Management LLC to oversee the Reference Design Kit software being used in next-generation set tops. The new company will work on RDK licensing, community support and training, and code management. Comcast will contribute RDK components, including the RDK code and specifications, related intellectual property rights and associated contracts, including all of the current RDK licenses that will be transitioned to the new company. In addition, the new entity will create an expanded support program to provide technical support to RDK licensees as operators more broadly deploy RDK.

Press Clippings: **Viacom** reportedly inked a preliminary deal with **Sony** to make its channels available to Sony TV's reportedly planned streaming device. The companies weren't available to comment Thurs.

BUSINESS & FINANCE

Measurement: Rentrak scored a contract with **The Weather Channel** to provide its TV Essentials service, which offers TV ratings and audience measurement information at national and local level.

Apps: ESPN upgraded its **WatchESPN** app for iPhone, iPad and iPod touch. In addition to offering live access to ESPN channels, the app now features channel guide “Live TV Lineup” for all networks, and a scores tab letting users navigate between live, upcoming and concluded games with scores, stats and highlights. The “top videos” VOD feature was first launched with WatchESPN on **Apple TV**.

Ratings: Wed night’s 1-hour season 4 premiere of **A&E’s** “Duck Dynasty” scored 11.8mIn viewers, becoming the top nonfiction series telecast among 25-54 with 6.3mIn viewers in the demo. It also bagged 6.3mIn 18-49 and 3mIn 18-34. Compared to the season 3 premiere, the latest premiere grew by 37% in total viewers, 29% in 25-54 and 26% in 18-49.

Programming: TNT renewed 3 of its summer series, including a 5th season of “Rizzoli & Isles,” a 3rd season of “Major Crimes,” and a 3rd season of “Perception.” -- **USA’s** fall programming lineup features new series acquisition “Modern Family,” which debuts on Sept 24, “NCIS: Los Angeles,” which airs on Sept 23, and “White Collar.” Two original dramas, “White Collar,” and “Covert Affairs,” return on Oct 17.

CableFAX Daily Stockwatch

Company	08/15 Close	1-Day Ch	Company	08/15 Close	1-Day Ch			
BROADCASTERS/DBS/MMDS								
DIRECTV:	59.95	(1.46)	GOOGLE:	859.66	(10.15)			
DISH:	44.29	(0.47)	HARMONIC:	7.60	(0.25)			
DISNEY:	62.38	(1.58)	INTEL:	22.03	(0.54)			
GE:	24.00	(0.07)	JDSU:	13.45	(0.78)			
NEWS CORP:	31.84	(0.43)	LEVEL 3:	22.55	(0.4)			
MSOS								
CABLEVISION:	18.63	(0.5)	MICROSOFT:	31.79	(0.56)			
CHARTER:	123.12	(1.34)	RENTRAK:	23.12	(1.24)			
COMCAST:	43.01	(0.85)	SEACHANGE:	11.00	(0.34)			
COMCAST SPCL:	41.50	(0.8)	SONY:	19.86	(0.22)			
GCI:	9.29	(0.06)	SPRINT NEXTEL:	6.96	(0.04)			
LIBERTY GLOBAL:	75.74	(0.72)	TIVO:	10.87	(0.06)			
LIBERTY INT:	22.40	(0.68)	UNIVERSAL ELEC:	31.68	(0.42)			
SHAW COMM:	24.69	(0.14)	VONAGE:	3.25	(0.07)			
TIME WARNER CABLE:	110.21	(2.56)	YAHOO:	27.14	(0.91)			
WASH POST:	574.94	(8.79)	TELCOS					
PROGRAMMING								
AMC NETWORKS:	64.65	(1.8)	AT&T:	34.35	(0.42)			
CBS:	51.97	(1.04)	VERIZON:	48.54	(0.35)			
CROWN:	2.98	(0.05)	MARKET INDICES					
DISCOVERY:	80.35	(2.49)	DOW:	15112.19	(225.47)			
GRUPO TELEVISA:	27.46	(0.39)	NASDAQ:	3606.12	(63.16)			
HSN:	57.56	(2.12)	S&P 500:	1661.32	(24.07)			
INTERACTIVE CORP:	50.25	0.33	TECHNOLOGY					
LIONSGATE:	33.11	(0.7)	ADDVANTAGE:	2.52	(0.01)			
SCRIPPS INT:	73.80	(1.56)	ALCATEL LUCENT:	2.67	(0.07)			
STARZ:	24.50	(0.05)	AMDOCS:	38.19	(0.3)			
TIME WARNER:	61.21	(1.11)	AMPHENOL:	75.09	(1.71)			
VALUEVISION:	5.74	(0.32)	AOL:	35.45	(0.69)			
VIACOM:	78.63	(1.33)	APPLE:	497.91	(0.59)			
WWE:	10.00	(0.15)	ARRIS GROUP:	16.81	(0.09)			
TECHNOLOGY								
ADDVANTAGE:	2.52	(0.01)	AVID TECH:	5.56	(0.18)			
ALCATEL LUCENT:	2.67	(0.07)	BLNDER TONGUE:	0.87	UNCH			
AMDOCS:	38.19	(0.3)	BROADCOM:	26.04	(0.51)			
AMPHENOL:	75.09	(1.71)	CISCO:	24.48	(1.89)			
AOL:	35.45	(0.69)	CONCURRENT:	8.03	0.01			
APPLE:	497.91	(0.59)	CONVERGYS:	18.79	(0.46)			
ARRIS GROUP:	16.81	(0.09)	CSG SYSTEMS:	24.93	(0.4)			
AVID TECH:	5.56	(0.18)	ECHOSTAR:	42.67	(0.84)			
BLNDER TONGUE:	0.87	UNCH						
BROADCOM:	26.04	(0.51)						
CISCO:	24.48	(1.89)						
CONCURRENT:	8.03	0.01						
CONVERGYS:	18.79	(0.46)						
CSG SYSTEMS:	24.93	(0.4)						
ECHOSTAR:	42.67	(0.84)						

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PROGRAMMER'S PAGE

Football from Across the Pond...

Fox Sports 1 isn't the only net counting down to Aug 17. The English Premier League begins its season this Sat and, for the first time ever, all of its games will be available stateside, provided you have a pay TV provider, an **NBCSports** Live Extra account and subscribe to Premier League Extra Time. This is huge for EPL fans and a big bet for NBCSN. But for new American fans accustomed to perhaps half a dozen teams in the running for a league title, will they be satisfied with just three or four teams in competition for the top spot? In a conference call about the league this week, match commentator *Arlo White* referred to it as an "education process" for such newbies. Other factors and subplots are at play, such as the top 4 gaining entrance to the Champions League, the bottom 3 getting relegated to a lesser league and mid-tablers surprising everyone. Is this really soccer's time, though? Fans of the sport have been hearing it—and wishing it—for years now. Said White, "Even if you're the fifth or sixth or seventh most popular sport in a country of 350 million people, you're still very viable." **NBC Sports Group's** coordinating producer *Pierre Moossa* said one goal is "to be overseas as much as possible to give people a sense of place and bridge that geographical divide." That translates to a lot of on-site interviews. You can count out an EPL for beginners' class, though. Game analyst and former Premier League star *Lee Dixon*, said respecting the game and audience will be key. "We won't be dumbing down the game or act to try and explain things that perhaps is in a condescending way," he said. Mind you, one thing that American sports have that the EPL does not is a stadium stateside. Tickets for ball games may be coveted and perhaps too pricey for many, but at least they take place here and provide a real, physical connection to what we see on a telecast. Or maybe chanting anthems in a pub, sporting your favorite EPL jersey, will be enough. It certainly is for some. - *Kaylee Hultgren*

Reviews: "Americans in Bed," Wed, midnight, **HBO**. The title of this short, compelling doc is misleading. True, the many couples profiled speak from bed, but, like marriage, much more than sex is involved. Initially, each couple seems content. As the layers of their relationships are revealed, it's clear not everyone is happy. While the hilarious *Helen and Red* have been married 71 years and appear happy; another has split and re-connected 26 times, apparently over *Leon's* polyamorous lifestyle. Monogamy is "painful," he says. Perhaps, but in this doc, it makes for provocative viewing. -- "Delete," Mon, 8p ET, **Reelz**. This original film is a variation on the "computers are taking over the world" storyline, yet "Delete" adds a fresh, Internet-based twist. Despite several clichés and stereotyped characters, this geek-as-hero story gives sci-fi fans good reason to watch Reelz next week. -- "Modern Dads," premiere, Wed, 10:30p, **A&E**. Turnabout is fair play. For years, women were the housekeepers. In this cute, light reality series a quartet of stay-at-home dads attempts to raise children and keep their sanity. -- "Owner's Manual," premiere, Thurs, 10p, **AMC**. Men take it on the chin in this fun reality series, too, as TV hosts *Ed Sanders* and *Marcus Hunt* are asked to operate heavy equipment, like airplanes, but only Marcus reads the instructions. - *Seth Arenstein*

Basic Cable Rankings (8/05/13-8/11/13) Mon-Sun Prime			
1	USA	1.0	2619
1	DSNY	1.0	2605
3	HIST	0.9	2185
4	DISC	0.8	2106
5	TNT	0.7	1797
5	TBSC	0.7	1728
7	FOXN	0.6	1475
7	A&E	0.6	1421
9	AMC	0.5	1362
9	ESPN	0.5	1289
9	FX	0.5	1273
9	NAN	0.5	1265
9	HGTV	0.5	1255
9	FAM	0.5	1211
9	ADSM	0.5	1152
9	FOOD	0.5	1146
9	NFLN	0.5	855
18	LIFE	0.4	1098
18	TLC	0.4	1013
18	SYFY	0.4	952
18	TRU	0.4	929
18	BRAV	0.4	888
18	DSE	0.4	110
24	SPK	0.3	866
24	BET	0.3	794
24	VH1	0.3	770
24	HALL	0.3	734
24	TVLD	0.3	725
24	APL	0.3	721
24	MTV	0.3	704
24	CMDY	0.3	672
24	ID	0.3	669
24	LMN	0.3	619
24	DSJR	0.3	539
24	OWN	0.3	531
36	EN	0.2	608
36	MSNB	0.2	516

*Nielsen data supplied by ABC/Disney

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