

CableFAX Daily™

Thursday — August 28, 2008

What the Industry Reads First

Volume 19 / No. 167

FCC Override? Media Access Project Hopes to Keep Leased Access Rules Alive

Last month, the FCC's new leased access rules received another blow when the **Office of Management and Budget** rejected the new reporting rules, saying they violate the 1980 Paperwork Reduction Act. Cable, which previously won a stay of the rules while it challenges them in the 6th Circuit, had complained that they involve massive paperwork. Now, **Media Access Project** has asked the FCC to override the OMB's decision. "OMB failed to consider the impact on other small businesses, such as leased access programmers, and failed to provide any justification for its determinations," MAP said in its Tues filing. The situation appears rather unprecedented. MAP pres/CEO *Andrew Jay Schwartzman*, who has directed the non-profit advocacy group since '78, cannot recall OMB ever rejecting an order based on the 1980 Act, which requires new federal regulations to minimize paperwork or justify it when they don't. The new rules, approved 3-2 in Nov and released in Feb, require cable ops to provide a host of new data in response to requests to lease channels on their systems. The FCC also decreased the amount of time for ops to respond to info requests to 3 business days from 15 and slashed the rates cable ops could charge leased-access programmers. The 1st blow to the leased access regs came in May when the 6th Circuit granted NCTA's request for a stay. The OMB decision is significant because even if the FCC prevails in the 6th Circuit case, it would still have to revisit and rework the reporting requirement.

Charter Suits Up: **Big Ten Net** extended its recent cable success yet again Wed, announcing a carriage agreement-in-principle with **Charter**. The pending deal includes distribution on the MSO's systems in WI, MI, MN, OH and IL, according to a joint statement. It wasn't clear if it would include carriage of the net outside the conference footprint as **Comcast** and **Time Warner Cable** have the option to do. Charter said it hopes to add Big Ten to its lineup before Sat's conference opener, a schedule that includes Ohio St, Minnesota, Indiana, Wisconsin, Penn St and Iowa all playing on Big Ten. **Mediacom** is expected to announce a Big Ten deal shortly, but neither party is talking publicly. It should be noted that Mediacom is set to televise a live broadcast Thurs night of the Iowa State-South Dakota State game—and praised its longstanding relationship with **Fox Sports** when announcing carriage on its **Connections Channel**, available to subs in IA and SD. Last year, Mediacom accused Fox of "anti-competitive" tactics in denying its request to air Iowa State's opener (airing on **Fox College Sports**) after assenting in '06. The MSO said it was being penalized for not carrying Big Ten Net, of which Fox's **News Corp** is a majority owner. Fox denied the assertion and apologized for any misunderstanding. No such trouble this year.

Online: **Lifetime** made its 1st-ever digital acquisition, picking up **ParentsClick Network**, a privately held social network and digital media company. ParentsClick's flagship property is MothersClick.com, which was designed for users to find or start new groups. It is now a division of Lifetime Digital and will operate from a newly opened office in San Fran led by ParentsClick founder/CEO *Dietrich von Behren*, who joins Lifetime as vp, digital media/investments.

TiVo: While stressing **Comcast's** confidence in the pair's mass distribution partnership, **TiVo** reported a 4% rise in 2Q

#1


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Source: Beta Research Cable Subscriber Study - Interest in Emerging/Mid-Sized/VOD Networks (among subscribers with high interest in services), August 2008

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rev to \$65.2mln and net income of \$2.9mln, compared to a loss of \$17.7mln a year ago. The MSO has rolled out its TiVo product in CT, according to a TiVo release, and will start a full TiVo marketing campaign next month. Meanwhile, Comcast will announce additional markets for launch later this year. TiVo's service on **Cox**, currently in trials, is on track to launch in New England later this year, said TiVo CEO *Tom Rogers*. In addition, TiVo agreed to automatically record *Entertainment Weekly's* TV recommendations beginning this fall. TiVo's company-owned sub adds fell 12% in the Q to 36K and churn rose to 1.5% from 1.3%. As of Jul 31, TiVo counted approx 1.7mln company-owned subs and 3.6mln overall.

At the Portals: The **FCC** extended its deadline for responding to **Time Warner Cable's** request for a review of an arbiter's decision that it must launch **MASN** in NC. The Commission must act by Oct 28.

On the Hill: If you fly into **Ted Stevens Anchorage Intl Airport**, visit the **Ted Stevens Marine Research Institute** in Juneau and then head over to Kenai to the **Ted and Catherine Stevens Center for Science and Technology**, you might get the impression that the senator is pretty well liked in Alaska. That's also why you shouldn't be surprised that the Sen Commerce Cmte member facing federal indictment easily won Tues' Republican primary with 63% of the vote.

5Qs with ESPN's Chief of HD Bryan Burns: When you launched ESPN HD in '03 the amount of live sports coverage you or anyone else could do was limited by the number of HD trucks available. Is that still the case? We launched with 2.5 trucks then, with the half truck being used by **ABC Sports**, which used it for half the year for "Monday Night Football." I'm told there now are about 65 trucks on the road domestically that all of us—**CBS, NBC, ABC, Fox**, us—share. So, there's certainly not a glut of trucks, but it's easier than it was to schedule things. **Besides carrying Vanderbilt vs. Miami (OH) on Thurs, is there a business reason to launch ESPN HD now?** All you have to do is watch television to know that HD carriage has become an increasingly important marketing tool for our cable, satellite and telco distributors. So it's important for us to not only ramp up the amount of originally produced HD programming on our service but also the number of services we offer. It's not lost on us that our ratings are 15% higher in HD homes than non-HD homes. It's not lost on our distributors either. **So you're looking at HD for ESPN Classic and ESPN Deportes?** Yes. With Classic many of the events were filmed in 4 by 3, and you can't change that... [ESPN's] International services might be the next frontier for HD. **Last August then-ESPN chief Burke Magnus said we'd see more high schools on the channel. Will you carry those in HD?** I can't say for sure... I think there will be a natural progression where we'll do as many of our collegiate sports as we can in HD first. Understand that HD requires power and better lighting and you don't always get that at high schools. **What sport benefits most from HD?** Horizontally oriented sports as a category, like basketball, football and soccer. You can see the play develop in the aspect ratio of HD before you can see it in SD. That's because of real estate not clarity. **[At Cable360.net: Bryan Burns on what will the digital transition mean for HD].**

Ratings: The premiere of **Animal Planet** series "Animal Witness," which featured in-depth reports of *Mike Vick's* dogfighting transgressions, set historical net debut records among HHs (808K) and 25-54s (616K). -- One of the worst losses in **NY Mets'** history was **SNY's** top-rated game. The Phillies-Mets contest Tues averaged a 5.32 HH rating in the NY DMA and was the net's best for men 25-54 (5.6), topping all broadcast and cable nets in the DMA for that demo in prime time. The Mets lost the game after having led 7-0.

Programming: Should be fun to see if your preschooler notices anything different when a new season of **Nick's "Dora**

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BUSINESS & FINANCE

the Explorer" launches Sept 15. For the 1st time since the series' '00 premiere, Dora will have a new voice, with 12-year-old *Caitlin Sanchez* stepping into the role. There is also a new cast for *Boots*, *Backpack* and the rest of the gang. -- **Cartoon** adds "The Secret Saturdays" this fall. The animated series is about a family of world-saving adventure scientists.

On the Circuit: **CTAM NY's** annual Blue Ribbon Breakfast focuses on the Millennials (those born between 1978 and 1994), Sept 17, 7:30am, NYC. Panelists include **CMO Digitas' Seth Solomons** and **Omnicon's Steve Grubbs**. -- **NAMIC** plans to celebrate the **L. Patrick Mellon Mentorship Program's** 15th anniversary at a Sept 16 luncheon during its annual conference, with ex-NY Knick *Allan Houston* set to deliver the keynote address.

Honors: **The Weather Channel Companies** will receive **CTHRA's** HR Best Practice resulting in Operational Efficiency Award for its "Emerging Sales Leader Programming." **Cox** chief people officer *Mae Douglas* will receive the Leadership Excellence Award. The 2 will be recognized Oct 13 at CTHRA's symposium in Atlanta.

People: **Lifetime Nets** named *Jen Duddy* vp, digital ad sales. -- **ReelzChannel** tapped *Toni Molle* as vp, content development and studio relations. -- **Sci Fi** upped *Matthew Chiavelli* to vp, broadband and mobile, and *Marlon Jackson* to vp, prod, **SciFi.com**.

CableFAX Daily Stockwatch

Company	08/27 Close	1-Day Ch	Company	08/27 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
BRITISH SKY:	33.45	0.28	AMPHENOL:	48.02	0.86
DIRECTV:	28.42	0.38	APPLE:	174.67	1.03
DISNEY:	31.76	0.05	ARRIS GROUP:	9.28	0.10
ECHOSTAR:	28.59	(0.18)	AVID TECH:	22.93	0.75
GE:	28.22	(0.05)	BIGBAND:	3.59	(0.02)
HEARST-ARGYLE:	19.64	(0.11)	BLNDER TONGUE:	1.15	(0.15)
ION MEDIA:	1.44	0.00	BROADCOM:	24.90	(0.02)
NEWS CORP:	14.13	0.06	C-COR:	11.00	0.00
MSOS					
CABLEVISION:	31.79	0.19	CISCO:	24.37	0.26
CHARTER:	1.09	0.00	COMMSCOPE:	47.50	1.50
COMCAST:	21.28	0.19	CONCURRENT:	7.01	0.19
COMCAST SPCL:	21.13	0.15	CONVERGYS:	14.75	0.19
GCI:	10.17	0.23	CSG SYSTEMS:	19.17	0.40
KNOLOGY:	10.04	0.30	ECHOSTAR HOLDING:	31.40	(0.15)
LIBERTY CAPITAL:	15.92	0.09	GOOGLE:	468.58	(5.58)
LIBERTY ENTERTAINMENT:	28.07	0.44	HARMONIC:	8.93	0.21
LIBERTY GLOBAL:	34.52	0.82	JDSU:	10.15	0.11
LIBERTY INTERACTIVE:	13.44	0.14	LEVEL 3:	3.29	0.14
MEDIACOM:	8.06	0.41	MICROSOFT:	27.56	0.29
SHAW COMM:	21.10	0.04	MOTOROLA:	9.60	0.04
TIME WARNER CABLE:	26.35	0.06	NDS:	60.80	0.02
VIRGIN MEDIA:	10.92	0.04	NORTEL:	5.87	0.29
WASH POST:	599.85	(0.77)	OPENTV:	1.85	0.11
PROGRAMMING					
CBS:	16.44	0.07	PHILIPS:	32.69	0.49
CROWN:	4.85	0.04	RENTRAK:	14.74	0.00
DISCOVERY:	19.47	(0.03)	SEACHANGE:	8.37	0.20
EW SCRIPPS:	7.22	0.23	SONY:	38.32	(0.2)
GRUPO TELEVISA:	23.79	0.13	SPRINT NEXTEL:	8.96	0.19
LIBERTY:	43.00	1.11	THOMAS & BETTS:	45.76	0.05
LODGENET:	3.91	(0.11)	TIVO:	7.96	0.43
NEW FRONTIER:	3.98	0.16	TOLLGRADE:	6.85	0.14
OUTDOOR:	7.99	0.01	UNIVERSAL ELEC:	26.55	0.21
PLAYBOY:	4.25	(0.06)	VONAGE:	1.35	0.09
RHI:	14.52	0.27	WEBB SYS:	0.07	0.00
SCRIPPS INTERACTIVE:	41.41	(0.28)	WORLDGATE:	0.30	0.00
TIME WARNER:	15.88	0.06	YAHOO:	19.37	0.28
VALUEVISION:	2.30	0.04	TELCOS		
VIACOM:	28.81	(0.11)	AT&T:	31.20	0.58
WWE:	16.33	(0.06)	QWEST:	3.70	0.03
TECHNOLOGY					
3COM:	2.13	(0.01)	VERIZON:	34.71	0.47
ADC:	10.18	0.12	MARKET INDICES		
ADVANTAGE:	2.75	0.00	DOW:	11502.51	89.64
ALCATEL LUCENT:	6.13	0.12	NASDAQ:	2382.46	20.49
AMDOCS:	29.97	0.40			

Call For Nominations

The 2008



Deadline for nominations: Sept. 5, 2008

It's that time again. Nominate your colleagues, your boss or even yourself for the CableFAX100—our annual cable industry power list—which will appear in the December edition of *CableFAX: The Magazine*.

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