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CableFAX Daily™

Tuesday — September 27, 2011

What the Industry Reads First

Volume 22 / No. 186

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Tuesday — September 27, 2011

What the Industry Reads First

Volume 22 / No. 186

No Dice: FCC ALJ Rejects Comcast's Supplemental Evidence in Tennis Case

An FCC admin law judge rejected Comcast's supplemental submission that Cablevision and Verizon drops of Tennis "strongly refute" the net's claim that Comcast discriminates against it by carrying it on a sports tier (*Cfax*, 9/12). The ALJ said the record shows evidence of distribution for '09/'10, so changes in distribution would not affect the accuracy of those levels. Earlier this month, Comcast attempted to add into the record news reports that Verizon and Cablevision dropped Tennis rather than take part in a new NCTC agreement that would require broader carriage. "To decisionally consider such untested evidence confuses the record, wastes time and invited Tennis Channel to follow suit by its response," Mon's ALJ order read. The trial in question is a hearing before an FCC administrative law judge on Tennis' complaint alleging that Comcast discriminates against it in favor of its own nets, **Golf** and **Versus**. Tennis responded to Comcast's attempts to add the Verizon and Cablevision drops on Fri, telling the ALJ that the MSO's argument was misleading and inaccurate. "The facts remain... that Comcast's carriage of Tennis Channel is nowhere close to that of its competitors—which was the point of the proof that Tennis Channel produced at the trial that Comcast claims is now inaccurate," Tennis said in an FCC filing. CVC, Verizon and other MVPDS, such as Mediacom and Suddenlink, opted not to take part in a new NCTC agreement that would require Tennis not to be offered on a sports tier. Tennis told the FCC in its rebuttal that the chief problem with Comcast's argument is that the new NCTC deal expands the network's carriage on participating systems instead of reducing it. No official word on an ALJ decision, but some FCC watchers expect it soon. Over the summer, the FCC's Enforcement Bureau recommended the ALJ mandate broad carriage for Tennis.

Social Circle: Headed to the **NAMIC** conference next week? Check out the conference's mobile app developed by Turner. The app, available in the Apple App Store and Android Market, is free and provides a virtual guide to the 2-day conference. "You can build your schedule, rate sessions, submit feedback. It's got maps of the Hilton and nearby areas," said NAMIC pres *Kathy Johnson*. There are also speaker bios and real time access to the #NAMICConference Twitter Stream. -- **Showtime Networks** announced the launch of its new 2nd

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Women in Cable Telecommunications

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screen viewing experience, "Showtime Social" app for iPad. It aggregates all online content about Showtime and the network's series posted on Facebook, Twitter and blogs, among others, and sorts these comments to show real-time reactions. Users can also participate in live discussions during linear episodes, and react and comment directly through the app on a variety of social networking sites. It launched in time for Mon's season finales of "Weeds" and "The Big C." "Dexter" and "Homeland" debut Sun. -- An exclusive monthly column written by *Martin Scorsese* will be featured on tcm.com and TCM's Now Playing viewing guide as part of TCM's and The Film Foundation's "Scorsese Screens." Beginning with the Oct edition, which is currently available online, each column will feature Scorsese's insight and commentary on films and programs airing on TCM.

Fox Shuffles: **Fox Networks** announced its 3rd corporate restructuring since Jan, this time at **Fox Nets Distribution** in "a move designed to better align the division's leadership." Evp *Michael Baird* assumes additional responsibilities, gaining as direct reports svp, advanced services *Julie Simon* and **Lifetime Nets** vet *Steve Carcano*, who joins the div as svp, national accounts. Also, *Kris Nielsen-Refs* was named vp, digital distribution. Nielsen-Refs reports to Simon. No departures took place.

OTT: A new licensing deal with **DreamWorks Animation** will make **Netflix** the exclusive subscription TV service for 1st-run feature films and select TV specials from the studio beginning with '13 films. Titles will be made available via NFLX's streaming service, which over time will also receive DreamWorks catalog movies such as "Shrek" and "Madagascar." Said DWA CEO *Jeffrey Katzenberg* "This arrangement allows us to get more value for our content while giving us a greater degree of flexibility in how we distribute it across multiple platforms in today's evolving digital world." Multiple reports tap NFLX as the winner over **HBO** in a bidding war for DWA titles, but a source said the premium net instead opted out of its current contract with DWA. Certain DWA titles will remain in HBO's window until '15. -- Content streaming service **Amazon Prime** inked a licensing deal with **Fox** covering library movies and TV shows including "Speed" and "24." -- "Personalized TV" provider **Sezmi**, whose service combines live TV, on-demand movies, Internet video and DVR capabilities, informed its subs that the service will no longer be available as of Sept 26. The company said it has chosen instead to concentrate on providing its product and tech platform to service providers. -- As part of a deal subject to final approval, **Disney's** library of movies and TV series from **Disney/ABC TV Group** will be available through the SVOD service of Brazil's **NetMovies Ent.**

Advertising: **Comcast Spotlight's** iTV ad platform has delivered more than 1K interactive ad campaigns and more than 2.7bln impressions to date. Available in approx 15mln homes in 50 markets, the platform enhances spot ads with interactive overlays and includes RFI, remind-record and VOD telescoping. **Nike** used the latter product to promote the debut of a 6-min short film featuring *Kobe Bryant*.

Deals: **Xfone** subsidiary **NTS Comm** agreed to acquire from **Reach Broadband** approx 1,800 cable subs and equipment in 6 TX towns.

At the Portals: The jobs, jobs, jobs rally continues in D.C., with FCC chmn *Julius Genachoswki* stumping at **LivingSocial's** D.C. office Tues to deliver an address on why broadband is vital to job creation and economic growth.

Programming: **Bravo's** "The Real Housewives of Atlanta" returns for a 4th season, Nov 6, 10pm after averaging 3.6mln total viewers in Season 3, making it the highest-rated season of the RH franchise ever among all key demos. -- **HBO Sports'** and the **NHL** join forces to chronicle a NHL rivalry in "24/7 Flyers/Rangers: Road to the NHL Winter Classic," a 4-ep, all-access reality series debuting Wed Dec 14 at 10pm. The series' final episode includes all the excitement of the big game day and airs Jan 4, just two days after the Winter Classic. -- **Oxygen** began the online portion of its nationwide search for the young men and women who will compete for a guest role on "Glee" during Season 2 of "The Glee Project." Open casting calls will also be held in NY, Chicago, and Nashville beginning in Nov.

Ratings: **YES Net's** Wed night Rays-Yanks game earned a 7.01 HH rating (640K total viewers) to become the net's 2nd-rated telecast of the year. -- **Fox, Fox Soccer** and **Fox Deportes** combined to deliver 2.49mln viewers for a tape-delayed feature of Manchester United's defeat of Chelsea, marking the most-watched **Barclays Premier**

BUSINESS & FINANCE

League match ever in the US.

Honors: Sister pub *Communications Technology*, **WICT** and **SCTE** gave their Women in Technology award to *Susan Adams*, Comcast Cable Northeast Div svp, engineering and ops. She'll be featured in the Nov issue of CT and honored at **Cable-Tec Expo** in Atlanta (Nov 15-17). Past recipients include *Leslie Ellis*, *Yvette Gordon-Kanouff* and *Barbara Jaffe*.

Public Affairs: **Optimum Light-path** will award up to \$150K in grants to help Long Island and Westchester County K-12 schools expand the use of technology. The program follows last year's \$100K grant program in NJ.

People: Former **Lifetime** CEO *Andrea Wong* is headed to London as pres, intl production, **Sony Pictures TV** and pres, intl, **Sony Pictures Ent.** Wong left Lifetime in early '10. -- **CSN Chicago** upped *Phil Bedella* to vp/GM, effective Oct 1. -- **HGTV** named *Loren Ruch* as vp, programming partnerships and special projects.

Editor's Note: Join us for a Webinar Oct 12 as the experts explain how you can use social media to affect the bottom line. More info: http://www.cablefax.com/cfp/webinars/2011_oct12.html. -- Don't forget to book space early for the annual **Program Awards/Top Ops** luncheon in L.A. on Oct 18. More info: <http://www.cablefax.com/cfp/events/program2011/>

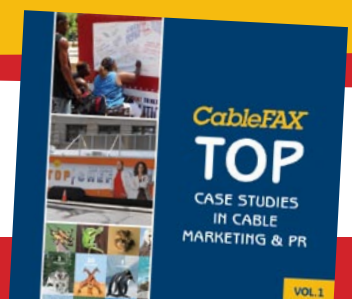
CableFAX Daily Stockwatch

Company	09/26 Close	1-Day Ch	Company	09/26 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DIRECTV:	43.19	1.17	CISCO:	15.99	0.38
DISH:	27.63	0.87	CLEARWIRE:	2.54	0.13
DISNEY:	30.30	0.47	CONCURRENT:	5.60	0.20
GE:	15.57	0.36	CONVERGYS:	9.47	0.11
NEWS CORP:	16.34	0.21	CSG SYSTEMS:	12.91	0.08
MSOS					
CABLEVISION:	17.44	0.45	ECHOSTAR:	22.51	0.47
CHARTER:	49.21	1.63	GOOGLE:	531.89	6.38
COMCAST:	21.90	0.50	HARMONIC:	4.33	(0.01)
COMCAST SPCL:	21.65	0.53	INTEL:	22.24	0.08
GCI:	8.09	0.30	JDSU:	11.47	(0.12)
KNOWLOGY:	13.75	0.43	LEVEL 3:	1.53	0.04
LIBERTY GLOBAL:	37.14	0.20	MICROSOFT:	25.44	0.38
LIBERTY INT:	15.97	(0.01)	MOTOROLA MOBILITY:	37.96	0.06
SHAW COMM:	20.27	(0.2)	RENTRAK:	13.79	(0.13)
TIME WARNER CABLE:	66.11	1.32	SEACHANGE:	8.01	0.27
VIRGIN MEDIA:	24.48	0.43	SONY:	18.99	(0.03)
WASH POST:	323.81	(2.11)	SPRINT NEXTEL:	3.09	(0.09)
PROGRAMMING					
AMC NETWORKS:	34.41	0.31	THOMAS & BETTS:	40.72	1.61
CBS:	22.01	0.57	TIVO:	10.30	0.24
CROWN:	1.36	0.04	UNIVERSAL ELEC:	16.93	1.17
DISCOVERY:	41.66	1.76	VONAGE:	2.82	0.03
GRUPO TELEVISIA:	18.71	0.12	YAHOO:	14.75	0.04
HSN:	34.99	(0.14)	TELCOS		
INTERACTIVE CORP:	40.49	0.17	AT&T:	28.34	0.49
LIONSGATE:	6.99	(0.01)	VERIZON:	36.36	0.48
LODGENET:	1.79	0.13	MARKET INDICES		
NEW FRONTIER:	1.09	(0.01)	DOW:	11043.86	272.38
OUTDOOR:	6.16	0.11	NASDAQ:	2516.69	33.46
SCRIPPS INT:	41.29	0.56	S&P 500:	1162.95	26.52
TIME WARNER:	30.75	0.86			
VALUEVISION:	2.75	(0.19)			
VIACOM:	50.42	(0.1)			
WWE:	9.28	0.18			
TECHNOLOGY					
ADVANTAGE:	2.15	(0.06)			
ALCATEL LUCENT:	3.00	0.09			
AMDOCS:	27.52	0.23			
AMPHENOL:	42.82	1.09			
AOL:	12.29	0.38			
APPLE:	403.17	(1.13)			
ARRIS GROUP:	10.56	0.39			
AVID TECH:	8.55	0.12			
BIGBAND:	1.39	0.03			
BLNDER TONGUE:	1.21	(0.08)			
BROADCOM:	34.28	(0.25)			

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EYE ON INNOVATION

Darkness Amid the Light

A lot can happen in 9 months. Just ask **LightSquared**, which in Jan received from the **FCC** an important conditional waiver allowing wholesale customers of its planned nationwide wireless broadband network to provide either dual-mode or terrestrial-only devices as part of an integrated satellite-terrestrial broadband service. Armed with the waiver, an ambitious rollout plan, robust backing from **Harbinger Capital Partners** and a White House endorsement, LightSquared appeared on a fast track to success.

Since then, the company has endured intense scrutiny from myriad parties due to the alleged interference of its network with GPS devices, and it's now said to be part of an elaborate you-scratch-my-back-I'll-scratch-yours scandal involving *President Obama* and FCC chmn *Julius Genachowski*.

Late last week, Rep *Mike Turner* (R-OH), chmn of the House Armed Services Subcmte on Strategic Services, was joined by 5 additional subcmte members in calling for an investigation of Genachowski, the White House and Harbinger Capital on the heels of an admission from Gen *William Shelton* that the White House pressured him to change his testimony regarding LightSquared's proven interference with GPS tech.

"It is troubling to see reports of high dollar donors being given unusual consideration in the regulatory process," said the subcmte members in a letter to the House Oversight and Govt Reform Cmte, referencing donations made by Falcone to Democratic causes. "We are concerned [about] an administration bias in favor of LightSquared."

Rep *Michele Bachmann* (R-MN) immediately piled on through an open letter to her constituents.

"Sadly, I believe President Obama is willing to overlook the risks the LightSquared 4G network could pose to the American people and national security because he would rather grant political favors to two of his supporters

involved in this situation," wrote Bachmann, intimating that Genachowski granted LightSquared the aforementioned waiver to appease his allies. "Our national leadership should be ashamed. The support of LightSquared is crony capitalism at its worst, but thanks to General Shelton and Representative Turner, the President's disgraceful political games have come to light."



As observers are left to logically wonder why GOPers are leading the charge against Obama, LightSquared chmn/CEO *Sanjiv Ahuja* took his company's message to the American public Mon in a letter published in several major newspapers.

"Despite the fact that the interference is caused by others' inappropriate use of LightSquared's licensed spectrum, we have been proactive in working toward a solution to the GPS issue," wrote Ahuja, noting the company's \$150mln related investment. What has resulted is a solution "generating much-needed competition in the marketplace and ultimately providing more than 260 million Americans with access to wireless broadband."

Aruja goes on to tout LightSquared as a much-needed innovator at a time when current nationwide wireless providers "have failed to keep pace with consumer and technological demands," and dutifully highlights the company's \$14bln planned investment that he says will create 75K jobs over the next 5 years.

Through all the controversy, LightSquared has been busy forging strategic relationships. In July came a 15-yr deal with Sprint to share network expansion costs and equipment, for example, and on Mon the company signed a wholesale agreement with **AirTouch Comm**, which plans to use LightSquared's network to become an MVNO. The pact marks LightSquared's 15th partner agreement.

Indeed, a heck of a lot has happened in 9 months where LightSquared's concerned, and it appears that trend will continue into future months.

-Chad Heiges



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