

CableFAX Daily™

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What the Industry Reads First

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It's Over: FCC Votes to Sunset Program Access Exclusivity Ban

The exclusivity ban is over, but an additional rulemaking might be coming. As expected, the **FCC** voted 5-0 Fri to terminate key parts of the 20-year-old program access exclusivity ban that requires cable ops to make most of their affiliated programming available to pay-TV rivals. As the language states, the agency set a 6-month deadline for resolution of program access complaints on a case-by-case basis. Chmn *Julius Genachowski* argued that the decision still enables the FCC to prevent anti-competitive video distribution deals. As reported, the agency is teeing up various issues for comment in a further NPRM, such as the possibility of adding more presumptions. That includes the "unfair act and significant hindrance elements of a challenge to an exclusive arrangement involving a cable-affiliated national sports network," commish *Mignon Clyburn* said in a statement. Although the outcome is "less than ideal" for **ACA**, the group appreciates that there will at least be an FNPRM, said pres *Matt Polka*. Among the critics of the decision to sunset is **Free Press**, which noted "there's no longer a general ban on exclusive cable contracts for properties like **Comcast's** lineup for **NBC** sports and news channels." Free Press policy director *Matt Wood* urged the FCC to prevent "unfair practices by big cable when abuses inevitably crop up." And if the new process doesn't deter anti-competitive behavior, Congress will "need to consider whether it should restore appropriate safeguards," said Senate Commerce Committee chmn *Jay Rockefeller* (D-WV). Rep *Ed Markey* (D-MA) wasn't pleased. It's unclear whether the requirements put in place will "provide consumers with the level of protection that is still needed" in the video market, he said, calling strong protections against anti-competitive acts still necessary.

Program Carriage: Oral arguments by **Time Warner Cable** and the cable industry seemed to go well Thurs in their challenge of the **FCC's** '11 order aimed at improving program carriage dispute resolution for independent programmers seeking carriage on cable systems, **Stifel Nicolaus** analysts said. Among other things, TWC and cable are challenging the FCC's standstill provision, which established procedures for giving programmers involved in renewal disputes possible temporary carriage at the same rates, terms and conditions, pending resolution of their complaint. There's a good chance the court will throw out that provision, and could also reverse or remand other parts of the FCC order, the analysts said.

Retrans Battle: Actually we are not sure if the **Gannett-DISH** battle, which involves 19 Gannett stations that could potentially go dark Sun, is over retrans fees or DISH's ad-skipping feature, or both. Here's DISH side of the story: Gannett Broadcasting, the largest group owner of **NBC** affils, is threatening to block DISH subs' access to Gannett programming unless DISH agrees to pay "massive penalties" or stop its subs from using the commercial-skipping AutoHop feature, launched earlier this year. If the current retrans agreement expires, DISH subs in 19 cities, including Atlanta, DC, Denver, Minneapolis, Cleveland, Phoenix and Sacramento, would lose various

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ABC, CBS and NBC affils. Also in jeopardy are the **MyNetwork TV** channels in Atlanta and Denver. The satellite company says Gannett wants more than a 300% rate increase and rejected DISH's offer to pay more than 200% above current rates. "Gannett is stifling innovation and crushing customer choice and control," said *Dave Shull*, DISH svp, programming. "That's insulting to our subscribers and we won't stand for it." A source close to the negotiations refuted the Auto Hop claim, and Gannett argued it's seeking "nothing more than the same market-based terms that have allowed us to reach deals with TV providers across the country." Other cities that could be affected by a blockage are St. Louis; Little Rock, AK.; Tampa and Jacksonville, FL; Macon, GA, Bangor and Portland, ME; Grand Rapids, MI; Buffalo, NY; Greensboro, NC; Columbia, SC; and Knoxville, TN. Since it's launched earlier this year, the controversial Auto Hop service has been the center of several lawsuits (**Cfax**, 5/25) and even raised questions during a Congressional hearing (**Cfax**, 8/9).

Deals: Four days after **Time Warner Cable's** LA RSNs were launched (and people wondering when the op will secure affil deals), the op announced a deal with **Bright House Networks**. **TWC SportsNet** and **TWC Deportes** are now provided to Southern CA Bright House subs.

Aloha: Similar to the **Verizon-Cox** joint marketing program that's part of Verizon's cable spectrum deal (**Cfax**, 10/5), the telco and **Time Warner Cable** Oceanic launched wireless and cable service packages in HI. Customers who buy TV, Internet and wireless devices and services from both companies are eligible to get a Visa prepaid card valued at up to \$200.

NHL Lockout: Seven years after the last NHL lockout that wiped out the entire '04-'05 season, the league has cancelled 82 regular-season games that were scheduled for Oct 11-24. The league blamed "the absence of a Collective Bargaining Agreement between the NHL Players' Association and the NHL." **NBC Sports Network**, which has 100 live NHL telecasts scheduled for the season, will replace the games with "a large amount of quality live-event programming, including soccer, boxing, college hockey and college basketball," a spokeswoman said. "It's unfortunate that the lockout is causing the cancellation of games from our schedule. We look forward to presenting the NHL to its fans as soon as the labor situation is resolved." **Fox Sports** said "it's still hoping for a full season or something close to it" and believes "some very smart people on both sides will figure out a way to reach an agreement."

People: As part of **Univision's** restructuring of its sales team to expand its focus to platforms including digital, cable, local TV and radio, the company named *Steve Mandala* evp, ad sales. Other staff changes under the new structure are: *Laura Molen*, evp, network sales; *Roberto Ruiz*, svp, brand solutions team; *Mark Dante*, evp, station group sales; *Charlie Echeverry*, evp, interactive sales; and *Lee Davis*, evp, radio sales. Ruiz, a vet with more than 20 years of marketing experience, will lead Univision's brand solutions team, whose scope will be expanded to serve as a resource for the entire company. *Lisa McCarthy*, former evp, client development group, has left to form her own consulting business, while *Graciela Eleta*, former svp, brand solutions, will transition to provide consulting to Univision.

Ratings: About 67.2mln people watched the 1st presidential debate Wed night, up 28% from the 1st debate in '08, reported **Nielsen** late Thurs. Eleven nets aired the event live.

CableFAX

PROGRAM AWARDS Top Ops AWARDS

Tuesday, October 30 ● Breakfast 8-10am ● NYC

Register Here: www.cablefax.com/ProgramAwards

CableFAX Week in Review

Company	Ticker	10/05 Close	1-Week % Chg	YTD %Chg
BROADCASTERS/DBS/MMDS				
DIRECTV:	DTV	53.12	1.30%	24.23%
DISH:	DISH	32.12	4.93%	12.78%
DISNEY:	DIS	52.97	1.32%	41.25%
GE:	GE	23.12	1.81%	29.09%
NEWS CORP:	NWS	25.48	2.78%	40.15%
MSOS				
CABLEVISION:	CVC	16.96	7.00%	19.27%
CHARTER:	CHTR	76.53	1.96%	34.40%
COMCAST:	CMCSA	36.54	2.24%	54.11%
COMCAST SPCL:	CMCSK	35.46	1.87%	50.51%
GCI:	GNCMA	10.27	4.80%	4.90%
LIBERTY GLOBAL:	LBTYA	61.63	1.45%	50.21%
LIBERTY INT:	LINTA	18.86	1.95%	16.28%
SHAW COMM:	SJR	20.74	1.17%	7.07%
TIME WARNER CABLE:	TWC	99.25	4.41%	56.13%
VIRGIN MEDIA:	VMED	30.73	4.45%	43.73%
WASH POST:	WPO	366.06	0.83%	(2.85%)

Company	Ticker	10/05 Close	1-Week % Chg	YTD %Chg
PROGRAMMING				
AMC NETWORKS:	AMCX	43.13	(0.9%)	14.77%
CBS:	CBS	36.49	0.44%	34.45%
CROWN:	CRWN	1.69	2.42%	39.67%
DISCOVERY:	DISCA	61.25	2.77%	49.50%
GRUPO TELEVISA:	TV	23.79	1.19%	12.96%
HSN:	HSNI	48.92	(0.27%)	34.91%
INTERACTIVE CORP:	IACI	53.92	3.57%	26.57%
LIONSGATE:	LGF	15.62	2.29%	87.74%
LODGENET:	LNAT	0.74	94.74%	(69.04%)
NEW FRONTIER:	NOOF	1.31	(1.5%)	27.18%
OUTDOOR:	OUTD	7.33	4.12%	(1.74%)
SCRIPPS INT:	SNI	63.51	3.72%	49.72%
TIME WARNER:	TWX	46.18	1.85%	27.78%
VALUEVISION:	VVTV	2.28	6.05%	21.28%
VIACOM:	VIA	56.37	3.62%	5.69%
WWE:	WWE	8.25	2.48%	(11.48%)

Company	Ticker	10/05 Close	1-Week % Chg	YTD %Chg
TECHNOLOGY				
ADVANTAGE:	AEY	2.17	3.33%	3.33%
ALCATEL LUCENT:	ALU	1.04	(5.45%)	(33.33%)
AMDOCS:	DOX	32.80	(0.58%)	14.97%
AMPHENOL:	APH	58.76	(0.2%)	29.46%
AOL:	AOL	36.75	4.31%	143.38%
APPLE:	AAPL	652.59	(2.18%)	61.13%
ARRIS GROUP:	ARRS	12.79	0.00%	18.21%
AVID TECH:	AVID	9.61	1.59%	12.66%
BROADCOM:	BRCM	34.28	(5.38%)	16.76%
CISCO:	CSCO	18.86	(1.2%)	4.31%
CLEARWIRE:	CLWR	1.35	0.75%	(30.41%)
CONCURRENT:	CCUR	5.00	11.36%	31.93%
CONVERGYS:	CVG	16.04	2.36%	25.61%
CSG SYSTEMS:	CSGS	22.76	1.20%	54.72%
ECHOSTAR:	SATS	29.72	3.70%	41.93%
GOOGLE:	GOOG	767.65	1.74%	18.85%
HARMONIC:	HLIT	4.53	(0.22%)	(10.12%)
INTEL:	INTC	22.68	0.09%	(6.47%)
JDSU:	JDSU	11.36	(8.24%)	8.81%

Company	Ticker	10/05 Close	1-Week % Chg	YTD %Chg
LEVEL 3:	LVL	22.70	(1.18%)	33.61%
MICROSOFT:	MSFT	29.85	0.30%	14.98%
RENTRAK:	RENT	16.93	0.00%	18.56%
SEACHANGE:	SEAC	8.32	5.99%	18.35%
SONY:	SNE	12.00	2.56%	(33.48%)
SPRINT NEXTEL:	S	5.20	(5.8%)	122.22%
TIVO:	TIVO	10.31	(1.14%)	14.96%
UNIVERSAL ELEC:	UEIC	19.15	8.93%	13.52%
VONAGE:	VG	2.31	(3.75%)	(5.71%)
YAHOO:	YHOO	16.09	2.29%	(0.25%)

Company	Ticker	10/05 Close	1-Week % Chg	YTD %Chg
TELCOS				
AT&T:	T	37.86	0.42%	25.20%
VERIZON:	VZ	47.05	3.25%	17.27%

Company	Ticker	10/05 Close	1-Week % Chg	YTD %Chg
MARKET INDICES				
DOW:	DJI	13610.15	1.29%	11.40%
NASDAQ:	IXIC	3136.19	0.64%	20.38%
S&P 500:	GSPC	1460.93	1.41%	16.17%


WINNERS & LOSERS

THIS WEEK'S STOCK PRICE WINNERS

COMPANY	CLOSE	1-WK CH
1. LODGENET:	0.74	94.74%
2. BLNDER TONGUE:	1.23	21.78%
3. CONCURRENT:	5.00	11.36%
4. UNIVERSAL ELEC:	19.15	8.93%
5. CABLEVISION:	16.96	7.00%

THIS WEEK'S STOCK PRICE LOSERS

COMPANY	CLOSE	1-WK CH
1. JDSU:	11.36	(8.24%)
2. SPRINT NEXTEL:	5.20	(5.8%)
3. ALCATEL LUCENT:	1.04	(5.45%)
4. BROADCOM:	34.28	(5.38%)
5. VONAGE:	2.31	(3.75%)



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