

# CableFAX Daily™

Friday — October 26, 2012

What the Industry Reads First

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## Special Access: Cable Concerned Over Potential FCC Data Request

Time is running out for the **FCC** to issue its mandatory data request in regards to special access, and the cable industry's a bit nervous about just what sort of info it may have to cough up. In Aug, the FCC temporarily suspended special access rules that automatically granted requests to change prices on special access services incumbent telcos sell to competitors. The agency said it would issue a mandatory data request to help it better understand the special access market within 60 days. **AT&T** and **Verizon** have argued that cable has become a serious player in special access over the past decade, selling high capacity, point-to-point type services. Verizon and AT&T have argued that with cable in the market, they should be subject to even less regulation. This is new territory for cable, which has never really weighed in on whether prices are too high or low. But **NCTA** and cable operators have raised concerns about the upcoming data request, which is believed to be on circulation now as part of a larger Wireline Bureau order. What's at stake here? NCTA's understanding is that the Bureau is contemplating requiring competitive providers to submit info on every building and every customer they serve anywhere in the nation, the price of every service offered and "significant detail" on future deployment plans. "Such information regarding the inner workings of competitive businesses that are investing private capital in fiber-based networks is far more than is needed for the Commission to establish regulatory policy in this area and cannot be reconciled with the letter or spirit of the Paperwork Reduction Act or the President's Executive Order 13563," NCTA said in an ex parte filing Wed. That last clause about the Paperwork Reduction Act is significant because if cable doesn't like the ultimate data request issued, expect it to challenge the request via the Act at OMB. **Verizon** has argued that where a provider offers service and future deployment plans are fundamental to analyzing competition, and that it could shed light on where retail customers have competitive alternatives. NCTA suggests the FCC permit providers to submit a list of addresses for buildings served (rather than latitude and longitude data) and make clear there is no obligation to submit internal company documents regarding pricing. If the FCC collects data on future deployment plans, it should only be data already made available to the public and that will be implemented within 12 months, NCTA said. **ACA** has raised concerns about burdening its smaller members with this data request, suggesting they be exempt or have flexibility in terms of which data is gathered and submitted. Right now, it's a waiting game, with Republican commissioners who voted

**WE SATISFY YOUR CUSTOMERS!**

**WE'RE TOP 5 NETWORKS FOR CUSTOMER SATISFACTION.**

**diy network**  
CHRIS GRUNDY

**COOKING CHANNEL**  
NADIA G

**scripps networks** | Passionate Viewers Live Here  
interactive

Source: Beta Research, Beta Digital Cable Subscriber Evaluation Study, 9/12. Ranking is based on the percentage of viewers 25-54 who indicate they are Very / Fairly Satisfied with DIY Network and Cooking Channel. DIY Network ranks #1 and Cooking Channel ranks #4 (tied). Ranked among 41 digital cable networks.

# TOP OPERATOR HONORS

## Let's Hear it for the Operators...

We're proud to highlight **CableFAX Magazine's** Top Ops honorees, recognizing cable operators nationally and regionally for their accomplishments. Please join us at the W New York for our annual Program Awards and Top Ops Breakfast recognizing our honorees, and acceptances by:



Leslie H. Read  
Cable Center Ambassador



Cathy Avgiris  
Comcast Cable



Steve Weed  
Wave Broadband

**MSO of the Year - Comcast**

**Technology Executive of the Year - Sree Kotay, Comcast**

**Independent Lifetime Achievement - Stan Searle**

**MSO Customer Service Award - Charter Communications**

**Cable Lifetime Achievement - Leslie H. Read, Ambassador, The Cable Center; Executive Director, Cable Pioneers**

**Independent Marketer of the Year - Royce Ard, Knology, Inc.**

**MSO Community Service - Suddenlink Communications**

**Change Initiative of the Year - Mediacom, Power to Simplify**

**Independent Project Launch of the Year - BendBroadband**

**MSO Executive to Watch - Amalia O'Sullivan, Cablevision**

**Independent Operator of the Year - Wave Broadband**

**Independent Strategic Thinker of the Year - Bob Gessner, Massillon Cable TV**

**MSO Lifetime Achievement - Robert Miron, Bright House Networks**

**Independent Community Service Award - Knology, Inc.**

**Independent System Executive of the Year - Scott Randall, CableONE**

**MSO Sales Team of the Year - Time Warner Cable**

**Independent Customer Connection Award - Frankfort Plant Board, Frankfort, KY**

**Independent Technology Award - Comporium**

**Leadership Award - Jill Campbell, Cox Communications**

**Independent Customer Service Award - Armstrong**

**Independent Technology Executive of the Year - Al Kuolas, Atlantic Broadband**

**Project Launch of the Year - Time Warner Cable, IntelligentHome**

**Independent Financial Executive of the Year - Steve Cochran, WideOpenWest, LLC**

**Regional Executive of the Year - LeAnn Talbot, Comcast**

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against the Aug order, perhaps not in a hurry to move special access rules along.

**Cybersecurity:** The Obama Administration has drafted and circulated an executive order on cybersecurity, though no final decision has been made, said **Homeland Security** Secretary *Janet Napolitano* at a event by **Centre for Strategic & International Studies** Thurs. “We can’t wait if Congress can’t act,” she said (according to audio replay). The administration is currently reaching out to the private sector about the order to “look at it and get some feedback” before it’s issued, “if there’s ultimately that decision to go by the executive order,” she said. Senate Majority Leader *Harry Reid* (D-NV) had said he plans to bring the comprehensive cybersecurity legislation to the floor when Congress returns in Nov. “We will have to wait and see when the Congress comes back. They’ve got a long list of things that need to be dealt with,” Napolitano said, citing cyberattacks on core critical infrastructure as one of the biggest threats. Meanwhile, the cybersecurity avengers are coming. We are talking about the **Cybersecurity Research Alliance** that’s created by 5 tech companies (including **Intel**). The initial goal is focused on data and information sharing, control system security and threat mitigation.

**Jump Shot:** With less than a week remaining before the **Lakers** 1st regular season game on **Time Warner Cable Sports Net**, the negotiation rhetoric is heating up. **Cox** said Wed that its offers to carry the RSNs on its optional digital tiers were refused (surprise), and the price for the Lakers (rumored at about \$4/sub) “is one of the highest wholesale prices that we have seen, especially when you consider it on a ‘per game’ basis. That prompted a response late Wed from TWC (around 6:30pm PT). “Any assertion that we are the highest priced regional sports outlet in the country is simply untrue; as a significant buyer of regional sports across the country, we know that there are higher priced regional sports networks, including **Root Sports** that we buy from **DirectTV**. Cox and DirecTV know that there is no regional sports network anywhere in the country that is offered on an optional tier—that would be unprecedented.” TWC said. Cox and DirecTV had both said they are negotiating and hoping for a deal that doesn’t financially burden customers.

**At the Portals:** **ACA** wants more accountability measures as the FCC implements Phase I of USF reform. Any new USF Phase I awards that the **FCC** makes should ensure support is only awarded to census blocks (and not just locations) where no provider has built or will soon build without support, **ACA** said in an ex parte filing. In addition, the agency should adopt a “challenge process,” which would enable price cap LECs to challenge the accuracy of the current National Broadband Map and unsupported providers to demonstrate they are currently providing broadband service in a census block where a price cap LEC seeks or is eligible for support, the group said. It also urged the Commission to seek comment on additional accountability measures to ensure funds are used “only for the intended purpose.” While Phase I provides a one-time infusion of funds to bring broadband to unserved areas, Phase II provides ongoing support to deploy and maintain broadband and voice service in high-cost areas at rates comparable to urban areas. -- **ACA** also wants an overhaul of the **FCC**’s regulatory fee system. Specifically, the FCC should require direct DBS to pay their “fair share and by progressively scaling the fee burden based on an entity’s ability to pay, much like the graduated federal income tax,” the group said in comments regarding the FCC’s NPRM in the wake of Government Accountability Office report. The report urged the agency to address various weakness in its regulatory fee program. “Fairness also means adoption of an ability-to-pay principle because larger entities have a greater ability to bear these regulatory costs than smaller ones,” said **ACA** pres *Matt Polka*.

**IPTV:** **Hawaiian Telcom** added **TV Japan** to its 16 foreign language networks. The latest HD international channel is available to Oahu residents. Hawaiian Telcom TV subs who don’t subscribe to TV Japan can get a 2-week free preview Nov 1 –15.

**Online:** **ESPN** is allowing cricket info on the go with ESPNcricinfo app, available worldwide through the **Windows Store**. The app uses tiles, which provide users with dynamically updated content, such as ESPNcricinfo’s live cricket scores. -- Joining **FX**’s app family is the FX Networks app for Windows 8, which uses the new Windows user interface for tablets, desktops and hybrid PCs. It allows viewers to watch and contribute to the real-time discussion across **Twitter**, **Facebook** and the social entertainment check-in service **GetGlue**. Viewers can check in to any FX show, access community stats and view branded digital stickers all from within the GetGlue app.

**Social Discovery:** **Discovery Networks International** now has over 5.6mIn total users on **Facebook** across more than 77 individual pages. Currently, the most popular fan pages are DMAX Germany with nearly 850K fans, followed closely by Latin America’s Tudiscovery’s 607K and Real Time Italy at around 600K.



# BUSINESS & FINANCE

**Programming:** USA ordered criminal defense attorney docu-soap "Partners In Crime" as a series and ordered a pilot for "All In," one of the country's winningest handicappers. In development is "The Cowboy Way," a reality series following men and women who work on a TX cattle ranch. -- It's hard to believe it has been 10 years since Firefly aired. The **Science Channel** hasn't forgotten its promise to air a 10th anniversary special. On Nov 11 at 10pm, the 60-min special includes secrets from the set, exclusive cast interviews, and footage from this year's colossal Comic-Con panel. -- **Spike TV** announced a new 1-hour reality show, "10 Million Dollar Bigfoot Bounty," featuring teams of explorers on a brazen exhibition to unearth evidence of Bigfoot's existence. The winner will be the 1st team to secure proof and win the \$10mln bounty.

**Obit:** Cable pioneer *James Yates Davidson* passed away at his home Oct 21. He was 90. A **Cable Center** interview identifies him as perhaps building one of the original systems in the US and surely the 1st for AR. He hooked up his first cable subscriber in Oct 1948, according to an obituary on *Arkansas Online*. He went on to form cable equipment firm **DavCo**.

**People:** The Weather Channel upped *Helen Swenson* to svp, live programming.

## CableFAX Daily Stockwatch

Company	10/25 Close	1-Day Ch	Company	10/25 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
DIRECTV:	51.32	0.44	CONVERGYS:	16.36	0.37
DISH:	35.77	0.29	CSG SYSTEMS:	21.29	0.09
DISNEY:	50.26	(0.39)	ECHOSTAR:	31.67	(0.05)
GE:	21.26	UNCH	GOOGLE:	677.76	0.46
NEWS CORP:	24.58	(0.29)	HARMONIC:	4.35	0.09
<b>MSOS</b>					
CABLEVISION:	17.89	0.05	INTEL:	21.69	0.23
CHARTER:	76.19	0.10	JDSU:	10.30	0.13
COMCAST:	36.36	(0.06)	LEVEL 3:	20.93	(1.05)
COMCAST SPCL:	35.51	0.01	MICROSOFT:	27.88	(0.02)
GCI:	9.03	0.01	RENTRAK:	16.83	0.07
LIBERTY GLOBAL:	60.69	(0.22)	SEACHANGE:	8.77	0.14
LIBERTY INT:	19.95	(0.15)	SONY:	11.90	(0.12)
SHAW COMM:	20.99	0.37	SPRINT NEXTEL:	5.52	(0.1)
TIME WARNER CABLE:	97.95	(0.78)	TIVO:	9.99	0.13
VIRGIN MEDIA:	32.70	(0.24)	UNIVERSAL ELEC:	17.26	0.33
WASH POST:	331.98	(3.02)	VONAGE:	2.22	0.02
<b>PROGRAMMING</b>					
AMC NETWORKS:	45.98	0.60	YAHOO:	16.61	0.06
CBS:	33.28	0.21	<b>TELCOS</b>		
CROWN:	1.68	(0.02)	AT&T:	34.50	(0.21)
DISCOVERY:	58.76	(0.29)	VERIZON:	44.25	0.02
GRUPO TELEVISA:	22.70	(0.58)	<b>MARKET INDICES</b>		
HSN:	49.22	0.18	DOW:	13103.68	26.34
INTERACTIVE CORP:	50.30	2.30	NASDAQ:	2986.12	4.42
LIONSGATE:	16.20	0.22	S&P 500:	1412.97	4.22
LODGENET:	0.35	(0.03)			
NEW FRONTIER:	1.99	-0.00			
OUTDOOR:	7.34	0.17			
SCRIPPS INT:	62.20	(0.43)			
TIME WARNER:	43.59	(0.42)			
VALUEVISION:	2.17	(0.05)			
VIACOM:	53.96	(0.47)			
WWE:	8.14	0.02			
<b>TECHNOLOGY</b>					
ADVANTAGE:	2.06	(0.01)			
ALCATEL LUCENT:	1.06	UNCH			
AMDOCS:	32.95	0.02			
AMPHENOL:	60.10	0.18			
AOL:	35.50	(0.35)			
APPLE:	609.54	(7.29)			
ARRIS GROUP:	13.90	0.87			
AVID TECH:	6.17	(0.08)			
BROADCOM:	31.62	(0.65)			
CISCO:	17.20	(0.18)			
CLEARWIRE:	1.80	(0.07)			
CONCURRENT:	5.33	0.05			

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WHAT THE INDUSTRY  
READS FIRST.



# PROGRAMMER'S PAGE

## Where's My Joshy?

Josh Sapan has enjoyed a long and prosperous career. And to be sure, the collegial pres/CEO of **AMC Networks** is on fire lately, what with the notable rise of **AMC**, **IFC** and other properties under his zen-like watch. But as we all dined on a tricked out rooftop Mon night at a Paley Center benefit honoring Sapan and AMCN, you gotta wonder whether his famously ego-less demeanor will last. Not only did he endure a cavalcade of talent singing his praises (after roasting him a bit), but *Toni Braxton* of **WE tv**'s "Braxton Family Values" at one point stopped her set to ask "Where's my Joshy?," before calling him up to the stage, sitting on his lap and serenading him. Not something most of us will ever experience. "Breaking Bad" showrunner *Vince Gilligan* noted that Sapan is perhaps one of the only execs crazy enough to hire people willing to greenlight a show about cancer and crystal meth. Of course, that was right before *Jon Hamm* pretended he thought the award was for "Mad Men" showrunner *Matt Weiner*. Serious or kidding, it was clear that everyone shares immense respect for Sapan as an exec and a human being. Perhaps most interestingly, the benefit—which also honored famed Hollywood financier *Gordon Crawford*—took place smack dab in the middle of the final presidential debate between *Barack Obama* and *Mitt Romney*. "Tonight you've proven that you have your priorities straight," joked Sapan. Well, AMC Networks' incredible story may not be more important than the fate of the free world, but I have to acknowledge one fact: In roughly 20 years covering cable in some way, shape or form, I've never heard a single person bad-mouth Josh Sapan. Not one. He's simply a classy guy. Always has been. Always will be. So we'll just say it: Congrats, Joshy. *MG*

**Reviews:** "The American Scream," Sun, 8p, **Chiller**. The net's 1st original doc looks at 3 working-class neighbors transforming their homes into haunted houses for Halloween. It's far more, though; it's excellent sociology, examining artistry, motivation and values. The ending is terrific. -- "Underemployed," Tues, 10p, **MTV**. A series for our time? No, it's a version of the oft-told tale of chums facing the stark reality of post-college life. Still, its mix of soap and serious stuff appeals, and its cast is multi-ethnic and likeable, especially *Michelle Ang*, donut askew. -- "Rise of the Zombies," Sat, 9p, **Syfy**. The similarities between this zombie tale and **AMC**'s far better "Walking Dead" seem more than coincidental. What's lacking here—pardon the expression—is something to chew on, namely interesting relationships. Without them, even *Mariel Hemingway* and *Levar Burton* can't stop "Rise" from devolving into repetitive sessions of target practice against hordes of slow-moving, rotting un-deads. -- "MeatEater," Sun, 9p, **Sportsman**. Moving from flesh eaters (see previous review) to a meat eater, this ep is gorgeously filmed, giving us a view of the remote mountains and glacial rivers of New Zealand's Southern Alps. Carnivore host *Steven Rinella* and *Remi Warren* hunt to eat, aiming for chamois and tahr. -- **C-SPAN** (Fri, 2p ET) carries the funeral of former Sen/Presidential candidate *George McGovern* (D-SD). -- *Seth Arenstein*

Basic Cable Rankings (10/15/12-10/21/12)			
Mon-Sun Prime			
1	FOXN	1.5	3684
2	ESPN	1.1	2752
3	USA	0.9	2353
3	TBSC	0.9	2260
3	DSNY	0.9	2189
6	AMC	0.7	1395
7	HIST	0.6	1589
7	MSNB	0.6	1496
7	A&E	0.6	1425
7	FX	0.6	1390
7	NFLN	0.6	1045
12	TNT	0.5	1364
12	ADSM	0.5	1317
12	TLC	0.5	1215
12	FAM	0.5	1215
12	HGTV	0.5	1163
12	SYFY	0.5	1124
18	CNN	0.4	1109
18	FOOD	0.4	1063
18	DISC	0.4	1052
18	NAN	0.4	959
18	TRU	0.4	955
18	CMDY	0.4	880
18	DSE	0.4	103
25	LIFE	0.3	853
25	TVLD	0.3	816
25	SPK	0.3	791
25	MTV	0.3	727
25	ID	0.3	645
25	HALL	0.3	645
25	LMN	0.3	617
25	NKJR	0.3	615
25	BRAV	0.3	611
25	BET	0.3	587
35	APL	0.2	592
35	VH1	0.2	492
35	NGC	0.2	476
35	TRAV	0.2	473
35	DXD	0.2	417
35	OXYG	0.2	370
35	GSN	0.2	329
35	OWN	0.2	329
35	H2	0.2	292
35	WE	0.2	262
45	EN	0.1	365
45	ESP2	0.1	348

\*Nielsen data supplied by ABC/Disney

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