

CableFAX Daily™

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What the Industry Reads First

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Day 11: Cease & Desist After Alleged Taped Call of Fox Employee and CVC Customer Rep

Can **Fox** and **Cablevision's** retrans spat get any more contentious? A day after Cablevision accused the programmer in an **FCC** filing of negotiating in bad faith, Fox has delivered a cease and desist letter to Cablevision following a report that the MSO has directed subs to illegal Websites to view live sports and other content. The latest came after the *NY Daily News* reported that it had obtained a tape of a conversation between a CSR and a Fox employee who is also a Cablevision sub. The CSR told the customer about Websites that are illegal and said the MSO has a "team" trolling the Net for similar ways people can watch Fox for free, the paper reported. Trying to disable such sites is like playing a game of Whack-a-Mole because another often pops up as soon as one is disabled. "Directing customers to illegal Websites that steal Fox programming constitutes copyright infringement by Cablevision because Cablevision is inducing and materially contributing to the infringing activities of these illegal Websites," said the cease and desist letter, which said Fox reserves the right to exercise appropriate legal remedies. If you bet Cablevision's response incorporated the words binding arbitration in it, you're a winner. "This is an obvious tactic from **News Corp**, which blocked the Internet, to shift focus away from their pulling the plug on 3mln NY households," the MSO said. "Fox should cease and desist its World Series blackout, put its programming back on Cablevision and agree to binding arbitration." Fox posted the *Daily News* article on its **Facebook** page, and the immediate user comments seemed to show how tired consumers are of this spat, with plenty of name calling and acrimony. The FCC Media Bureau is reviewing responses received late Mon from both companies about negotiations, although many continue to doubt govt intervention—particularly if Republicans make significant gains next week. "Any effort to rebalance retransmission consent/must carry policy could remain politically challenging even after the dust settles in the midterms, and any FCC action in the Fox-Cablevision dispute that goes beyond bully pulpit-browbeating could be legally vulnerable if challenged in court," said a research note from **Medley Global Advisors**. While these 2 continue their back and forth, **DISH** subs are turning a wary eye to Nov 1—the day some subs, who are already without **FSN** RSNs and other Fox cable programming, could lose Fox broadcast stations in O&O markets if a deal or extension is not reached.

At the Portals: Less dramatic than **Cablevision-Fox** but still interesting is a recent retrans filing from **Time Warner Cable** at the **FCC**. The MSO said the Commission should block or attach significant retrans conditions to **LIN TV's**

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purchase of **Acme Comm's WCWF-TV** in Suring, WI, as well as **Vaughn Media's** purchase of Acme's **WBBD** in Springfield, OH (LIN would manage it under a joint sales agreement). TWC says the deals would allow LIN to negotiate retrans consent for multiple stations in the same DMA. If the FCC allows the sales, the MSO wants conditions preventing signals from being pulled during spats and an arbitration requirement—the same changes TWC and others want to retrans rules overall. -- The **FCC's** Office of Managing Director is accepting donations for the Commission's new Technology Experience Center, on-site tech lab that will provide FCC employees and invited guests the opportunity to experience the latest communications devices and solutions.

In the States: **Insight's DOCSIS 3.0** rollout is nearly afoot, with CEO *Michael Willner* blogging that the MSO's Evansville/Henderson and Bowling Green districts will receive speeds up to 50Mbps by year's end. -- **CBS College Sports'** salute to the armed forces includes a free preview (through Nov 6) on 7 affils including **Comcast, Cox** and **Time Warner Cable**, plus a week of dedicated programming. Included are Army, Navy and Air Force football games on Sat, pre-game shows and specials such as doc "Inside Academy Football." Also, the **American Forces Network** will simulcast the net's Sat programming to US military installations overseas, which includes 175 countries and U.S. territories. -- **Cox** tapped **Bridgevine** to bundle its catalog of products, connect consumers with offers and generate order acquisition through use of its proprietary network of e-tail Websites and marketing programs. The deal gives Bridgevine integration with the top 7 MSOs.

Advertising/Marketing: **Comcast** will not accept any advertising for the DC congressional delegate seat currently held by Dem *Eleanor Holmes Norton*. That means the MSO won't be airing controversial ads that recently began appearing on broadcast stations in the area from little-known Republican *Missy Reilly Smith*. The ads feature graphic images of aborted fetuses. Broadcasters say they have no choice under federal law but to run the ads. **YouTube** is not allowing the videos on its site. -- **Sundance Channel** intro'd the "Measurement Innovation Metric" (MIM), a qualitative metric developed by **Nielsen** that measures an ad campaign's effectiveness across multiple nets, regardless of whether the campaign employs branded content or traditional advertising. A MIM score combines engagement and ad receptivity scores to measure a campaign's effectiveness. -- As part of a mobile marketing campaign promoting new series "The Fairy Jobmother" (preview Thurs), **Lifetime's** the 1st co to use **Jagtags** in a TV commercial. Jagtags allow mobile phones users to request and receive multimedia content that's sent immediately to their phone, and Lifetime's using them for tune-in reminders and to offer job-hunting tips from series star *Hayley Taylor*.

Technology: **Verismo Networks'** new **VuNow Internet TV** platform allows MSOs, ISPs and telcos to leverage the Web to bring linear channels, Internet videos, social networking and personal media directly to the TV. The platform, which the company said offers traditional providers easy expansion into global markets, supports DRM, VoIP and whole-home DVRs.

Mobile: The next wave of mobile innovation may be interactivity among devices. The **Wi-Fi Alliance** has begun certifying products capable of making device-to-device connections, and **Sprint** opened Tues a **M2M Collaboration Center** where partners and enterprise customers can develop commercial offerings based on machine-to-machine tech. Both initiatives aim to do the same thing: wirelessly connect devices ranging from routers to tablets to cameras and appliances. Additionally, the Alliance is certifying tech enabling WiFi devices that can form connections with or

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without a hotspot or other WiFi network available. Think sharing with or transferring content to a friend, or simultaneously playing games.

Earnings: Meredith's local media group reported 27% growth in total TV spot advertising, including a F1Q record of \$12mln in political advertising rev and an 8% increase in non-political ad rev. The co said 8 of its 10 largest non-political categories showed growth, led by automotive, retail and media, and that political spending was strong in Hartford, Las Vegas and Nashville.

Ratings: With the **MLB** playoffs and specifically the Yankees in its lineup, **TBS** easily conquered the cable competition in prime last week. Not only did the net rout all channels with a 3.5/3.56mln (**USA** was next with a 2.2/2.23mln), but games 4 and 6 of the Yankees-Rangers series topped all cable telecasts with a respective 7.2/7.26mln and 8.2/8.34mln—even **ESPN's MNF**, which took 3rd with a 7.2/7.15mln. The game 6 noted above also earned 11.9mln total viewers and now ranks as TBS' 2nd most-watched program ever. For its overall postseason baseball coverage, the net achieved YOY gains across all key demos, including total viewers (+9%), men 18-34 (+15%) and men 25-54 (+12%). **[Go to CableFAXDaily.com for more subscriber-exclusive info].** -- Mon night's Giants-Cowboys game on **ESPN** earned an 11.2 US rating and 17.95mln total viewers to deliver the biggest cable audience of '10 and become the 4th most-watched cable program in history among both households and viewers (excluding breaking news). -- **TV Guide Net's** 6-night "Weeds" marathon garnered more than 12mln total viewers and powered the net's highest-rated week ever in the timeslot (9pm-2am) among 18-49s (0.14/126K).

Programming: **Bravo** greenlit music competition series "Going Platinum" to be hosted by *Jewel* and former "American Idol" judge *Kara DioGuardi*. It's in production in L.A. and slated to premiere with 10 eps next year. -- **DIY Net** picked up a 2nd season of home-improvement series "The Vanilla Ice Project." -- **FX** ordered 13 eps of "Wilfred" (summer), a live-action comedy starring *Elijah Wood* and based on the eponymous Australian series in which an introverted man befriends a dog he sees as a man dressed in a dog suit. -- **Centric** competition series "Master of the Mix" (Nov 3) will award \$250K in cash and prizes during a search for the top DJ.

On The Circuit: Inside the gift bags **Nat Geo Channel** handed to 250+ guests Mon night at its DC HQ was a copy of the excellent film they'd just seen, "Inside the State Dept," a large cookie with the State's crest on it, a Nat Geo cap and a tube of hand sanitizer. A can of Red Bull would have been better. Most guests—including Sec of State *Hillary Rodham Clinton*, seeing the film for the first time—left the auditorium exhausted after watching the Secretary, her young staff, security detail and the beleaguered press barrel through 15-hour work days immediately following 20-hr flights to places like Pakistan and Afghanistan. And don't forget the unscheduled jaunts to Cairo and Jerusalem. Before the film and after Clinton's gracious opening remarks, Nat Geo chief *Steve Schiffman* surprised Clinton with a gargantuan birthday cake (the big day is Tues). We're not sure what eventually happened to the elaborate pastry. Like most people, we were too tired to ask for a piece. [Inside the State Dept premieres Nov 8, 9p.] -- Zombies descended on various cities Tues as promised to promote **AMC's** "The Walking Dead" premiere Sun. However,

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BUSINESS & FINANCE

the undead ran into a problem in DC and were turned away from the Lincoln Memorial by Park Police because they didn't have a permit. Undeterred, the zombies found another part of the city to haunt. *Washington Post's Lisa de Moraes* has a funny recap of the day. -- The **Federal Communications Bar Assoc's** charity auction Thurs in DC is free and open to all. Prizes and auction items include 2 tix to a taping of **Comedy Central's** "Daily Show," 4 tix to Nov 15 Redskins-Eagles game and 4 tix to a taping of **E!'s** "Chelsea Lately." The companion online auction is live at www.biddingforgood.com/fcbafoundation.

Public Affairs: Time Warner Cable will host a live, interactive online town hall called "Math, Science and the Future of Our Nation" to be hosted by former veep and **Current TV** chmn *Al Gore*, Nov 17, noon. It will connect young people in the US with students around the world as well as astronaut *Sally Ride* and inventor *Dean Kamen*. The public can join the town hall at connecta-millionminds.com, and simultaneous viewing parties are being planned in 16 TWC markets for students.

People: Former Discovery Nets US pres *Billy Campbell* joined **Akoo Int'l** as pres. The company's **Akoo Social TV** delivers interactive music TV programming and advertising to more than 90m US consumers/month.

CableFAX Daily Stockwatch

Company	10/26 Close	1-Day Ch	Company	10/26 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DIRECTV:	43.31	0.09	ARRIS GROUP:	9.48	(0.13)
DISH:	19.75	0.26	AVID TECH:	12.78	(0.02)
DISNEY:	35.96	0.50	BIGBAND:	2.97	0.03
GE:	16.16	0.10	BLNDER TONGUE:	2.35	0.05
NEWS CORP:	15.95	(0.13)	BROADCOM:	37.22	(0.29)
MSOS					
CABLEVISION:	26.48	0.05	CISCO:	23.39	(0.21)
CHARTER:	32.66	0.16	CLEARWIRE:	7.24	(0.12)
COMCAST:	19.64	(0.13)	COMMSCOPE:	30.22	0.06
COMCAST SPCL:	18.55	(0.08)	CONCURRENT:	6.31	(0.02)
GCI:	10.61	(0.18)	CONVERGYS:	11.42	(0.29)
KNOLOGY:	14.41	(0.05)	CSG SYSTEMS:	18.17	(0.74)
LIBERTY CAPITAL:	55.76	(1.38)	ECHOSTAR:	20.46	(0.03)
LIBERTY GLOBAL:	35.60	0.23	GOOGLE:	618.60	2.10
LIBERTY INT:	14.78	0.31	HARMONIC:	6.86	(0.14)
MEDIACOM:	7.01	0.15	INTEL:	20.04	0.17
SHAW COMM:	21.38	(0.2)	JDSU:	11.51	(0.32)
TIME WARNER CABLE:	57.63	(0.25)	LEVEL 3:	0.95	0.03
VIRGIN MEDIA:	24.75	0.16	MICROSOFT:	25.90	0.71
WASH POST:	377.17	6.60	MOTOROLA:	7.86	(0.07)
PROGRAMMING					
CBS:	17.08	(0.18)	RENTRAK:	26.48	0.28
CROWN:	3.01	(0.13)	SEACHANGE:	7.88	0.19
DISCOVERY:	44.59	0.31	SONY:	33.91	0.35
GRUPO TELEVISIA:	22.30	0.18	SPRINT NEXTEL:	4.77	0.02
HSN:	30.59	0.35	THOMAS & BETTS:	43.70	(0.63)
INTERACTIVE CORP:	26.47	0.26	TIVO:	11.12	0.26
LIBERTY:	39.77	0.12	TOLLGRADE:	7.44	(0.06)
LIBERTY STARZ:	65.99	(0.69)	UNIVERSAL ELEC:	20.92	(0.22)
LIONSGATE:	7.39	(0.08)	VONAGE:	2.60	(0.03)
LODGENET:	2.76	0.02	YAHOO:	16.45	0.06
NEW FRONTIER:	1.70	(0.05)	TELCOS		
OUTDOOR:	5.68	(0.07)	AT&T:	28.31	(0.05)
PLAYBOY:	5.04	(0.03)	QWEST:	6.54	0.01
SCRIPPS INT:	49.29	0.66	VERIZON:	32.50	0.15
TIME WARNER:	31.48	(0.16)	MARKET INDICES		
VALUEVISION:	2.51	(0.02)	DOW:	11169.46	5.41
VIACOM:	42.12	0.29	NASDAQ:	2497.29	6.44
WWE:	14.02	0.10	S&P 500:	1185.64	0.02
TECHNOLOGY					
ADC:	12.68	(0.02)			
ADVANTAGE:	3.20	(0.01)			
ALCATEL LUCENT:	3.60	(0.06)			
AMDOCS:	30.21	0.14			
AMPHENOL:	49.88	(0.16)			
AOL:	26.13	0.37			
APPLE:	308.05	(0.79)			



The annual CableFAX 100 issue salutes cable's leaders, pioneers, influencers and rainmakers. The Regional Top Players will also be profiled.

Sponsor the CableFAX 100 Awards Luncheon, December 9, 12-2:30pm in NYC. Go to www.cablefaxmag.com for details on registration and sponsorship opportunities.

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