

# CableFAX Daily™

Wednesday — November 22, 2006

What the Industry Reads First

Volume 17 / No. 227

## Tribute: John M. Higgins


Like offices throughout the industry yesterday morning, ours was shocked by the news of the untimely passing Monday night of *B&C's* business editor *John Higgins*, aged 45. Simply put, there was nobody better at following the money. His experience in banking before he turned to reporting, his brainpower, clear writing style and tenacity made an unbeatable combination, one that robbed more than a night's sleep from senior cable execs and their PR minions. Being a giant of a reporter was one side of John Higgins. Those who knew him understood that beneath his trademark dark suit and white shirt was a gentleman with a lightning-fast sense of humor who made late-night parties a treat. The obits will say a weak heart robbed him of a longer life. For us, John Higgins was all heart. -- **Reflections:** Just about everyone has a story about John. "It's a big loss. He was a beauty," said **Daniels** chmn/CEO *Brian Deevy*, remembering (like many others) how he would drive people crazy "because he'd actually read their **SEC** filings." **Insight** CEO *Michael Willner*: "Higgins was my friend. His compassionate interior was skillfully camouflaged by his curmudgeon exterior. But those of us who were blessed with really knowing him, know that the world just lost a wonderful human being." **Cox's** *Pat Esser* made time to talk to Higgins because he was one of the smartest reporters around. "When I talked to John, I often learned just as much as he did from the interview. He was a true character and an excellent journalist, and he will be missed," he said. Just last week, John broke the news of **NBC Uni** chief *David Zaslav* getting the **Discovery** job. "I would often try to throw [Higgins] off the scent, but he always knew too much and had a way of knowing when a story didn't add up," Zaslav said in tribute Tues. Even *The Drudge Report* linked to B&C's story about Higgins' passing. Our Paul Maxwell feels "outside of [*CableWorld's*] *Paul Kagan*, John was the only cable chronicler who actually understood the dollars and sense of the business. Besides, he had a wicked sense of irony." -- Please visit our **cable360.net** site for more on John Higgins. -- Funeral arrangements are pending; friends are invited to post remembrances to: [bnclatters@reedbusiness.com](mailto:bnclatters@reedbusiness.com).


**Disney Deal:** The ink is finally dry on the much-ballyhooed distribution pact between **Disney** and **Comcast**. Comcast will launch **ESPN Deportes** and increase its carriage of **SOAPnet**, and the MSO acquired for \$1.23bln Disney's 39.5% ownership stake in **E! Networks (E! and Style Net)**. The companies agreed to add prime TV programs, cable shows and movies from Disney to Comcast's VOD service, with several prime **ABC** series such as "Desperate Housewives" and "Lost" to be offered free in ABC-owned TV station markets. Promotional content from the Disney/ABC TV Group will be available at **Comcast.net**.

**Dealmaker's Deal:** **Daniels & Assoc** will soon be no more. Its moniker will change to **RBC Daniels** following the expected 1Q close of **RBC Capital Market's** purchase of the communications M&A adviser. "We think we now have the premier middle market investment bank in the US focused on communications, media & broadcasting and entertainment," said *Peter de Vos*, head of US investment for RBC Capital. All of Daniels' 30 or so employ-

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ees will remain in their current Denver and NY offices, and chmn/CEO *Brian Deevy* will become CEO of RBC Daniels. *Brad Busse* will remain as pres/COO of the new entity. Combining the two provides a 1-stop shop for clients, giving them access to an adviser and a range of services, including debt financing. There are no plans, at least for now, to drop Daniels from the name. "They certainly have a very storied past—a tremendous history with Bill Daniels and that name," de Vos said. **Maxwell Sez:** "This is yet another step in the cable consolidation race as the original cable broker gets absorbed by a bigger firm. It just isn't Bill's cable business anymore ... but his spirit (and his name) will live on. And besides, *John Saeman* approved, too." - PSM

**Football & Turkey:** With both sides saying a deal doesn't look likely before Thanksgiving, expect NFL Net's 8-game package to debut Thurs without carriage on **Time Warner Cable**. Deals with **Cablevision**, **Bright House** and **Charter** look just as unlikely. There had been some buzz that Time Warner might try to simulcast radio or broadband audio for the games, but that doesn't sound probable. "It's something we considered early on, but based on the level of interest in those specific games we haven't pursued those tactics," a TW spokeswoman said. Cable ops continue to report that they aren't seeing a groundswell of interest from their subs, while NFL Net points to the letters and phone calls it's received from unhappy fans. -- There's been a lot of confusion (including on our part) about **Cox's** plan to carry **NFL Net** on a sports tier. Here's the lowdown: Cox will carry the net and the 8 regular season games in the same place the channel has always been offered. That place, according to Cox, is its "Sports & Information" tier, which has a pretty hearty penetration. Cox and **Cfax** got their signals crossed last week—it is incorrect that NFL Net's live games will only be featured on a tier separate from where it is now (**Cfax**, 11/13).

**In the Courts:** **Mediacom** scored a point in its ongoing retrans dispute with **Sinclair**, with a federal judge on Mon denying the broadcaster's motions to stay proceedings in the MSO's antitrust suit against it. Sinclair will have to file an answer within 30 days to Mediacom's claims that it violated antitrust laws by tying carriage of some broadcast stations to payment for carriage of other stations. Sinclair wanted to stay the proceeding pending Mediacom's appeal of a decision that could have kept the broadcast stations on past a Dec 1 termination deadline.

**Dishheads:** A FL federal judge echoed Mon his earlier ruling (**Cfax**, 10/24) that **EchoStar** cease Dec 1 providing distant feeds of **ABC**, **NBC**, **CBS** and **Fox** programming to 850K customers. US Judge *William Dimitrouleas* denied EchoStar's request to extend the injunction until Apr 16, saying the satcaster had sufficient time to deal with the signal shutoff.

**Competition:** **Qwest** inked a multi-year deal to provide networking services to **DirectTV**. Qwest will upgrade the network infrastructure with metro optical wavelength services to help deliver local HD and movie content.

**Advertising:** Following a challenge to **DISH Network** ad claims by **Time Warner Cable**, the **National Advertising Division of the Council of Better Business Bureaus** has recommended that **EchoStar** take steps to ensure its marketing materials (and that of its retailers) provide consumers with clear and consistent info about pricing and services. NAD's recommendations included clarifying which services are free in a promotion and making it clear that they are part of an introductory offer that will expire.

**Online:** After launching the **CBS Brand Channel** on **YouTube** Oct 18, 3 videos from **CBS's** daily feed of news, sports and entertainment clips have cracked the site's top 25 most viewed videos so far this month. The channel

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# BUSINESS & FINANCE

is also one of the most-subscribed channels of all time with more than 20K subs.

**Ratings:** The History Channel's Sun premiere of "Desperate Crossing: The Untold Story of the Mayflower" garnered 2.9mln total viewers and averaged a 2.2 HH rating, making it the net's most watched program of '06.

**Editor's Note:** Your next issue of **CableFAX** will be dated Mon, Nov 27. Enjoy your Thanksgiving holiday.

**Business/Finance: Outdoor Channel Holdings** is not in compliance with the requirements for continued listing on **NASDAQ**, the stock exchange says. The problem is that it hasn't filed its 10-Q with the **SEC** on time (it's calculating an impairment charge). The company said it intends to request a hearing to review the staff's determination, which will automatically stay the delisting and allow the company's common stock to continue trading on NASDAQ, pending the hearing and a decision by the Nasdaq Listing Qualifications Panel.

-- **Blonder Tongue** repurchased last week roughly 1.29mln shares of its common stock for 75 cents/share in a private off-market transaction, reducing the number of outstanding shares from approximately 7.5mln to 6.2mln. The shares were owned by former BT dir **James Williams** and held by **Ferris Baker Watts**, who sold the shares pursuant to a margin call on the account.

## CableFAX Daily Stockwatch

Company	11/21 Close	1-Day Ch	Company	11/21 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
BRITISH SKY:	40.94	0.23	AVID TECH:	37.70	(0.35)
DIRECTV:	22.40	0.28	BLNDER TONGUE:	1.63	0.13
DISNEY:	33.23	0.11	BROADCOM:	36.03	(0.97)
ECHOSTAR:	36.54	0.49	C-COR:	10.31	0.08
GE:	35.80	(0.18)	CISCO:	26.80	(0.31)
HEARST-ARGYLE:	25.59	0.24	COMMSCOPE:	31.54	(0.15)
ION MEDIA:	0.73	(0.02)	CONCURRENT:	1.91	0.07
NEWS CORP:	21.75	(0.11)	CONVERGYS:	24.19	(0.3)
TRIBUNE:	32.47	0.17	CSG SYSTEMS:	27.79	(0.28)
<b>MSOS</b>					
CABLEVISION:	27.81	0.01	GEMSTAR TVG:	3.28	0.01
CHARTER:	2.71	(0.01)	GOOGLE:	509.65	14.60
COMCAST:	40.68	(0.11)	HARMONIC:	8.23	0.11
COMCAST SPCL:	40.39	(0.11)	JDSU:	18.39	0.17
GCI:	14.92	0.00	LEVEL 3:	5.19	(0.04)
KNOLOGY:	9.95	(0.05)	LUCENT:	2.60	(0.02)
LIBERTY CAPITAL:	89.84	(0.13)	MICROSOFT:	29.92	0.03
LIBERTY GLOBAL:	26.91	(0.3)	MOTOROLA:	22.03	(0.49)
LIBERTY INTERACTIVE:	22.98	(0.01)	NDS:	47.99	0.18
MEDIACOM:	8.37	(0.03)	NORTEL:	2.11	0.09
NTL:	24.12	(0.21)	OPENTV:	2.53	(0.05)
ROGERS COMM:	59.56	1.52	PHILIPS:	37.66	0.25
SHAW COMM:	31.53	0.58	RENTRAK:	14.24	0.22
TIME WARNER:	20.68	0.10	SEACHANGE:	8.88	0.02
WASH POST:	731.00	(3.6)	SONY:	40.27	0.15
<b>PROGRAMMING</b>					
CBS:	29.63	(0.15)	SPRINT NEXTEL:	19.98	(0.12)
CROWN:	3.50	(0.09)	THOMAS & BETTS:	52.93	(0.28)
DISCOVERY:	15.38	(0.09)	TIVO:	6.39	0.14
EW SCRIPPS:	49.02	0.02	TOLLGRADE:	8.44	(0.03)
GRUPO TELEVISA:	24.93	0.24	UNIVERSAL ELEC:	21.10	(0.15)
INTERACTIVE CORP:	33.77	(0.46)	VONAGE:	6.70	0.00
LODGENET:	24.05	0.22	VYYO:	3.47	0.10
NEW FRONTIER:	8.96	(0.24)	WEBB SYS:	0.04	0.00
OUTDOOR:	12.61	(0.11)	WORLDGATE:	1.27	(0.1)
PLAYBOY:	12.04	0.08	YAHOO:	27.14	0.42
UNIVISION:	35.43	0.00	<b>TCLCOS</b>		
VALUEVISION:	13.81	0.16	AT&T:	32.75	(0.46)
VIACOM:	38.90	(0.18)	BELLSOUTH:	42.94	(0.61)
WWE:	15.94	(0.06)	QWEST:	7.62	(0.15)
<b>TECHNOLOGY</b>					
3COM:	4.79	(0.19)	VERIZON:	35.13	0.46
ADC:	14.30	0.15	<b>MARKET INDICES</b>		
ADDVANTAGE:	3.96	0.04	DOW:	12321.59	5.05
AMDOCS:	38.47	0.16	NASDAQ:	2454.84	2.12
AMPHENOL:	69.06	1.51			
ARRIS GROUP:	12.48	(0.04)			

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## GUEST COLUMNIST

### Upon further review ... By Maggie Bellville

Every year thousands of employees across the country undergo performance reviews, but too often managers are unprepared or underestimate the amount of time and effort required to conduct a review properly. As a result, many performance reviews are colossal wastes of time where neither the employee nor manager comes away with any meaningful insight that may lead to a more productive relationship. So what can managers do to ensure performance reviews are the productive engagements they were meant to be?

#### Selective Memory Syndrome

When it comes to performance reviews, the first thing a manager must be careful to avoid is what I like to call Selective Memory Syndrome (SMS). Managers with SMS tend to undervalue the work their subordinates have done throughout the year or base their reviews on a few anecdotal instances in which an employee has erred. Not only is this unfair to the employee, it's just plain lazy! Take the time to conduct a fair and accurate review and you may be surprised at how much both you and the employee take away from it.

#### Give & Take

Performance reviews should be open exchanges between employees and managers. As a manager, one of your chief responsibilities is to facilitate this exchange and identify performance objectives for your employees. Never – and I mean never – put the onus on an employee to conduct his/her own review; it's irresponsible and deprives him/her the opportunity to be evaluated by an objective observer. In that same vein, be sure to frame your critiques in a constructive manner. Don't use a performance review to lambaste an employee for his/her poor performance. Instead, pepper your criticism with pieces of praise so the person under review doesn't feel like they're being unfairly attacked or singled out.



#### Set Goals, Not Barriers

One of the most important things a manager can do during a performance review is set quantifiable goals to help employees understand what is expected of them and what they must do to advance within the company. Saying something like, 'You've done a good job this year,' while complimentary, doesn't provide an employee with any direction for improvement. Specificity is essential when assessing an employee. You may want to try keeping a log or notes for each employee under your supervision to help when it's time for a review. Relying on generalities diminishes a manager's ability to provide a fair, impartial evaluation and leaves you open to second-guessing from your subordinates. Don't fall into that trap.

#### Excuses, Excuses

Similarly, managers should also be careful to avoid using non-performance-based reasons for not giving someone a raise/promotion. Telling someone he/she is too young, aggressive, new, etc. to receive a promotion/raise is like locking yourself in a room full of dynamite and then lighting the fuse. If your company's raise pool is four percent and you're only offering someone two percent based on their performance tell them as much and then offer some concrete examples on how to improve for next year.

Above all else just remember, your position as manager will cause some of your employees to be extremely sensitive to any criticism you may disclose during a performance review. Therefore, it is important that you base your remarks on quantifiable examples that cannot be easily refuted. By doing this, you not only let your employees know exactly where they stand, but what they must do to improve for next year's review. And believe me, that time will be here before you know it!

*Maggie Bellville is a partner in the Atlanta-based executive search firm Carter Baldwin. She can be reached at [mbellville@carterbaldwin.com](mailto:mbellville@carterbaldwin.com)*

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\* Source: Multichannel News, 5/31/06, Article by Gary Arlen

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