

# CableFAX Daily™

Wednesday — November 28, 2012


What the Industry Reads First

Volume 23 / No. 229

## Universal Broadband: Brookings Forum Slams FCC Authority, Regulations

It's safe to say that panelists at **Brookings Institute's** forum on universal broadband Tues aren't big fans of some of the **FCC's** regulations and authority, especially merger review. It's time to take away the agency's merger review authority because it's unnecessarily "duplicative," said *Michael Powell*, head of **NCTA**. Powell, who was chmn of the Commission from '01 to '05, said his experience with mergers at the FCC demonstrated that the **Justice Department** and **FTC** are better equipped for such reviews. The benefit of the agency's merger review is trivial compared to the cost, he said. Powell noted the reviews of mergers in other industries that are more important than communications weren't subject to a dual review process. In addition, the agency's review authority should be limited to the review of secondary market transactions, said *Hal Singer*, managing dir and principal of **Navigant Economics**. The FCC increasingly stretches its regulatory authority, said **AT&T** svp *Jim Cicconi*. Regulators should base decisions on actual data and real problems rather than hypotheticals, he said. "We are questioning whether the FCC should (continue to) be an independent agency... rather than an executive agency." The agency's broadband policy drew criticism from *Robert Litan*, dir or research for **Bloomberg Government**. By focusing heavily on the unserved areas, the FCC is missing another critical challenge—bringing competition to single-provider homes, he said. To foster more broadband buildouts, he said, regulators should update the current USF regime to allow cable ops to receive subsidies based on income level rather than geography. The agency's net neutrality order also took shots. "Net neutrality is like banning Amazon from charging differently for 1-day and 5-day shipping," Singer said. Meanwhile, Powell called "unconscionable" the FCC's reluctance to recognize wireless as a competitor to cable in its competition report. However, **Aspen Institute** fellow *Blair Levin*, the architect of the National Broadband Plan, questioned the FCC's ability to free up enough spectrum to allow wireless be competitive.

**Retrans:** **DISH** subs lost **Northwest Broadcasting's** **Fox** stations in Spokane and Yakima, WA; Medford, OR; and Binghamton, NY, Mon evening after months of retrans negotiations broke down. This could be a long one. Recall that **DirectTV** lost Northwest's **Fox** stations for 10 weeks, with them only returning to the DBS provider's lineup last month. Northwest claims that **DISH** is balking at terms "almost identical" to those agreed to by other providers. **DISH** said the broadcaster rejected its offer to pay the same rate as its competitors. "Unfortunately it has been Northwest's business model to take pro-



RETHINK  
50+

New Brand. New Content.  
New Opportunities.

Now available in NYC  
on TWC Ch. 180,  
starting 11.28.12

Contact:  
bbrightman@rl.tv

Experience matters.

RL  
TV

www.rl.tv

CABLEFAX DAILY (ISSN 1069-6644) is published daily by Access Intelligence, LLC ● www.cablefaxdaily.com ● fax:301.738.8453 ● Editor-in-Chief: Amy Maclean, 301.354.1760, amaclean@accessintel.com ● Exec Editor: Michael Grebb, 323.380.6263, mgrebb@accessintel.com ● Editor: Joyce Wang, 301.354.1828, jwang@accessintel.com ● Community Editor: Kaylee Hultgren, 212.621.4200, khultgren@accessintel.com ● Advisor: Seth Arenstein ● Group Publisher, Media Entertainment: Denise O'Connor ● Assoc Publisher: Amy Abbey, 301.354.1629, aabbey@accessintel.com ● Sales Mgr, Susan, Kim, 301.354.2010, skim@accessintel.com ● Marketing Dir: Laurie Hofmann, 301.354.1796, lhofmann@accessintel.com ● Prod: Joann Fato, jfato@accessintel.com ● Diane Schwartz, SVP Media Comms Group ● Subs/Client Svcs: 301.354.2101 ● Group Subs: Amy Russell, 301.354.1599, arussell@accessintel.com

gramming away from their viewers in an effort to get money. They have done this with other providers twice in the past two years, and as recently as a few months ago," DISH said. Said Northwest: "It is difficult for our small company to stand up to a \$14 billion company like DISH, but if we do not, we will not be able to survive in this economic environment. We hope you understand our position and our pledge to you is that we will work industriously to resolve this conflict with DISH."

**Deals:** Add **Cable One** to **TiVo's** customer rolls. Under the deal, which makes TiVo the exclusive software provider for all new DVRs, Cable One will start rolling out TiVo services during the 1st half of next year. It will make TiVo available throughout its footprint before the end of '13. The deal allows Cable One to quickly implement a cost-effective offering that gives subs access to TV content on any screen in the home. TiVo's multiplatform service allows Cable One to simultaneously offer existing QAM linear and next-gen IP on demand video, said *Jerry McKenna*, svp, Cable One.

**On the Hill:** At last, **FCC** Democratic commish *Mignon Clyburn* will get her re-nomination hearing. She's one of several nominations on the agenda for a Dec 4 **Sen Commerce** hearing. Also on the docket are *Joshua Wright*, who is nominated to serve as a **FTC** commish, and *Mark Doms*, nominated as Under Sec of Commerce for Economic Affairs. Clyburn is expected to serve as acting FCC chmn if *Julius Genachowski* moves on, which some think he'll do in the coming months.

**Research: Discovery** was the top-ranked major basic network in terms of enjoyment of satellite, with 63% of respondents saying it was important to their enjoyment of the service, according to **Beta Research's** latest satellite dish subscriber study. It's the 17th consecutive year that Discovery has earned (or tied for) the #1 ranking. **History** (61%) and **TNT** (61%) round out the top 3. Among digital basic networks, **Fox Movie Channel/FX Movie Channel** was tops (42%), followed by **Cooking Channel** (33%) and **NFL Net** (33%). At \$1.57, **ESPN** had the highest perceived value among network viewers for a major basic net, followed by History at \$1.50 and Discovery at \$1.45. **NFL Net** ranked highest among digital basic nets at \$1.73, with **ESPNEWS** in 2nd with \$1.38. -- Black Friday numbers will likely be strong, and consumer confidence rose 0.3 points in Nov—but confidence in the overall economy sunk to the lowest level of '12, according to **CEA's** latest index. The CEA Index of Consumer Expectations fell 15.1 points from Oct to 162.6, a low for the year, but still nearly 6 points higher than Nov '11. As for this weekend's shopping frenzy, electronics were the 2nd most purchased item this weekend, behind only clothes. CEA estimated that a third of all spending between Thurs and Mon was on tech products.

**Customer Service: Mediacom** teamed with **Synchronoss Technologies** to deploy a mobile customer care application that allows Mediacom subs access to customer service using a smartphone or tablet.

**Advertising: Time Warner Cable Media** upgraded its **AT&T AdWorks** agreement effective for the '13 broadcast year. The unit will integrate **AT&T U-Verse** TV homes into existing fixed scheduling network grids. -- **Nagra** and **Kantar Media** will jointly track subscriber behavior on in-home devices, with the service available on Nagra's OpenTV 5 platform.

**Intl: Discovery Comm** continues to expand its intl footprint, agreeing to acquire Dubai-based media company **Takhayal Ent** and its affiliated companies in Dubai and Egypt. The deal includes Takhayal's flagship network, **Fatafeat**, the top food network in the Middle East. The companies are in final stages of formalizing the transfer with the regulators.

**Programming: AMC** greenlit 2 scripted drama pilots, with production scheduled on both for next year. "Halt & Catch Fire" is set in the early '80s and dramatizes the personal computing boom through the eyes of a visionary, an engineer and a prodigy. "Turn," based on the *Alexander Rose* book "Washington's Spies," is set in 1778 and tells the story of an unlikely

**CYNDI LAUPER**  
STILL SO UNUSUAL

premieres  
SATURDAY JANUARY 12 9|8c

**We** tv

life as WE know it

affiliate.amcnetworks.com/we



# BUSINESS & FINANCE

group of spies who turn the tide in America's fight for independence. -- **Comedy Central** ordered a 3rd season of sketch show "Key & Peele," set to debut next fall. -- **BlueHighways TV** offers a behind-the-scenes look at Grand Ole Opry legend *Bobby Osborne's* album, with 2-part special "Behind the Dream." Part 1 debuts Thurs at 8:30pm ET. -- **Bravo's** digital video series "Top Chef: Last Chance Kitchen" returns Wed at 11pm. The winner earns a guaranteed spot in the "Top Chef: Seattle" finale. -- **TLC** unveils new series "Cheer Perfection," which tracks competitive cheerleading, on Dec 19 at 10pm. It's from the producers of "Here Comes Honey Boo Boo" and "Toddlers & Tiaras." -- **FX** booked 13 additional eps of both of its late night comedy series, "BrandX with *Russell Brand*" and "Totally Biased with *W. Kamau Bell*." BrandX returns Feb 7; Totally Biased on Jan 17.

**People:** *Wade Davis* was promoted to CFO of **Viacom**. Previously Viacom's evp, strategy and corp dev, Davis succeeds *Jimmy Barge*, who is leaving to pursue other opportunities.

**Public Affairs:** As **ESPN's** Jimmy V Week for Cancer Research begins, the net has pledged \$1m in to **The V Foundation for Cancer Research**.

**Business/Finance:** **Canaccord Genuity** downgraded **Cablevision** to "hold" from "buy," saying it believes the MSO is in a "difficult" strategic position as it approaches '13, with Sandy outages making it hard to raise rates.

## CableFAX Daily Stockwatch

Company	11/27 Close	1-Day Ch	Company	11/27 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDs</b>					
DIRECTV:	49.19	0.19	CONCURRENT:	4.96	(0.23)
DISH:	34.39	(0.91)	CONVERGYS:	15.06	(0.16)
DISNEY:	48.60	(0.43)	CSG SYSTEMS:	18.18	0.15
GE:	20.87	(0.19)	ECHOSTAR:	31.43	(0.12)
NEWS CORP:	24.51	(0.2)	GOOGLE:	670.71	9.56
<b>MSOS</b>					
CABLEVISION:	13.71	(0.31)	HARMONIC:	4.36	0.02
CHARTER:	70.29	0.01	INTEL:	19.93	0.04
COMCAST:	36.29	(0.34)	JDSU:	11.43	(0.09)
COMCAST SPCL:	35.31	(0.28)	LEVEL 3:	18.19	(0.35)
GCI:	7.78	(0.01)	MICROSOFT:	27.08	(0.3)
LIBERTY GLOBAL:	57.09	(0.18)	RENTRAK:	17.71	(1.02)
LIBERTY INT:	19.23	0.01	SEACHANGE:	9.10	(0.03)
SHAW COMM:	21.46	0.02	SONY:	9.74	(0.16)
TIME WARNER CABLE:	93.28	0.19	SPRINT NEXTEL:	5.63	0.01
VIRGIN MEDIA:	34.02	(0.27)	TIVO:	10.21	0.06
WASH POST:	346.87	2.76	UNIVERSAL ELEC:	17.06	0.01
<b>PROGRAMMING</b>					
AMC NETWORKS:	50.83	(0.29)	VONAGE:	2.28	(0.02)
CBS:	34.77	(0.76)	YAHOO:	18.93	0.17
CROWN:	1.77	0.01	<b>TELCOS</b>		
DISCOVERY:	57.70	(0.18)	AT&T:	33.62	(0.35)
GRUPO TELEVISIA:	23.21	(0.16)	VERIZON:	42.98	(0.32)
HSN:	52.10	0.16	<b>MARKET INDICES</b>		
INTERACTIVE CORP:	43.30	0.40	DOW:	12878.13	(89.24)
LIONSGATE:	16.32	(0.07)	NASDAQ:	2967.79	(8.99)
LODGENET:	0.20	0.03	S&P 500:	1398.94	(7.35)
NEW FRONTIER:	2.02	(0.01)	<b>TECHNOLOGY</b>		
OUTDOOR:	7.37	UNCH	ADVANTAGE:	1.97	(0.01)
SCRIPPS INT:	59.66	(0.11)	ALCATEL LUCENT:	1.14	0.02
TIME WARNER:	46.60	0.08	AMDOCS:	32.79	0.08
VALUEVISION:	1.83	0.06	AMPHENOL:	61.06	(0.73)
VIACOM:	50.96	UNCH	AOL:	36.58	(0.27)
WWE:	7.92	(0.16)	APPLE:	584.78	(4.75)
<b>MARKET INDICES</b>					
			ARRIS GROUP:	13.80	(0.02)
			AVID TECH:	6.48	0.06
			BLNDER TONGUE:	1.18	0.01
			BROADCOM:	32.09	(0.08)
			CISCO:	18.96	0.04
			CLEARWIRE:	2.22	0.03



PRESENTED BY **CABLEVISION**

# Holiday Rock & Roll Bash 12

Thursday, December 6

**HARD ROCK CAFE, NYC**

TO BENEFIT

## THE LUSTGARTEN FOUNDATION

FOR PANCREATIC CANCER RESEARCH

Call 516.803.2354 or visit [www.Lustgarten.org/Bash12](http://www.Lustgarten.org/Bash12)

Cablevision's support of The Lustgarten Foundation ensures that 100% of every donation goes directly to pancreatic cancer research. Fight pancreatic cancer. Visit [curePC.org](http://curePC.org)