

CableFAX Daily™

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What the Industry Reads First

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Still Going: Cablevision to Seek Dismissal of GSN's Complaint

With the Supreme Court recently opting not to hear **Tennis Channel's** review of a DC Circuit decision that found **Comcast** didn't discriminate against the network in terms of carriage, could another long-running carriage complaint be nearing an end? **Cablevision** sure hopes so. It has told the **FCC** it plans to file a motion shortly to dismiss **GSN's** program carriage complaint against. The MSO believes that it is entitled to summary judgment in light of the Comcast decision (which threw out an FCC decision that the operator had violated program carriage rules) and a 2nd Circuit decision that vacated part of the FCC's program carriage order, including a standstill provision. GSN filed the complaint in Oct 2011 after it was moved to CVC's Sports & Entertainment tier. The net argued it should be offered in a similar fashion to previously owned CVC-nets **WE tv** and the now defunct **Wedding Central**. Both GSN and Cablevision have requested multiple extensions in the ALJ hearing process, citing the ongoing Comcast-Tennis case. With the Supreme Court decided not to hear the case at the end of Feb, chief ALJ Richard Sippel told the 2 it was time to propose some dates for deposing witnesses and commencing a trial. But turns out, they're still not ready. GSN told the FCC Thurs it would like until Apr 7 to submit a status report describing proposed dates, saying it is evaluating the meaning and reach of the Comcast case to determine whether further discovery is appropriate. CVC doesn't object, and will confer with GSN on a potential new schedule to present to the judge. However, the MSO added that it reserves all rights to object to new discovery as unjustified at this stage. It also outlined its intentions to file a motion for summary judgment dismissing GSN's complaint. The companies consulted with the FCC Enforcement Bureau on postponing scheduling and it had no objections, they said.

In the Courts: Salt Lake City and Denver can kiss **Aereo** goodbye, at least for now. The 10th Circuit Court of Appeals on Fri denied the start-up's emergency motion to stay a UT district court ruling that it must stop offering the service in UT, NM, CO, OK, WY, KS and MT. "Aereo has not made a strong showing that it is likely to succeed on the merits of its appeal," read the 10th Circuit opinion. One of the judges on the 3 judge panel, *Harris Hartz*, would have granted Aereo's motion. The only markets to have launched the service in that region are Salt Lake and Denver (Aereo already has stopped taking new orders there). On Feb 25, a federal court granted Aereo a 14-day emergency stay from an injunction that requires it to stop operating the service in Denver and Salt Lake as it sought an emer-

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agency stay. Aereo is expected to take down the service in those markets immediately. “We are disappointed in the 10th Circuit Court of Appeals 2:1 decision denying our request to stay the injunction in the 10th Circuit. We believe that Aereo’s individual, cloud-based antenna and DVR technology falls squarely within the law and we look forward to presenting our case to the US Supreme Court,” a spokesperson said. The Supreme Court will ultimately decide the fate of Aereo, with it set to hear the broadcasters’ case against the company on Apr 22

Cable WiFi: Cable has been advocating for further opening up the 5 GHz band for unlicensed use and FCC Democratic commish *Jessica Rosenworcel* is on the same page. In the near term, she suggested taking the flexible WiFi rules that have already been the script for an unlicensed success story in the 5.725-5.825 GHz band and expand them to the lower 5.15-5.25 GHz band. She made the comments at an inaugural event Fri by **WiFiForward**, a coalition that counts MSOs like **Comcast** and **Time Warner Cable** as members. “If we do, we could effectively double unlicensed bandwidth in the 5 GHz band overnight. That will mean more unlicensed service—and less congestion on licensed wireless networks. That’s win-win,” according to her prepared remarks. Interestingly, Rosenworcel also proposed looking at opportunities in the 3.5 GHz band and finding “lawful ways to use guard bands in the 600 MHz spectrum now used by broadcasters.” The guard bands will be created as part of the FCC’s incentive auctions scheduled to begin next year. The bottom line is to act now, starting with expanding unlicensed service in the 5 GHz band, the commish said. It’s been more than a year since the FCC started to consider new opportunities in the band.

STELA Reax: **DirecTV** and **DISH** issued a joint statement supporting Rep *Greg Walden’s* (R-OR) draft STELA re-authorization bill. The bill “ensures continuity of service to more than 1.5 million distant signal customers who would, otherwise, lose service in December. It also addresses one of the most egregious forms of retransmission consent abuse – joint negotiating agreements among broadcasters,” they said. **NAB** is “extremely encouraged” by the draft, the group said late Thurs. “Although we were hopeful for a clean bill from the Committee, the product put out today is legislation NAB is pleased to support,” it said. The group was referring to the bill’s provision that would undercut the **FCC’s** proposed JSA restriction. The bill also dropped a proposed provision that would eliminate “must-carry” requirements. “NAB appreciates lawmakers’ recognition that the FCC should look at broadcaster sharing agreements in the context of a holistic review of media ownership rules before taking any action on the issue.”

Upfronts: **NBCU** is going all-in for its upfront presentation, for the first time ever presenting its entire portfolio of entertainment nets during the traditional broadcast upfront week in May. **NBC** will kick things off May 12 followed by **Telemundo** on May 13. The cable nets will host one big presentation on May 15. Historically, each net held individual presentations to advertisers from Feb to May in the pre-upfront period. “Showcasing our entire portfolio to our advertising partners all at once is in response to marketplace demand and a natural next step in the evolution of the NBCUniversal portfolio coming together as one,” said *Linda Yaccarino*, NBCU ad sales pres.

Telco Doings: **AT&T** is looking to take on **Comcast** in GA as it expands its U-Verse TV and Internet services in Augusta. The telco is offering \$100 reward cards for those ordering the service by April 14. The new services are part of the company’s Project Velocity IP initiative. The telco expects the U-Verse network to pass some 57mln homes by the end of ’15. -- To boost sales of **FiOS** triple-play bundles and smartphones running on LTE, **Verizon** launched its wireless/wireline joint promotion dubbed “double up.” Under the offer, consumers ordering FiOS and a new Verizon Wireless smartphone can reduce their FiOS and mobile bills by \$10 monthly each. It’s the 1st joint marketing move since Verizon completed its acquisition of **Vodafone’s** stake in its wireless unit last month.

Research: Most consumers aren’t close to clamoring for 4K TVs, according to a **Leichtman Research** survey, which found only 30% of adults have even heard of 4K and some 1/3 of them have seen a 4K set. The survey, which studied 1,231 US HHs, also found about 28% of adults who have seen a 4K TV are interested in getting one. On the other hand, the HDTV market is well-penetrated: some 77% of US HHs have at least one HDTV set while 46% have more than one. That’s up 34% and 11% respectively YOY.

People: **Univision** named *Amy Tenbrink* as svp, business affairs, a new role in which she’ll oversee all business affairs and negotiations for the Content Distribution and Corporate Business Development teams at the company. Tenbrink was previously director and sr corporate counsel at **DISH**.

CableFAX Week in Review

Company	Ticker	3/07 Close	1-Week % Chg	YTD %Chg
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BROADCASTERS/DBS/MMDS

21ST CENTURY FOX:	FOXA	33.91	2.94%	(3.58%)
DIRECTV:	DTV	79.64	2.63%	15.32%
DISH:	DISH	62.31	5.90%	7.58%
DISNEY:	DIS	82.21	1.73%	7.60%
GE:	GE	26.13	2.59%	(6.78%)

MSOS

CABLEVISION:	CVC	18.15	3.13%	1.23%
CHARTER:	CHTR	127.00	0.18%	(7.14%)
COMCAST:	CMCSA	51.63	(0.12%)	(0.65%)
COMCAST SPCL:	CMCSK	50.22	0.64%	0.68%
GCI:	GNCMA	10.42	2.66%	(6.55%)
LIBERTY GLOBAL:	LBTYA	43.55	(49.68%)	(30.83%)
LIBERTY INT:	LINTA	29.34	0.48%	(0.03%)
SHAW COMM:	SJR	23.55	1.73%	(3.25%)
TIME WARNER CABLE:	TWC	140.21	(0.1%)	3.48%

PROGRAMMING

AMC NETWORKS:	AMCX	77.13	1.46%	13.24%
CBS:	CBS	67.40	0.48%	5.74%
CROWN:	CRWN	3.72	11.04%	5.38%
DISCOVERY:	DISCA	85.52	2.64%	(5.42%)
GRUPO TELEVISIA:	TV	31.12	5.81%	2.84%
HSN:	HSNI	57.89	0.94%	(7.08%)
INTERACTIVE CORP:	IACI	77.00	(0.68%)	12.16%
LIONSGATE:	LGF	31.98	4.00%	1.01%
MADISON SQUARE GARDEN:	MSG	57.72	1.25%	0.24%
SCRIPPS INT:	SNI	81.89	0.80%	(5.23%)
STARZ:	STRZA	33.00	3.19%	12.86%
TIME WARNER:	TWX	68.30	1.74%	(2.04%)
VALUEVISION:	VTV	5.77	3.22%	(17.45%)
VIACOM:	VIA	88.28	0.59%	0.58%
WWE:	WWE	29.64	29.32%	78.77%

TECHNOLOGY

ADDVANTAGE:	AEY	3.11	9.89%	15.61%
ALCATEL LUCENT:	ALU	4.12	(3.74%)	(6.36%)
AMDOCS:	DOX	45.09	1.37%	9.34%
AMPHENOL:	APH	90.41	2.72%	1.38%
AOL:	AOL	44.04	0.59%	(5.53%)
APPLE:	AAPL	530.44	0.80%	(5.45%)
ARRIS GROUP:	ARRS	29.08	1.32%	19.47%
AVID TECH:	AVID	6.82	3.33%	(16.32%)
BROADCOM:	BRCM	30.57	2.89%	3.10%
CISCO:	CSCO	21.73	(0.32%)	(3.12%)
CONCURRENT:	CCUR	8.59	4.00%	5.14%
CONVERGYS:	CVG	20.82	1.71%	(1.09%)
CSG SYSTEMS:	CSGS	28.38	1.36%	(3.47%)
EHOSTAR:	SATS	50.55	1.47%	1.67%
GOOGLE:	GOOG	1214.79	(0.07%)	8.39%
HARMONIC:	HLIT	6.69	3.08%	(9.35%)
INTEL:	INTC	24.64	(0.48%)	(5.08%)
JDSU:	JDSU	13.79	0.07%	6.16%
LEVEL 3:	LVT	37.62	2.17%	13.42%
MICROSOFT:	MSFT	37.90	(1.07%)	1.31%
NIELSEN:	NLSN	46.28	(2.24%)	0.85%

Company	Ticker	3/07 Close	1-Week % Chg	YTD %Chg
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RENTRAK:	RENT	64.41	0.47%	69.99%
SEACHANGE:	SEAC	10.29	(2.46%)	(15.38%)
SONY:	SNE	17.95	2.28%	3.82%
SPRINT NEXTEL:	S	8.63	(1.26%)	(19.72%)
TIVO:	TIVO	13.23	(2%)	0.84%
UNIVERSAL ELEC:	UEIC	43.25	3.49%	13.49%
VONAGE:	VG	4.43	0.68%	86.92%
YAHOO:	YHOO	38.70	0.08%	(4.3%)

TELCOS

AT&T:	T	32.54	1.91%	(7.45%)
VERIZON:	VZ	47.15	(0.9%)	(4.05%)

MARKET INDICES

DOW:	DJI	16452.72	0.80%	(0.75%)
NASDAQ:	IXIC	4336.22	0.65%	3.82%
S&P 500:	GSPC	1878.04	1.00%	1.61%

WINNERS & LOSERS

THIS WEEK'S STOCK PRICE WINNERS

COMPANY	CLOSE	1-WK CH
1. WWE:	29.64	29.32%
2. BLNDER TONGUE:	0.96	12.95%
3. CROWN:	3.72	11.04%
4. ADDVANTAGE:	3.11	9.89%
5. DISH:	62.31	5.90%

THIS WEEK'S STOCK PRICE LOSERS

COMPANY	CLOSE	1-WK CH
1. LIBERTY GLOBAL:	43.55	(49.68%)
2. ALCATEL LUCENT:	4.12	(3.74%)
3. SEACHANGE:	10.29	(2.46%)
4. NIELSEN:	46.28	(2.24%)
5. TIVO:	13.23	(2%)

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