

CableFAX Daily™

Monday — September 8, 2014

What the Industry Reads First

Volume 24 / No. 173

Merger Watch: Discovery Sounds Comcast-TWC Alarm

Discovery Comm is the 1st big programmer to voice concerns to the FCC over **Comcast** and **Time Warner Cable's** planned merger. While the company didn't file comments or a petition to deny the merger during the first comment period, Discovery execs did chat by phone with FCC staffers Wed to express concern that the combo "could result in lower quality, less diverse programming and fewer independent voices among programmers," according to an ex parte. Some independent programmers have shared their worries over the merger, including **RFD-TV**, **Tennis Channel** and **Herring**, but none of those companies have Discovery's size. The programmer says the merger would create a must-have MVPD that controls a very significant percentage of the market, which could allow it to use its position to impose prices, terms and conditions on programmers that are favorable to the MVPD. Other worries include broader most favored nation clauses in programmer agreements; interference with developing use of alternative content viewing devices and services; obtaining unfair advantage over programmers in carriage negotiations by refusing to share set-top box data; and exercising substantial control over both the national and local ad sales markets to the detriment of programmers seeking to capture a share of that market. Discovery has hired DC consulting firm **The Glover Park Group** to lobby in regards to the merger. -- Speaking of the merger, Time Warner Cable has scheduled a stockholder vote on the deal for Oct 9 at The Paley Center in NY. Comcast shareholders will vote to approve the merger at an Oct 8 meeting in Philly at The Kimmel Center.

Local Choice + STELA: A Sen Commerce draft of satellite license reauthorization legislation is far from a clean bill. It contains several retrans reform measures, including implementing the broadcaster-hated Local Choice proposal that allows consumers to purchase local TV stations on an individual basis at a price set by the station. The draft, dubbed STAVRA—Satellite Television Access and Viewer Rights Act—also directs the **FCC** to conduct a rulemaking to consider revisions to the "good faith" rules for retrans negotiations (such as whether blocking of online video content is a violation of good faith). Other elements include ensuring that cable and satellite operators aren't prevented from carrying significantly viewed out-of-market stations and allowing the FCC to seek info from MVPDs and broadcasters about whether any per se violation of good faith negotiations occurred in the event of a blackout. It would extend the license

Cablefax TV Innovation Summit

Thursday, Sept. 18, 2014 | Grand Hyatt, NYC

This unique conference will give you vital insights on how multiplatform marketing, advertising and tech innovation is fueling new revenue opportunities for TV content owners and distributors.

Speakers Include:



Clayton Banks
Ember Media



Julya Fridman
A+E Networks



Cathy Hetzel
Rentrak



Rob Holmes
Comcast



Ron Lamprecht
NBCUniversal



Robyn Polashuk
Covington & Burling

Sponsored by:

Blonder
TongueRENTRAK
PRECISELY MEASURING
MOVIES & TV EVERYWHERE

viamedia

Register Today! For more information visit www.Cablefaxtvsummit.com

24372

CABLEFAX DAILY (ISSN 1069-6644) is published daily by Access Intelligence, LLC ● www.cablefax.com ● 301.354.2101 ● Editor-in-Chief: Amy Maclean, 301.354.1760, amaclean@accessintel.com ● Associate Publisher: Michael Grebb, 323.380.6263, mgrebb@accessintel.com ● Editor: Joyce Wang, 301.354.1828, jwang@accessintel.com ● Sr Community Editor: Kaylee Hultgren, 212.621.4200, khultgren@accessintel.com ● Advisor: Seth Arenstein ● Jr. Acct. Exec: Olivia Murray, 301.354.2010, omurray@accessintel.com ● Dir of Market Dev: Laurie Hofmann, 301.354.1796, lhofmann@accessintel.com ● Prod: Joann Fato, jfato@accessintel.com ● Diane Schwartz, SVP Media Comms Group, dschwartz@accessintel.com ● Group Subs: Laurie Hofmann, 301.354.1796, lhofmann@accessintel.com ● Sub Questions, Client Services: 301.354.2101, clientservices@accessintel.com ● Annual subscription price: \$1,599/year ● Access Intelligence, LLC, 4 Choke Cherry Road, 2nd Floor, Rockville, MD 20850

for satellite subs to receive distant network signals for 5 years. In July, the **House** approved STELAR (STELA Reauthorization Act). In addition to renewing the compulsory license for satellite to import distant signals, it contains language to do away with cable's set-top integration ban. It also prevents separately owned broadcast stations in local markets from jointly coordinating retrans negotiations. **Sen Judiciary** has approved a straight 5-year renewal of the legislation with no video reforms. **NAB** said it opposes the Sen Commerce proposal because it eliminates the basic tier "upon which millions rely for access to lifeline information." The trade assn argues the a la carte mechanism will lead to higher prices and less program diversity. "Furthermore, STAVRA appears to confer unfettered and unprecedented authority for government intervention into private marketplace negotiations," NAB said. Not surprisingly, **ACA** is thrilled to see Local Choice added to the Sen Commerce draft. "We support the Senate lawmakers' conclusion that the time has come for Congress to enact Local Choice to ensure that pay-TV distribution of free local TV signals occurs in a manner that serves the public interest not just some of the time but all of the time," said ACA pres/CEO **Matt Polka**. Meanwhile, **House Commerce** leaders on Fri asked the FCC and **GAO** to study local market issues, including the impact of modifying or eliminating broadcast exclusivity rules for local markets. August recess has come to an end...

DirecTV Retrans—Then There Was One: DirecTV and Dispatch agreed in principle to a new multi-year agreement restoring carriage of **WTHR** and **WBNS** to customers Thurs. But headed into opening **NFL** weekend, there was still no deal with **Raycom** at our deadline Fri. Negotiations between the two continue, and DirecTV has called upon Raycom to allow customers to see NFL and **NCAA** games. The satellite provider said it will offer all customers a free preview of NFL Sunday Ticket, but that doesn't include local games. Customers will be able to see as many as 9 out-of-market games this weekend that they wouldn't get without an annual subscription. The offer also includes access to **The Red Zone**, **DirecTV Fantasy Zone**, **Game Mix** and **Shortcuts**, which offers full games in 30 minutes.

TiVo Waiver: The FCC Media Bureau is seeking comments on TiVo's petition for a waiver of rules on behalf of its cable operator customers. The rules require cable ops to ensure that HD set-tops they provide comply with an open industry standard that provides for audiovisual communications including service discovery, video transport, and remote control command pass-through standards for home networking. TiVo asserts that its boxes meet the home networking functionality outlined, but don't use an open industry standard. Comments are due Oct 6, with replies due Oct 20. The rule doesn't apply to 1-way HD boxes that don't record.

Incentive Auction Review: The **US Court of Appeal for DC** granted **NAB's** request for an expedited review of its petition challenging the **FCC's** incentive auction rulemaking. The broadcasters said the speedier timetable is needed to avoid a ruling coming after the auction has happened.

US Open Ratings: **ESPN** loved *Roger Federer's* comeback in the US Open Thurs, with the match earning it a 1.6 overnight rating—the 3rd-highest US Open tennis rating in the company in 6 years of television the tourney.

Programming: **SundanceTV** brings back "Dream School: NYC" for a sophomore season, Oct 1. *Chuck D* will join 50 Cent and *Jamie Oliver* as exec producer and an instructor. -- **TV Land** is picking up 12 additional eps of sitcom "The Exes," which will be part of Season 4 (premieres Nov 5). -- Fans of "The Walking Dead" can rejoice. **AMC** ordered a pilot ep of a companion series that will explore a different aspect of the zombie apocalypse, set in a different location with a new cast of characters.

People: **Bravo** promoted *Shari Levine* to evp, current production. -- More details on *Michael Wright's* departure from **Turner**. He's set to join **DreamWorks Studios** as CEO in Jan. -- **BET** named former **Nick** exec *Pete Danielsen* as evp, program planning, scheduling & acquisitions. He will report to chmn/CEO *Debra Lee*.

WICT Touchstones: Actress *Maggie Gyllenhaal*, star of **SundanceTV's** "The Honorable Woman," will deliver remarks at the **WICT Touchstones Luncheon** Sept 15 in NYC during the **WICT Leadership Conference**. SundanceTV pres/gm *Sarah Barnett* is honorary chair of the event. The lunch will shine a spotlight on 2014 Woman of the Year *Christine Driessen* of **ESPN** and Woman to Watch honorees *Jennifer Mirgorod* of **Turner** and *Deborah Picciolo* of **Time Warner Cable**.

On the Circuit: Here's a different networking event. **Adaptive Spirit** (formerly **SkiTAM**), **No Excuses Unlimited** and sponsors are hosting a "Rack 'em & Stack 'em" poker and pool tournament on Sept 22 during **SCTE Expo** in Denver. The event will benefit the Athlete Partner Program. At the last Expo in Denver, Rack 'em & Stack 'em sold out. Register [here](#).

TURN IT UP

ACTIVATE YOUR POWER.
IGNITE YOUR FUTURE.

NAMIC

28TH ANNUAL
CONFERENCE

REGISTER NOW!

28th Annual NAMIC Conference

September 16-17, 2014 | New York Marriott Marquis

Intensified knowledge, amplified perspective, reinvigorated motivation, increased diversity, bolstered innovation...**Turn It Up at the 28th Annual NAMIC Conference.** As the media and entertainment industry engages and serves an increasingly diversified marketplace, activate the power within your career to be prepared for the challenges of tomorrow and ignite a future beyond imagination. Delve into two empowering days of professional development, including dynamic discussions, interactive workshops and engaging networking opportunities that lead to invaluable career connections. Gain new insight and enhanced perspective on successfully navigating through shifting business, technological and demographic trends. **Turn It Up** as NAMIC collaborates with professionals at every level, raising the bar on your leadership effectiveness and career performance to **activate your power** and **ignite your future**.

Registration

NAMIC Member Rate: \$1,375

Non-Member Rate: \$1,650

*Prices effective through September 15

Register online now at www.namic.com.

Group discounts are available for companies wishing to send multiple employees.

Hotel Info

New York Marriott Marquis
1535 Broadway, New York, NY

Reserve your room by August 22! Call 877-303-0104 and be sure to request the group rate for Cable Diversity Week.

Conference Sponsors



For sponsorship opportunities and additional information, contact Sandra Girado at sandra.girado@namic.com or 212-594-5985.

www.namic.com

National Association for Multi-ethnicity in Communications



**NAMIC
Conference
Mobile App
Coming
Soon!**

Powered by



CableFAX Week in Review

Company	Ticker	9/05 Close	1-Week % Chg	YTD %Chg
BROADCASTERS/DBS/MMDS				
DIRECTV:	DTV	87.26	0.94%	26.35%
DISH:	DISH	66.44	2.52%	14.71%
ENTRAVISION:	EVC	4.50	(1.75%)	(26.11%)
GRAY TELEVISION:	GTN	9.70	(2.32%)	(6.46%)
MEDIA GENERAL:	MEG	15.62	1.36%	(30.88%)
NEXSTAR:	NXST	45.96	0.70%	(17.53%)
SINCLAIR:	SBGI	29.12	0.24%	(18.5%)

MSOS				
CABLEVISION:	CVC	19.14	3.40%	6.75%
CHARTER:	CHTR	158.33	0.93%	15.77%
COMCAST:	CMCSA	55.70	1.79%	7.18%
COMCAST SPCL:	CMCSK	55.45	1.58%	11.17%
GCI:	GNCMA	11.29	0.44%	1.26%
GRAHAM HOLDING:	GHC	722.00	0.45%	8.85%
LIBERTY GLOBAL:	LBTYA	41.82	(2.99%)	(33.58%)
LIBERTY INT:	LINTA	30.16	2.13%	2.76%
SHAW COMM:	SJR	25.41	0.87%	4.40%
TIME WARNER CABLE:	TWC	150.20	1.53%	10.85%

PROGRAMMING				
21ST CENTURY FOX:	FOXA	36.15	2.06%	2.79%
AMC NETWORKS:	AMCX	64.83	3.68%	(4.82%)
CBS:	CBS	59.40	0.19%	(6.81%)
CROWN:	CRWN	3.35	(2.33%)	(5.1%)
DISCOVERY:	DISCA	43.44	(0.64%)	(51.96%)
DISNEY:	DIS	90.94	1.18%	19.03%
GRUPO TELEvisa:	TV	37.16	0.24%	22.80%
HSN:	HSNI	61.05	0.75%	(2.01%)
LIONSGATE:	LGF	32.77	1.11%	3.51%
MSG:	MSG	64.95	(2.86%)	12.80%
SCRIPPS INT:	SNL	80.49	0.98%	(6.85%)
STARZ:	STRZA	31.52	0.74%	7.80%
TIME WARNER:	TWX	76.96	(0.09%)	10.38%
VALUEVISION:	VVTV	5.15	0.00%	(26.32%)
VIACOM:	VIA	81.34	0.38%	(7.33%)
WWE:	WWE	14.76	1.51%	(10.98%)

TECHNOLOGY				
ADVANTAGE:	AEY	2.36	0.43%	(12.27%)
AMDOCS:	DOX	48.39	2.74%	17.34%
AMPHENOL:	APH	104.12	1.08%	16.75%
AOL:	AOL	42.86	(0.83%)	(8.07%)
APPLE:	AAPL	98.97	(3.44%)	5.62%
ARRIS GROUP:	ARRS	30.80	0.62%	26.54%
AVID TECH:	AVID	8.50	9.68%	4.29%
BLNDER TONGUE:	BDR	1.52	(8.98%)	52.00%
BROADCOM:	BRM	40.71	3.38%	37.30%
CISCO:	CSCO	25.00	0.04%	11.46%
CONCURRENT:	CCUR	7.82	4.27%	(4.28%)
CONVERGYS:	CVG	18.79	(2.14%)	(10.74%)
CSG SYSTEMS:	CSGS	27.41	(1.12%)	(6.77%)
ECHOSTAR:	SATS	51.12	1.37%	2.82%
GOOGLE:	GOOG	586.08	2.65%	(47.7%)
HARMONIC:	HLIT	6.88	4.72%	(6.78%)
INTEL:	INTC	35.00	0.26%	34.82%
INTERACTIVE CORP:	IACI	72.77	4.55%	6.00%

Company	Ticker	9/05 Close	1-Week % Chg	YTD %Chg
JDSU:	JDSU	11.16	(3.33%)	(14.05%)
LEVEL 3:	LVL	45.63	1.49%	37.56%
MICROSOFT:	MSFT	45.91	1.06%	22.72%
NIELSEN:	NLSN	46.71	(1.54%)	1.79%
RENTRAK:	RENT	48.29	(5.42%)	27.45%
SEACHANGE:	SEAC	7.84	3.29%	(35.53%)
SONY:	SNE	19.27	0.84%	11.45%
SPRINT NEXTEL:	S	5.89	4.99%	(45.21%)
TIVO:	TIVO	13.53	(4.04%)	3.13%
UNIVERSAL ELEC:	UEIC	55.33	1.26%	45.18%
VONAGE:	VG	3.50	1.45%	47.68%
YAHOO:	YHOO	39.59	2.80%	(2.1%)

TELCOS				
AT&T:	T	35.15	0.54%	(0.03%)
CENTURYLINK:	CTL	41.47	1.17%	30.20%
TDS:	TDS	26.73	1.48%	3.69%
VERIZON:	VZ	49.94	0.24%	1.63%

MARKET INDICES				
DOW:	DJI	17137.36	0.23%	3.38%
NASDAQ:	IXIC	4582.90	0.06%	9.73%
S&P 500:	GSPC	2007.71	0.22%	8.62%

WINNERS & LOSERS

THIS WEEK'S STOCK PRICE WINNERS

COMPANY	CLOSE	1-WK CH
1. AVID TECH:	8.50	9.68%
2. SPRINT NEXTEL:	5.89	4.99%
3. HARMONIC:	6.88	4.72%
4. INTERACTIVE CORP:	72.77	4.55%
5. CONCURRENT:	7.82	4.27%

THIS WEEK'S STOCK PRICE LOSERS

COMPANY	CLOSE	1-WK CH
1. BLNDER TONGUE:	1.52	(8.98%)
2. RENTRAK:	48.29	(5.42%)
3. TIVO:	13.53	(4.04%)
4. APPLE:	98.97	(3.44%)
5. JDSU:	11.16	(3.33%)



& Top Ops AWARDS BREAKFAST

Honoring those who create amazing content and the experts who deliver it to viewers.

October 14 | 8:30 to 10:30 a.m. | Loews Hollywood

Register at www.cablefaxprogramawards.com