

# Cablefax Daily™

Thursday — September 25, 2014

What the Industry Reads First

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## Comcast's Turn: Company Fires Back at Critics, Claims Extortion

When you throw around the word “extortion,” you’re bound to rankle some folks—which **Comcast** surely knew when it filed with the **FCC** late Tues its response to oppositions of its **Time Warner Cable** transaction. Why the combative tone? “I don’t think [the comments are] tough. I think they’re fair and direct,” Comcast evp and chief diversity officer *David Cohen* told reporters Wed. His message was that “motive can, and often does, inform credibility.” In its 300+ page filing with the Commission, Comcast took on some of \$45bln merger’s detractors, including **Discovery**, **Netflix** and **Viamedia**. “The significance of this extortion lies in not just the sheer audacity of some of the demands, but also the fact that each of the entities making the ‘ask’ has all but conceded that if its individual business interests are met, then it has no concern whatsoever about the state of the industry, supposed market power going forward, or harm to consumers, competitors, or new entrants,” Comcast told regulators. The company claimed Discovery is using the deal to demand “unwarranted business concessions,” such as better carriage and higher rates, as a condition of not opposing the merger. Discovery is “the poster child for some of the inappropriate complaints being made by some programmers,” Cohen said, adding that as the self-proclaimed #1 programmer in the world and with a board that includes several big names in the industry, it doesn’t need additional regulatory help. **Liberty Media** chmn *John Malone*, **Bright House** CEO *Steve Miron* and former **Landmark Comm** pres *Decker Anstrom* all have a seat on Discovery’s board, which is chaired by *Bob Miron*, former CEO of Bright House. “We are always talking to our distribution partners about realizing fair value for our content across all consumer platforms, and it is very unfortunate that Comcast is trying to divert attention away from the real issue,” said Discovery chief comm officer *David Leavy*. “We stand by our concerns that Comcast could use its enhanced leverage from the proposed merger to impose onerous terms that jeopardize the ability of independent programmers like Discovery to continue investing in a diverse portfolio of content and brands. Comcast’s silence on the details of key issues like program discounts, and instead, its continued strategy of intimidating voices that are not fully supportive of its position, is troubling.” Cohen also rejected the notion that Discovery is an independent programmer. Discovery is the largest program-

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## Congratulations to the 2014 Finalists

### Best Actor in Cable

- ▶ Peter Dinklage, *Game of Thrones* — HBO
- ▶ Kevin Hart, *Real Husbands of Hollywood* — BET Networks
- ▶ Martin Freeman, *Fargo* — FX
- ▶ Charlie Hunnam, *Sons of Anarchy* — FX
- ▶ Matthew McConaughey, *True Detective* — HBO
- ▶ Matthew Rhys, *The Americans* — FX
- ▶ Billy Bob Thornton, *Fargo* — FX
- ▶ Jon Voight, *Ray Donovan* — Showtime

### Best Actress in Cable

- ▶ Diane Kruger, *The Bridge* — FX
- ▶ Tatiana Maslany, *Orphan Black* — BBC America
- ▶ Katey Sagal, *Sons of Anarchy* — FX
- ▶ Allison Tolman, *Fargo* — FX
- ▶ Cicely Tyson, *The Trip to Bountiful* — Lifetime Networks

### Best Cable Program

- ▶ *Breaking Bad* — AMC
- ▶ *Fargo* — FX
- ▶ *Louie* — FX
- ▶ *Masters of Sex* — Showtime
- ▶ *Rectify* — SundanceTV
- ▶ *The Americans* — FX
- ▶ *The Fosters* — ABC Family
- ▶ *True Detective* — HBO

### Best New Cable Program

- ▶ *AMERICA* with Jorge Ramos — Fusion Network
- ▶ *Bring It!* — Lifetime Networks
- ▶ *Broad City* — Comedy Central
- ▶ *Fargo* — FX
- ▶ *HITRECORD ON TV* — Pivot
- ▶ *Life Below Zero* — National Geographic Channel
- ▶ *Please Like Me* — Pivot
- ▶ *True Detective* — HBO
- ▶ *Wahlburgers* — A&E

### Best Showrunner

- ▶ Marc Cherry, *Devious Maids* — Lifetime Networks
- ▶ Ralph Farquhar, *Real Husbands of Hollywood* — BET Networks
- ▶ Travis Shakespeare, *Life Below Zero* — National Geographic Channel

### Best Actor/Actress Comedy

- ▶ Chris Diamantopoulos, *Episodes* — Showtime
- ▶ Ilana Glazer, *Broad City* — Comedy Central
- ▶ Kevin Hart, *Real Husbands of Hollywood* — BET Networks
- ▶ Keegan-Michael Key and Jordan Peele, *Key & Peele* — Comedy Central
- ▶ Jenny Slate, *Kroll Show* — Comedy Central

### Best Host Comedy

- ▶ Chris Hardwick, *@midnight* — Comedy Central
- ▶ Joel McHale, *The Soup* — E! Entertainment
- ▶ Conan O'Brien, *Conan* — TBS
- ▶ John Oliver, *Last Week Tonight with John Oliver* — HBO

- ▶ David Steinberg, *Inside Comedy* — Showtime

### Best Actor/Actress Drama

- ▶ Idris Elba, *Luther* — BBC America
- ▶ Vera Farmiga, *Bates Motel* — A&E
- ▶ Freddy Highmore, *Bates Motel* — A&E
- ▶ Tatiana Maslany, *Orphan Black* — BBC America
- ▶ Julia Ormond, *Witches of East End* — Lifetime Networks
- ▶ Tom Riley, *DaVinci's Demons* — Starz

### Best Actor/Actress Movie/Miniseries

- ▶ Helena Bonham Carter, *Burton & Taylor* — BBC America
- ▶ Emile Hirsch, *Bonnie & Clyde* — Lifetime Networks
- ▶ Richard Madden, *Klondike* — Discovery Channel
- ▶ Dominic West, *Burton & Taylor* — BBC America
- ▶ Vanessa Williams, *The Trip to Bountiful* — Lifetime Networks

### Best Actor/Actress/Host Family Friendly

- ▶ Carly, Kaitlin and Tim, *The Sunny Side Up Show* — Sprout
- ▶ Katie Douglas, *Spooksville* — Hub Network
- ▶ Michelle Lepe as Nina, *The Good Night Show* — Sprout
- ▶ Cesar Millan, *Cesar 911* — National Geographic Channel
- ▶ Jason Silva, *Brain Games* — National Geographic Channel

### Best Host Food

- ▶ Anthony Bourdain, *Anthony Bourdain: Parts Unknown* — CNN
- ▶ Gabriele Corcos and Debi Mazar, *Extra Virgin* — Cooking Channel
- ▶ Giada DeLaurentiis, *Giada at Home* — Food Network
- ▶ Guy Fieri, *Diners, Drive-ins and Dives* — Food Network
- ▶ Florence Henderson, *Who's Cooking with Florence Henderson* — RLTV
- ▶ Chuck Hughes, *Chuck's Eat the Street* — Cooking Channel
- ▶ Mason Pettit, *Food Paradise* — Travel Channel
- ▶ Trisha Yearwood, *Trisha's Southern Kitchen* — Food Network

### Best Host Music

- ▶ Katie Daryl, *The World's Greatest Tribute Bands* — AXS TV
- ▶ Georgie Okell, *Fuse News* — Fuse
- ▶ Sibley Scoes & DJ Damage, *Revolt Live* — Revolt

### Best Host News/Public Affairs

- ▶ Julia Boorstin — CNBC
- ▶ Jorge Ramos — Fusion Network
- ▶ Jake Tapper — CNN

### Best Host Other

- ▶ Adam Ferrara, Tanner Foust and Rutledge Wood, *Top Gear USA* — BBC Worldwide Productions
- ▶ Nicole Curtis, *Rehab Addict* — DIY Network
- ▶ Joseph Gordon-Levitt, *Hit Record on TV* — Pivot
- ▶ Dominic Monaghan, *Wild Things with Dominic Monaghan* — BBC America
- ▶ Lara Spencer, *Flea Market Flip* — HGTV
- ▶ Iyanla VanZant, *Iyanla: Fix My Life* — OWN/Harpo Studios

### Best Host Reality Competition/Game Show

- ▶ Ted Allen, *Chopped* — Food Network
- ▶ Alton Brown, *Cutthroat Kitchen* — Food Network
- ▶ Heidi Klum and Tim Gunn, *Project Runway* — Lifetime Networks
- ▶ Padma Lakshmi, *Top Chef* — Bravo Media
- ▶ Todd Newton, *Family Game Night* — Hub Network
- ▶ Drew & Jonathan Scott, *Brother vs. Brother* — HGTV

### Best Host Regional Program

- ▶ Ian Eagle — YES Network
- ▶ Phil Wood — Mid Atlantic Sports Network (MASN)
- ▶ Pat Kiernan, NY1 — TWC News

### Best Host Talk Shows

- ▶ Sunny Anderson, Katie Lee, Jeff Mauro, Marcela Valladolid and Geoffrey Zakarian, *The Kitchen* — Food Network
- ▶ Andy Cohen, *Watch What Happens Live* — Bravo Media
- ▶ David Feherty, *Feherty* — Golf Channel
- ▶ Suze Orman, *The Suze Orman Show* — CNBC
- ▶ Matt Vasgersian — MLB Network

### Best Show or Series Animals/Nature

- ▶ *Big Cat Week* — Nat Geo WILD
- ▶ *Black Mamba: Kiss of Death* — Smithsonian Channel
- ▶ *River Monsters* — Animal Planet
- ▶ *Saving Private K-9* — Sportsman Channel
- ▶ *Wild Burma* — Smithsonian Channel
- ▶ *Wild Things with Dominic Monaghan* — BBC America

### Best Show or Series Animated

- ▶ *Archer* — FX
- ▶ *Adventure Time* — Cartoon Network
- ▶ *Rick and Morty* — Adult Swim
- ▶ *Zou* — Sprout

### Best Show or Series Children's

- ▶ *Adventure Time* — Cartoon Network
- ▶ *The Amazing World of Gumball* — Cartoon Network
- ▶ *Drive, Chip and Putt Championship National Finals* — Golf Channel
- ▶ *Harry the Bunny* — BabyFirst
- ▶ *Stella & Sam* — Sprout
- ▶ *Transformers Rescue Bots* — Hub Network

### Best Show or Series Comedy

- ▶ *Devious Maids* — Lifetime Networks
- ▶ *Fashion Police* — E! Entertainment
- ▶ *It's Always Sunny in Philadelphia* — FXX
- ▶ *The League* — FXX
- ▶ *Louie* — FX
- ▶ *Please Like Me* — Pivot
- ▶ *Real Husbands of Hollywood* — BET Networks
- ▶ *Sirens* — USA Network

### Best Show or Series Documentary

- ▶ *Against the Odds* — American Heroes Channel
- ▶ *Arnie* — Golf Channel

The winners will be announced during the Oct. 14 awards breakfast at the Loews Hollywood Hotel and in the Cablefax Mid-Day Report released during the breakfast. Congratulations to all the finalists. See you on Oct. 14!

To register for the event, visit [www.cablefaxprogramawards.com](http://www.cablefaxprogramawards.com)

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# Congratulations to the 2014 Finalists



Oct. 14, 2014 • 8:30 – 10:30 a.m. • Loews Hollywood Hotel

- ▶ Capturing Oswald — Military Channel
- ▶ Death & Dishonor: Crisis at the VA — CNBC
- ▶ JFK: the Final Hours — National Geographic Channel
- ▶ Murder in Enchanted Hills — LMN
- ▶ The Day Kennedy Died — Smithsonian Channel
- ▶ Wild Arabia — Animal Planet

## Best Show or Series Drama

- ▶ Bates Motel — A&E
- ▶ Fargo — FX
- ▶ Orphan Black — BBC America
- ▶ Suits — USA Network
- ▶ The Americans — FX
- ▶ The Fosters — ABC Family
- ▶ Vikings — History

## Best Show or Series Education/Instructional

- ▶ Brain Games — National Geographic Channel
- ▶ Bookmark — RLTV
- ▶ COSMOS: A SpaceTime Odyssey — National Geographic Channel
- ▶ Irish Writers in America — CUNY TV
- ▶ The Bitcoin Uprising — CNBC
- ▶ The Golf Fix with Michael Breed — Golf Channel

## Best Show or Series Faith Based/Religious

- ▶ Preachers' Daughters — Lifetime Networks
- ▶ Super Soul Sunday — OWN/Harpo Studios
- ▶ The American Bible Challenge — GSN
- ▶ Bible Hunters — Smithsonian Channel
- ▶ The Gospel of Jesus's Wife — Smithsonian Channel

## Best Show or Series Family Friendly

- ▶ Apple Mortgage Cake — UP
- ▶ Backstage: Richard Sherman — Comcast CN100 Chicago
- ▶ Brain Games — National Geographic Channel
- ▶ Puppy Bowl X — Animal Planet
- ▶ Rachael vs. Guy: Kids Cook-Off — Food Network
- ▶ R. L. Stine's The Haunting Hour: The Series — Hub Network
- ▶ Seriously Amazing Objects — Smithsonian Channel
- ▶ The Gabby Douglas Story — Lifetime Networks

## Best Show or Series Food — Competition

- ▶ Beat Bobby Flay — Food Network
- ▶ BBQ Pitmasters — Destination America
- ▶ Cutthroat Kitchen — Food Network
- ▶ Guy's Grocery Games — Food Network
- ▶ Top Chef — Bravo Media
- ▶ Top Chef Canada — Insight Production Company Ltd.

## Best Show or Series Food — Instructional

- ▶ Brunch at Bobby's — Cooking Channel
- ▶ Extra Virgin — Cooking Channel
- ▶ Giada at Home — Food Network
- ▶ The Pioneer Woman — Food Network
- ▶ Who's Cooking with Florence Henderson — RLTV

## Best Show or Series Food — On Location

- ▶ Anthony Bourdain: Parts Unknown — CNN
- ▶ Chuck's Eat the Street — Cooking Channel
- ▶ Food Paradise — Travel Channel
- ▶ Restaurant: Impossible — Food Network
- ▶ Restaurant Redemption — Cooking Channel
- ▶ Road Trip with G. Garvin — Cooking Channel

## Best Show or Series Music

- ▶ Crossroads — CMT
- ▶ Fuse News — Fuse
- ▶ Revolt Live — Revolt
- ▶ Blondie's New York — Smithsonian Channel

## Best Show or Series News

- ▶ AMERICA with Jorge Ramos — Fusion Network
- ▶ Balitang America — Typhoon Yolanda 24 Hour Telethon — ABS-CBN International/The Filipino Channel
- ▶ E! News — E! Entertainment
- ▶ Oprah: Where Are They Now? — OWN/Harpo Studios

## Best Show or Series Other

- ▶ Bonnie & Clyde — Lifetime Networks
- ▶ Flowers in the Attic — Lifetime Networks
- ▶ Hello Beautiful Interludes Live with John Legend — TV One, LLC
- ▶ Homicide Hunter: Lt. Joe Kenda — Investigation Discovery
- ▶ I'm Asian American and... — Myx TV
- ▶ TechKnow — Al Jazeera America
- ▶ Untold Stories of the ER — Discovery Fit & Health

## Best Show or Series Public Affairs

- ▶ Critical Condition: Saving America's Cities — CNBC
- ▶ Injustice Files: Sundown Towns — Investigation Discovery
- ▶ The Stream — Blood Avocados: Cocaine, Meth and Weapons — Al Jazeera America
- ▶ The Stream — Hacking Hospitals — Al Jazeera America

## Best Show or Series Reality — Autobiographical

- ▶ Bring It! — Lifetime Networks
- ▶ Duck Dynasty — A&E
- ▶ Preachers of L.A. — Oxygen Media
- ▶ R&B Divas LA — TV One, LLC
- ▶ The Curse of Oak Island — History
- ▶ Vanilla Ice Goes Amish — DIY Network
- ▶ Welcome to Los Vargas — mun2

## Best Show or Series Reality — Professions

- ▶ American Pickers — History
- ▶ Cesar 911 — Nat Geo WILD
- ▶ Deadliest Catch — Discovery Channel
- ▶ Million Dollar Listing New York — Bravo Media
- ▶ Rehab Addict — DIY Network
- ▶ The Profit — CNBC
- ▶ Total Divas — E! Entertainment
- ▶ Wahlburgers — A&E

## Best Show or Series Reality — Wilderness

- ▶ Life Below Zero — National Geographic Channel
- ▶ Mountain Men — History
- ▶ Mountain Monsters — Destination America
- ▶ Naked and Afraid — Discovery Channel
- ▶ Swamp People — History

## Best Show or Series Reality/Competition/ Game Show

- ▶ Brother vs. Brother — HGTV
- ▶ Combate Americas — mun2
- ▶ Project Runway — Lifetime Networks
- ▶ The American Bible Challenge — GSN
- ▶ The Fashion Fund — Ovation TV
- ▶ Ultimate Survival Alaska — National Geographic Channel

## Best Show or Series Regional Program

- ▶ Broadway in Chicago Backstage — Comcast Cable
- ▶ Fandemonium Chicago — Comcast CN100 Chicago
- ▶ Inside Game of the Week — Comcast CN100 Chicago
- ▶ Mariano Rivera's Final Game — YES Network
- ▶ Preachers of L.A. — Oxygen Media
- ▶ Railroad Alaska — Destination America
- ▶ The Broadway Channel Presents Broadway Profiles

## Best Show or Series Sci Fi

- ▶ Defiance — Syfy
- ▶ Falling Skies — TNT
- ▶ Orphan Black — BBC America
- ▶ Witches of East End — Lifetime Networks

## Best Show or Series Sports

- ▶ 2014 McDonald's All-American Games — Comcast Cable
- ▶ Bleacher Report on Super Bowl Boulevard — CNN
- ▶ Chicago White Sox Spring Training 2014 — Comcast CN100 Chicago
- ▶ Jabari Parker: 2013 Mr. Basketball — Comcast CN100 Chicago
- ▶ Skywire Live with Nik Wallenda — Discovery Channel
- ▶ The Journey: Big Ten Basketball 2014 — Big Ten Network
- ▶ The Journey: Big Ten Football 2013 — Big Ten Network

## Best Show or Series Talk Shows

- ▶ CenterStage — YES Network
- ▶ Intentional Talk — MLB Network
- ▶ NBA TV's Open Court — NBA Digital
- ▶ Oprah Prime — OWN/Harpo Studios
- ▶ The Kitchen — Food Network
- ▶ Watch What Happens Live — Bravo Media

## Best Miniseries

- ▶ Burton & Taylor — BBC America
- ▶ Klondike — Discovery Channel
- ▶ Luther — BBC America

## Best Opening Sequence

- ▶ Combate Americas — mun2
- ▶ Life Below Zero — National Geographic Channel
- ▶ Ooh La Lam — ABS-CBN International/The Filipino Channel
- ▶ Spooksville — Hub Network
- ▶ The Fosters — ABC Family

## Best Online/Mobile Extras for a Linear Show

- ▶ Banshee — Cinemax
- ▶ Chopped After Hours — Food Network
- ▶ HITRECORD ON TV — Pivot
- ▶ Spooksville Freak Files — Hub Network
- ▶ The Starters podcast — NBA Digital
- ▶ The Walking Dead Story Sync — AMC
- ▶ Top Chef: Padma's Picks — Bravo Digital
- ▶ Vikings Season 2 — HISTORY

## Best Online-Only/Mobile-Only Show

- ▶ Bobby Flay Fit — Food Network
- ▶ Comedians in Cars Getting Coffee — Crackle
- ▶ Cooking in the Fast Lane — Food Network
- ▶ Derek — Netflix
- ▶ Drop the Mic with Becky G — Flama
- ▶ Live from E! — E! Entertainment

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mer to raise concerns about the merger at the FCC. **Univision** CEO *Randy Falco* voiced some criticism earlier this year, but the programmer has not filed comments at the FCC. Earlier this month, Comcast announced a deal with Univision that includes the addition of **Univision Deportes** to its lineup. Comcast has said it has been in discussions with Univision about carriage of the Spanish-language sports net for well over a year. In the case of Discovery, Comcast said the programmer wanted to reopen a contract not close to expiring for nets already carried. Comcast's reply comments also addressed smaller programmers who raised objections, saying that **Veria Living**, **TheBlaze** and others propose conditions that effectively guarantee their automatic or near-automatic carriage. "For a giant like Comcast—which is about to control 28 of the nation's top 30 markets—to accuse us of extortion is absurd," said Veria CEO *Eric Sherman*. "The FCC and Congress invited independent programmers to share with policymakers their frustration with Comcast as part of the merger review process. We have done that in an open and honest manner, providing testimony and talking with regulators on the record." TheBlaze, which has filed more than 50K comments against the merger from the public, said Comcast's behavior is precisely why the deal isn't in the public interest. "TheBlaze has not sought to extort anything from Comcast in connection with the merger. We have simply exercised our 1st Amendment right to petition the government and, over the past 2+ years, tried to engage in meaningful and fair negotiations with Comcast to carry TheBlaze—a network that its customers have overwhelmingly requested," said *Lynne Costantini*, pres, biz dev.

**More on Comcast's Response:** Here's a quick look at what **Comcast** had to say about some of the other critics of its **Time Warner Cable** acquisition. **Netflix:** "The same [interconnection] deal that Netflix now complains about... before the transaction came along, it was great for consumers," Comcast evp *David Cohen* told reporters. The company claims Netflix deliberately sent traffic on routes that could not support it in an effort to manipulate the market. Comcast argues that Netflix is using any proceeding to try and shift the costs for carrying its content onto others. **DISH:** Comcast brushed aside the DBS provider's concerns that it might prioritize its own services over competitors, citing its commitment to the 2010 Open Internet order and upcoming rules by the **FCC**. **Cogent:** Comcast claims Cogent is simply looking out for itself, as a company who charges edge providers (like Netflix) for transit costs. **Viamedia:** Again, Comcast points to self-interest—like its proposal for mandatory access to Comcast's advertising interconnects. "While Viamedia tries to make this about the impact on advertisers, not a single advertiser shares those concerns. Rather, several of the largest media agencies in the industry—which, as noted, together place tens of billions of dollars in advertising each year in the US alone—strongly support the Transaction..." Comcast said. There's time for companies and organizations to rebut Comcast's response. Under the FCC pleading cycle, responses need to be filed by Oct 8. However, DISH has asked for additional time, claiming Comcast is dragging its feet on responding to Commission requests for additional info (**CFX**, 9/23).

**SCTE Day 2: SCTE Cable-Tec Expo 2015** in New Orleans (Oct 13-16) might have a lot more international attendees. As part of SCTE's effort to expand its international presence, the group announced that **Liberty Global** CTO *Balan Nair* will be the program committee chair, succeeding **Comcast** CTO *Tony Werner*. Nair already started working on pre-conference symposium and the development of educational content that aims to accelerate global deployment of next-gen products and services. While **NCTA** has rebranded its **Cable Show** to **INTX** in light of increasing viewing across platforms, there is little indication that SCTE is considering a similar move for its Expo. That said, as partners, SCTE aims to be more aligned with NCTA. During a Q&A Wed with Werner, **Liberty Global** pres/CEO *Mike Fries* urged cable to collaborate on things like RDK and focus on differentiated services like wireless. The MSO is part of a RDK joint venture that also counts Comcast and **Time Warner Cable** as members. "Our ability to innovate, change and grow is critical... Why can't we rally around standards that are open... That's how we will survive, thrive and succeed in the next 20 years..." Fries said. Calling RDK a "DOCSIS moment" and the basis of superior video experience, the exec said the software bundle that offers a common framework for powering set tops plays a key role in helping cable achieve scale in video. Liberty Global's Horizon multiplatform TV service is based on RDK. And of course, the cloud. The MSO is currently testing a cloud version of the Horizon platform. User interface isn't the only thing going to the cloud. Though the set-top box is still expected to play a central role in pay TV, "it's going to get cheaper, lighter, thinner and more robust as we move things to the cloud," Fries said. The company has a pro-

gram in place with its vendors to build a low-cost box leveraging cloud technologies. Comcast's hardware strategy is similar, Werner said. Comcast's RDK-based X1 platform features a cloud DVR service in numerous markets. Just having scale isn't enough. To really step up the competition against players like Netflix, cable needs to have its own broadband-based offerings, Fries said. The company has launched its own subscription-based OTT service dubbed My Prime. And since the majority of app use on Horizon is on **YouTube**, "we might launch a YouTube channel," he said. Mobile is a big part of Liberty Global's revenue growth in the next few years, Fries said, noting the MSO is launching wireless services in additional 6 EU countries. "We want to follow users and give them another reason to connect to our products," he said. What about potential competition from LTE providers? "We don't see LTE ever get to a point to replace a fixed connection in the house," according to Fries.

**HRTS:** Perhaps traditional media shouldn't complain all that much about lack of transparency at maverick OTT entities like **Netflix**, which garners huge buzz for shows like "House of Cards" but publicly shares no viewership metrics. At Wed's HRTS lunch in L.A., **ICM Partners** founding partner *Chris Silberman* noted that he also has trouble getting certain numbers even from traditional media-backed **Hulu** as he tries to calculate residual content value for clients. "It's almost impossible to get data out of them," he said. Of course, when it comes to any lack of metrics from OTT providers, "I don't think that's going to last forever," said **FX Networks** and **FX Productions** CEO *John Landgraf*. He noted that at some point creators will simply go where they can be best compensated and find the best creative outlet—and that those results will ultimately speak volumes about long-term success. When asked whether Netflix privately shares any viewership info with **Lionsgate** for its "Orange is the New Black" series, Lionsgate Television Group chmn *Kevin Beggs* suggested he isn't dying to know. "I'm not kicking on the door too loudly because they're happy," he said. **Yahoo** CMO/head of media *Kathy Savitt* argued that OTT isn't just another buyer of content—it can actually extend the life of shows whose niche audiences can't support linear TV (Case in point: Yahoo just picked up **NBC's** recently cancelled but cultishly beloved "Community"). "We're here to actually enable you," she said. **The Jackal Group** chmn/CEO *Gail Berman* even predicted a future in which famous showrunners like *Seth MacFarlane* and *Shonda Rhimes* become more attractive consumer brands than the networks carrying their shows—at least in the SVOD universe. The bottom line, according to Landgraf, is that "it's going to be a bumpy half decade to decade" as everyone tries to figure out how to measure all these platforms. Better get buckled in...

**Mergers & Contracts:** The **FCC** Media Bureau is seeking comment on filings by several programmers in the **AT&T-DirecTV** and **Comcast-Time Warner Cable** transaction proceedings. The companies, which includes **Disney, CBS, Discovery, Univision, Sinclair** and **Gray**, argue that the existing protective orders in the proceedings don't provide adequate protection for programming agreements and retrans agreements that they feel are highly confidential. Comments are due by Fri.

**Oxygen Changes:** As **Oxygen** gets ready to rebrand Oct 7 with a new logo and tagline, "very real," it elevated *Rod Aissa* to evp, original programming and development. The net also greenlit 5 series for a total of 13 as part of the net's refocus on young female viewers (18-34). New pickups include "The Investment Club" in which entrepreneurial millennials pitch their ideas to successful, young moguls, and "The Wilkersons" focusing on pastor *Rich Wilkerson*, who married *Kanye West* and *Kim Kardashian*, and his family and church.

**SCTE Notebook:** The 1st step toward building user interfaces that drive video service growth across platforms may be to combine quantitative and qualitative data in order to understand how people use video, said *Piers Lingle*, vp of product development at **Comcast** during a panel discussion Wed. "The role for product developers, they are essentially editors... The inputs, questions, data, technologies and opportunities are vast and increasing every day. Our job is to ask how to use the ideas and inputs and prioritize them to modernize user interface," he said, noting that the key is to make any UI useful and understandable. The ultimate goal, according to *T.S. Balaji*, sr dir of converged services and user experience at **Cox**: make any TV experience as personal and unique as possible. That's the foundation of Cox's Contour multiplatform service, he said. And after the launch of the UI, MSOs should focus on understanding the health of the product, driving defects out of the product and prioritizing the next set of features and functions for development, Balaji said. Cox has a post-launch assessment program that evaluates usability and user satisfaction in areas including reliability, navigation, content discovery and recommendation, he said.

**CVC Sues Union:** **Cablevision** said it filed a lawsuit Wed against **CWA** Local 1109, as well as union official *Chris Shelton* and former Cablevision employee *Jerome Thompson*, claiming they knowingly and repeatedly made defamatory and false statements, including baseless accusations of racist actions. It's just the latest in a host of lawsuits, protests and complaints between the 2. This suit centers on statements made concerning

# BUSINESS & FINANCE

Thompson's termination, which CVC said was for years-long history of deliberate disregard of company policies. There's a petition on **MoveOn.org** with more than 7300 signatures calling for CVC to rehire Thompson, stop using "intimidation tactics" and bargain fairly with CWA for a contract.

**Programming:** **Nat Geo Wild** and TV studio **Shine America** greenlit a 6-ep season of "Aloha Vet" set to premiere spring 2015. -- **Spike TV** is partnering with *Vince Gerardis*, co-exec producer of **HBO's** "Game of Thrones," to develop an original scripted series based on author *Kim Stanley Robinson's* Mars Trilogy novels. The series will be called "Red Mars."

**NAACP Image Awards:** Submissions for the 46th **NAACP** Image Awards are now being accepted at [naacpimageawards.net](http://naacpimageawards.net) until Oct 31. This year, 2 new categories will be introduced—Outstanding Host in a News, Talk, Reality or Variety (Series or Special) and Outstanding Character Voice-over Performance. The 46th NAACP Image Awards will air live on **TV One** Fri, Feb 6.

**Boot Camp:** Pssst... Got some staffers who are new to cable or could use a good refresher course on the multiplatform future? Then sign them up for our Cable Business Boot Camp on Oct 13 in L.A. No pushups required. We promise. [www.cablebootcamp.com](http://www.cablebootcamp.com)

## CableFAX Daily Stockwatch

Company	09/24 Close	1-Day Ch	Company	09/24 Close	1-Day Ch
<b>BROADCASTERS/DBS/MMDS</b>					
DIRECTV:	86.81	(0.02)	CONVERGYS:	18.20	0.08
DISH:	63.97	0.97	CSG SYSTEMS:	26.76	0.20
ENTRAVISION:	4.00	(0.12)	ECHOSTAR:	49.78	(0.33)
GRAY TELEVISION:	8.50	0.28	GOOGLE:	587.99	6.86
MEDIA GENERAL:	13.97	(0.09)	HARMONIC:	6.45	0.04
NEXSTAR:	41.04	(0.06)	INTEL:	34.75	0.33
SINCLAIR:	25.64	0.16	INTERACTIVE CORP:	66.16	(0.56)
<b>MSOS</b>					
CABLEVISION:	18.05	(0.24)	JDSU:	13.18	0.13
CHARTER:	155.16	(1.21)	LEVEL 3:	45.52	(0.13)
COMCAST:	54.86	(0.11)	MICROSOFT:	47.07	0.51
COMCAST SPCL:	54.65	(0.11)	NIELSEN:	44.43	(0.07)
GCI:	11.14	0.14	RENTRAK:	56.80	2.72
GRAHAM HOLDING:	705.01	(1.93)	SEACHANGE:	7.13	0.13
LIBERTY GLOBAL:	44.16	0.67	SONY:	17.35	(0.02)
LIBERTY INT:	28.62	0.75	SPRINT NEXTEL:	6.64	(0.03)
SHAW COMM:	25.12	UNCH	TIVO:	12.98	0.18
TIME WARNER CABLE:	147.07	(0.79)	UNIVERSAL ELEC:	50.60	0.86
<b>PROGRAMMING</b>					
21ST CENTURY FOX:	34.49	0.27	VONAGE:	3.36	(0.02)
AMC NETWORKS:	58.85	(0.21)	YAHOO:	39.88	0.83
CBS:	54.85	(0.18)	<b>TELCOS</b>		
CROWN:	3.19	0.10	AT&T:	35.40	0.14
DISCOVERY:	38.10	(0.12)	CENTURYLINK:	40.44	(0.02)
DISNEY:	89.45	1.14	TDS:	24.69	0.17
GRUPO TELEVISIA:	34.53	(0.05)	VERIZON:	50.07	0.16
HSN:	61.28	2.26	<b>MARKET INDICES</b>		
LIONSGATE:	31.73	0.50	DOW:	17210.06	154.19
MSG:	66.91	(0.11)	NASDAQ:	4555.22	46.53
SCRIPPS INT:	78.08	0.21	S&P 500:	1998.30	15.53
STARZ:	31.23	1.65			
TIME WARNER:	76.20	0.93			
VALUEVISION:	5.30	0.03			
VIACOM:	78.18	0.58			
WWE:	13.63	(0.14)			
<b>TECHNOLOGY</b>					
ADVANTAGE:	2.35	(0.07)			
AMDOCS:	47.17	0.27			
AMPHENOL:	102.14	0.33			
AOL:	43.18	0.43			
APPLE:	101.73	(0.91)			
ARRIS GROUP:	30.12	0.79			
AVID TECH:	10.26	(0.29)			
BLNDER TONGUE:	1.39	UNCH			
BROADCOM:	40.18	0.20			
CISCO:	24.98	0.28			
CONCURRENT:	7.38	(0.24)			



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## Think about that for a minute...

### Based on Results

Commentary by Steve Effros

Based on results, we in the cable/broadband business should be all for "Title II" regulation. We should favor "common carrier" status, and we should plead for government intervention and rate regulation of our infrastructure. Why? Well look at what happened to similarly situated companies, AT&T for example. Not the "new" one, but the one that got so big, dominant and rich that it eventually had to be broken up into lots of "smaller" companies, all of which are now, once again, larger than most of their competitors.

Consider that. AT&T, the original one, was regulated up one side and down the other. It was also guaranteed a monopoly, guaranteed a rate of return, and became a gold standard with regard to stock valuation. Thank you, government intervention. Of course, creating a massive common carrier with no incentive to be competitive, develop new technology or be frugal with expenses (rate of return regulation tends to lead to that sort of thing) ultimately wound up with a very good telephone system which was antiquated and overpriced.

So now there's a claim that the broadband industry should be regulated within the same pigeonhole that they put AT&T. I know the arguments that say they would do things differently, that they would not impose all the old structures, that they would be creative with new regulation that would incent competition. But where is there any evidence that this would work? The only effort in that direction is the history we now have with Europe's efforts to regulate broadband. They went the higher-level regulatory route. The "create competition by requiring open network access" route. What happened? Well, based on results Europe does not have anywhere near the quality or extent of service now available in the United States. As a matter of fact, the European regulators are now recommending that they shift



approaches and look more toward the American model!

To be sure, there is yet another model; government ownership of the infrastructure. That's essentially what got South Korea off on the fastest foot toward getting a fiber based high capacity system. But that ownership requires massive investment. South Korea did that not because the core infrastructure would support itself as much as the belief that by building such a system they would learn the manufacturing and marketing realities that would serve them well in their real focus, the export market. That may have worked, but it's no argument for us to do the same thing. Even the advocates of massive government support acknowledge that it would cost more than \$300 billion to build the system they want here. Based on results on Capitol Hill, that's not going to happen.

Then, of course, there is local, municipal ownership. I've already written about the misadventures of that approach. Admittedly, companies like Google may not think it's a misadventure when they are able to "buy" an entire city infrastructure for \$1.00. But in many communities it has certainly been a financial failure for local citizens, again, based on results.

The question, however, remains. In just about all these examples, the successful private infrastructure builder (that's us) winds up winning in the end. If folks insist on making the same mistake again, and the result—while messy with lots of law suits, regulatory battles and so on—is that we not only survive but prosper, and the regulators at the same time create a disincentive for others to come in and compete, based on results, should we really be fighting so hard?

*Steve*

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*(Steve Effros was President of CATA for 23 years and is now an advisor and consultant to the cable industry)*

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