

Cablefax Daily™

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What the Industry Reads First

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Now What? Programmers Win Stay in FCC Contract Dispute

On Fri, the **DC Circuit** granted programmers' request for a stay of an **FCC** order that grants 3rd parties access to confidential information, such as carriage contracts, as part of the review process for the proposed **Comcast-Time Warner Cable** and **AT&T-DirecTV** mergers. So what happens next? An FCC spokesperson said the agency was reviewing the decision from the 3-judge panel Fri. The agency could appeal the stay and ask for an en banc hearing. While the Court could ultimately rule in the FCC's favor on the issue, the fact the judges felt the programmers had satisfied the requirements for a stay means they believe they have a good chance at winning the case. **CBS, Disney, Univision** and several other programmers brought the challenge. The FCC took the issue so seriously that it paused the merger review clocks on both transactions. Those clocks remain paused, and the agency may opt to keep them paused if it chooses to seek a review of the ruling—ie, it shows that it thinks making these documents available to 3rd parties is integral to the review process. Regardless of the next step, the DC Circuit made it clear that the FCC can continue to review the deals. "The agency has access to the relevant documents at issue in this matter and can continue to evaluate the proposed merger during the stay," the court order said. If the stay had not been granted, the FCC would have made confidential documents available to certified 3rd parties (subject to protective orders, such as that they must not be involved in dealmaking). Comcast along with TWC and **Charter** argued against the stay, saying it would prolong the FCC's review of the transaction. On Fri, it emphasized the court's words that the review can continue. "The stay order deals with a procedural matter that has never had anything to do with the substance of our transaction. As the court stated, the Commission has access to all the documents at issue and can continue its review of the transactions while the stay is in effect," said a Comcast spokesperson. The FCC's Republican commissioners dissented to the FCC order and were thus pleased with the DC Circuit's ruling. "As the Court noted, the Commission can continue reviewing the relevant documents. As such, there is no reason why this ruling should delay the Commission's review of these transactions," said a statement from commissioner *Ajit Pai* and *Michael O'Rielly*. "In the meantime, we hope that the Commission and programmers will come to the negotiating table and reach a compromise."

DISH and Turner Try Again: DISH customers don't have to worry about losing **TNT** and **TBS** next week. The channels

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Daryn Carp, Bravo Digital

Amanda Cary, Showtime Networks Inc.

Laura DiMarco, Showtime Networks Inc.

Jon Dorsey, American Heroes Channel

Kimberly Fitzpatrick, AT&T

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Lauren Rogers, Viamedia

Amanda Victoria Sanchez, NUVOtv

Stephanie Hanna Sherman, Crown Media
Family Networks

Curtis Smith, Discovery Channel

Anna Snead, Investigation Discovery and
Discovery Life Channel

Trip Stoddard, ONE World Sports

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Brad Trangucci, Showtime Networks Inc.

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are safe for a few more months, with the 2 companies agreeing to a contract extension that also returns **CNN, Cartoon, Adult Swim, truTV, TCM, HLN, Boomerang** and **CNN en Espanol** to DISH customers. In other words, it looks like the new deal covers all the Turner nets, instead of a separate contract for TBS and TNT. DISH had been without the other Turner nets since its contract expired Oct 20, and it could have lost TBS and TNT if a new deal wasn't reached by Dec 5. DISH and Turner were tight-lipped Fri, declining further comment beyond the announcement of an extension.

Barnett Gains BBCA: The ramifications of **AMC Networks'** purchase of a 49.9% stake in **BBC America** continue, with **SundanceTV** pres, gm *Sarah Barnett* tapped to head BBC America as pres, gm. She'll begin her new role early next year, overseeing both nets until a successor is found for SundanceTV. Current BBCA gm *Perry Simon* will enter into an exclusive production deal with BBC Worldwide North America, with development commitments already in place at BBCA and AMC Nets. Simon previously announced he'd leave his current role at the end of the year when the channel entered a jv with BBC Worldwide and AMC Nets last month. Barnett will continue to report to AMC Nets COO *Ed Carroll*.

Net Neutrality Watch: FCC chmn *Tom Wheeler* knows that whatever the agency decides on net neutrality, it won't be over. "The big dogs are going to sue regardless of what comes out. We need to make sure that we have sustainable rules," he said Fri, explaining why he won't rush to get an Open Internet order passed by year-end. While it seems clear a vote won't happen in 2014, Wheeler declined to say when the Commission might have something to consider, only that he would like to move forward with dispatch.

DISH-Comcast RSNs: Another day, another DISH spat. The latest feud is with **Comcast's** RSNs. DISH could lose the few **CSN** nets it carries on Dec 1 (it dropped **CSN New England** in Aug and **SNY** years ago; it has never carried **CSN Philly** or **CSN Northwest**). RSNs included in the spat are **CSN Bay Area, CSN Chicago, CSN CA** and **CSN Mid-Atlantic**. "Comcast SportsNet is demanding a 40 percent price increase for more than 90 percent of DISH customers in each of the affected markets, when only a small fraction of those consumers actually watch the channels," DISH said. Then it went on to bring up the proposed merger, which are fighting words given the intense concentration on getting this deal done. "This heavy-handed tactic is troubling given Comcast's proposed merger with **Time Warner Cable** that would allow it to exercise even more power to leverage programming content in anti-competitive ways," DISH said. It does sound similar to what DISH said in 2010 when it temporarily dropped CSN CA, suggesting that Comcast's "bullying tactics" should give the industry pause as it seeks to merge with **NBCU**. NBCU came back and said it wants to license the RSNs to DISH on the same terms that other distributors have accepted. "Comcast has nothing to do with this dispute, which is 100 percent created by DISH's unwillingness to negotiate for comparable terms of carriage set by the market. As with DISH's current disputes with Turner and CBS, and its well-established history of unreasonable negotiating tactics that unfairly target consumers, this dispute is not at all impacted by Comcast's pending merger with Time Warner Cable," NBCU said. There's bickering over that 40% figure, with some putting it at more in line with a 10% increase.

Aereo Bankruptcy: The writing was on the wall ever since the Supreme Court ruled against it in June, but you've got to give **Aereo** some credit for holding out as long as it did. On Fri, the streaming service filed for bankruptcy. "Chapter 11 will permit Aereo to maximize the value of its business and assets without the extensive cost and distraction of defending drawn out litigation in several courts," CEO *Chet Kanojia* wrote in a blog post. "We have traveled a long and challenging road. We stayed true to our mission and we believe that we have played a significant part in pushing the conversation forward, helping force positive change in the industry for consumers." **Lawton Bloom of Argus** will serve as Aereo's chief restructuring officer. Aereo's bankruptcy filing shows it has about \$20.5mln in assets and \$4.2mln in debts. Aereo hasn't completely thrown in the towel, noting in its filing that several legal and regulatory issues could be resolved favorably in terms of its ability to use its tech in a viable business opportunity. It's referring to its push to receive a compulsory copyright license, and FCC chmn *Tom Wheeler's* proposal to define OVDs and MVPDs.

STELAR Passage: The **Senate** passed the Satellite TV Extension and Localism Act Reauthorization late Thurs, sending it on to President *Obama*. The compromise bill, which had already passed the house, includes elimination of the set-top integration ban and bans same-market TV stations that aren't commonly owned from jointly negotiating retrans consent. Both **NCTA** and **ACA** applauded the move and called on the president to quickly sign the legislation into law. "I'm pleased with this bipartisan legislation that reflects the input and insight of both houses of Congress and look forward to that ongoing cooperation as we approach the dynamic issues of our innovation economy," House Commerce chmn *Fred Upton* said.

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CableFAX Week in Review

Company	Ticker	11/21 Close	1-Week % Chg	YTD %Chg
BROADCASTERS/DBS/MMDS				
DIRECTV:	DTV	87.43	(0.14%)	26.60%
DISH:	DISH	73.70	13.56%	27.24%
ENTRAVISION:	EVC	5.72	4.76%	(6.08%)
GRAY TELEVISION:	GTN	10.11	0.00%	(2.51%)
MEDIA GENERAL:	MEG	14.78	(1.53%)	(34.6%)
NEXSTAR:	NXST	49.01	4.45%	(12.06%)
SINCLAIR:	SBGI	28.50	1.46%	(20.24%)

Company	Ticker	11/21 Close	1-Week % Chg	YTD %Chg
MSOS				
CABLEVISION:	CVC	19.25	3.83%	7.36%
CHARTER:	CHTR	160.29	5.38%	17.21%
COMCAST:	CMCSA	54.08	(0.04%)	4.06%
COMCAST SPCL:	CMCSK	53.83	0.11%	7.92%
GCI:	GNCMA	12.15	3.05%	8.97%
GRAHAM HOLDING:	GHC	861.40	(1.99%)	29.86%
LIBERTY BROADBAND:	LBRDA	51.60	7.52%	0.00%
LIBERTY GLOBAL:	LBTYA	46.87	(1.03%)	(25.56%)
SHAW COMM:	SJR	27.31	1.83%	12.20%
TIME WARNER CABLE:	TWC	142.52	1.79%	5.18%

Company	Ticker	11/21 Close	1-Week % Chg	YTD %Chg
PROGRAMMING				
21ST CENTURY FOX:	FOXA	35.20	0.27%	0.10%
AMC NETWORKS:	AMCX	62.01	0.24%	(8.96%)
CBS:	CBS	53.55	0.26%	(15.99%)
CROWN:	CRWN	3.38	0.30%	(4.25%)
DISCOVERY:	DISCA	33.75	0.66%	(62.67%)
DISNEY:	DIS	88.96	(2.03%)	16.44%
GRUPO TELEVISIA:	TV	37.11	3.80%	22.64%
HSN:	HSNI	71.65	0.84%	15.01%
LIONSGATE:	LGF	33.25	(5.3%)	5.02%
MSG:	MSG	71.74	(2.41%)	24.59%
SCRIPPS INT:	SNI	76.21	1.38%	(11.8%)
STARZ:	STRZA	32.20	2.29%	10.12%
TIME WARNER:	TWX	80.05	0.38%	14.82%
VIACOM:	VIA	73.76	0.57%	(15.96%)
WWE:	WWE	11.84	(0.84%)	(28.59%)

Company	Ticker	11/21 Close	1-Week % Chg	YTD %Chg
TECHNOLOGY				
ADVANTAGE:	AEY	2.65	9.96%	(1.49%)
AMDOCS:	DOX	48.07	1.07%	16.56%
AMPHENOL:	APH	52.05	2.34%	(41.63%)
AOL:	AOL	45.63	(0.89%)	(2.12%)
APPLE:	AAPL	116.47	2.01%	24.30%
ARRIS GROUP:	ARRS	28.77	(0.21%)	18.20%
AVID TECH:	AVID	10.66	1.91%	30.80%
BLNDER TONGUE:	BDR	2.08	17.51%	108.00%
BROADCOM:	BRCM	42.17	2.84%	42.24%
CISCO:	CSCO	26.88	2.13%	19.84%
COMMSCOPE:	CTV	25.49	0.28%	(3.92%)
CONCURRENT:	CCUR	6.85	(2.84%)	(16.16%)
CONVERGYS:	CVG	20.98	(0.66%)	(0.33%)
CSG SYSTEMS:	CSGS	25.25	(1.29%)	(14.12%)
ECHOSTAR:	SATS	52.62	3.98%	5.82%
GOOGLE:	GOOG	537.50	(1.27%)	(52.04%)
HARMONIC:	HLIT	6.83	9.63%	(7.45%)
INTEL:	INTC	35.59	4.83%	37.10%
INTERACTIVE CORP:	IACI	64.99	(0.87%)	(5.33%)

Company	Ticker	11/21 Close	1-Week % Chg	YTD %Chg
JDSU:	JDSU	13.38	2.53%	3.00%
LEVEL 3:	LVL	49.97	1.90%	50.65%
MICROSOFT:	MSFT	47.98	(3.23%)	28.25%
NETFLIX:	NFLX	360.28	(6.67%)	(2.14%)
NIELSEN:	NLSN	41.16	(1.13%)	(10.31%)
RENTRAK:	RENT	80.43	(3.76%)	112.27%
SEACHANGE:	SEAC	6.60	(3.23%)	(45.72%)
SONY:	SNE	21.24	2.91%	22.85%
SPRINT NEXTEL:	S	4.96	(16.36%)	(53.86%)
TIVO:	TIVO	12.95	(1.67%)	(1.3%)
UNIVERSAL ELEC:	UEIC	59.86	0.76%	57.07%
VONAGE:	VG	3.48	(7.2%)	46.84%
YAHOO:	YHOO	51.04	(1.37%)	26.21%

Company	Ticker	11/21 Close	1-Week % Chg	YTD %Chg
TELCOS				
AT&T:	T	35.28	(1.73%)	0.34%
CENTURYLINK:	CTL	40.47	(0.78%)	27.06%
TDS:	TDS	25.28	(2.13%)	(1.94%)
VERIZON:	VZ	50.21	(2.5%)	2.18%

Index	Value	1-Week % Chg	YTD %Chg	
MARKET INDICES				
DOW:	DJI	17810.06	0.99%	7.44%
NASDAQ:	IXIC	4712.97	0.52%	12.84%
S&P 500:	GSPC	2063.50	1.16%	11.64%

WINNERS & LOSERS

THIS WEEK'S STOCK PRICE WINNERS

COMPANY	CLOSE	1-WK CH
1. BLNDER TONGUE:	2.08	17.51%
2. DISH:	73.70	13.56%
3. ADVANTAGE:	2.65	9.96%
4. HARMONIC:	6.83	9.63%
5. LIBERTY BROADBAND:	51.60	7.52%

THIS WEEK'S STOCK PRICE LOSERS

COMPANY	CLOSE	1-WK CH
1. SPRINT NEXTEL:	4.96	(16.36%)
2. VONAGE:	3.48	(7.2%)
3. NETFLIX:	360.28	(6.67%)
4. LIONSGATE:	33.25	(5.3%)
5. RENTRAK:	80.43	(3.76%)

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