

Cablefax Daily™

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What the Industry Reads First

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Runway Robocalls: Lifetime Asks FCC to Bless Call Campaign

With **Lifetime** being sued over robocalls calls it delivered in 2009 encouraging people to tune in to “Project Runway,” the programmer has asked the FCC to weigh in on the issue. The calls stemmed from the network’s attempts to make sure viewers knew the program was moving from **Bravo** to Lifetime in August 2009. But they didn’t sit well with everyone. NY resident *Mark Leyse* filed suit, alleging that the programmer violated the Telephone Consumer Protection Act. Last fall, a NY federal judge declined to certify the case as a class because there is no list of phone numbers called, with the judge declaring it difficult to determine who would make up the class given that the calls were allegedly made over a 2-day period more than 6 years earlier. However, the judge declined to grant Lifetime a motion of summary judgment, and the suit filed by Leyse lives on. Last month, Lifetime asked the judge to force Leyse to accept a \$1503 settlement, which he has objected to. Now enter the FCC. It is seeking comments on Lifetime’s request that agency clarify that TCPA restrictions do not apply to prerecorded calls about TV programming that are intended to reach subscribers who are already entitled to watch the content without having to pay additional charges. If the FCC isn’t willing to go that far, Lifetime’s hoping for a retroactive waiver that would cover the robocalls. There’s some history here. In 2003, the **FCC** declined to adopt new rules after seeking comment on prerecorded calls by radio stations and broadcasters that encourage phone subs to tune in at a particular time to win a prize or similar opportunity, noting that they are permitted as they don’t include unsolicited advertising. The Commission noted, however, that calls “that encourage consumers to listen to or watch programming, including programming that is retransmitted broadcast programming for which consumers must pay (e.g., cable, digital satellite, etc.), would be considered advertisements for purposes of our rules.” Lifetime contends that the calls were neither advertising nor telemarketing, but informational. Comments are due to the Consumer and Governmental Affairs Bureau by March 7, with reply comments due March 21.

House Commerce Leaders Questions FCC: House Commerce chmn *Fred Upton* (R-MI) and Communications Subcmte head *Greg Walden* (R-OR) are concerned about what they claim is a lack of consistency in the **FCC’s** reporting on broadband deployment, video competition and mobile wireless competition. In a letter to chmn *Tom Wheeler* Fri, the GOP pair claimed since 2011, “it appears that the commission has applied inconsistent definitions

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and analyses [regarding reports on deployment of advanced telecommunications and mobile wireless services] in making those determinations. Those reports have then been used to justify Commission actions to intervene in seemingly competitive markets. Despite the plain language of the Communications Act, the FCC's actions seem to benefit specific classes of competitors and do not promote competition." The pair also attacked the FCC's definition of advanced telecom services. "Instead of uniformity of definition, the Commission has instead made broadband speed a variable in the regulatory equation. This represents the latest in series of troubling actions that distort—or outright ignore—the FCC's requirements to produce honest, data-driven reports to inform policymakers and the public." Upton and Walden posted several questions about the agency's decision making process and the impact of its definition of broadband and effective competition, demanding a response by Feb 19.

DISH Eyes Software Development Office: CO-based **DISH** plans to open a software development office in downtown Denver, which will add up to 100 new tech jobs at the location. The move is part of the satellite company's expansion of its in-house software development team to support services including the Hopper DVR platform and subscription streaming service **Sling TV**. The space will also include a private technology demonstration facility. The company has started recruiting for the new office, scheduled to be fully operational by June.

January Ratings: **ESPN** was the top cable net in prime (3.6mln total viewers) and total day (1.5mln) for the month of January, with the GOP debate helping **Fox News** to second place in prime (2.1mln). Even without *Donald Trump*, the debate was the most-watched cable program for the month (12.5mln). On Fri, Trump reportedly told **Newsmax's** "Steve Malzberg Show" that he will attend the March 3 debate on Fox News. Fox News celebrated its 14th consecutive year as the most-watched cable news channel for the month of January. It swept the top 14 programs in cable news in total viewers and delivered 8 out of the top 10 programs in A25-54. **HGTV** continued its ratings streak, averaging nearly 1.8mln in prime. January marked its highest-rated month ever in prime (+14%) over last year. **Brag Book: Investigation Discovery** was thrilled to tie for 10th place in prime for total viewers, with it recording its best month ever in prime for P2+ and HHs. The month included its best telecast in network history, Jan 12's premiere of "Homicide Hunter: Lt Joe Kenda" (2.1mln viewers). -- Coming off its best-year ever, **GSN** ended Jan up 24% in women 18-49 YOY in total day and 21% among the demo in prime. It was up 10% in total viewers for total day for the month. -- **DIY's** 94K impressions of 25-54s in prime is up 14% over last year, with the month particularly strong among women in that age bracket. Sister net **Travel** saw 25-54 ratings in January grown 5% YOY, helped by shows such as "Booze Traveler."

Windstream's Launch: **Windstream** will launch its advanced TV service **Kinetic** in Sugar Land, TX, (a **Comcast** territory) in 2Q. The new television service, based on the **Ericsson** Mediaroom platform, will be available to more than 30K homes in the Sugar Land area. The TX launch is the 3rd Kinetic market following its launch in Lincoln, NE, and Lexington, KY, last year.

Verizon's go90 Gets NBA: Following its multiyear rights deal with the **NBA** in November, **Verizon** will offer live out-of-market NBA games via NBA League Pass on its mobile video service go90 starting Sat. From Feb 6-7, Verizon is offering a free preview of NBA League Pass to all go90 users. Starting Mon, users can buy half-season package for \$50, featuring mobile access for remaining 2015-2016 NBA regular season games.

Research: More than 80% of US HHs have a DVR, subscribe to **Netflix**, or use VOD from a pay-TV provider, with 30% of HHs using 2 of the services, and 13% using all 3, according to a survey from **Leichtman Research**. The survey found 57% of HHs subscribe to a SVOD service from Netflix, **Amazon Prime**, or **Hulu**. Overall, 48% of adults stream any of these services on a monthly basis. The findings are based on a survey of 1,214 HHs throughout the country.

NBA All-Star Coverage: As part of **Turner's** coverage of the **NBA** All-Star Game in Toronto, Feb 11-14, **Cartoon** will feature *LeBron James* (Cleveland Cavaliers) in a guest role on the animated series "Teen Titans Go!" Thurs. Another series, "We Bare Bears," will feature characters voiced by fellow NBAers *Paul George* (Indiana Pacers), *Kyrie Irving* (Cleveland Cavaliers) and *Damian Lillard* (Portland Trail Blazers). Through the **CN Sayin'** app, kids can send questions via video submissions to their favorite NBA players. Select questions and responses will then be featured within on-air integrations throughout NBA All-Star.

Cablefax Week in Review

Company	Ticker	2/05 Close	1-Week % Chg	YTD %Chg
BROADCASTERS/DBS/MMDS				
DISH:	DISH	45.56	(5.61%)	(20.32%)
ENTRAVISION:	EVC	6.67	(10.59%)	(13.49%)
GRAY TELEVISION:	GTN	11.30	(14.07%)	(30.67%)
MEDIA GENERAL:	MEG	15.53	(4.31%)	(3.84%)
NEXSTAR:	NXST	39.91	(11.72%)	(32.01%)
SINCLAIR:	SBGI	30.58	(7.33%)	(6.02%)
TEGNA:	TGNA	23.02	(4.04%)	(9.8%)

Company	Ticker	2/05 Close	1-Week % Chg	YTD %Chg
MSOS				
CABLE ONE:	CABO	413.26	(4.12%)	(4.7%)
CABLEVISION:	CVC	31.68	(0.72%)	(0.69%)
CHARTER:	CHTR	168.54	(1.65%)	(7.9%)
COMCAST:	CMCSA	59.41	6.64%	5.28%
GCI:	GNCMA	17.62	(2.76%)	8.16%
LIBERTY BROADBAND:	LBRDA	46.32	(2.69%)	(10.32%)
LIBERTY GLOBAL:	LBTYA	34.08	(0.96%)	(19.55%)
SHAW COMM:	SJR	17.31	0.17%	0.70%
SHENTEL:	SHEN	21.35	(7.09%)	(50.41%)
TIME WARNER CABLE:	TWC	181.48	(0.06%)	(2.21%)

Company	Ticker	2/05 Close	1-Week % Chg	YTD %Chg
PROGRAMMING				
21ST CENTURY FOX:	FOXA	25.07	(7.04%)	(7.7%)
AMC NETWORKS:	AMCX	68.36	(6.09%)	(8.46%)
CBS:	CBS	46.25	(2.63%)	(1.87%)
CROWN:	CRWN	4.21	(6.24%)	(24.96%)
DISCOVERY:	DISCA	27.21	(1.38%)	1.99%
DISNEY:	DIS	93.90	(1.82%)	(10.64%)
GRUPO TELEVISIA:	TV	24.68	(6.87%)	(9.3%)
HSN:	HSNI	43.56	(7.44%)	(14.03%)
LIONSGATE:	LGF	18.53	(29.06%)	(42.79%)
MSG NETWORKS:	MSGN	17.13	(2.06%)	(17.64%)
SCRIPPS INT:	SNI	61.53	1.07%	11.45%
STARZ:	STRZA	24.30	(14.53%)	(27.46%)
TIME WARNER:	TWX	69.16	(1.73%)	6.94%
VIACOM:	VIA	46.30	(4.61%)	5.25%
WWE:	WWE	16.57	(7.59%)	(7.12%)

Company	Ticker	2/05 Close	1-Week % Chg	YTD %Chg
TECHNOLOGY				
ADVANTAGE:	AEY	1.80	2.86%	(0.55%)
AMDOCS:	DOX	54.66	(0.15%)	0.16%
AMPHENOL:	APH	49.55	(0.04%)	(5.13%)
APPLE:	AAPL	94.02	(3.16%)	(10.68%)
ARRIS GROUP:	ARRS	23.57	(7.46%)	(22.9%)
AVID TECH:	AVID	7.46	5.07%	2.33%
BLNDER TONGUE:	BDR	0.42	23.47%	4.95%
CISCO:	CSCO	22.89	(3.78%)	(15.72%)
COMMScope:	COMM	21.40	(4.55%)	(17.34%)
CONCURRENT:	CCUR	5.14	1.58%	3.84%
CONVERGYS:	CVG	23.99	(1.84%)	(3.62%)
CSG SYSTEMS:	CSGS	37.59	7.58%	4.47%
ECHOSTAR:	SATS	35.40	0.77%	(9.49%)
GOOGLE:	GOOG	683.55	(8%)	(9.93%)
HARMONIC:	HLIT	3.09	(6.36%)	(24.08%)
INTEL:	INTC	29.04	(6.38%)	(15.7%)
INTERACTIVE CORP:	IAC	42.73	(17.73%)	(28.84%)
LEVEL 3:	LVLT	47.18	(3.34%)	(13.21%)
MICROSOFT:	MSFT	50.16	(8.95%)	(9.59%)

Company	Ticker	2/05 Close	1-Week % Chg	YTD %Chg
NETFLIX:	NFLX	82.79	(9.76%)	(27.62%)
NIELSEN:	NLSN	45.63	(5.19%)	(2.08%)
SEACHANGE:	SEAC	5.70	(8.36%)	(15.43%)
SONY:	SNE	21.73	(8.97%)	(11.7%)
SPRINT NEXTEL:	S	2.85	(5.63%)	(21.27%)
TIVO:	TIVO	7.73	(3.13%)	(10.43%)
UNIVERSAL ELEC:	UEIC	49.12	(2.05%)	(4.34%)
VONAGE:	VG	5.00	(2.53%)	(12.89%)
YAHOO:	YHOO	27.97	(5.22%)	(15.9%)

Company	Ticker	2/05 Close	1-Week % Chg	YTD %Chg
TELCOS				
AT&T:	T	36.88	2.27%	7.18%
CENTURYLINK:	CTL	26.61	4.68%	5.76%
FRONTIER:	FTR	4.68	2.86%	0.21%
TDS:	TDS	23.98	3.41%	(7.38%)
VERIZON:	VZ	50.97	2.06%	10.28%

Index	Value	% Chg	% Chg
MARKET INDICES			
DOW:	16204.83	(1.59%)	(7%)
NASDAQ:	4363.14	(5.44%)	(12.87%)
S&P 500:	1880.02	(3.1%)	(8.02%)

WINNERS & LOSERS

THIS WEEK'S STOCK PRICE WINNERS

COMPANY	CLOSE	1-WK CH
1. BLNDER TONGUE:	0.42	23.47%
2. CSG SYSTEMS:	37.59	7.58%
3. COMCAST:	59.41	6.64%
4. AVID TECH:	7.46	5.07%
5. CENTURYLINK:	26.61	4.68%

THIS WEEK'S STOCK PRICE LOSERS

COMPANY	CLOSE	1-WK CH
1. LIONSGATE:	18.53	(29.06%)
2. INTERACTIVE CORP:	42.73	(17.73%)
3. STARZ:	24.30	(14.53%)
4. GRAY TELEVISION:	11.30	(14.07%)
5. NEXSTAR:	39.91	(11.72%)

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