

# BROADCASTING CABLE

JULY 8, 2002

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## THE GO-GO SPORTS UPFRONTS

Like broadcast prime time, the market for upfront sports packages, especially for the NFL, is moving fast and furiously

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## ON TV, MARTHA'S GOT NO PROBLEMS

Martha Stewart may be a target of securities investigators. But that little mess isn't hurting her TV shows

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## AND WHAT'S THAT 'F' IN FCC FOR?

You could swear by the FCC's latest indecency ruling. Also, you could swear at it

» PAGE 18

## NOW RADIO GETS SIRIUS

With XM already in operation, a second satellite radio service becomes available nationwide

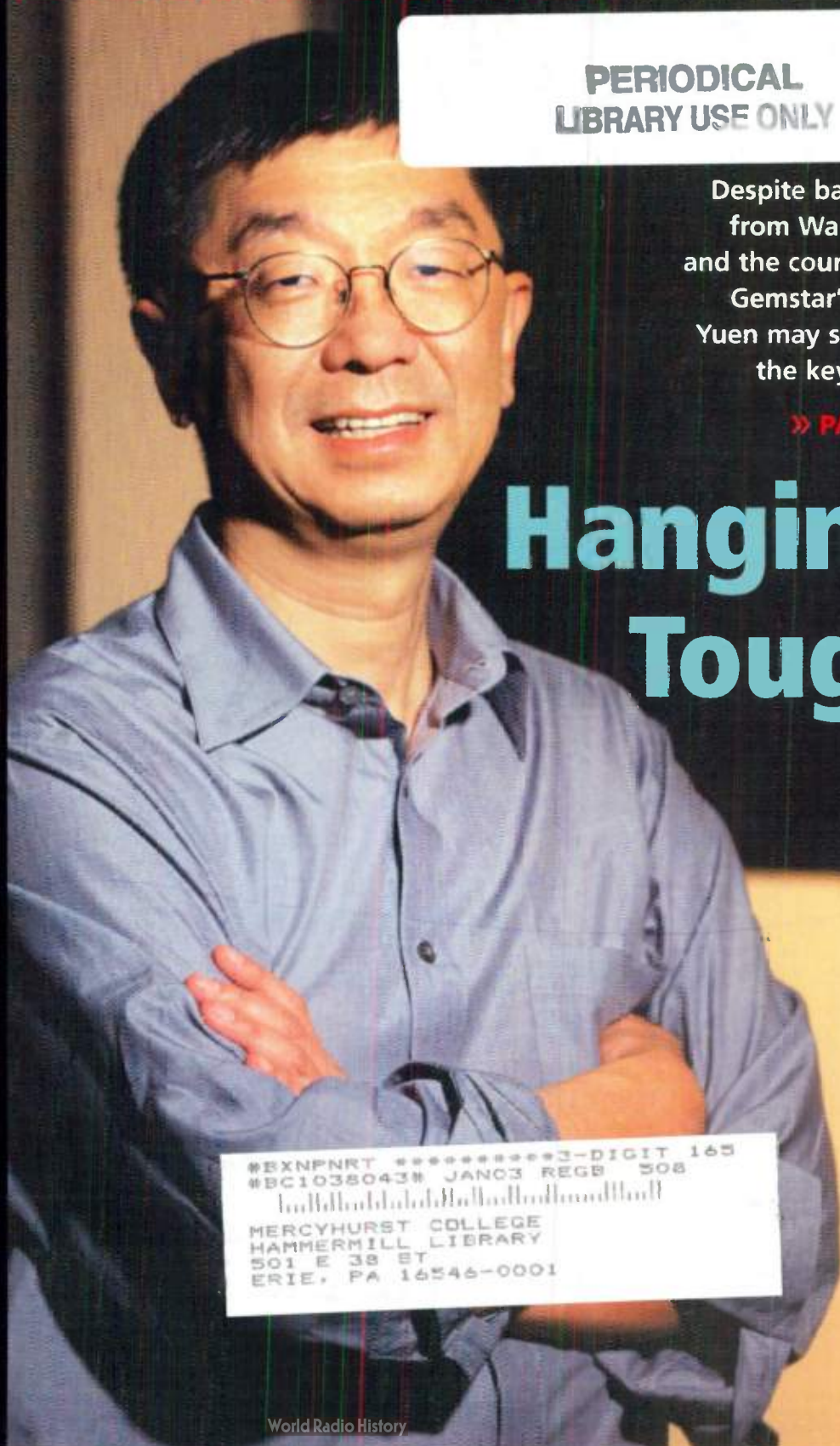
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Despite bad news from Wall Street and the courthouse, Gemstar's Henry Yuen may still hold the key to ITV.

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## Hanging Tough



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- **#1** in brand resonance among women 18+—outranking all other measured broadcast and cable networks including NBC, ABC, FOX, DISCOVERY and ESPN.<sup>4</sup>
- **#1** in brand resonance among women 18+—outranking 137 nationally recognized brands.<sup>4</sup>

The #1 network for women.

**Lifetime**  
Television for Women®

Source: 1) Nielsen Media Research, 12/31/01-3/31/02, Covg. Area HH 1g vs all basic cable networks 2) Nielsen Media Research, 3/27/00-3/31/02, Covg. Area HH 1g vs all basic cable networks 3) Nielsen Media Research, 12/31/01-3/31/02, W18-34, W18-49, W25-54, Covg. Area HH 1g vs all basic cable networks. \*Ties among W18-34 on Total Day. 4) Knowledge Networks/Statistical Research, Brand Resonance Study 2001. Subject to qualifications upon request.

World Radio History

# The Power of the Lifetime Brand...

## Also Makes Us the #2 Women's Network<sup>1</sup>— Second Only to Lifetime!



- Top 15 rated network among all basic cable networks.<sup>2</sup>
- Equaled or outperformed 42 basic cable networks in Total Day ratings.<sup>3</sup>
- Equaled or outperformed 35 basic cable networks in Primetime ratings.<sup>3</sup>
- +25% in Total Day and +17% in Primetime ratings.<sup>4</sup>

The only 24-hour movie network for women.



Source: 1) Nielsen Media Research, 12/31/01-5/26/02, Total Day W18+. Covg. Area rtg vs Lifetime, Soapnet, WE. 2) Nielsen Media Research, 12/31/01-3/31/02, Total Day Covg. Area rtg vs all basic cable networks. 3) Nielsen Media Research, 12/31/01-4/28/02, Covg. Area HH rtg vs all basic cable networks, Total Day and Primetime. 4) Nielsen Media Research, 12/31/01-5/26/02 vs 1/1/01-5/01/01, Covg. Area HH rtg. Subject to qualifications upon request.

## Top of the Week July 8, 2002

**SCORE!** Sports upfront follows broadcast's lead, promising quick end and price hikes in mid to high single digits. » 6

**ANCILLARY ACTION** Dotcast Inc. is certified to provide system to stations looking to offer data services. » 8

**CHALLENGE** EchoStar disputes FCC ruling revoking its license to use Ka-band satellite spectrum for data service. » 8



For networks, the sports upfront market last week was quite a rush.



After Martha Stewart (l) was grilled by CBS anchor Jane Clayson about her stock woes two weeks ago, Stewart stayed away from *The Early Show* last week.

### Programming

**Fall wares** Lacking the big bucks for scripted series, cable networks turn to made-for-TV movies and miniseries. » 14

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**Station Break** Local takes on new meaning for South Carolina station whose news will be "centralcast" from North Carolina sister. » 16

### Washington

**No no-nos?** FCC's latest ruling on an indecency complaint has folks fuming on both sides of the issue. » 18

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**UNMUSSED** Flap over stock trades doesn't affect ratings for Martha Stewart's syndicated and cable shows. » 9

**WALL STREET JITTERS** Scandals and other media-company messes contribute to bearishness on cable stocks. » 12

**FEEL THE MUSCLE** For the first time ever, cable claimed a greater-than-50 share; in June, broadcast took a 38.4 share. » 12

**POISON PILL** House drops prescription-drug advertising from health bill, fearing it would prevent passage. » 13

### Technology

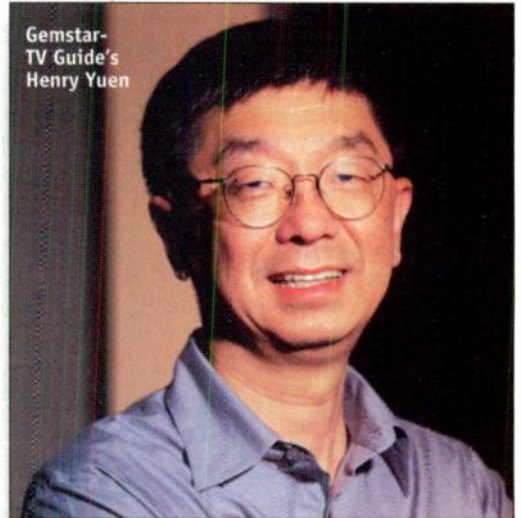
**Lend us your ears** Finally launched nation-wide, two satellite radio companies compete for the same audience. » 19

**Two for one** The cost of digital conversion drives Bahakel Communications to operate two stations 90 miles apart from one hub. » 20

**Ring, ring** Comcast will offer some Philadelphia subscribers telephone service via Internet Protocol. » 21

**A ticker of their own** AP sees interest in its newly available news-ticker service for local stations. » 21

Cover: Kim Kulish/Corbis Saba



Gemstar-TV Guide's Henry Yuen

### SPECIAL REPORT: ITV

## HANGING TOUGH

**Patent power** Gemstar remains staunch in its defense of intellectual-property rights in face of competition for on-screen program guide. » 22

**Two on the aisle** New Hollywood Media channels enable viewers to buy theater and movie tickets through their televisions. » 26

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ADVERTISING

## Cable's ups and downs

Morgan Stanley media analyst Richard Bilotti estimates that, altogether, cable networks will ring up 7%-10% more in ad sales in the current upfront than they did in last year's. But not all the networks are prospering, and some have had to cut their cost-per-thousand-viewer rates (CPM). Here's his take on CPMs compared with 2001:

NETWORK	CPM % CHG.
Fox News	+15
Nickelodeon	+8
MTV	+8
ESPN	+7
ESPN2	+7
Comedy	+7
E!	+7
Toon	+6
BET	+5
Court	+5
CMT	+5
HGTV	+3
Food	+3
TBS	+1
TNT	+1
MSNBC	0
FX	0
TNN	0
TV Land	0
History	0
VH1	-2
CNBC	-5
CNN	-5
Headline News	-5
A&E	-5
Discovery	-5
TLC	-5
ABC Family	-5
Animal Planet	-5
Travel	-5
Lifetime	-10
Sci Fi	-10
USA	-12

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CABLE PROGRAMMING

## Talk write

Sports, ESPN executives contend, is the perfect fodder for lively debate and a little shouting. So, come Sept. 30, ESPN is launching its second talk-radio-style show, *Around the Horn*. The daily, half-hour show features five sports writers from across the country weighing in on the top sports news. An in-studio host (the search is still on) will referee.

"We're turning the 5 p.m. to 6 p.m. hour into a place for lively, hot-topic debate," says ESPN SVP of Programming Mark Shapiro. "We'll let the newspaper guys go at it."

*Around the Horn* will air at 5 p.m. ET, leading into ESPN's popular *Pardon the Interruption* (below), a face-off between *Washington Post* columnists Tony Kornheiser and Mike Wilbon at 5:40 p.m. ET.—A.R.



### COMSAT FOES SEE BLUE

Litigants in a long-running fight over Lockheed Martin's purchase of Comsat are hoping the increasing profile of indecent-programming decisions (Eminem, Sarah Jones) will help their cause. Last week, the Litigation Recovery Trust, which wants what it says are Comsat monopoly profits for the public, asked FCC Chairman Michael Powell to dust off the 1995 petition accusing Comsat of violating indecency prohibitions through its in-hotel movie service. Children have been improperly exposed to pornography, LRT said, because parents have no control over programming provided via hotel closed-circuit TV. —B.M.

### NEWS STILL A GO AT GOCOM

Contrary to local rumor and some Web reports, WJCL(TV) Savannah, Ga., will not be pulling the plug on its local news anytime soon, says Gocom President Paul Brissette. He acknowledged ratings difficulties at the station but said that, overall, it is doing well and that news is not in danger. Gocom is hoping for some gains in news ratings at Fox affiliate WTGS(TV) there, which is owned by members of Brissette's family and run, under a joint sales agreement, by WJCL. WTGS's newscast, also produced by WJCL, is at the less competitive 10 p.m. time slot and recently expanded to an hour.—D.T.

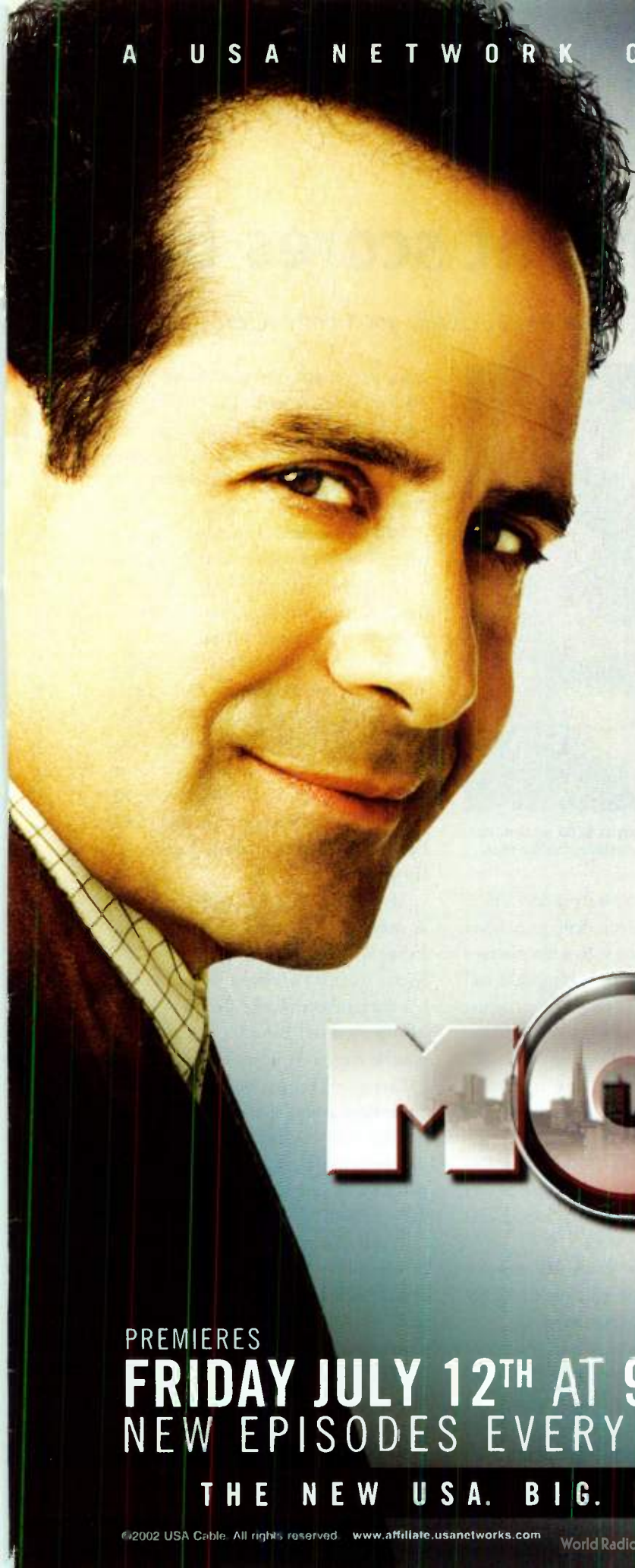


CABLE OPERATIONS

## RCN price break

Cable executives are dying for a nice system sale at a fat price. Not likely the \$5,000-plus per sub of two years ago, but the something north of \$4,000 that would calm cable investors' anxieties that Adelphia's collapse has taken private market values with it. Well, bad news is coming. The next big sale looks to be RCN Corp.'s properties, and bids are coming in low. Though it's a cable overbuilder, ailing RCN also owns conventional, monopoly cable systems in New Jersey and Pennsylvania, including the wealthy Princeton area. Bidding is around \$3,500 per sub. (That's \$283 million for the 81,000-sub Princeton system alone.) Bidders include Cablevision and three veteran cable executives: Steve Simmons, Bill Bresnan (above) and Dave Unger.—J.H.

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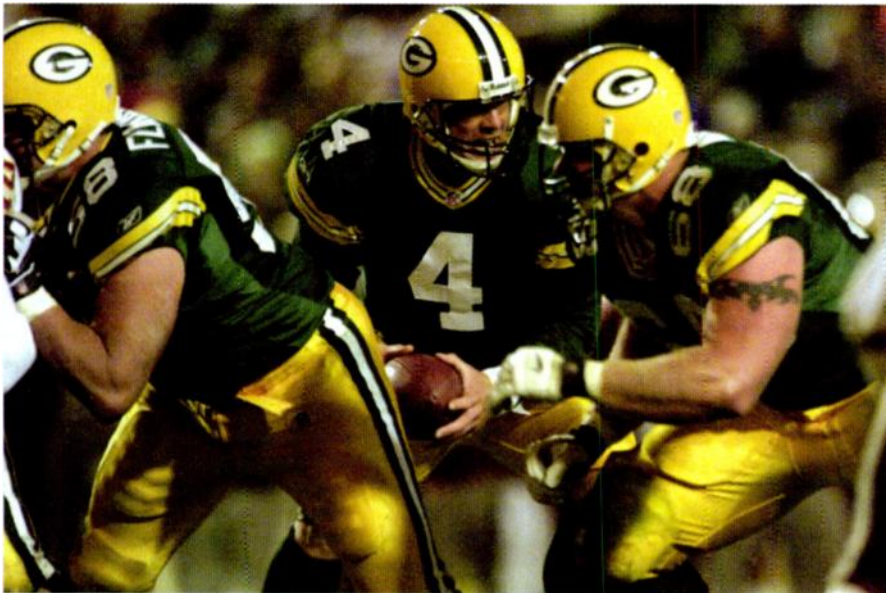
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# Hike! Sports upfront scores big

Networks see strong advertising demand for football and NASCAR, good early returns on NBA



Spending on the NFL is expected to top last year's \$1.5 billion by as much as \$200 million. But that would not exceed 2000's record take of \$1.9 billion, according to Nielsen Monitor-Plus.

By Steve McClellan

The rising tide that boosted the broadcast advertising upfront market is spilling over into sports. Sales executives last week said the market for the National Football League ad time is well under way and should wrap by mid July, with price increases averaging in the mid to high single digits.

That's a big difference from last year, when the market was delayed until August and prices were down 10% from the previous year. That also meant there were lots of opportunities to buy spots in many games at the last minute.

"The sales side is more in a mode to do business versus waiting like they did last year," says the head of sports buying at one major ad agency. "It's a clear indication that they want to keep up the momentum, move inventory and be a little flexible on pricing."

But the good news for the sellers is their "flexibility" is translating into price hikes because the traditional sports advertisers—beers, autos, wireless phone companies and even financial services—are showing renewed interest in the market and have more money to spend this year than last.

There's no question the market is stronger than last year, but will it get back to 2000 levels?

That's a little harder to answer at this point. The buyers say no, and the sellers say it's "up in the air and could happen," as one network executive put it.

But worst case, the sellers believe, is that sports advertisers will get close to—if not quite back to—2000 spending levels.

In the NFL alone, it was estimated there's between \$150 million and \$200 million more in the marketplace this year than in 2001.

That wouldn't be record setting, but it's

going in the right direction. According to Nielsen Media Research's ad-tracking service, Nielsen Monitor-Plus, NFL advertisers spent \$1.9 billion on televised games in 2000. Spending dropped about 21% in 2001 to \$1.5 billion.

Both sellers and buyers agree that, if prime time demand remains strong, the sports market will benefit from advertisers that have more money to spend than the prime time daypart can handle.

ABC and ESPN, sold in packages to advertisers, are leading the NFL market this year. There's a reason: ABC has the Super Bowl in January and has already sold roughly 80% of the available ads for an average price of \$2.25 million per 30-second spot. That's a new high, about 15% higher than the \$1.95 million that Fox got last year.

*Monday Night Football* is also 80% sold, at average price increases of 10%. Ed Erhardt, head of sales for ESPN/ABC Sports, wouldn't comment on the numbers but did say the networks' ability to leverage its top product "is having a very strong positive impact on the marketplace."

Last year, Fox was selling units in the Super Bowl almost up until game time. The fact that ABC has sold 80% of the time in the game by July 4 (said to be a record pace) shows how much demand there is this year, both buyers and sellers say.

"Football is probably the best buy in all of television when you compare price to average rating for it versus any other daypart," says one senior-level sports buyer at a big agency.

"That's driven by competition and all the sports rating points in the fourth quarter. But, in one week, football generates gross rating points equivalent to a four-



## 'Football is probably the best buy in all of television when you compare price to average rating for it versus any other daypart.'

—A senior media buyer

game championship series in the NBA. And there's 17 weeks of it."

CBS has sold about 65% of its NFL inventory and reached that level about six weeks earlier than it took to do it last year, says Joe Abruzzese, CBS president of ad sales. He also said the network has generated \$50 million in new NFL business this year vs. 2001. Breweries, autos and wireless are particularly strong categories.

Jon Nesvig, president of Fox ad sales, says the network has already sold roughly 50% of its NFL inventory.

He doesn't quibble with buyer reports that NFL prices on average are probably in the mid to high single-digit range. "In general, we're encouraged with what we're seeing, which is increased spending from

returning advertisers as well as a couple of pieces of decent new business."

Fox's Nesvig also reports that Major League Baseball's All-Star Game sold out. He won't talk specifics, but buyers say the game, which airs this week, commanded about \$325,000 per spot.

Of all the major sports, NASCAR probably weathered the recession better than any. In 2001, total ad expenditures on the race-car circuit were up 30% to \$272 million. And Fox and Turner and NBC (the latter two in a joint venture) all capitalized on it. Fox sold out at record levels for its season, which ended last weekend, and Turner and NBC are sold out for its NASCAR cycle, which starts this month. Trish Frohman, Turner's senior vice presi-

dent for sports sales, reports NASCAR sales (total dollars) are up between 15% and 20%, with price hikes in the high-single-digit range. Those results are indicative of what's going on in the overall sports market, she says: "It's definitely improving."

Turner's biggest sports property is the NBA, which starts a new six-year cycle on TNT later this year. The package should prove more lucrative, given that it consists of 60% playoff games, vs. 40% in the previous cycle. The selling effort there is in the early stages, but TNT is getting mid-single-digit price hikes on returning business, says Frohman. "We'll be chasing a lot of NBA money freed up by NBC," she said, "and, with a greatly improved package, we think we'll be writing a lot more business." ■

## NBA ready to go it alone



Commissioner David Stern says NBA TV's high-definition offering will drive digital penetration, making economic sense of NBA's retaining about 90% ownership of its basketball games.

National Basketball Association Commissioner David Stern's next TV play: transforming thinly dribbled-out diginet NBA TV into a powerhouse basketball channel.

Under the NBA's new \$4.6 billion TV deal, the league and AOL Time Warner had the option to partner on a new channel, which would have carried 100 games. (ABC/ESPN and Turner's TNT also share rights.)

But, after mulling over a new multi-sports service, which would have been dubbed the All Sports Network and co-owned 50-50 with AOL Time Warner, the league will likely elect to keep the games for itself.

"We're getting more comfortable with this route. We'll own

about 90%," Stern said, "and we won't have any additional programming costs."

AOL Time Warner is still involved, infusing \$45 million into NBA TV for an 11% stake. The company is surely more comfortable with this arrangement. The company is a little ragged on Wall Street, and it shuttered its own sports outfit, CNN-SPORTS, in May.

Stern had been having trouble persuading operators to pay 50 cents per subscriber for yet another sports service; they'll probably pay two bits. (And four team owners also are cable operators: AOL Time Warner, Charter Chairman Paul Allen, Comcast and Cablevision.)

The problem is, only DirecTV subs and digital-cable customers with the NBA's In Demand package currently receive the channel.

Stern doesn't seem worried about gaining subs. "We're in a position to drive digital penetration and prevent digital churn," he said. Plus, NBA TV will offer games in high definition, he added. In exchange, he wants NBA TV carried on basic digital, not outcast to a sports tier.

In the off-season, NBA TV would air WNBA games as well as vintage and classic NBA footage. The league also could fill time with other basketball action, such as international leagues.

—Allison Romano

# FCC OK's Dotcast

*Two hundred stations signed up for ancillary data service*

By Bill McConnell

**B**roadcasters looking for that vaunted additional revenue stream from ancillary services can now try to cash in without having to wait for the digital conversion.

Mountain View, Calif.-based Dotcast Inc. says it is gearing up to take datacasting from the drawing board to the TV screen after winning FCC certification for its service last week. Broadcasters are free to add Dotcast's service without seeking additional government approval.

More than 200 ABC, Paxson and PBS stations have signed on to use the Dotcast system to transmit movie trailers, music, games and other information to viewers with decoder boxes. The system is also designed to work with personal computers and mobile communications devices outfitted with the company's receivers.

Last week's approval was based on a 1996 rule allowing broadcasters to add FCC-certified ancillary transmission services without each station's having to individually petition the commission. Microsoft is the only other company to obtain similar certification, but the PC operating-system giant never implemented the approved gaming technology.

The digital technology can be added to broadcasters' analog as well as digital transmissions, giving the company the advantage of rolling out the cutting-edge service long before most consumers switch to DTV sets.

Datacasters with digital-only services have faced doubts about their viability because their markets aren't likely to ripen for years. Of Dotcast's two other rivals, only Los Angeles-based broadcast consortium iBlast remains. Menlo Park, Calif.'s Geocast Network Systems shut its doors in March 2001.

An analog signal can be outfitted with

Dotcast's service by adding a radio-frequency-based data subcarrier at the output of a transmitter's exciter. Dotcast says its system can transmit 4.7 million bits per second when added to analog signals, well above the FCC's definition for broadband data service. Added to digital, the transmission rate more than doubles to 10 Mb/s.

Under conditions of Dotcast's approval, TV stations employing Dotcast's services may not suffer degradation of program-related signals, increase the width of a channel beyond the standard 6 MHz, exceed emission limits or create interference to adjacent or co-channel stations beyond the amount created by transmission of standard video programming. Interference and other technical tests have been conducted at PBS station KCTS-TV

## At a glance

**CAPITAL:** \$100 million

**INVESTORS:** Angel Investors, GE Equity, Intel, Investcorp, Pacific Century CyberWorks, Quantum Corp., Tribune Ventures, World View Technology

**TECHNOLOGY PARTNERS:** Harris Corp., SONICBlue

and Fisher Broadcasting's KOMO-TV, both in Seattle.

To pay for the build-out, Dotcast has \$100 million in cash from eight investment partners. Additionally, Harris Corp. will install Dotcast's system at participating stations. To distribute the large amounts of digital content, Dotcast has an agreement to use SONICBlue's ReplayTV digital video recording technology.

Chief Operating Officer Jack Lawrence said additional plans for the rollout will be unveiled mid-August. ■

# EchoStar challenges ruling

*Loses satellite slot because, FCC says, it missed deadline*

By Bill McConnell

**S**aying the government misread company plans, EchoStar last week said it will appeal the FCC's revocation of its license to use Ka-band satellite spectrum for data service.

The FCC ruled July 1 that EchoStar failed to meet its January 2002 deadline to begin construction of the necessary satellite. The company said, though, that not only has it begun building the bird but construction is complete and launch scheduled for the fourth quarter.

The FCC based its ruling on company contracts that do not guarantee that the

satellite's Ka-band transponders will be operational. EchoStar plans to generate Ka- and Ku-band transmissions from EchoStar IX, which will operate at 121 degrees west. "No one is using the Ka-band," spokesman Marc Lumpkin said. "We want to be a pioneer."

**'No one is using the Ka-band. We want to be a pioneer.'**

—Marc Lumpkin, EchoStar

The satellite's designer and builder insisted that the FCC was wrong about Ka-band. "I can say unequivocally that the satellite has ample power and thermal resources to operate the entire Ka-band payload for more than the 15-year design life," said Patrick DeWitt, president of Space Systems/Loral Inc. ■

# Martha still at home on TV

*Insider-trading speculation bedevils her but doesn't muss her show ratings*

By Allison Romano

**W**e know, embattled domestic diva Martha Stewart just wants to keep on chopping. Despite allegations of insider trading on biotech firm ImClone Systems stock and a media thrashing, Stewart's TV distributors are sticking by her—for now. But if advertisers start squawking—or walking—that could change quickly.

"The program's content is fine, especially if you want to reach women," said veteran media buyer Howard Nass. "But advertisers don't want to go down with her."

Stewart currently hosts a syndicated show, programs on cable's HGTV and Food Network, and, until last week, regular spots on CBS's *The Early Show*.

Since a tense segment on the *Early Show* June 28, Stewart's appearances on the show may be on hold. On that morning, host Jane Clayson gamely tried to wrestle an explanation, but Stewart bluntly waved her off, saying, "I want to focus on my salad," and continued resolutely chopping her cabbage.

Last week, media wags speculated on whether she'd show up again, but, a day before her scheduled appearance July 3, Stewart abruptly canceled. CBS likely planned to resume the questioning, and that kind of grilling apparently isn't to Stewart's liking. CBS says it will continue to monitor and report on the situation.

A Martha Stewart Living Omnimedia spokesperson said that, while CBS News is compelled to question about the ImClone matter, "this inherent conflict unfortunately prevents Martha from appearing [July 3] in



Photo: Tony Esparza/CBS

**Not all is well in Martha's TV world. After a tense exchange with Jane Clayson during her *Early Show* segment two weeks ago, Stewart canceled her July 3 appearance.**

her lifestyle 'how-to' segment." The company last week retained The Brunswick Group, a crisis management PR firm.

In syndication, stations covering about 90% of the nation carry *Martha Stewart Living*, and 87% of the market has picked up the next season, according to King World, which distributes her show. But it was just coincidence, they say, that, just as Rep. Billy Tauzin's (R-La.) Energy and Commerce Committee began poring over her ImClone records, the syndicated version of the show reran a year-old segment in which he promoted his Louisiana cookbook.

Mel Stebbins, general manager of Columbia, S.C., NBC affiliate WIS-TV, says he hasn't registered any complaints over Stewart. "She doesn't have a real large audience, but she reaches a very loyal following." He says he would reconsider airing Stewart's show if the rumors turn into more substantive charges.

Media sharks may be circling, but Stewart is actually a small fish in the syndication market. Her show has averaged a 1.4 rating so far this year, compared with a 1.5 for the first half of 2001. Her marks dipped only slightly when the scandal broke last month, hardly enough to make her syndication soufflé fall.

"It's not a hit," said media buyer Tom DeCabia, executive vice president of media buying firm AdvanswersNY, "so there's not a lot of advertisers out there who are demanding it."

Smaller ratings, of course, translate to cheaper pricing. *Oprah*, which typically gets a 5.5 rating, commands about \$66,000 per 30-second spot; Stewart takes in a more modest \$4,900.

On cable, Stewart hosts one show for the Scripps Networks' Food Network, *From Martha's Kitchen*, and two, *From Martha's Garden* and *From Martha's Home*, for its sister net HGTV. Each is culled from footage from her syndicated series and licensed by the nets. Neither reported complaints from advertisers or viewers. Scripps wouldn't release ratings information but said Stewart's Nielsen marks have stayed consistent.

In fact, some of Stewart's cable devotees have complaints of a different sort. On the Food Network's Web site, many viewers lament that Stewart won't let Food post her recipes. They say that's just not a good thing.

Another viewer demands that Food scrap her show, but not because of any scandal: "Most of the time, it's Martha's Home or Martha's Backyard that's featured, not her kitchen. It's a cooking channel, not How Martha Lives." ■

## THE WEEK THAT WAS

**THE VIVENDI MESS(IER)**

Jean Marie Messier was finally ousted as chairman and chief executive of Vivendi Universal last week, and the move unspooled lots of spooky scenarios and some new disasters for the French media once-giant.

For example, the Bronfmans of Seagrams fortune, who sold Universal to Vivendi, has seen the \$3 billion value from its stock proceeds decline by two-thirds.

Then later last week, a French newspaper reported that Vivendi's accounting practices are being called into question, making the collapsing company's woes even worse.

One wild card in the mess is that the person to end up with an even bigger role at Vivendi is Barry Diller, who earlier bought USA Networks and other assets from the Bronfmans and then sold them to Vivendi. He still runs Vivendi's U.S. television and film divisions and now may be in a position to snap up parts of the company, which almost certainly will be carved up and sold.

What happened with Vivendi reverberated, as some observers saw it as a sure sign big, big media entities have big, big problems. Stock in AOL Time Warner, already suffering, fell last week as Vivendi unraveled. Stay tuned, however you say that in French.

**AD IT UP**

Roughly \$4.9 billion in domes-

tic media accounts changed hands in first half 2002, according to Cable Audit Associates' MediaAnalysis-Plus. Last month alone, MAP CEO Jim Surmanek estimated, nine clients shifted a total \$387 million in media billings—"a major slowdown from the \$1.4 billion awarded in May" and the second-slowest month this year (behind March) in terms of account activity.

The biggest account switch of June came toward the middle of last month, when Hewlett-Packard, in the wake of its merger with Compaq Computer, moved \$135 million in media billings from Foote, Cone & Belding and Initiative Media North America to Publicis Groupe and Zenith Optimedia. ...

Cordiant Communications Group's Bates North America is folding its media operations into Zenith Optimedia Group's Optimedia, part of Publicis Groupe. Bates parent Cordiant also owns 25% of Zenith Optimedia.

Bates and Optimedia had been negotiating deals together during the recent TV upfront. Bates lost considerable bargaining clout with its recent loss of the estimated \$500 million Hyundai Motor America account.

**NAME DROPPER**

With financial and accounting scandals aplenty, CNBC has recruited a former SEC acting chairman to help sort out the news. Laura Unger is joining CNBC as a regulatory expert



Connie Chung's debut week on CNN was behind her chief competition but well ahead of her predecessor in the time slot.

and to provide commentary and analysis on the SEC and the financial markets. She'll appear on CNBC programs including *Squawk Box*, *Business Center* and *Capital Report*. ...

In her debut week on CNN, Connie Chung attracted an average 649,000 households, about half the draw of her chief competition, Fox News Channel's Bill O'Reilly. Connie Chung *Tonight* averaged a 0.8 rating from June 24-28, while *The O'Reilly Factor* posted an average 1.7 rating. MSNBC's *The News With Brian Williams* (in its final weeks before moving to CNBC July 15) mustered a 0.4 with 331,000 households. Chung's highest rating last week was a 0.9 on her premiere night. But her ratings are a 33% improvement over CNN's previous offering *Live From* in June. ...

Fox News Channel anchor Neil Cavuto re-upped in a new five-year deal. *Your World With Neil Cavuto* at 4 p.m. ET averages a 0.7 rating and 573,000 households.

**THE HIRER AUTHORITY**

According to a tracking study by outplacement firm Challenger, Gray & Christmas, media companies axed 1,045 people in June. That's up from 829 in May but a blissful 83% below the 6,309 fired in June 2001. Challenger Gray compiles companies' announcements and filings with regulators concerning layoffs. The tracking study's media category includes broadcast, cable, radio, advertising, entertainment and print but excludes Internet-related cuts.

**WHAT'S ON TV?**

Deborah Norville sits in with Jane Clayson this week on *The Early Show*. It's temporary, but wags think two women fronting a morning news show might give CBS enough of an edge to dent the competition. ...

USA Network's *Dead Zone*, has returned to form. The series was back up to a 4.7 overnight rating for its third episode June 30. That's after earning a 4.7 for its June 16 debut, then falling off to a 3.4 in week two.

**THE ADELPHIA STORY**

Adelphia Communications' ex-auditor, Deloitte & Touche LLP, blasted the company's new managers, claiming that they withheld information. Deloitte says its auditors had difficulty securing information even after a special committee of the board was set up to examine irregularities at the cable operator.

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Source: Intellisponse, 2001. National Survey

# For cable, it's Maul Street

Even Paul Allen's \$20 million buy-back of Charter stock can't bolster weak share prices

By John M. Higgins

Historically, when Paul Allen talks with his money, people listen. And, naturally, the folks at Charter Communications were understandably excited as the Microsoft multibillionaire was getting ready to disclose that he had scooped up 5 million Charter shares in the open market.

Now, \$20 million isn't a big check to Allen, who has invested \$7.2 billion in Charter. But he wanted to cast a vote of confidence in Charter and the cable industry, which recently has been tarred and feathered by investors. Nine other Charter executives and directors joined Chairman Allen, including CEO Carl Vogel and Allen adviser Bill Savoy.

So what kind of effect did Allen's gesture have on Wall Street? Charter's stock traded down the morning after Allen's securities filing hit last week and only rattled around the next couple of days.

Media stocks are pretty much poison to the market right now, and no antidote is in sight. As if the scandal at Adelphia Communications weren't enough to feed in-

	1/2/02	7/3/02	Change
Cablevision	\$48.01	\$8.50	-82%
Charter	\$16.60	\$3.91	-76%
AOL	\$31.60	\$12.52	-60%
Comcast	\$36.02	\$22.16	-38%

vestor paranoia about cable companies' management, along comes the accounting scandal at high-flying Worldcom, a telco with debt and deal addictions, which seems to have overstated its earnings by \$3.8 billion or so.

Then last week, Vivendi's board ousted Chairman Jean-Marie Messier for making a mess of his media-acquisition campaign (see *The Week That Was*, page 10). To some investors, that's raising questions of whether media mega-conglomerates like AOL Time Warner make sense. (Somehow, doubters never seem to focus on Viacom's success at this strategy.)

Bear Stearns & Co. media analyst Ray

Katz said it could take a while—and a round of solid earnings reports—to control the fires.

"It's trust and it's accounting," he said. Last week, investors were saying, "I'm not going into a long weekend holding this. For all I know, a stock I own is going to be in *The New*

*York Times* Sunday over some scandal."

Cable stocks have taken the worst hits, with closely held Cablevision and Charter taking the worst assaults (of course, except for Adelphia, now under Chapter 11 bankruptcy protection). Cox and Comcast have done better, off a mere 40% since January. Even a rebounding ad market hasn't been able to lift non-MSO media sectors. Disney shares are off 33%, and it's almost something to brag about.

Brace yourself for media companies' quarterly conference calls to discuss earnings. They're going to get a lot longer, and the executives are going to talk a lot more about accounting issues. ■

## Cable breaks 50-share mark in prime

In June, wired medium captures majority of viewers for first time

By Allison Romano

Cable outmuscled broadcast networks to claim the bulk of TV viewership in June. Cable networks registered a 54.0 prime time share for the month, compared with a 38.4 share for the seven major broadcast networks. June marks the first month cable has

surpassed a 50 share in prime.

Compared with the same month last year, cable share jumped 12%, while broadcast slipped about 11%.

The same pattern held for delivery, with cable nets attracting 30.8 million homes, up 16%, and broadcasters harvesting 21.9 million homes, down

about 9%.

The second quarter is history, and general-entertainment nets delivered the largest prime time audiences in two key demographic groups. TNT ranked first in reaching both adults 18-49 (1.1 million viewers) and adults 25-54 (1.1 million). USA was second, attracting 978,000

18- to 49-year-olds and 1 million viewers ages 25-54.

Lifetime Television, the quarter's top-rated network in households, came in third for adults 25-54 and fourth among adults 18-49.

No surprise here, MTV was tops among younger viewers, delivering 517,000 18- to 34-year-olds. TNT was second, with 452,000 viewers in that group. ■



Sen. Tom Daschle (l) wants debate on TV advertising of prescription drugs. A compromise by Rep. Billy Tauzin had included the study in earlier versions of the House legislation.

# TV dropped from Medicare drug bill

*Study of ads was considered 'poison pill' jeopardizing passage*

By Paige Albinak

The final version of the House bill establishing a Medicare prescription-drug benefit did not include language regarding advertising prescription drugs on television. House leadership deemed it a "poison pill" and dropped it. But a dose of ad-related language still could make it into a Senate version.

Earlier versions of the House bill being considered by the House Energy and Commerce Committee included a study requiring the General Accounting Office (GAO) to look at whether advertising prescription drugs on television increases the cost of the drugs to consumers. The study was included as part of a compromise between House Energy and Commerce Committee Chairman Billy Tauzin (R-La.) and House Ways and Means Committee Chairman Bill Thomas (R-Calif.), who share jurisdiction over the prescription-drug issue.

The provision with the GAO study was removed after House Republican leadership was warned by the House parliamentarian that any controversial or extraneous

provisions—what are known as "poison pills"—might keep it from passing. As a result, all portions not related directly to Medicare and Medicaid were removed.

Meanwhile, there still is a chance that a provision regarding prescription-drug advertising could find its way into the bill Senate Democrats plan to introduce.

Sen. Debbie Stabenow (D-Mich.) wants to include language that would keep pharmaceutical companies from taking a tax deduction on any advertising and marketing costs that exceed their research and development budgets.

Senate Majority Leader Tom Daschle (D-S.D.) has said that he would like to hold a floor debate on prescription drugs beginning in mid July.

Sen. John J. Rockefeller (D-W.V.) also has introduced a bill that would convene a panel to consider, among other things, how advertising prescription drugs on television affects their cost to consumers. Both the Stabenow and Rockefeller bills could become amendments attached to a larger bill co-authored by Sens. Bob Graham (D-Fla.) and Zell Miller (D-Ga.).

Graham is considered an expert on health care, having made such issues a priority because of the number of older constituents he represents. Miller, as a former governor, also has a great deal of experience with health-care issues. ■

## Comparing gripes about work

Once, ABC was trying to hire David Letterman to replace Ted Koppel, and, when the public got hold of that, the network worked itself into a knotty public-relations problem. Letterman, as it turned out, stayed at CBS, where he had been privately complaining that the network was ignoring him and delivering a too-old demographic to his *Late Night*. And, although Koppel and *Nightline* also stayed put, ABC irked the veteran newsman when an anonymous executive at the network called his news interview show "irrelevant." Now Koppel talks with Letterman for the inaugural broadcast of ABC News' *Up Close* airing Monday, July 8, after *Nightline*. The new half-hour *Up Close* follows *Nightline* until January, when comedian Jimmy Kimmel's talk show debuts there.



CBS's David Letterman (r) is interviewed by ABC's Ted Koppel.

# Programming



TNT's October miniseries, *The Big Time*, time-travels to 1948 Manhattan to witness the emerging television industry's boom.

## Cable's fall line

*Shy on pricey scripted series, nets turn to made-fors, miniseries*

By Allison Romano

After an 18-month hiatus, Tony Soprano and his New Jersey families are finally coming back. The HBO mob drama, returning for its fourth season Sept. 15, headlines cable premieres this fall.

For new scripted series, though, cable viewers will have to wait 'til next year.

Cable nets are used to saving their best for summer, when broadcasters turn to repeats and cheaper reality stunts (some of which, like Fox's *American Idol* and CBS's *Survivor*, turn into great big hits).

Still, for cable, summer is where the action is, and, despite broadcast's attempts to grab viewers, cable viewership climbed to a 54 share for the week of June 17-23, compared with a 37 share for broadcast nets. Cable's triumph is fueled by strong ratings for original series like *Dead Zone* on USA and *Witchblade* on TNT.

"Basic cable has been looked at as a B-player," said USA President Doug Herzog. "We're proving we can go pound-for-pound with pay and broadcast networks."

But Herzog and other execs, who meet with TV critics on their annual press tour in Pasadena starting this week, admit that cable's not ready to wage war against broadcast's new fall season. With an original drama upwards of \$1 million per episode, running a drama in the fall is just too risky.

With *Dead Zone* and a second series, *Monk* (premiering July 17), this summer, USA is keeping its fall commitments light. Made-for-TV movie *Murder in Greenwich*, slated for fourth quarter, is based on Mark Furhman's book on the murder of Martha Moxley and investigation of recently convicted Kennedy cousin Michael Skakel.

Original movies and miniseries will be the main cable attraction this fall. Probably the biggest event is Steven Spielberg's \$40

million, 10-part *Taken*, tracing three generations of alien encounters, on Sci Fi Channel.

From the broad-based heavyweights come mega-productions viewers have come to expect. A&E bows two-part epic *The Lost World*, a 1911 search for dinosaurs in the Amazon, in October and futuristic classic *Lathe of Heaven* in September.

TNT travels back in time to Manhattan in 1948, when the TV industry was blossoming, with *The Big Time*, slated for October. The queen of made-for-TV movies, Lifetime, debuts fact-based *Obsessed* in September, starring Jenna Elfman as a medical writer suffering from erotomania, a psychological disorder in which people are convinced they are in very sexual relationships with people who, in fact, barely know them.

But movies aren't just for the big guys anymore. Comedy Central's first original flick, *Porn N Chicken*, about a Yale secret society that watches porn while eating fried chicken, bows in October. Court TV revisits the case of the 14-year-old questioned in the murder of his sister in *The Interrogation of Michael Crowe*, its second original project. ESPN is prepping its second original, a college-football-themed movie, for December.

Fall is chock full of cheaper, non-scripted originals. Discovery Channel is building popular *Monster Garage* summer special into a fourth-quarter series. Rapper and *Law & Order: SVU* star Ice-T will stun TLC viewers with tales of hazardous professions, like oil-fire fighting, in *Beyond Tough*, beginning Sept. 18. Hallmark celebrates new-baby and wedding stories with syndicated replays of *Life Moments* debuting Sept. 16.

Like *The Sopranos*, cable's other favorite family, *The Osbournes*, will return to MTV this fall with 20 episodes. The celeb-reality craze it helped start is spilling over to other channels, among them E! with its *Anna Nicole Smith Show*. ESPN is said to be talking with Baltimore Ravens star Ray Lewis; VH1 is talking to Liza Minelli and David Gest about their star-studded dinner parties. ■



# SyndicationWatch

2001-02 SEASON *Syndicated programming ratings according to Nielsen Media Research*

## TOP 25 SHOWS

Rank/Program	HH	HH
	AA	GAA
1 Wheel of Fortune	9.4	NA
2 Jeopardy	8.0	NA
3 Friends	6.9	8.0
4 Seinfeld	6.3	6.9
5 Entertainment Tonight	6.1	6.2
6 Judge Judy	5.8	8.4
6 Oprah Winfrey Show	5.8	5.8
8 Everybody Loves Raymond	5.6	6.3
9 Seinfeld (wknd)	5.0	5.7
10 Wheel of Fortune (wknd)	4.	NA
11 Live With Regis and Kelly	3.8	NA
12 Entertainment Tonight (wknd)	3.6	3.7
13 Frasier	3.4	3.6
14 Judge Joe Brown	3.3	4.3
14 Friends (wknd)	3.3	3.4
16 Everybody Loves Raymond (wknd)	3.	NA
16 King of the Hill	3.2	3.8
16 Maury	3.2	3.3
16 Inside Edition	3.2	3.2
20 Hollywood Squares	2.	NA
20 Jerry Springer	2.8	3.1
20 The X-Files	2.8	3.1
20 Extra	2.8	2.8
24 Divorce Court	2.7	3.5
24 Stargate SG-1	2.7	2.9
24 Andromeda	2.7	2.9
24 Access Hollywood	2.7	2.8
24 Montel Williams Show	2.7	2.7

## TOP OFF-NET SITCOMS

	HH	HH
	AA	GAA
1 Friends	6.9	8.0
2 Seinfeld	6.3	6.9
3 Everybody Loves Raymond	5.6	6.3
4 Seinfeld (wknd)	5.0	5.7
5 Frasier	3.4	3.6

According to Nielsen Media Research Syndication Service Ranking Report Aug. 27, 2001-May 26, 2002  
 HH/AA = Average Audience Rating (households)  
 HH/GAA = Gross Aggregate Average  
 One Nielsen rating = 1,008,000 households, which represents 1% of the 100.8 million TV households in the United States  
 NA = not available

## A meeting about magazines?



Speculation is that former *ET* weekend host Julie Moran is being considered for a new Warner show.

One of our Hollywood spies reports seeing Warner Bros. Domestic Television Distribution President Dick Robertson lunching with former *Entertainment Tonight* weekend co-host Julie Moran at the posh eatery Pinot Hollywood last Tuesday. Moran is said to be making the rounds of the studios in search of a new gig; her stint with *ET* ended almost a year ago.

So tongues were wagging last week as to what the meeting could be all about. Apparently, it went rather well: The spy reports that Robertson invited Moran and her family (she's married to actor Bob Moran, whose credits include *Dumb and Dumber*) for a day of fun in the sun at his Malibu beach house.

The speculation is that Robertson is considering Moran for a role in a new magazine show that Warner is trying to develop for prime time access. Warner has been very hush-hush about the details, but it could clearly serve as a companion for the syndicator's existing magazine, *Extra*. And there's also speculation that Moran is being considered for some role in *Extra*.

Sources familiar with the project hint that the new magazine would be "lifestyle"-oriented and not a pure entertainment-news magazine like Paramount's *ET*, al-

though it would clearly compete with *ET* to the extent that Warner is able to clear it in access. In fact, *Extra* initially started as a straight entertainment-news magazine before being re-launched as a "celebrity-lifestyle" show to keep top-market NBC owned-and-operated stations in the fold after NBC took control of *Access Hollywood*.

Warner's new magazine project is just one of several magazines currently in the development pipeline. King World is said to be cooking one up for daytime while Universal's TV syndication division is producing a pilot for a magazine called *Good News*, from actor Will Smith's Overlook Entertainment. No comment from Warner at deadline.

Moran co-hosted *ET Weekend* for four seasons. Previously, she co-hosted *NBA's Inside Stuff*, an NBC Sports program that aired on NBC's Saturday-morning lineup when the network had the broadcast-TV rights to NBA games.

—Steve McClellan

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# Changing Hands

## Compos

**KRQX(AM) and KYCX-FM Mexia, Texas**

**Price:** \$121,000

**Buyer:** MJ Communications Inc. (Susan M. Cholopisa, president/director); no other broadcast interests

**Seller:** Groveton Broadcasting Group Inc. (Susan Cholopisa, station manager)

**Facilities:** KRQX(AM): 1590 kHz, 500 W day/128 W night; KYCX-FM: 104.9 MHz, 2 kW, ant. 351 ft.

**Format:** KRQX(AM): Country; KYCX-FM: Country

## FMs

**WRVX-FM Eufaula, Ala.**

**Price:** \$425,000

**Buyer:** Small Town Radio Inc. (Don Boyd, president); owns six other stations, none in this market

**Seller:** Renegade Broadcasting (Clyde Earnest, president)

**Facilities:** 97.9 MHz, 3 kW, ant. 328 ft.

**Format:** Country

**WSKT-FM Spencer, Ind.**

**Price:** \$321,100

**Buyer:** Mid-America Radio Group (David Keister, president); owns 13 other stations, none in this market

**Seller:** The Original Company Inc. (Mark Lange, president)

**Facilities:** 92.7 MHz, 1kW, ant. 479 ft

**Format:** Country

**KMRL-FM Buras, La.**

**Price:** \$25,000

**Buyer:** White Dove Fellowship Church (Michael P. Mille, president); no other broadcast interests

**Seller:** Deep Delta Radio Inc. (headed by Rev. Max Latham)

**Facilities:** 91.9 MHz, 3kW, ant 164 ft.

**Format:** Inspirational/Gospel

## AMs

**KIVA(AM) Albuquerque, N.M.**

**Price:** \$500,000

**Buyer:** Aragon Broadcasting Co. LLC (John J. Aragon, member); no other broadcast interests

**Seller:** Simmons Media Group Inc. (Craig Hanson, president)

**Facilities:** 1600 kHz, 10 kW day/128 W night

**Format:** News/Talk

**WIBQ(AM) Sarasota (Sarasota-Bradenton), Fla.**

**Price:** \$450,000

**Buyer:** Nova Broadcasting Co.; no other broadcast interests

**Seller:** Alliance Broadcasting Group Inc. (Joseph F. Newman, president/director)

**Facilities:** 1220 kHz, 1 kW day/41 W night

**Format:** News/Talk

**WNCC(AM) Barnesboro and WRDD(AM) Ebensburg (Johnstown), Pa.**

**Price:** \$320,000

**Buyer:** Cambria Radiowerks Inc. (Michael McKendree, president); no other broadcast interests

**Seller:** Vernal Enterprises (Larry L. Schrengocost, president)

**Facilities:** WNCC(AM): 950 kHz, 500 W; WRDD(AM): 1580 kHz, 1 kW day/4 W night

**Format:** WNCC(AM): Oldies;

**WRDD(AM): Oldies**

**WROX(AM) Clarksdale, Miss.**

**Price:** \$246,000

**Buyer:** Jason Konarz; owns one other station, not in this market

**Seller:** Delta Radio Inc. (MS) (Larry G. Fuss, president)

**Facilities:** 1450 kHz, 1 kW

**Format:** R&B

**WGAM(AM) Greenfield, Mass.**

**Price:** \$150,000

**Buyer:** P&M Radio LLC (Phillip G. Drumheller, president); no other stations broadcast interests

**Seller:** Edward Skutnik

**Facilities:** 1520 kHz, 10 kW

**Format:** Easy

**WBIB(AM) Centreville, Ala.**

**Price:** \$146,397

**Buyer:** Bibb Broadcasting Corp. (Dennis W. Littleton, president); no other broadcast interests

**Seller:** Sides-Robinson Broadcasting Inc. (John H. Sides, president)

**Facilities:** 1110 kHz, 1 kW day

**Format:** Country

**WPJX(AM) Zion (Chicago), Ill.**

**Price:** \$70,000

**Buyer:** Multicultura Broadcasting of Chicago (Edward K. Rim, president); no other broadcast interests

**Seller:** ABC Radio Inc. (John Hare, president)

**Facilities:** 1500 kHz, 250 W day

**Format:** Dark

—Information provided by BIA Financial Networks' Media Access Pro Chantilly, Va. [www.bia.com](http://www.bia.com)

# MUSIC TELEVISION

ISSUE DATE: **July 29, 2002**  
SPACE CLOSE: **Friday, July 19**  
MATERIALS CLOSE: **Tuesday, July 23**

Music programming is still rockin' strong. On July 29, *Broadcasting & Cable* takes a closer look at video and lifestyle music channels and brings you the latest news on the music licensing business. From demographics to revenues we've got the best compilation of TV music coverage around.

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**BROADCASTING CABLE**

# Seven provisionally dirty words? Damn!

*FCC's new indecency decision is shocking. Or not. Or maybe?*

By Bill McConnell

**G**eorge Carlin was wrong. Turns out you can say *piss* on the air, or, it would seem by extension, any other “dirty” word so long you’re mad or just trying to insult someone.

What will get you in trouble with the feds is shocking or pandering sex or bathroom humor. Well, maybe not even that.

First Amendment advocates and conservative parents groups, generally antagonists in the debate over raunchy broadcasts, have long agreed that the FCC’s efforts at policing indecency and profanity are inconsistent and confusing.

The FCC appears to have created more confusion in dismissing an indecency complaint filed against Entercom’s WGR(AM) Buffalo, N.Y. At issue is a June 28 decision denying Michael Palko’s appeal of a 2001 dismissal of his complaint against its morning show, hosted by Tom Bauerle.

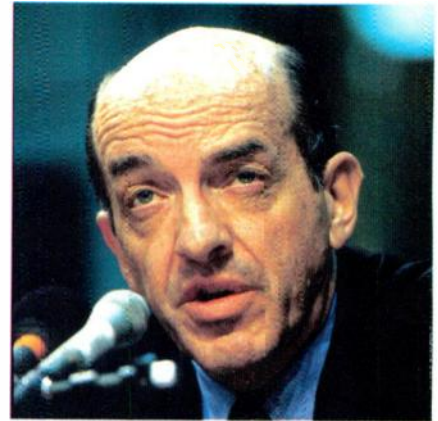
A five-page decision signed by Enforcement Bureau Chief David Solomon explains that a long-running Bauerle gag, in which callers were asked to name National Hockey League players and officials they would like to “piss on,” did not violate federal prohibitions on indecent broadcasts. That’s because Bauerle’s use of the phrase, the bureau said, was akin to the slang terms for anger, *pissed at* and *pissed off*, not the kind of raunchy talk about sex organs and excretory activities the FCC restricts these days. But the gag arguably did refer to excretory activities, since it coincided with WGR’s distribution of urinal splash guards with the letters *NHL*.

“Over the years, stations could get in trouble over double entendre that could be interpreted to have a sexual or excretory meaning,” said Robert Corn-Revere, a First Amendment attorney with Washington firm Hogan & Hartson. “Here, they appear to be bending over backwards the other way,” exonerating programming that at least on its face could refer to an excretory activity. Corn-Revere often complains that federal efforts to punish indecent programming violate free-speech rights.

On the other side, the FCC’s conservative critics are fuming. “This is going to open floodgates to more vulgar language on radio and television,” said Martha Kleder, policy analyst for the Culture and Family Institute. “I don’t know what it means for the fall broadcast season, but it doesn’t look good.”

Tougher-enforcement backers say other reasoning in the decision adds insult to injury. Bauerle’s use of the expression *sawed-off little prick* was acceptable in the context, the FCC said, because the phrase merely referred to a “vulgar insult.” Since 1993, the FCC has decreed that use of a specific word, in and of itself, does not necessarily warrant sanction, but until now insults were not among the specified acceptable uses.

An aide to FCC Commissioner Michael Copps said letting WGR off is akin to last week’s decision absolving ABC affiliate WGNO(TV) New Orleans from a complaint filed for a *Philly* episode in which a district attorney refuses to stand “with my dick in my hand” while a defendant is set free.



Commissioner Michael Copps derided the decision, saying, “Some terms are in themselves indecent.”

Copps derided the WGNO decision, also issued by the agency’s Enforcement Bureau as a concession that almost any word is permissible as long as it is not used in a very specific context. “I disagree. Some terms are in themselves indecent. Not so many years ago, the commission thought so, too.”

Corn-Revere conceded, “This does appear to be a shift.”

Punishing indecent broadcasts is part of the FCC’s statutory mandate, but carrying out the obligation in a manner that gives leeway for ever-shifting community standards has left the agency open for attack from both free-speech and family-values purists. “Because the touchstone of indecency determinations—contemporary standards—is subjective, the distinctions that arise from that standard are arbitrary and seem more arbitrary the more they are explained,” said John Crigler, a Washington attorney fighting a fine levied against a station that aired an anti-misogynist rap by poet Sarah Jones.

In 1978, the FCC ruled that *piss* and six other words were indecent and forbidden when children are likely among a broadcast station’s audience. The ruling prompted comic George Carlin’s famous “Seven Dirty Words” routine. Subsequent FCC rulings have chipped away at the blanket prohibition on the basis of context. ■

# Satellite radio gets Sirius

*Competition heats up as different technologies compete for same ears*

By Paige Albiniak

**M**orning-drive talk on WMAL(AM) Washington, D.C., was interrupted last Monday by an ad touting XM Satellite Radio's largely commercial-free, nationwide radio service. More talk followed, and then came a commercial for Sirius Satellite Radio, which launched across the country that day.

With Sirius's nationwide launch on July 1, the satellite-radio battle is joined. The two companies, authorized by the FCC in 1997, will now see if Americans are ready to pay for the radio they listen to on their way to and from work.

So far, Washington-based XM is ahead of New York-based Sirius. XM started its roll-out last September after a brief post-Sept. 11 delay. XM was offering its service to the entire country by November and last week said it is serving more than 136,500 customers, ahead of Wall Street's expectations. Initially, Sirius was ahead, but problems with Lucent-built chipsets for receivers delayed the launch until now.

Since Sirius began offering its service Feb. 14, though, there have been no technical glitches to speak of, says Julia Topping, analyst for The Carmel [Calif.] Group.

"When you are launching a consumer electronics product that is technology-based, you have to make sure your systems are functioning at the level of performance you want, particularly for a premium product," says Jim Collins, vice president, corporate communications, for Sirius.

Things began moving more quickly for Sirius after it brought in CEO Joseph Clayton last November. Formerly with beleaguered Global Crossing, he also had satellite experience, having helped develop and launch consumer equipment for



**Sirius CEO Joe Clayton rallies the troops at the Sirius Satellite Radio 400, where the company gave a concert for 25,000 people as part of a special promotion.**

DirecTV's rollout when he worked for Thomson Multimedia.

At \$12.95 per month, Sirius costs \$3 more than XM. Collins attributes the higher price to the fact that all 60 of Sirius's music channels run without commercials, although commercials do air on its 40 talk, news and sports channels.

Collins says market studies done prior to launch showed that access to commercial-free music channels is "a big differentiator. We've found that that's what people want, so that justifies the added cost."

Maybe so, says Topping, but Sirius is going to have to work hard to make sure consumers understand the difference. "If they can't convey that message to the consumer, then they are going to need to take a close look at their business model. The higher price could be a big deterrent."

Both services will be offered in new cars this fall, and the industry will be watching to see whether consumers opt for satellite radio when they are buying new vehicles. Some 16 million new cars are sold in the U.S. each year. Both XM and Sirius are shooting to have 3 million subs by 2005.

XM has an exclusive arrangement with GM, one of its investors, and lists Saab as an automotive partner; Sirius has exclusive deals with BMW, DaimlerChrysler and Ford. Volkswagen/Audi and Nissan plan to offer a choice.

Although the services are similar, much about them is different.

Sirius operates three satellites that orbit the earth in figure-eights. At any given time, two are beaming down programming at 60 or 90 degrees over the U.S. In contrast, XM has two satellites in fixed orbits so they always are hovering in the same place. XM's technology requires it to use terrestrial repeaters—some 800—to fill in broadcast gaps, such as urban canyons and tunnels. Sirius uses repeaters, too, but has only 92 around the country.

Topping says both companies are using fewer repeaters than planned. But XM's placement of its powerful repeaters, along with its filing for a patent that would allow it to insert local programming into its satellite feed, has the NAB worried that XM plans to go local. Sirius's low number of repeaters deflects such accusations.

"For us, local programming is a non-issue," Collins says. "It's never been our intention."

XM, too, says it has no intention of offering local programming.

So far, Topping says, she and other analysts have been pleasantly surprised by the warm reception for both services. "Word of mouth is going to be a huge part of this. Once people hear the service, they want to have it." ■

# Bahakel tackles the doublecast

*Carolina stations 90 miles apart to be served from tech facility*

By Ken Kerschbaumer

It takes only two to centralcast. Granted, it's not as exciting as centralcasting with four or six stations, but Bahakel Communications is looking to prove that it can be just as effective. The two stations, WCCB(TV) Charlotte, N.C., and WOLO-TV Columbia, S.C., will be operated out of one hub at WCCB this fall.

"We simply believe local television stations must adapt to the new economic realities that demand new ways of operating," says WCCB GM John Hutchinson. "We can either whine about how good the old days were or just get on with it and do something. We decided to stop waiting on the cavalry and accept the creative challenge of making this plan work at a practical cost the business can now afford."

WCCB Technical Operations Manager Bob Davis is heading up the technical effort at the station and will attempt to keep WCCB on-air while also constructing a new TV station in the same area.

Necessary capital improvements drove the decision to fold in operations. "WOLO-TV's facility is analog and a very tired plant," says Davis. "And it was difficult to do even a partial digital conversion, so that meant we would have to do a full digital

conversion. And that was so expensive for what we needed to do, so we're going to use the DTV transmission system to feed the analog transmitter."

Hutchinson, along with Bahakel Chief Technology Officer Bill Napier and Davis, studied the potential of centralcasting in recent months. "Reliable servers, fiber and other infrastructure needed to pull it off are finally available," he says.

The cost savings available from Time Warner Telecom, which provides the fiber connectivity, sealed the deal. "We found out that, with the economics of fiber and the facility we had here," says Davis, "it was much more cost-effective to merge the two and provide everything out of here."

There will be cuts in head counts as well. Davis says that figure isn't known yet because some employees may move up to Charlotte and work out of WCCB (see Station Break, page 16).

Both the analog and digital signals for the two stations will originate from WCCB, with a 45-Mb/s two-way fiber connection sending signals the 90 miles that lies between the stations. WCCB has already used the fiber connection for Vyvx and CNN services, so there is already a comfort level with fiber delivery.

The tricky part will be handling the news operations. With two TV stations sharing the same studio, the newsroom will be a busy place. WCCB has a 10 p.m. local

newscast; WOLO-TV has newscasts at 6 p.m. and 11 p.m. Around 10:50 each night, operations will get interesting.

"We have some built-in packages and elements to give 5 to 7 minutes conversion time," says Davis.

There will be "substantial savings" that will allow WOLO-TV to maintain and improve local news service for Columbia viewers, Hutchinson says. "The pooled resources will also strengthen the Charlotte newsroom. For example, WCCB will expand its ten o'clock newscast to a full hour later this summer."

There will also be the issue of maintaining a local presence. Ninety miles is a long way for local news crews to travel, so a staff will be maintained in Columbia. WCCB uses a BCM newsroom system, and several terminals will be installed in Columbia and connected via T1 circuits.

"The hybrid news-operations structure under the new plan maintains editorial control where the local news happens," says Hutchinson. "But it adds the advanced production resources to package the broadcast in Charlotte, where we have the newer digital equipment at corporate headquarters."

WOLO-TV will maintain local, live capability at its newsroom, he points out, but the control room and studio for packaging that content will be in Charlotte. "The only real difference between this plan and having the control room on a different floor than a station's newsroom is that the 'wires' are a little longer."

Viewers won't notice a difference from an editorial standpoint, Davis says. "What they'll notice is a difference in the quality of the signal."

That's in part because of equipment like the Thomson Grass Valley 4000 production switcher that is used in master control at WCCB. When the facility was originally built in 1999, some room was left for an expansion similar to the one taking place. That gives room for a mirrored master-control operation. Says Davis, "It will provide for a much higher-grade, fast-paced newscast than we would have otherwise." ■



The Thomson Grass Valley Model 4000 production switcher used in master control at WCCB(TV) will boost the quality of signal for WOLO-TV, too.

# Comcast picks up phone

*Voice-over-IP telephony to be launched in Philadelphia*

By Ken Kerschbaumer

Comcast will offer a portion of its Philadelphia subscribers telephony service over Internet Protocol beginning in second quarter 2003, the company's first foray into telephony over IP.

Comcast currently has 40,000 telephony customers in Michigan and Virginia, but they were inherited from other providers. When it comes to its own build-out, Comcast views IP technology as something that has matured enough to be ready for deployment.

Cable telecommunications equipment supplier Arris will provide the DOCSIS 1.1 carrier class cable-modem termination system to be installed at a mid-size headend in Philadelphia.

Financial terms of the deal were not available.

Arris Broadband VP of Marketing Stan Brovont sees two advantages of voice-over-IP vs. circuit-switched. The first is lower capital cost per subscriber. "The main reason is, you can combine the cable modem and the telephony port in one box. The second key advantage is operational savings. Today, telephony and data must be operated as fairly independent networks from a maintenance and provisioning standpoint. When you go to IP, that collapses into one network, which simplifies the maintenance and administration of the network."

Brovont says savings can be as much as 50% of the capital costs per subscriber. ■

## Tick...tick... tick...AP

*New service provides news tickers to local stations*

By Ken Kerschbaumer

If your station suffers from ticker envy, Associated Press has a service for you. It's designed to help stations offer the same fast-moving, constant tickers found on the cable news networks. AP says the response shows stations are interested in getting ticked.

"We've been surprised with the response we've gotten already," says Greg Groce, AP Television director of business operations and development. "Stations

are looking for an automated, flexible solution to display the latest headlines. We've tried to develop this in a flexible way so they can select from a broad category of items." Categories

include U.S. and international headlines, state news, business, sports, entertainment, tech, politics, health and strange news. A Spanish-language ticker is available. Groce says typical item length is 60-90 characters.

The ticker is delivered via AP's network news transfer protocol in the XML news-industry text format over the Internet. AP worked with character-generator manufacturers Chyron and Pinnacle Systems to make the information easy to get on-air. Content can be pulled from or pushed by AP; local stations can add local items. Cost ranges from a few hundred dollars a month to more than \$1,000, depending on market size. Groce says the ticker can run 24/7, opening a number of advertising opportunities.

WAFB(TV) Baton Rouge, La., deploys it. GM Nick Simontette says: "People are so busy, they can't watch the newscast. So the rebroadcast

allows them to watch later; the ticker helps by offering the most up-to-date information. It's a good marriage, and we've actually heard from viewers that they like it." ■

**'It's a good marriage, and we've actually heard from viewers that they like it.'**

**-Nick Simontette, WAFB**

### SHOWTIME GOES VIRTUAL

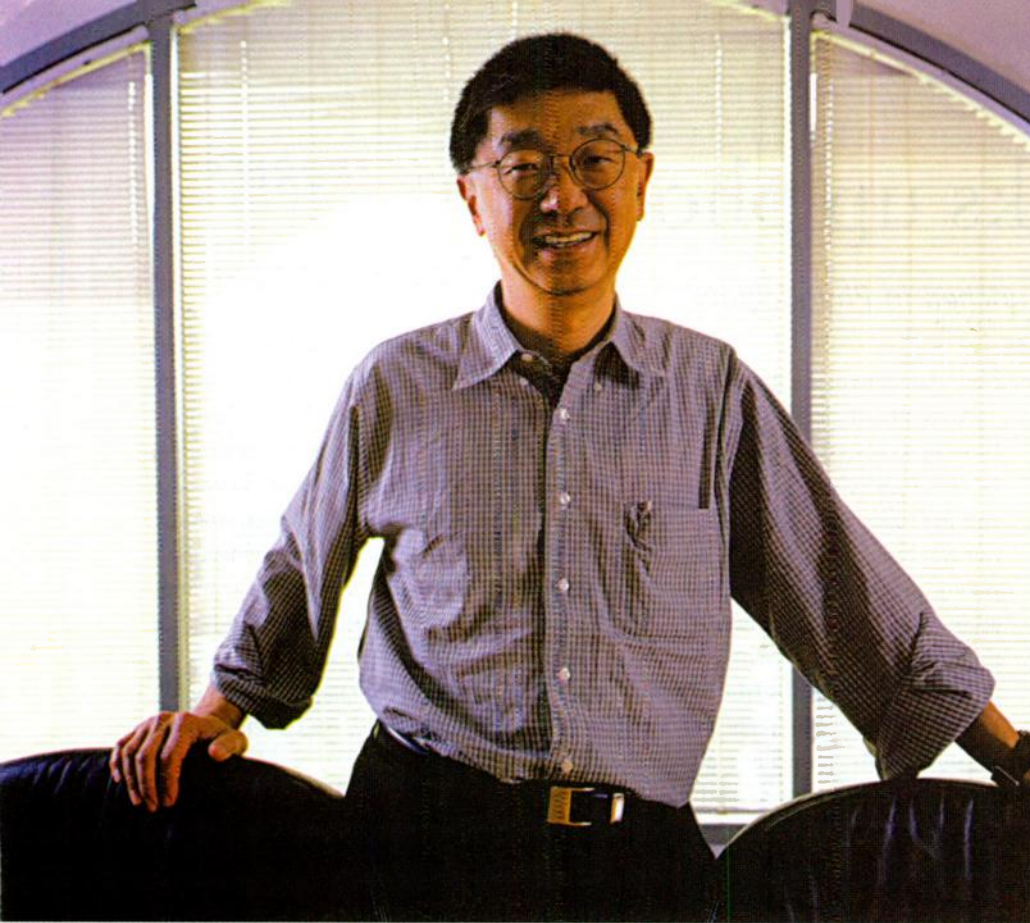
Showtime Networks today is launching SHOinfo.com, a virtual business office for use by affiliates and MSOs. Among the features are a marketing-support area (with downloadable radio spots, among other items), an engineering section (with online activation of headend devices and other services) and access to programming schedules and guides for upcoming months.

### HARRIS HITS NEW MEXICO

Two public-TV stations in New Mexico have purchased Harris DTV transmitters for \$1.5 million. KNME-DT Albuquerque purchased a 20.5-kW Diamond CD UHF solid-state transmitter, and KENW-DT Portales chose a 5.5-kW version of the same model. KNME-DT is serving as program manager for the \$15.4 million transition to digital by New Mexico's three public-TV stations (the third is KRWG-TV Las Cruces).

### EVERTZ INTRODUCES UPCONVERTER

The HD9510UC upconverter from Evertz can convert standard-definition 525i signals to 1080i, 1035i or 720p HD formats while supporting 4:3-to-16:9 aspect-ratio conversion. Full anamorphic stretch, 4:3 side panels and letterboxing to full-size 16:9 are all available. Composite video decoder and audio D-to-A converter module are optional.



# Life beyond the royalties

Henry Yuen's challenge is proving that he can run a media company rather than a mutual fund of patents

By John M. Higgins

**W**hile new to his job, the CEO of one of the many splinters of the interactive-TV business sought an audience with Henry Yuen. As chairman of Gemstar-TV Guide, Yuen is the dominant player in on-screen program guides. Since part of the CEO's new job would be making sure his software gets along with Gemstar's inside cable set-top boxes, the CEO figured he should get along with Yuen as well.

The CEO set up an introductory video-conference. Just a friendly chat. After introductions and a few minutes of casual conversation, Yuen got tense. He looked in the camera and shouted, "If you do any-

thing to infringe on our patents, I'll sue you!" He got up and exited the room, leaving it to Gemstar staff to say goodbye.

That CEO, who prefers not to be identified, got a taste of how important intellectual property is to Gemstar and how aggressively Yuen will protect it. (A Gemstar spokeswoman denies any such encounter.)

For years, investors, competitors and—so important—potential customers of those competitors have seen Gemstar as a nearly impenetrable portfolio of patents covering various aspects of interactive guides. And they have been aware that, if they go anywhere near those patents, they are likely to end up on the receiving end of a Gemstar suit.

"The power of Gemstar has always been in their claims on patents," said a senior executive at one top-five cable operator. "There's a fear factor, an intimidation factor that always accrued to Henry personally."

But lately Yuen hasn't seemed so scary.

The first big dent in Gemstar's armor appeared two weeks ago when an administrative judge at the International Trade Commission (ITC) ruled that competing guides had not violated two Gemstar patents. Worse, the judge ruled that Yuen had misused another one of his key guide patents, one that lets a viewer "click" on the guide and record, say, all the baseball or game shows on a given afternoon.

News of the patent ruling sliced Gemstar's stock 40% in a day, just the latest blow to a company whose stock traded at \$50 a year ago and \$100 two years ago, but just \$5 these days. Yuen, whose stock and option portfolio was once worth more than \$2 billion, has watched it sink to around \$50 million (though he moved to dump \$63 million worth of stock in April).

Yuen believes the market overreacted to the ruling. As he tensely pointed out, his wider fight with rival guide providers involves seven patents not in the ITC case.

But the ruling is not his only problem. Two big operators, AOL Time Warner and Cox, have balked at signing broad guide deals, especially at the demands Yuen has made on their digital "real estate." (They use guides developed by set-top manufacturers Pioneer and Scientific-Atlanta.) And TV Guide Interactive's hugely favorable contract with AT&T Broadband will fade when Comcast takes over and folds AT&T systems under its own, less favorable and non-exclusive Gemstar deal.

At the same time, Yuen's aggressive accounting move has scared investors. And Gemstar's largest shareholder, Rupert Murdoch, is angry over the \$2 billion write-off News Corp. had to take on its 43% stake in Gemstar. Murdoch has just installed a cable lieutenant, Jeff Shell, as Gemstar's COO to exercise more control over operations.

Yuen's real challenge is proving that he can operate a coherent media business rather than a sort of mutual fund of TV-related patents. Gemstar owns not just the 9 million-circulation *TV Guide* print magazine, but the 50 million-subscriber TV Guide Channel, a passive, on-screen guide



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that has a lock on the cable industry. He also has the fledgling TV Games interactive betting operation. Critics says that, even though *TV Guide* and the passive, scrolling on-screen cable guide account for 80% of Gemstar's revenues and 50% of operating cash flow, Yuen has been riveted largely on the 8 million-subscriber interactive and nascent e-book businesses with which he is more comfortable.

The biggest surprise is that Shell says his top priority is the base business. Blaylock & Co. analyst John Tinker sees Gemstar's sales dropping 10%, to \$1.2 billion, and operating cash flow falling 12%, to \$400.9 million, this year. Shell wants to stop that, reversing the decline of *TV Guide* magazine and improving core relationships with cable operators.

Bank of America Securities analyst Doug Shapiro agrees that investors have unfairly judged Gemstar. At Gemstar's recent stock prices, investors are putting a fairly low valuation on the print *TV Guide* and the passive on-screen guide that's in around 70 million homes and essentially a zero value on the interactive program guide. Though he sees problems, Shapiro has faith, citing electronic program guides as the one clear interactive-TV product that subscribers covet. "The critical, critical assumption is that people really want their guide."

Deutsche Bank's Karim Zia agrees. "Unlike the cable business, there's no capital intensity here. Unless you really assume catastrophic loss of their licensing, it's hard to see any scenario where they're not net cash generating."

Yuen shows no signs of doubt. "I am committed to running this company," He declared in a conference call with investors. "I think this company needs me to govern it to a vision that I have."

Yuen and Shell declined interview requests.

Program listings are a small part of Yuen's grand vision. He sees TV Guide Interactive "at the center of television viewing." More than just a sophisticated program listing, to Yuen, the guide is a central platform for all sorts of interaction between subscribers and their TV sets.

In Motorola set-tops, at the least, TV Guide Interactive is essentially an additional operating system that developers of other applications are forced not to merely



**Gemstar considers TV Guide Interactive as the center of television viewing.**

co-exist with inside the set-top but interact with. For example, one cable executive complains that any application seeking to use the "channel up" command from a remote control must first turn to TV Guide Interactive's software: "That's one reason everything's slow."

Gemstar didn't start out with great leverage. A Shanghai-born engineer and lawyer, Yuen teamed up with an old California Institute of Technology classmate to develop a system to ease the process of setting a VCR timer to record, called VCR Plus. Get manufacturers to include the software in their machines. Get newspapers and other print guides to include codes in their listings. Collect money from both sides.

The electronic-guide business wasn't a dramatic stretch. In the early 1990s, the cable-guide business was divided between United Video's Prevue Network and Newhouse Broadcasting's Teleguide. Those were simple text scrolls using data fed into a PC at each cable headend. The prospect of interactive TV, however, raised the idea of interactive guides. Display only the sports channels or only the movies on any channel or delete the shopping channels. One click of the remote control to set your VCR to record today's soap operas.

Yuen started out with the model he already knew: develop some technology and get manufacturers to incorporate his soft-

ware in VCRs. But he started acquiring other guide startups, notably StarSight, which had a couple of particularly powerful patents. That gave Yuen two avenues: license his processes to others to "make-and-sell" and, separately, sell a service to cable or DBS operators for a monthly fee.

It also cowed rivals, including the likes of Murdoch and sidekick Liberty Media Chairman John Malone. They were partners in *TV Guide*-owner United Video when they realized in 1998 that they were probably going to lose a patent dispute with Gemstar. In a maneuver to extinguish the claim, United Video made a hostile takeover bid for Gemstar, securing support of a major shareholder. Yuen repelled the bid and, in 1999, ultimately persuaded Malone and Murdoch to sell rather than try to acquire.

The patent cases will hang over the company for months. Four other companies are involved: S-A, Pioneer, EchoStar and a company that makes DBS receivers for EchoStar, Sanmina-SCI Systems. Even though they are involved in a separate patent fight in federal court in Atlanta, Gemstar jumped last year to get the ITC to block import of set-top equipment that Yuen contended violated its patents.

The move backfired. Though the full decision is not yet public, the judge apparently agrees with S-A and Pioneer that Gemstar used the patent to "tie-out" rivals, keeping their guides off cable systems owned by operators wanting to divide their business between two suppliers. That patent covers methods of using the guide to display, say, all Clint Eastwood movies and record them. The judge also ruled that the guides don't infringe on two other Gemstar patents covering the user interface.

Yuen has a fistful of ways of minimizing the ruling. He'll appeal to the full ITC; he'll appeal in court; the patents will be upheld in the Atlanta litigation. The broadest one is that the patents aren't as critical as outsiders contend. He licenses technology smoothly to 180 different companies.

However, he still sounds defensive. "If left unchallenged and unchanged, the ruling could deliver a blow to intellectual-property rights holders everywhere," Yuen warned. That presumably includes Gemstar's headquarters in Pasadena, Calif. ■

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# Cable's ticket seller

By Ken Kerschbaumer

New Hollywood Media channels allow viewers to buy theater and movie tickets via their television remote control

**W**hen Cablevision kicked off Interactive Optimum last September, it gave viewers plenty of reasons to stay home. But a soon-to-be-launched interactive opportunity may have them leaving home after they purchase movie and Broadway show tickets through their television sets.

Those capabilities will be available once the MSO launches Totally Hollywood TV and Totally Broadway TV. Negotiations are in the final stages, and it's possible the networks could be carried as soon as this week. Financial details are not yet available.

According to Mitch Rubenstein, CEO of the networks parent company, Hollywood Media, both are "creating services for niches that don't exist and that's what I like to do. We think these channels are

interesting because they're fresh content that has not been on cable before."

Rubenstein's previous niche filler was the Sci Fi Channel, which he and Laurie Silvers, Hollywood Media's president, converted from a genre into a network.

"If you're not Fox and willing to make such a huge investment to go into a category with incumbents, the way to be successful is to launch a service that creates its own niche and category," he says. That's the idea with the ticket services.

Totally Broadway TV is the more ambitious of the two. Viewers will be able to tune into an on-demand menu of Broadway rehearsals and interviews. Viewers can also sit back and watch the carousel (not the Rodgers and Hammerstein type) of content if they don't feel up to deciding.

But the business comes from viewers'

purchasing tickets through the channel by using a remote. Hollywood Media also owns Broadway.com, a site that gives visitors another place to purchase tickets.

Unlike Telecharge or Ticketmaster, which can require a theater-goer to purchase tickets months in advance in order to get quality seats, Broadway.com's selection includes blocks of tickets taken out of the database before Telecharge or Ticketmaster start selling to the public.

Rubenstein says that, if tickets are sold out for a given date or seat locations are unsatisfactory, a subscriber can phone or e-mail Totally Broadway TV for help.

Drawing off of Hollywood Media's other properties is a key to the new services. CinemaSource, for example, provides electronic movie time data for newspapers and other outlets. That data will play a major part in Totally Hollywood TV, which will allow viewers to purchase movie tickets.

The two networks will join a number of other offerings in Interactive Optimum, which, as of March 31, had 24,100 subscribers. The \$9.95 monthly charge gives viewers access to 27 digital channels and 45 digital music channels. VOD content available includes MagRack, Fox TV on Demand (which includes *The Shield* and 24) and 13 On Demand, which provides 50 to 60 hours of content from PBS station WNET New York.

The Hollywood Media networks join other enhanced-television content, currently 17 channels. Among the services offered are MSG Game Director, which gives viewers the opportunity to change camera angles of New York Mets games and events from Madison Square Garden; TechTV Interactive, which gives access to past reviews on electronics equipment and other content; and a MuchMusic channel that allows viewers to choose the videos.

Like the other networks, Hollywood Media owns its content. "The underlying foundation for both of these services," says Rubenstein, "is we own the content."

Hollywood Media expects to reach 1.5 million to 2 million households by the end of the year, he says, adding that the company's efforts will be focused on East Coast cable operators. The financial upside for cable operators is that they get a percentage of ticket sales. ■



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# People

## F A T E S & F O R T U N E S

### Broadcast TV

**Ginger Zumaeta**, VP, creative services, WCAU(TV) Philadelphia, joins WMAQ-TV Chicago, in the same capacity.

**Jim Ottolin**, director, sales, WKEF(TV) and WRGT-TV Dayton, Ohio, named GM, WDKY-TV Danville, Ky.

**Chris Neuman**, manager, engineering operations, KTLA(TV) Los Angeles, promoted to director, broadcast operations and engineering.

### Cable TV

**Hank Oster**, executive VP and GM, Adlink, Los Angeles, joins Comcast Cable Communications, New York, as senior VP/managing director, sales.

**Lorilynn Failor**, business development manager, Mid-South region, Charter Communications, Nashville, Tenn., named director, Charter Business Networks, Western region, Long Beach, Calif.

At Comcast Cable Communications: **Fidel Edwards**, director, New York City operations, Cablevision, joins as VP, customer care, New Castle, Del.; **Lisa Eki Akhionbare**, finance analyst, Washington Metro/Virginia region, named business operations manager, Washington.

### Programming

**David Martin**, head, Fox Television, Sydney, Australia, named executive VP, alternative productions, Los Angeles.

At QVC, West Chester, Pa.: **Paul Callaro**, VP, jewelry merchandising, named VP, homestyle; **Karen Fitzgerald**, VP, fine jewelry and watches,

Macy's East, New York, joins as VP, jewelry merchandising.

At Turner Sports, Atlanta:

**Steve Raab**, VP, marketing and programming, TBS, promoted to senior VP; **Jeff Gregor**, VP, marketing and programming, TNT, promoted to senior VP; **Jeff Behnke**, senior producer, named VP, production and coordinating producer; **Jeff Ogan**, director, promoted to senior director, production services; **Tom Sahara**, director, promoted to senior director, IT and remote services; **Greg Ford**, manager, named senior manager, IT.

**Lori B. LeBas**, director, affiliate sales development and operations, ESPN, Bristol, Conn., promoted to VP, affiliate operations and planning.

**Joanne Engels-Welsh**, account executive, ESPN, Detroit, named VP, national sales, ESPN ABC Sports, Detroit.

At the Tennis Channel, Los Angeles: **John T. Brady**, Jaybe Enterprises, Los Angeles, joins as executive VP/CFO/secretary; **Bruce Rider**, senior VP, programming, Disney TeleVentures, Burbank, Calif., joins as executive VP, programming and marketing.

**Tim Ivy**, sales operations manager, Southwest region, Fox Cable Networks, Irving, Texas, joins Sunshine Network, Orlando, Fla., as finance director.

At *The John Walsh Show*, New York: **Andy Barsh**, director, *Iyanla*, Buena Vista Television, New York, joins in

## Obituary

**Michael Rondinone**, manager of corporate underwriting for WNYC-FM/(AM) New York, was struck and killed by a passenger train in New Jersey on June 22. He was 52.

Rondinone, who worked for WOR(AM) for 20 years as its New Jersey sales manager and WABC(AM) New York as retail sales manager, joined WNYC in November 2001.

He is survived by his wife, Grace, and two teenage daughters.

the same capacity; **Alexandra Jewett**, supervising producer, *The Ananda Lewis Show*, King World Productions, New York, joins as executive producer.

**Jeff Cohen**, founder, Fairness and Accuracy in Reporting, New York, joins MSNBC, New York, as commentator and senior producer, *Donahue*.

### Media

**Ralph M. Oakley**, COO, broadcast division/VP, Quincy Newspapers, Inc., Quincy Ill., named VP/COO of the company.

### Journalism

**Curtis Vogel**, fill-in producer/writer, WMAQ-TV Chicago, named executive producer, weekday morning newscasts.

At WFAA-TV Dallas: **Sarah Garza**, producer, 10 p.m. newscast, promoted to executive producer, early morning news; **Michael Hill**, sports anchor, Fox Sports Network, New York, joins as weekend sports anchor.

**Julie Vallese**, consumer editor, CNN, Atlanta, named consumer correspondent.

**Arielle Riposta**, reporter,

Metro Traffic & Weather/News 12 Networks, New York, named weekend anchor/reporter and producer, WACH(TV) Columbia, S.C.

**Ken Stinson**, reporter, KPRC-TV Houston, joins KYW-TV Philadelphia as general assignment reporter.

### Advertising/Marketing/PR

**Peter Bemis**, creative head/CEO, agency Frankfurt Balkind West, to head the agency, rechristened Bemis Balkind, Los Angeles.

**Dale Lanier**, VP, marketing and special projects, UPN, Los Angeles, joins Colby & Partners, Los Angeles, as executive producer, entertainment division.

### Technology

At Liberty Technologies, San Carlos, Calif.: **Coleman Sisson** president/COO, appointed to the board of directors; **Don Fitzpatrick**, executive VP, sales and services/senior VP, professional services, named COO.

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T H E F I F T H E S T A T E R

# A love of news 24/7

*Hume says broadcast approach seems wasteful, old-fashioned*

**T**he thing I always loved about Washington," says veteran TV journalist Kim Hume, "was that it has real news, hard news. When there's nothing else going on, you can always turn to Washington for a story that is well worth reporting."

The move from her longtime home at ABC News' Washington bureau for the 24-hour news cycle at Fox News offers a lot more airtime and a chance at a lot more stories. And given the public's taste for news, she thinks it may be the only way to go.

"There's a difference between news that goes for 22 minutes and news that goes for 24 hours, a huge difference," she says. "With networks, there was a huge amount of specialization, beat reporters covering every possible aspect of the world. The problem, of course, was that very little of your work ever got on the air. That's what happens when you have a very small news hole. It's a form that, in light of 24-hour cable, seems really wasteful and old-fashioned.

"People have adopted Fox News as their own," she adds, "the way

certain neighborhoods adopted certain newspapers back when there were more newspapers. That's what happens when you treat your viewers like intelligent, capable viewers."

She acknowledges Fox's "in-your-face" attitude. "Fox News is a news channel; we discuss what's in the news. When somebody like [top-rated Bill] O'Reilly expresses his personal opinions on the air, the effect is to make people think. But my job is totally about covering news."

Hume disputes the perceptions—frequently offered by others in the media—that Fox tilts toward the right and is not the "fair-and balanced" news organization its slogan claims. Such conclusions, she says, are

grounded in comparisons with a media that generally tilts left.

"I really do think that our philosophy of news is underestimated," she says. "When we talk about being fair and balanced, our audience knows that 90% of the news you see [on TV] is not fair and balanced. But, at Fox, we strive to be fair."

And fairness, she says, is a skill. She cites longtime ABC news colleague Sam Donaldson and her husband, Fox News Managing Editor and Chief Correspondent Brit Hume, as examples of journalists capable of having opinions and expressing them but who set them aside when reporting.

In reporting on issues like gun control or abortion, she explains, the media is affected



**Rhoda Kim Schiller Hume**  
*Washington Bureau Chief,*  
*Fox News*

**B. Sept. 30, 1954, LaGrand, Ore.; BA, communications, 1976, California State University at San Francisco; intern, WAGA(TV) Atlanta, 1973-75; desk assistant, KPIX-TV San Francisco, 1976-78; producer, KQED(TV) San Francisco, 1978-79; producer, WRC-TV Washington, 1980-82; producer, ABC News, Washington, 1982-88; producer, USA Today on TV, Washington, 1988; producer, ABC News, 1988-96; current position since 1996; m. Brit Hume, June 1, 1993**

"by what I refer to as group-think. Everyone in a newsroom thinks gun control is a good idea; they don't even try to examine that premise. We try to. I don't think people sit around a newsroom and say, 'Let's be biased.' But most people who go into journalism go

in it to fix the world. This is a liberal idea, fixing the world, and it brings in government. A conservative is trying to keep things from happening that are sponsored by the government.

"Most journalists are not intentionally trying to persuade. But they happen to look at the world that way, and it comes out in their reporting."

She recalls a network producer's telling her once during the 1980s that he hated President Reagan and always looked for the most unflattering photo he could find. "I could not believe he had actually said that.

"With President Bush a lot of people in the media—before 9/11—would report from the premise 'How did this dope get elected?' I would posit that's an unfair premise, but I don't think a lot of journalists have examined that premise. The premise about Bill Clinton was that he's the right guy but with some bad character traits."

Journalists are entitled to feel that way, she adds, as long as their feelings don't end up as the premise of their story.

The mainstream media has been largely elitist and sometimes arrogant, she believes, even while doing work that is "honorable and immensely important. But that economic model no longer works, and it's largely because there is this alternative. Cable is different. And cable news is becoming the alternative of choice."

—Dan Trigoboff

# Classifieds

## Television

### MANAGEMENT CAREERS

## Executive Vice President, Television: National Association of Broadcasters

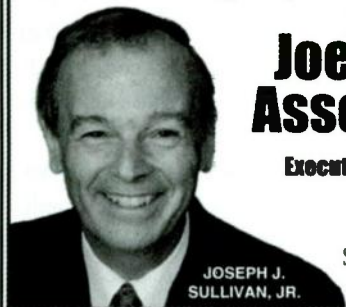
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KTRK prefers to deal only with the applicants, and not third parties. Interested applicants should rush a resume, references, cover letter and non-returnable Beta or VHS resume tape to:

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OGT, Statehouse, Columbus, Ohio 43215.

NO PHONE CALLS PLEASE.

Response deadline is July 19th, 2002. EOE

#### ASSOCIATE PRODUCER:

WTNH is looking for someone to join our news department who can help develop stories from concept to finished product. We need someone with impeccable people skills, the ability to think creatively and the ability to work independently. You must be proficient in news writing and field producing skills. A college degree or equivalent professional experience is required.

Send resume, to Jon Rosen, Senior Producer,  
8 Elm St., New Haven, CT 06510.

No phone calls. EOE.

#### AM NEWSCAST PRODUCER:

WTNH is looking for a person to be responsible for overall creation and production of a morning newscast. Ability to be creative, handle breaking news and write solid news copy is a must. College degree and solid experience working as a producer in a television newsroom is required. Knowledge of Newstar or INews newsroom computer system would be a plus.

Rush resume to Jon Rosen, Senior Producer,  
News Channel 8, 8 Elm Street, New Haven,  
CT 06510. No phone calls please. EEO.

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WANE-TV has an immediate opening for a Television News Producer. Must have excellent writing skills, good news judgment and be creative. Ideal candidate will have at least one year's experience at a commercial television station or recent college graduate with quality news internships.

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## Television

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A rare chance to join a terrific staff committed to delivering the best coverage of severe weather in West Michigan. We're losing our weekend meteorologist to a new weekday challenge in another large market. News 3's WeatherFirst team has just been honored with a Michigan Emmy for a newscast featuring coverage of a major storm. We're looking for a meteorologist (AMS seal preferred) who also excels in reporting and in making frequent appearances at schools and public events. The ability to blend into a team and collaborate with news managers, producers and photojournalists is important. The WeatherFirst team uses the latest graphics from WSI and live Doppler radar with VIPIR technology from Baron Services. Send resume, tape and letter of introduction to: Margie Candela, Human Resources, WWMT-TV, 590 West Maple Street, Kalamazoo, MI 49008-a Freedom Communications station.

#### NEWS BUREAU CHIEF

Our Trenton bureau requires someone to administer three-person office which is responsible for local news and public affairs coverage of Trenton and surrounding area. Successful candidate will supervise camera crew and reporter, field produce, gather news items and work several days as backup assignment editor on the Philadelphia desk. Video editing, microwave operation ability and broadcast experience a plus. Send letter plus resume (no calls/faxes) to Tanya Husar, Assignment Manager, WPVI-TV, Suite 400, 4100 City Ave., Philadelphia, PA 19131 EOE

#### PART-TIME ASSIGNMENT DESK:

WTNH has an opening for aggressive, take-charge person to staff our assignment desk. Must have exceptional news judgment, knowledge of Connecticut, a keen understanding of logistics and the ability to find the stories that will attract viewers. Schedule flexibility a plus. Send resume and news philosophy to Michelle Clark, Assignment Manager, WTNH-TV, 8 Elm Street, New Haven, CT 06510. No phone calls please. EOE.

#### PROGRAMMING ADMINISTRATOR

REQUIREMENTS: LIN Television of Texas seeks a Programming Administrator. This person will organize satellite feeds, recordings and playbacks; be responsible for the labeling and recycling of videotape; respond to viewer inquiries about programming; maintain and distribute schedules; and other administrative duties. Computer skills a must. TV production skills preferred. Great opportunity for self-starters.

Send resumes to:  
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Austin, Texas 78767

Or fax: Attn: Programming 512-476-1520  
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INLAND CALIFORNIA TELEVISION NETWORK (ICTN): THIS IS NOT A STATE POSITION - A FOUNDATION APPLICATION IS REQUIRED: Full-time temporary "exempt" position, through June 30, 2003 (renewable annually). Salary: \$4,166.00 per month. Benefits will be provided. Work Schedule: To be arranged. Duties: The incumbent will design, implement and maintain news gathering practices for a start-up regional cable television news operation that will serve an initial audience of nearly one (1) million viewers. The incumbent will serve as liaison with print news operations that will feed content daily to the network. The incumbent will develop news "budget" and run down in concert with print partners and network news staff; oversee assignments of camera team in concert with print partners and network news staff; oversee assignments of camera team in concert with print partners and as needed for "banked" stories. The incumbent will edit and prepare copy, rundown for nightly news cast Monday-Friday. The incumbent will coordinate half-hour program with second anchor, sports anchor and potential live guests. The incumbent will serve as chief anchor for nightly, live half-hour news cast Monday-Friday; respond to public queries about news stories; and supervise staff.

Qualifications: Applicants must possess five years of progressively responsible experience working in a television news room that includes reporting, anchoring or producing news casts or a combination of those duties. Applicants must possess expert writing and editorial skills; organizational skills along with networking and interpersonal skills and a strong consultative and persuasive skills. Applicants must have a thorough knowledge of copyright and other laws pertaining to the news media. The ability to serve in a strategic role in developing a contemporary news gathering operation that includes innovative techniques, such as audience feedback and interface with the Internet is required. The ability to coordinate the daily operation of a small-to-medium sized staff is required along with the ability to inspire creativity and display effective time management is required. A Bachelor's Degree in a relevant field is preferred along with supervisory experience.

A videotape of prior work should accompany resume and Foundation application. This position will remain open until filled.

#### NEWS VIDEOTAPE EDITOR:

WTNH-TV is looking for an organized, creative and fast news editor. We are looking for someone who can work under extreme deadline pressure as well as cut magazine style features. Minimum 2 years with linear and or nonlinear editing required. Avid newscutter experience a plus.

Keith Porter  
News Operations Manager  
WTNH-TV, 8 Elm Street  
New Haven, CT 06510.

No phone calls please. EOE

Final Selection for this position will not be made prior to July 15, 2002.

#### BROADCAST METEOROLOGIST:

WTNH seeks a unique individual to join our Storm Team 8. You must be able to effectively communicate on camera weather information in all of our Southern New England conditions, ranging from summer thunderstorms to winter snowfalls. You will also contribute science, technology or environmental reporting on a regular basis. A minimum of two years broadcast weather experience along with an appropriate college degree is required. An individual with an AMS or NWA seal is highly desired for this position. Send resume and non-returnable VHS tape to: Kirk Varner, VP & Director of News, WTNH News Channel 8, 8 Elm Street, New Haven, CT 06510. No phone calls. EOE-M/F

#### PERSONAL ASSISTANT

Television personality seeking experienced New York City based personal assistant. Candidate must be extremely organized, energetic and have experience dealing with high profile people. Please fax resume and references to 212-547-8489.

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Send resume, references and cover letter to: T. Graham-Deitert, Director of Sales WCFN/WCFN, P.O. Box 20, Champaign, IL 61824. You may also email the required information to [tkgd@wcfm.com](mailto:tkgd@wcfm.com). No phone calls please. WCFN is an EOE.

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# Editorials

COMMITTED TO THE FIRST AMENDMENT

## Curiouser and curiouser

In dismissing a complaint against WGR(AM) Buffalo, N.Y., the FCC once again has demonstrated how inconsistent, and thus indefensible, its indecency-enforcement policy is. Indecency calls are in the eye of the beholder and change with the political winds. These winds appeared to be blowing from Wonderland.

The FCC has ruled that *piss on* in reference to promoting urinal guards with *NHL* emblazoned on them and inviting listeners to vote for the player they would most like to urinate on were simply a variant of *pissed off*, and thus not excretory, and thus not indecent. *Sawed-off little prick* also passed muster because, the enforcement bureau said, "the word *prick* was not used to 'describe or depict' a sexual activity or organ but was instead used as a vulgar insult."

Applying that standard, you can say any of the seven dirty words as long as you are using them angrily and not descriptively. But hasn't George Carlin's M-word always been an epithet rather than an accusation of incest?

So, if you say, *he is pissed*, no problem. Even if you used *pissed on* as an excretory variant of *pissed off* (angry), you're still OK. But say *pissed on* and mean it literally, and it's forfeiture time. Of course, you don't have to say the word at all, as the FCC has pointed out in past indecency rulings: "Innuendo may be patently offensive within the meaning of our indecency definition if it is understandable and clearly capable of a specific sexual or excretory meaning, which, in context, is inescapable."

Confused? Who wouldn't be? It begins to sound like a Carlin routine itself. For most of our readers, however, it is serious business. In effect, the FCC's doctrine appears to be: "If you say it but don't mean it (*piss on*, but really mean *pissed off*), it's OK, but if you mean it and don't say it explicitly, you're in trouble. (*Let's pork*, for instance, "is a lewd, inescapable reference to sexual intercourse," the FCC told WQAM[AM] Miami in 2000 in fining the station for a song parody.)

So you can be "vulgar" for the sake of being angry, while "vulgarity" for the sake of art or social change (think Sarah Jones's "Your Revolution"), can be indecent. What if a groundswell of listeners rose up en masse to defend "Revolution"? Doesn't matter. "Neither the statute nor our case law permits a broadcaster to air indecent material merely because it is popular," the commission told KBOO-FM, Portland, Ore., which was fined for playing the song. But what does that say about community standards?

The FCC's indecency standard is a joke, but one nobody gets to laugh at since its capriciousness makes it a threat to every broadcaster. The head of the enforcement bureau signed off on this decision. It should have been the commissioners, since every indecency case is precedent for what the industry can and can't say or show. In this case, though, it might as well have been The Mad Hatter or March Hare.

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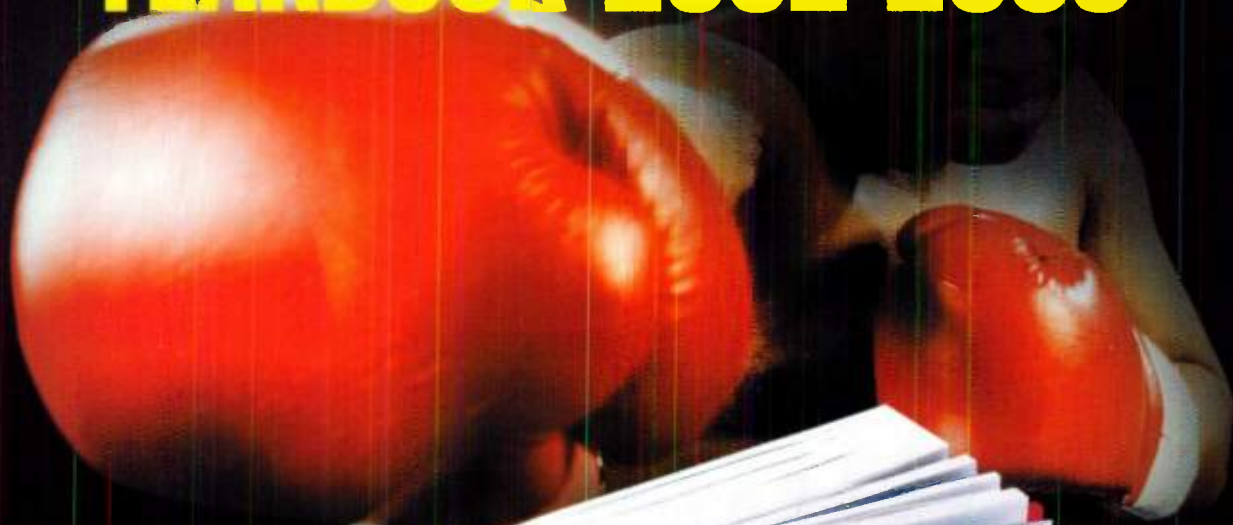
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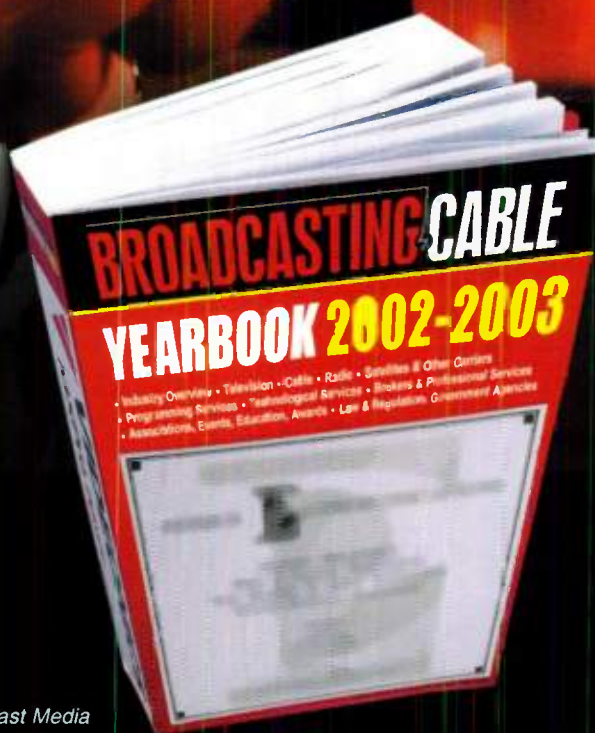


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