

Tribune is among several cable companies and satellite distributors that have challenged the syndex rules in the U.S. Court of Appeals in Washington.

Since the FCC first voted to reimpose syndex (the rules are similar to those eliminated in 1980), TBS has worked to fill the entire WTBS schedule with programing for which it had exclusive rights and, thus, would not be subject to blackouts by systems. The indemnification program indicates that TBS has or will achieve its goal prior to the effective date of syndex.

"We've just purchased...*The Jeffersons* and *Good Times*, which will join...*The Andy Griffith Show*, *Sanford and Son* and *The Brady Bunch* this fall to make a blackout-proof early evening lineup," said Bob Levi, WTBS executive vice president, in a prepared statement. "In addition, we've sought out and acquired hundreds of recent box-office hits to augment TBS's vast film library," he said. "Add to that entertainment specials, mini-series, Atlanta Braves baseball, Atlanta Hawks basketball, SEC football and brand new nonfiction specials from Jacques Cousteau, the National Audubon Society and National Geographic and you have 100% blackout-proof...entertainment."

On appeal and at the suggestion of TBS, the FCC gave superstations the freedom to indemnify against monetary damages if they have "a reasonable basis for concluding that...programing deletion is not required."

"I assume [the indemnification plan] will be well received by the cable operators," Carp said. "We had received a lot of cross examination about whether we really mean it when we say we are going to be blackout-proof," he said. "Here we are putting our money where our mouth is." —HJ

Padden complains about being left out of fin-syn talks

INTV president says his association should also be included in must-carry negotiations between NAB and NCTA

The Association of Independent Television Stations is being left in the cold, according to its president, Preston Padden, who complained to Capitol Hill that the broadcast networks refuse to let independent stations join the negotiations with Hollywood on the FCC's financial interest and syndication rules.

INTV also wants in on the must-carry negotiations between the National Cable Television Association and the National Association of Broadcasters (BROADCASTING, July 17). But NCTA President James Mooney is unwilling to broaden the discussions to include Padden. That action, according to insiders, is more of a personal matter. Cable sources say Mooney is reluctant to negotiate with Padden because he feels the INTV president "broke the last



INTV's Preston Padden

must-carry agreement" and that he is "inflammatory."

Padden "categorically denies" that INTV "in any respect breached the original agreement." He said cable companies "defeated that compromise in the courts. I can only assume that NCTA believes it can strike a sweeter deal without us in the room."

Moreover, the INTV president added, if the problem is that they do not want "the pleasure of my company, I'll be glad to give them a different representative."

As for the situation with the networks, Padden vented his frustration in a July 14 letter to Senate Communications Subcommittee Chairman Daniel Inouye (D-Hawaii). Inouye asked INTV to answer several questions following the media concentration hearings convened in June. One of them was whether INTV would support relaxation of the fin-syn rules if the networks were barred from participating in the distribution of syndicated programing. The rules prevent the networks from investing in most of the programing they air and from getting into the domestic syndication business, something INTV supports.

In response, Padden said program producers invited INTV to the negotiating table but that the networks had balked at the idea.

He also attached a June 9 letter from Capital Cities/ABC's Stephen Weiswasser, senior vice president and general counsel, to Robert Daly, Warner Brothers chairman and chief executive officer. Weiswasser made it clear the networks feel INTV has no role to play in the discussions. He noted that both sides have agreed that the financial interest portion of the rules is at the heart of their talks. "Preston Padden and his group have no involvement, expertise or interest in that issue, and Preston should not be a participant in discussions of that subject," wrote Weiswasser. Some of the INTV members are network competitors and Padden's presence "can only inhibit the discussion."

Moreover, the ABC executive said that, as a trade association representative, Padden cannot be "bound to the same standards of confidentiality that those with a direct stake in the negotiation process have accepted; indeed, his responsibilities to his own board might well preclude him from fulfilling an undertaking not to disclose what he hears." Motion Picture Associa-

tion of America President Jack Valenti is part of the Hollywood negotiating team and, according to Weiswasser's letter, issued an "ultimatum" to let Padden in.

(Valenti said he did raise the matter and he thinks Padden should be at the table. But he did not issue an ultimatum.)

If the program producers insist on Padden's participation, Weiswasser said the networks would be willing to hear what he has to say about the syndication rule. But the bottom line, said Weiswasser, is that Padden's presence would "politicize the negotiation process." He said if Padden attends the June 15 meeting he was unsure whether the networks would want to proceed.

Padden, however, did not attend that session, nor does he plan to when the parties meet again in August. He feels the networks' motivation is political. "They [the networks] want to cast this issue as a battle between the rich and wealthy...a fight over money." But the minute INTV enters the debate, said Padden, "it raises a red flag and people would see this as a fight involving public interest issues." —KM

ABC is sorry for slip-up on news simulation

ABC News apologized last week for a 10-second slip in identifying a simulation for what it was.

World News Tonight on Friday (July 21) was running a piece on the espionage investigation of American diplomat Felix S. Bloch during its 6:30 p.m. feed when it flashed two grainy, black-and-white still pictures on the screen. The purpose was to illustrate correspondent John McWethy's news beat that Bloch was under investigation and that intelligence sources had a videotape of Bloch passing a briefcase to a KGB agent in Vienna, where Bloch had been stationed. The pictures, which had the look of frames from a videotape, were put together by ABC technicians. But the word "simulation" that was required by ABC guidelines was missing. An associate director in the control room did not hit the right button until pictures came up showing a street scene in Vienna. They had been enhanced to have the appearance of an investigator's videotape. ABC News caught the error and added the super to the two pictures for the 7 p.m. feed. But the damage had been done.

Peter Jennings on Monday night's *World News Tonight* apologized for the error. At the close of a segment on the Bloch investigation, he said the simulation on the Friday night program was not labeled "as clearly or as quickly" as it should have been. He attributed that to "a production error," and added: "We're sorry if anyone was misled, and we will try to see that it doesn't happen again." Richard Wald, senior vice president of ABC News, also expressed regret. "It was an error," he said.

The incident touched off a minor debate over the value and validity of simulations, even if identified as such. All networks use