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# SO



*"...right up there with Raymond,  
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*-Entertainment Weekly*

*150 Stations Agree,  
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**King...**

# BROADCASTING CABLE

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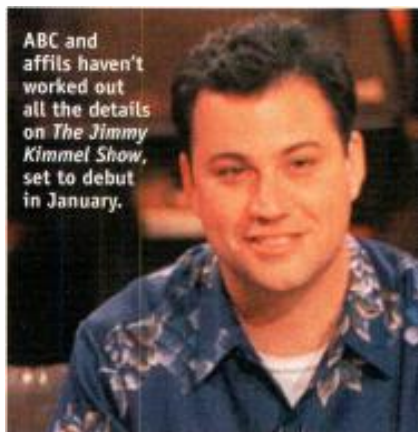
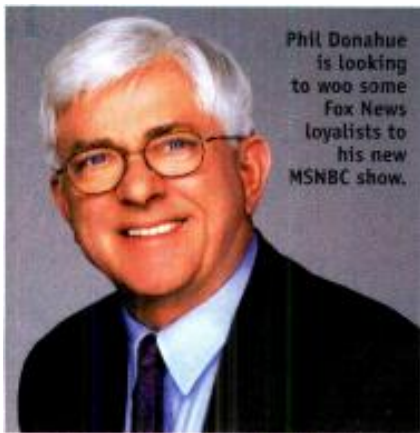
## Top of the Week July 15, 2002

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#### BROADCASTING

### Striking out

With Major League Baseball's penchant for strikes both on and off the field—a strike is now looming, and a 1994 work stoppage canceled half the season and the World Series—Fox was taking no chances when it got MLB rights, through 2006. The deal includes provisions for a rebate of some portion of the rights fee based on the number of games lost to a strike. "We aren't a charity," said a Fox spokesperson. The network also has numerous contingency programming plans in case baseball stops. The network has already had to write off \$200 million of its investment in MLB rights.—K.K.

#### PEOPLE

### Root resurfaces



Thomas L. Root, the communications lawyer who made headlines in 1989 by

crashing his plane off the Bahamas, now faces five years probation after pleading guilty last month in Franklin County Court in Ohio to charges he filed fraudulent financial documents. Root earlier gained notoriety for a radio-licensing scam that bilked investors out of millions. He was disbarred and sentenced to prison after lying to regulators and misusing investors' funds ostensibly raised to apply for and construct new FM stations allotted in 1984. But he took off on his strange solo flight as the law closed in. After he crashed, he was discovered to have suffered a mysterious gunshot wound. This time around, Root was charged with posing as an officer of Mid-Ohio Beverage, a company due \$18,707 from the Ohio Division of Unclaimed Funds.—B.M.

# BCEYE

#### LOCAL MARKETS

## Syndie grab

*Frasier* really has left the building. Sources say Paramount has "recaptured" access shows *Frasier* and *Entertainment Tonight* and talker *Montel* from Catamount-owned KHSL-TV in Chico-Redding, Calif. (DMA 133) and sold them to ABC affiliate KRCR-TV there. Tony Kiernan, who runs KHSL-TV and all but programming at Evans Broadcasting-owned KNVN(TV), which was carrying *Montel*, confirmed that his access shows are changing to *Extra* and *Home Improvement*. But he would not comment on his dealings with Paramount or whether more than \$100,000 in delinquent payments was behind the move, as several sources contend. The cost of the shows is put at \$2,500-\$3,000 per week. Paramount had no comment.—D.T.



## REVERSAL OF FORTUNE

Reading Broadcasting last week persuaded the FCC to reverse an agency judge's decision to strip the company of its license for WTVE(TV) Reading, Pa. The seven-year dispute is the last outstanding license renewal pending under an old FCC policy that allowed challengers to compete for expiring permits. Reading was ultimately allowed to keep the license because management lived in the station's market and had more broadcast experience.

The four commissioners rejected Administrative Judge Richard Sippel's findings that Reading's president made misleading statements and was unqualified to hold a license. The commissioners did uphold Sippel's decision to allow the comparative process to go forward on grounds that the home-shopping station offers "minimal" non-entertainment programming to serve community needs. Reading had argued that the challenger, Adams Communications, had no intention of operating the stations and was trying to pressure a financial settlement.—B.M.



#### REGULATION

## Tauzin's deadline

House Energy and Commerce Committee Chairman Billy Tauzin gave the entertainment industry until a meeting today to hammer out an agreement on copyright protection they all could live with. When they meet, he'll probably be disappointed; Tauzin is hearing that "affected industries are still squabbling amongst themselves," says Tauzin aide Ken Johnson. The content-provider contingent blames consumer electronics manufacturers for stonewalling, but they deny that. Content companies like Disney, Fox and Viacom want a "broadcast flag" in any device that copies digital materials; manufacturers say content providers want too much control over consumer behavior. "We may be forced," Johnson warns, "to take a harder line."—P.A.

## DIGITAL TICKER

COMPILED BY DECISIONMARK

### Newest digital stations:

WBIR-DT	Knoxville, Tenn. (NBC)
WATE-DT	Knoxville (ABC)
WFIE-DT	Evansville, Ind., (NBC)
KSBI-DT	Oklahoma City (Ind.)
KOMU-DT	Columbia, Mo. (NBC)
WABI-DT	Bangor, Maine (CBS)

### Total DTV stations:

# 433

# A second look at ad spending

*Forecaster Robert Coen says recovery will be slower than previously predicted*

By Steve McClellan

Universal McCann's Robert Coen, one of the more respected forecasters of worldwide ad spending, revised downward his 2002 projection for total ad spending last week, saying the recovery is "coming along slower than we expected" in December, when he made his first detailed projection for this year.

He has some tough predictions for two segments—cable and newspapers—but some encouraging words for broadcasters.

He projects that 2002 total U.S. spending for local and national advertising will be up 2.1% from '01, to \$236.2 billion. In December, he predicted total growth of 2.4%, to \$239.3 billion.

For national advertising, he predicts 2.6% growth to \$61.42 billion, up from the 2.5% previously forecast (see table at right).

One major and negative change in his forecast is for cable TV, which he now believes will see a 3.5% decline in ad sales this year, to \$11.5 billion. Six months ago, he thought cable would grow 5.5%, to \$12 billion. That's a 9% downward revision, influenced in part by first-quarter figures showing cable-net ad sales down 13.8%, he says. By comparison, the four broadcast networks had a collective increase of 7%.


Coen cites several factors that have converged to impact cable negatively. First, there's the dotcom factor. In the late 1990s and into 2000, dotcoms boosted cable sales significantly; when that sector imploded,

**Revising the future**

New estimates for 2002 national ad spending put growth at 2.6%

	% chg. from 2001	2002 (\$ million)
Big Four nets	+7.0	15,300
Spot	+7.5	9,915
Cable TV	-3.5	11,467
Syndicated TV	+0.5	3,120
Radio	+6.0	3,887
Magazines	-1.0	10,984
Newspapers	+2.0	6,747
<b>Total</b>	<b>+2.6</b>	<b>61,420</b>

Source: Universal McCann



**Robert Coen's latest forecast for recovery in national advertising calls for patience into 2003.**

cable sales suffered. Package-goods advertisers that had shifted money from expensive broadcast networks to cable shifted back as broadcast prices started to erode.

With inventory increasing as cable networks start up, cable has an oversupply of ad time but "relatively few must-buy positions," he says, adding that "it now appears that it will be difficult for many individual cable-TV networks to avoid posting advertising-rev-

enue declines in 2002."

Coen has also shaved about \$1 billion off his forecast for local newspapers, which he now says will be up just 1%, to \$38 billion.

On the positive side, he has doubled his growth projection for the four broadcast major networks, predicting combined growth of 7%, to \$15.3 billion. National spot TV will spurt 7.5% this year, to \$9.9 billion, driven in large measure by what he says could be \$1 billion in political advertising this year. Earlier, he had national spot pegged at +5.5%.

Local TV will also be up a little more than he forecast earlier, growing 5% (instead of the earlier projected 4%) to \$12.9 billion.

Coen also projects a much healthier increase for radio, especially on the national side, for which he had earlier projected a 1% decline. Now, he believes national radio will rise 6%, to \$3.9 billion, and local radio will be up 3.5% (vs. the previously projected 2.5%), to \$14.7 billion.

The forecaster also offers a first look at how he thinks 2003 will shape up: U.S. ad spending will grow 5.5%, to \$249.2 billion, and worldwide spending will be up a like percentage, to \$475 billion.

The bottom line: "There is definite evidence that a turnaround is taking place. But don't get too excited," he urges, because the full effects of the upturn may not arrive for another year.

One of the more encouraging signs is that ad spending in the top seven categories for national TV and print media—autos, food, movies, cosmetics, drugs, beverages and restaurants—was up 1.4% in the first quarter. In first quarter 2001, spending in those categories was down 3%. ■

**There is definite evidence that a turnaround is taking place. But don't get too excited, because the full effects of the upturn may not arrive for another year.**

—Robert Coen, Universal McCann



# Two approaches to affil pacts

*Fox, affiliates agree on an inventory-buyback plan; ABC still dickering on football*

By Steve McClellan

Fox has induced a majority of its affiliates to renew an inventory-buyback plan that had been in place for the past three seasons. Under the plan, which took effect in 1999, the affiliates started paying a combined fee in the low \$50 million range annually for prime time spots they had previously received without charge.

But, as network economics change, ABC and its affiliates, who met last week in Chicago, still haven't come to terms on a renewal of their "NFL-exclusivity" pact. For the past three seasons, that pact, which expires July 31, committed affiliates to help pay for football to the tune of about \$45 million in cash along with some re-allocation of Saturday-morning and prime time inventory that helped ABC generate more revenue. In return, affiliates received a number of program-exclusivity guarantees, including a promise that the network would re-purpose no more than 25% of its prime time schedule.

The Fox plan has been particularly painful to mid- and smaller-market affiliate stations that were harder hit by the recession and Fox's ratings decline this past season. Consequently, those stations had a hard time selling spots, and the buyback plan forced many of them into the red.

Apparently, though, Fox felt their pain and has agreed to offer significant discounts to smaller- and mid-market stations,

says John Tupper, chairman of the Fox Affiliate Advisory Board and owner of KNDX(TV) in the Minot-Bismarck-Dickinson, N.D., market.

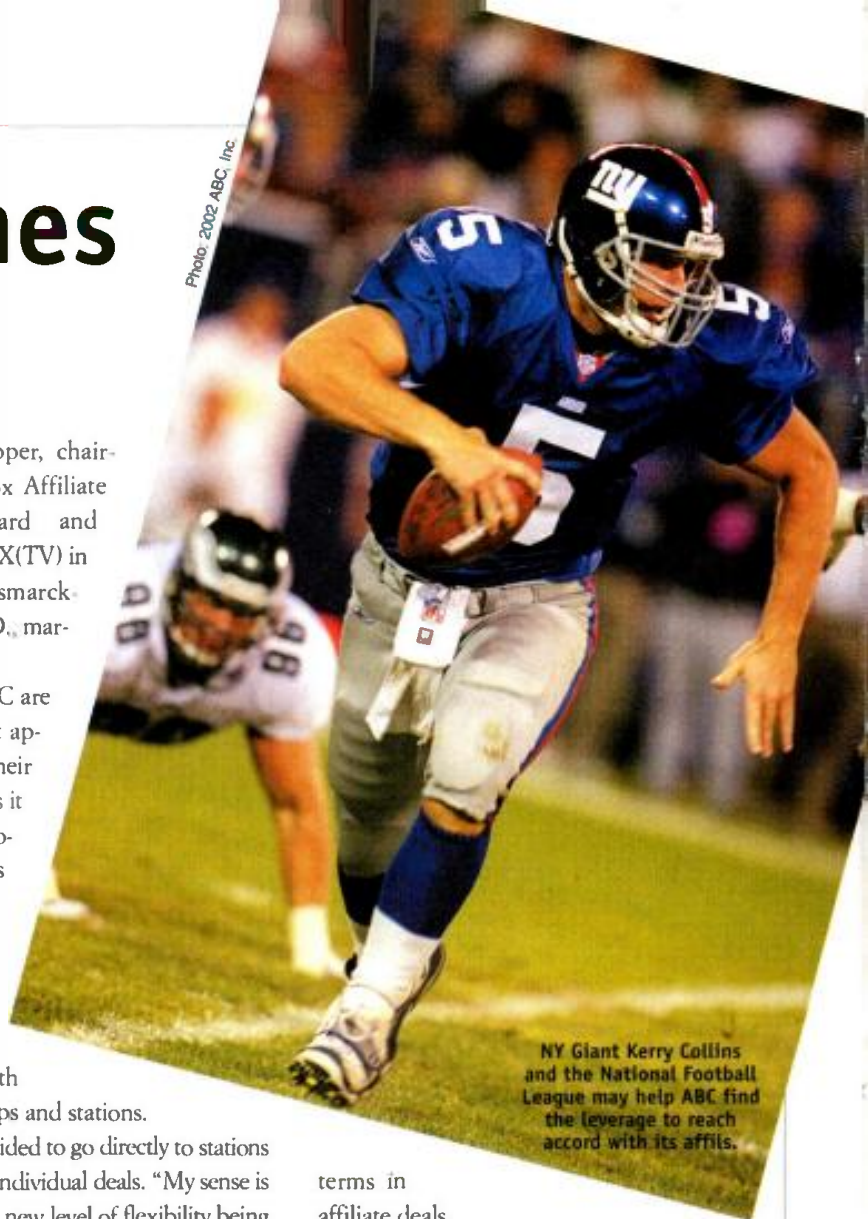
Fox and ABC are taking different approaches to their negotiations. As it did in the last go-round, ABC is negotiating a template with the affiliate board that will be used to sign deals with individual groups and stations.

But Fox has decided to go directly to stations to hammer out individual deals. "My sense is this represents a new level of flexibility being offered by Fox," said Tupper, who has come to terms for KNDX. Meredith, Cox and Clear Channel are also believed to have renewed buyback plans. Tribune has not but is currently negotiating with the network, sources say.

Meanwhile, at ABC, talks continue, and they are "positive, moving forward, but not complete," said ABC Television Network presi-

dent Alex Wallau.

He confirmed that the network and the affiliates are also trying to fashion a mutually acceptable policy on the matter of assigning the network affiliation when affiliates are sold. That has been an issue in which stations have accused the network of holding up sales in order to get better



NY Giant Kerry Collins and the National Football League may help ABC find the leverage to reach accord with its affils.

terms in affiliate deals.

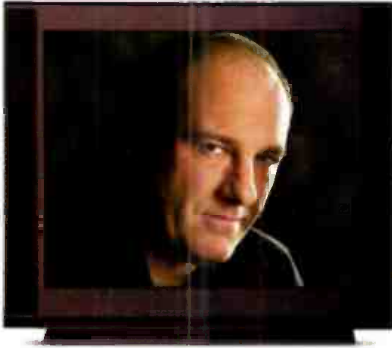
Wallau and ABC Affiliate Board Chairman Bruce Baker briefed reporters on the network's affiliate meeting last Wednesday and stressed that the NFL pact had not been intended to be a main discussion point at the meeting. Rather, said Wallau, the network's main agenda was to discuss with stations its plan for getting out of its prime time rut. Both executives described the overall tone of the meeting as positive.

One other ABC matter that needs to be resolved is the *Jimmy Kimmel Show*, set to debut in late night in January. It's an hour-long show, and therefore stations will be forking over a half-hour more to the network than they had been. Wallau says the network expects that the second half-hour won't be cleared very well in its first year. He said the network hopes to win stations over by producing a first-rate telecast. ■



ABC and affils still need to hash out details over the *Jimmy Kimmel Show*.





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**Lennox Lewis**



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**Training Day**



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**Shrek**

## THE PROGRAMMING THAT'S MOST IN DEMAND...



**The Wire**



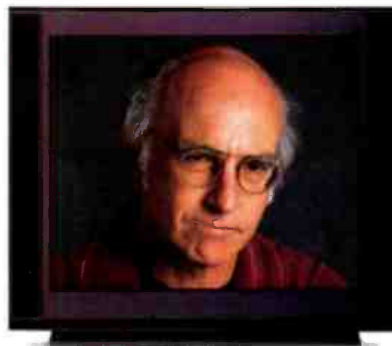
**The Mind Of The Married Man**



**Band Of Brothers**



**Ali**



**Curb Your Enthusiasm**



**Planet Of The Apes**

# HBO ON DEMAND

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Sex And The City



The Sopranos



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# Cable industry's stubborn woes

*CTAM conference turns to new marketing concerns, but old ones still need fixing*

By John M. Higgins

It's not just the new marketing challenges that cable operators have to grapple with. Sometimes it's just the same old songs.

That's what cable marketing executives will be discussing this week, when marketing trade association CTAM convenes its annual conference in Boston. Despite the dramatic collapse in attendance of most other industry trade shows, CTAM has registered more than 2,300 attendees, about the same as last year's conference though down 7% or so from two years ago.

The highlight will be an appearance by Viacom President Mel Karmazin, who is speaking at a general session Tuesday.

Cable operators face several new marketing issues: the high churn rate among digital cable customers; packaging and pricing

of video-on-demand product (à la carte, subscription or free? commercial-free?); and a coming wave of tech-based products like HDTV and home networking.

The broader issue is how to lift cable marketing to other consumer products' level. Cable marketing still uses a mass, shotgun approach, rather than targeting messages more carefully.

To CTAM President Char Beals, cable ops haven't really exploited marketing methods used by the airline and credit-card industries, for instance.

"The big newer marketing issue is really an older issue: how to ratchet up the sophistication of cable marketing," Beals said. "The companies say they're doing these things. The people in the field are saying, 'Great! Where are the tools?'"

There's also flat-out confusion. The com-

ing high-speed cable data standard, DOCSIS 2.0, will allow customers to network computers, stereos and other appliances through their cable set-tops. The trouble is

few people, including consumers, grasp why anyone would want such a service.

But there are plenty of big, immediate issues that aren't at all obscure. Digital cable has been a big success, with penetration exceeding 20% of basic homes. But even five years after the first deployments, operators face a stubbornly high 5%-7% monthly loss of digital subscribers.

Many are lured by discounted

offers but are unimpressed by the dozens of additional channels. Is the product priced too high? Is the entry price too low, bringing in trial customers that don't really want the packages? Or is the selection of networks just too lame (five flavors of MTV, anyone?)? ■



CTAM President Char Beals says, "The big, newer marketing issue is really an older issue: how to ratchet up the sophistication of cable marketing."

## FCC tries, tries again

*It flags three Clear Channel deals for review, citing ad concentration*

By Bill McConnell

The FCC's policy of designating questionable radio mergers for lengthy reviews by agency judges hasn't been too popular. In fact, the two targets slated so far have either canceled or postponed deals rather than go through expensive and time-consuming rounds of filings and judicial motions.

That hasn't stopped the FCC from trying. Last week, the commission said acquisitions in three markets by Clear Channel, the

country's largest radio group, created too much concentration and would not be in the public interest. It ordered judges to review each deal (the FCC cannot reject deals without judicial review).

Clear Channel's Washington lawyer said it was too soon to know whether the company would pursue those deals or drop them to avoid review that could well result in rejections. The company already has postponed plans to close a deal in Charlottesville, Va., rather than submit to the process, deferring

the judicial proceeding to find whether it complies with final radio-concentration rules, expected to be issued spring 2003.

The hearing process was established in March as part of an interim policy for resolving "flagged" deals. The flagging process adds an extra layer of review when mergers otherwise comply with limits on the number of stations one company can own in a market but would allow one company to control 50% of a market's ad revenue or

two companies to control 75%.

Clear Channel's purchase of KFLX(FM) Nolanville, Texas, from Sheldon Broadcasting would give Clear Channel control 53% of radio advertising in the Killeen-Temple metro area and put 98% of radio ad revenue in the hands of the top two station owners. The purchase of WSKW(AM) and WHQO(FM) Augusta-Waterville, Maine, from Mountain Wireless and of WNIO(AM), WNCD(FM), WICT(FM) and WAKZ(FM) Youngstown, Ohio, from Youngstown Radio would give Clear Channel and the other top owner in those markets control of 99.5% and 95.3% of ad revenue, respectively. ■



LOIS

MOM. MOB BOSS.  
BASICALLY THE SAME JOB.



# Liberal, and proud of it

*MSNBC's bid to take on 'two Goliaths' pits Donahue and Nachman against CNN's and Fox's news and talk stars*

By Allison Romano

Phil Donahue says MSNBC's new, fiercely independent positioning suits him just fine. "I haven't been out kissing babies for the last three years," he said. "I've even been booed by my own audience many times."

Donahue's ardent liberalism may be fodder for critics, but he's not apologizing. He campaigned proudly for liberal presidential hopeful Ralph Nader in 2000. He wants church and state kept separate, especially in schools.

Sept. 11 pushed the country well to the right, he says. "No one wants to be called a liberal. Conservative is good, and liberal is bad. Conservatives criticize government, and liberals criticize business," he said last week at the Television Critics Tour in Pasadena, Calif. "To [conservatives], we have a few words: Enron, WorldCom."

After a six-year absence from television, Donahue returns July 15 on MSNBC. His new cable show, *Donahue*, airs at 8 p.m., head-to-head with new CNN star Connie Chung and veteran Fox News conservative Bill O'Reilly (whose *O'Reilly Factor* reigns as cable's highest-rated news show).

The former syndication king shrugs off competition in his dog-eat-dog time slot. He doesn't plan to compete with Connie Chung for exclusive "get" interviews, and O'Reilly's style and stance are different. Instead, Donahue says, he is looking to serve the "many Americans that would be grateful for showcasing of voices not often heard on cable." Mainly, his own.

Of course, he'll still try to woo Fox News loyalists. "I hope to grab viewers who are conservative who want to see what an irresponsible liberal will do."

Viewers, however, won't hear Donahue's opinions unchallenged; he isn't planning any monologue. His show will work off the

day's news and poll guests from both the right and left.

"He's not going to pontificate," said MSNBC President Erik Sorenson. "He'll be the moderator, but of course you'll know his point of view."

And unlike his syndicated days, Donahue won't showboat for a live audience, although there will be occasional road trips.

At 66, Donahue denies that he's too old to be getting back into TV.

"It's certainly true, MTV I'm not. But we're going to find out if it matters." His staff includes several youngsters (along with five staffers from his old show), and he's grudgingly learning how to use a Teleprompter.

Retirement didn't quite suit the fiery host. Sure, it was relaxing to cruise his 56-foot boat up the East Coast to Maine and down to Florida. But, after Sept. 11, Donahue's TV instincts kicked in. "I was struck by the monotone of cable talking heads: Bomb, bomb, bomb. There should be free speech for all Americans unless we're scared."

Donahue now finds himself the centerpiece of MSNBC's transition to

the talk-radio format, the one that ratings leader Fox News seems to have perfected. Also debuting July 15 is an afternoon show with conservative commentator Pat Buchanan and liberal analyst Bill Press (both CNN *Crossfire* alums).

Donahue's lead-in, *Simply Nachman*, hosted by New York media vet Jerry Nachman, also bows Monday. "These are not people doing relationship shows on talk radio," Nachman said.

Of MSNBC's competition, Nachman sniffed, "[Fox News] designed themselves to be a brash pinball machine ... and

CNN got a little stuffy and musty, with that Atlanta discount-warehouse look."

Third-place MSNBC needs to claw its way up. Unlike Fox and CNN, it hasn't maintained the spoils of increased viewing post-Sept. 11. MSNBC notched a 0.4 prime time rating in the second quarter, exactly even with its rating a year ago, according to Nielsen Media Research. Fox's rating soared 57% to a 1.1 in the second quarter, and CNN increased 33% to a 0.8.

Perhaps learning from Turner Broadcasting Chairman Jamie

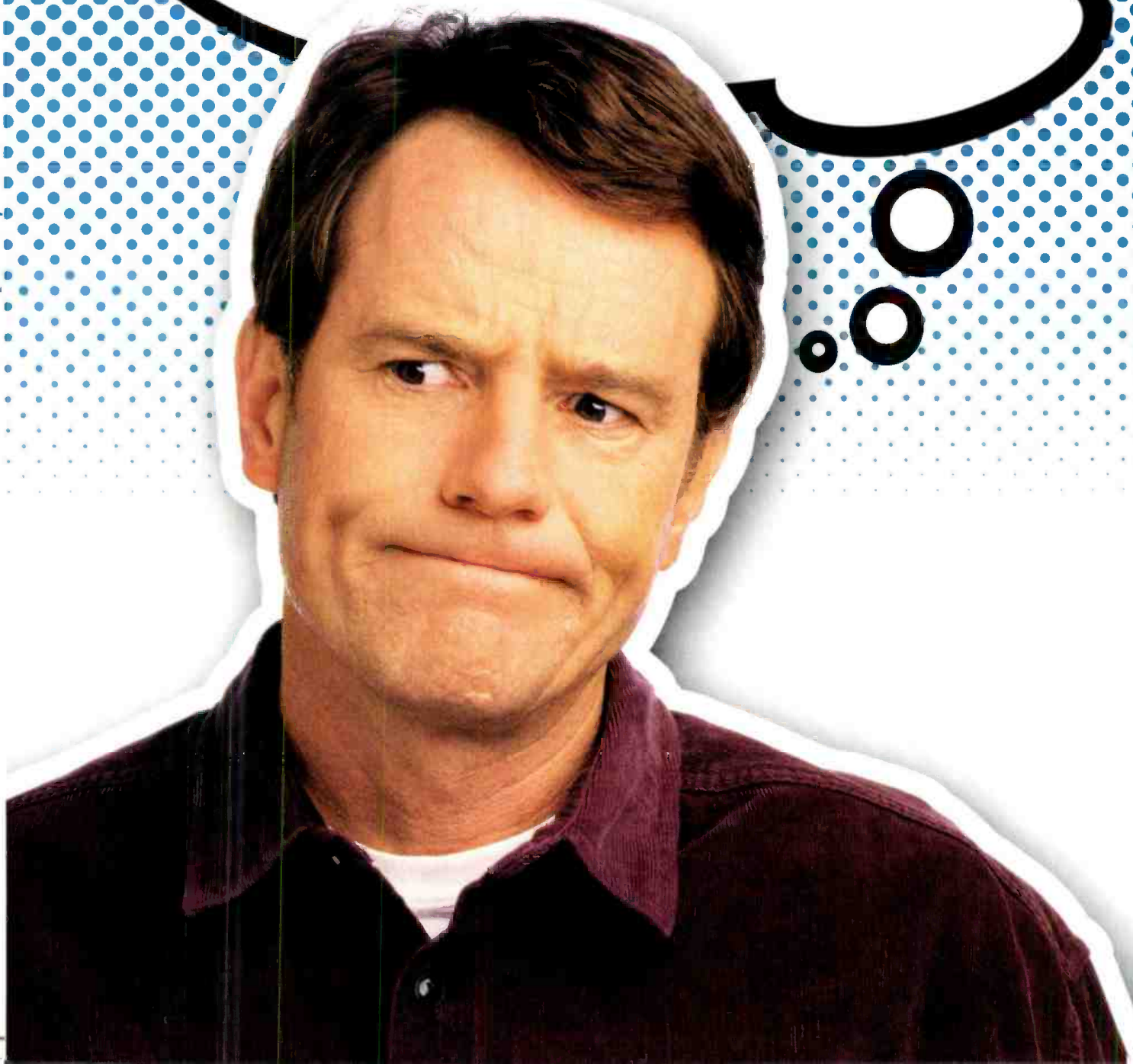
**Third-place MSNBC needs to claw its way up. Unlike Fox and CNN, it hasn't maintained the spoils of increased viewing post-Sept. 11.**

Not content to preach to the choir, Phil Donahue says, "I hope to grab viewers who are conservative who want to see what an irresponsible liberal will do."



HAL

DID I SHAVE  
MY BACK THIS WEEK?





Jerry Nachman sees windows of vulnerability in cable news frontrunners.

Kellner, who wrongly predicted last year that CNN would topple Fox's lead in six months, Sorenson isn't projecting when he'll catch the "two Goliaths." The summer relaunch, he will say, will hopefully lead to gains in the fall and beyond.

He bristles at assertions that MSNBC is abandoning its hard-news roots to get there. Live news updates will sandwich talk shows, and he promises that breaking news

will always take precedence over programming. MSNBC is changing, he explains, because, by prime time, viewers need perspective on news, not headlines.

"Twenty-two minutes of nightly news or a five-minute radio blast is all viewers need. The news doesn't change much from morning to night." ■

More from the press tour on page 26

## Adelstein takes a step

*White House moves FCC nomination, but McCain has hold on vote*

By Paige Albiniak

The White House last week finally sent the nomination of Jonathan Adelstein as FCC commissioner to the Senate for confirmation. But there could still be roadblocks to the appointment of Adelstein, who is legislative counsel to Senate Majority Leader Tom Daschle (D-S.D.).

The Democratic seat, once held by Gloria Tristani, has been empty for the past 10 months (Tristani returned to New Mexico to try to wrest a Senate seat away from Republican Pete Domenici).

In February, President Bush said he intended to nominate Adelstein, but no nomination has been sent until now.

Adelstein's nomination has been the victim of political dis-



Jonathan Adelstein's accession to the FCC has been held hostage by disputes among several senators.

putes between Daschle and Senate Minority Leader Trent Lott (R-Miss.) and also between Sen. John McCain (R-Ariz.) and other senators.

McCain's objections still could derail Adelstein's bid to be

commissioner because McCain is maintaining a hold on all nominees until Bush agrees to appoint Democrat Ellen Weintraub to the Federal Election Commission during the Senate's August recess, which would bypass a lengthy Senate confirmation process for Weintraub. McCain wants Weintraub to join the FEC as soon as possible because he is concerned that the election commission as it is currently constituted is passing rules that will gut his campaign-finance-reform legislation, which

was passed by Congress last spring.

Daschle told reporters last week that the White House is still vetting Weintraub's nomination and "that's going to take a little time.

"It's certainly Sen. McCain's right to take the position he has," he added, "and we'll just have to work with it."

Meanwhile, Daschle plans to bring up every nomination individually and ask for cloture, which requires getting the votes of 60 senators. That's tough in the Senate right now, because the split between Democrats and Republicans is 50-49, with one independent, Sen. James Jeffords of Vermont.

The Senate Commerce Committee has scheduled a confirmation hearing for Adelstein this week. A McCain spokeswoman says the senator does not oppose holding hearings but will continue to block votes until he gets the assurances he needs on Weintraub.

That the Senate is moving nominations at all, however, shows progress.

Daschle and Lott have been locked in a battle over nominees since March, when Democrats voted down the nomination of one of Lott's closest friends, Judge Charles Pickering, to a federal judgeship. ■

**'It's certainly Sen. McCain's right to take the position he has, and we'll just have to work with it.' —Sen. Tom Daschle (D-S.D.)**



FRANCIS

WOULD I BE TRIED  
AS AN ADULT OR A MINOR?





# Defending their analog lives

*Some small stations say FCC plan for prodding DTV delayers is too tough*

By Bill McConnell

**A** trio of TV station owners is asking the FCC to ease proposed sanctions on stations that can't defend their DTV delays.

Brunson Communications, Pollack/Belz Communication and Sunbelt Multimedia, each the owner of a single station, last week complained that the FCC's plan to strip stations of their licenses if they fail to bring digital service on line according to an FCC monitoring process designed for DTV laggards is too harsh.

"The harm that approach would cause vastly outweighs any benefit from bullying them into attempting to offer digital service prematurely," attorney Stuart Nolan Jr. wrote in comments submitted to the FCC on the broadcasters' behalf.

Brunson owns WGTW(TV) Burlington, N.J., which operates on ch. 48 and is in the Philadelphia market. Brunson was denied a request for a six-month waiver to the May 1 deadline for inaugurating DTV service. Pollack/Belz owns KLAX-TV Alexandria, La., and Sunbelt operates KTLM(TV) Rio Grande City, Texas. Both those stations were granted extensions but will have to prove specific "extraordinary and compelling" circumstances to get another.

Although the three owners were the only ones to criticize the FCC's plan for DTV laggards in comments to the commission, a sizeable chunk of smaller broadcasters are likely to face sanctions in the ensuing year if advertising and prospects for DTV viewership don't pick up.

Since the May 1 deadline for all 1,300 commercial broadcasters to begin DTV service, nearly two-thirds have asked for extensions. The FCC rejected 71 of those and granted 772. Of those granted, though, nearly half are expected to be little closer



to getting a digital signal on the air at the end of the extension than they are today.

While the FCC's proposed sanction process has not been permanently implemented, it is being carried out on an interim basis until a final version is established. The proposal was developed by the FCC's DTV task force led by Rich Chessen and approved by its four commissioners. Stations that can justify delays based on technical problems, delays in scheduling construction crews, zoning fights or inability to obtain financing are allowed up to two six-month waivers. Those denied waivers will be sent a letter of admonishment and required to report regularly on their progress.

Admonished stations that fail to go digital within six months of the reprimand will be issued a notice of apparent liability for fines and required to meet a series of 30-day construction milestones. If a station then fails to offer a digital signal after a year, the FCC will revoke its construction permit.

The smaller broadcasters complain that financial and other common problems may not meet the FCC's conditions for "extra-

ordinary and compelling" circumstances but are damaging enough nevertheless to obstruct their DTV build-out.

Broadcasters' main trade groups did not criticize the sanctions but did ask that the FCC limit penalties to only stations that have made no "meaningful" effort to get on the air.

NAB and MSTV also asked the FCC for more

time for the conversion of satellite stations, which relay the signal of full-service stations to additional, usually small and rural, markets. "DTV operation on satellite stations will not measurably advance the DTV transition," they said, "nor will delayed DTV operation measurably retard the transition."

Like nearly all commenting broadcasters, the trade groups said the FCC does not have authority to strip any license without an administrative hearing. They also asked that any revoked licenses be removed from a market's table of channel allotments to reduce congestion.

The Association of Public Television Stations, however, said no allotments should be eliminated among channels reserved for noncommercial broadcasters.

New Life Evangelistic Center, operator of KNLC(TV) Saint Louis and KNLJ(TV) Jefferson City, Mo., said religious broadcasters that rely on donations may have a tough time avoiding sanctions. It asked the FCC to allow churches to delay the build-out at least until the 2006 target date for returning analog spectrum. ■

**'The harm that approach would cause vastly outweighs any benefit from bullying them into attempting to offer digital service prematurely.'**

—attorney Stuart Nolan Jr.

REESE

GOOD VS. EVIL...  
TOUGH CALL.





# ACLU joins access fight

*Group calls securing open access key First Amendment issue*

By Bill McConnell

The American Civil Liberties Union is hoping to use its free-speech credential to boost the fortunes of those trying to force companies to carry competing Internet providers on their broadband networks.

The ACLU, which first announced its support for cable-modem access rules last month, joins Amazon.com and the National Association of Broadcasters as new campaigners for access. "This may be the key First Amendment issue for the 21st century," said Barry Steinhardt, ACLU associate director.

ACLU officials, along with longtime open-access supporters, last week met separately with FCC Chairman Michael Powell and Sens. Fritz Hollings (D-S.C.) and Patrick Leahy (D-Vt.) to present them a technical report describing several types of open- and closed-access cable broadband architectures.

The access advocates argue that, without "true" open-access rules, cable companies will block companies from providing feature-length movies and other products that compete directly with cable's core television business or with marketing deals that cable operators strike with retailers. "It is particularly important to preserve the Internet as an open medium given the amount of media consolidation going on," said Jeffrey Chester, president of the Center for Digital Democracy.

Current multiple ISP plans offered by cable generally do not allow rival ISPs to offer novel services and carry such a high wholesale price that the carried providers have a hard time making a profit, they said.

Open-access supporters are also keeping the issue alive in court.

The federal appeals court in San Francisco will hear CDD and Media Access Project's appeal of the March 14 FCC ruling

that Internet access via cable modems is an "information service" not necessarily bound by open-access rules. They say cable-modem service should be classified as a "telecommunications service" like phone service.

The FCC has long resisted calls for open-access rules, arguing they could stunt the growth of the cable-modem business.

But the FCC is set to establish a final policy this fall, and the consumer advocacy groups and ISPs have slowly been gaining industry allies.



**Will the cable-modem business be stunted by open access, as the FCC has long contended?**

Last month, Amazon.com urged the FCC to impose open access. Amazon fears that, without it, cable operators will strike deals with competing online retailers and use monopolies on broadband ISP service to route customers to those Web sites.

The NAB, which generally has avoided the open-access debate, last month joined the fray by filing a reply in a related proceeding on telephone competition. Both telephone and cable-broadband providers should be barred from controlling the "essential pathway into consumers' homes," NAB said.

The National Cable & Telecommunications Association continues to make blocking open-access rules its top priority. The obligation of letting competitors access their

network without making capital investments would deter companies from investing the millions needed to upgrade many local systems for high-speed data capacity, NCTA said in its comments last month. In areas where the networks are already built, the group added, the regulations would create higher prices and fewer services.

"While the costs of a multiple-access requirement would be substantial," said NCTA, "there would be virtually no countervailing benefits," in large part because cable systems are already beginning to offer multiple Internet providers.

But ACLU and the public advocacy

groups argue that the cable multiple-ISP model isn't true open access because competing providers have very little freedom to offer or to profit from novel services. Current multiple-ISP offerings created by AOL Time Warner and others, they say, are little more than "rebranded" services identical to those the cable franchise is already offering. Plus, they add, wholesale prices are so high that profit margins are extremely thin for participating ISPs.

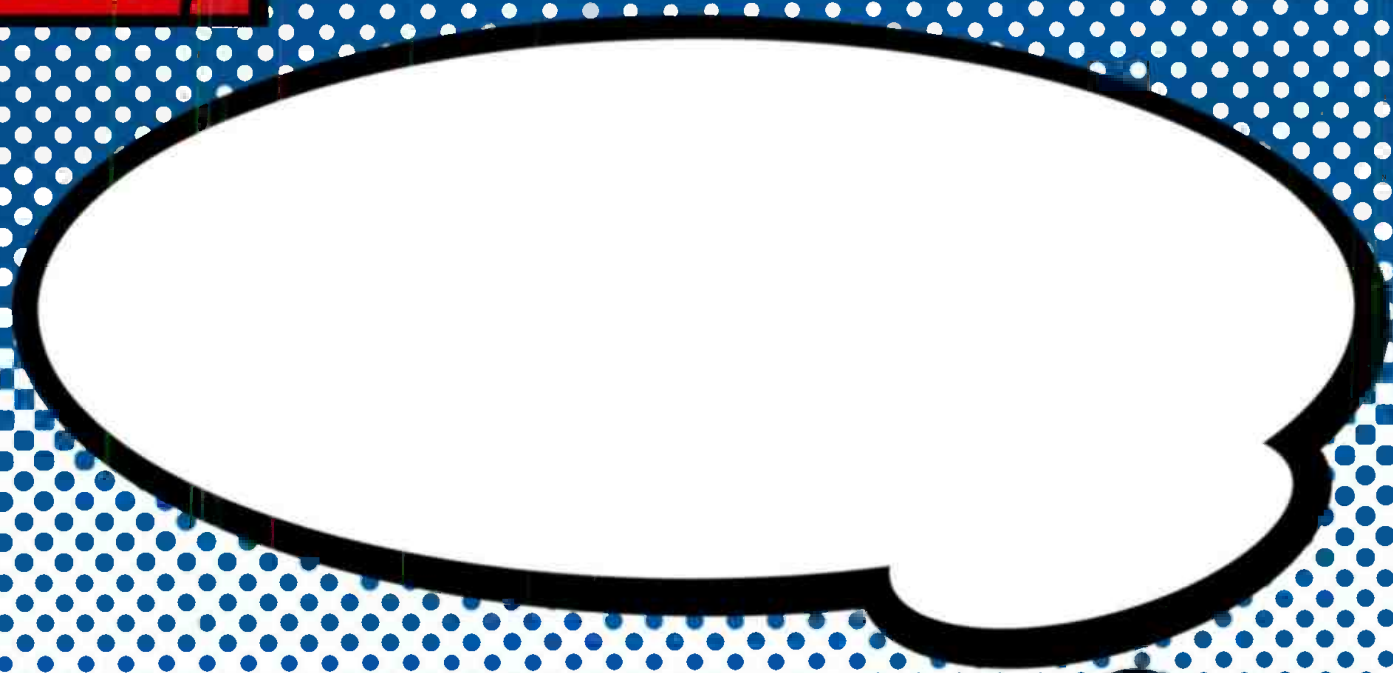
In a technical report issued last week, the groups called on policymakers to shun the rebranding model. The separate-channel approach is already used by cable companies offering private-network service to businesses and institutional users and is the most effective way to prevent manipulation of content or data speed, they said.

Acknowledging that the separate-channel model is expensive and a less efficient use of bandwidth, the groups said "policy-based" shared routing would be acceptable if cable companies were required to configure their systems so as not to block information and limit bandwidth of outside ISPs.

Confident that the FCC will impose or be forced to impose some type of open access, the groups predicted the next major access battle will be over routing requirements. ■



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# Malcolm in the Middle



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## THE WEEK THAT WAS



### VIACOM WOULD BE OK WITHOUT MEL: REDSTONE

Viacom Chairman and CEO Sumner Redstone told the *New York Post* last week that "with or without" COO Mel Karmazin, the company would do "just fine." He also said Viacom would thrive without Redstone himself but added that he's not about to step down. (If he does, by contract, Karmazin gets the job.)

Earlier this year, the two were said to be feuding but that has calmed down. It may heat up at the end of the year when Karmazin's contract expires, but Redstone told the *Post*, "I'm not for a moment suggesting that he's going to go" and throughout the article expressed admiration for Karmazin.

Redstone talked to the *Post* at the big media powwow held by Herb Allen in Sun Valley, Idaho, every year. The *Post* also reported that cable mogul John Malone denied he is cooking a deal with Vivendi Universal U.S. chief Barry Diller to buy parts of Vivendi Universal that may be peddled now that its assets have been

so depleted. But, he added, "I wouldn't rule it out."

### CABLE NOTES FROM THE CRITICS' PRESS TOUR

At the annual press tour for television critics in Pasadena, Calif., where cable and broadcast networks hype their new projects, Oxygen unwrapped *Candace Checks It Out*, in which host Candace Bergen gets behind quirky female stories, like the first woman to pilot the space shuttle and the life of a phone-sex operator. The weekly show, kicking off next month, is Bergen's second offering on Oxygen. When the network launched in 1998, she hosted *Exhale*, an in-studio celebrity interview show. Of those early days, Bergen said, "It was frustrating that it was not seen by anyone we knew or in the fly-over states."

Oxygen is expanding *The Isaac Mizrahi Show* to a weekly strip. It will follow Oprah Winfrey's new series *Oprah After the Show* beginning Sept. 16. ...

Lifetime Television premieres its new legal drama

*For the People* July 21. Its Sunday-night companion, police series *The Division*, has been renewed for a third season. ...

Comedy Central is giving comedian Dave Chappelle his own show, slated for a January premiere. Comedy also is teaming with actor/comedian Denis Leary for *Contest Searchlight*, in which Leary leads the hunt for an aspiring writer/director; the winner gets to produce his or her show for Comedy Central. The 10-part series launches in August. ...

ESPN's second original movie, due in December, will tackle legendary college-football coach Bear Bryant's 1954 grueling 10-day Texas A&M summer training camp. ...

Crime programming continues to populate cable nets. For its third original movie, Court TV explores the plight of a young Afghan woman seeking political asylum in the U.S. Come fall, Court is adding investigative series *Body of Evidence*, hosted by profiler Dayle Hinman. ...

Animal Planet heads to New York City to meet urbanites and their special pets in *Pets and the City*. Animal's first sitcom, *Beware of Dog*, kicks off with two episodes in August, with more to come in January. ...

Food Network is adding four new series for fall, including prime time additions *Top 5*, billed as the *American Bandstand* of food, and *The Food Hunter*, in which host Pete Lockette forages for produce. ...

For its new Crime Fridays,

USA Network is airing original flicks *The Wrong Man* on Sept. 13 and *Murder in Greenwich* in the fourth quarter. A half-dozen crime miniseries, including *Black Mass*, based on criminal connections between the FBI and Irish Mob, and *Traffic*, on underground drug trade, are also in development. ...

Sister net Sci Fi adds original action series *Tremors*, about a small town battling alien worms, in January and is remaking *Quantum Leap* into a two-hour back-door pilot, perhaps even with a female leaper.

### AND, FINALLY

Several journalism and journalism-education groups, including the Radio-Television News Directors Association, wrote a letter to Congress last week asking it to reject a provision in the proposed Homeland Security Act that would exempt some information from disclosure to the public under the Freedom of Information Act. ...

Comedy Central is farming out its star Jon Stewart to CNN International. Beginning in September, Stewart will host *The Daily Show: Global Edition*, a weekend show with the best bits from his American version. (AOL Time Warner is a half-owner of Comedy Central.)

NBC's coverage of the Wimbledon women's final between sisters Venus and Serena Williams produced a 4.6 overnight rating/14 share, a 31% increase over last year's telecast.

See Audrey Hepburn in  
*Breakfast at Tiffany's*  
July 21 and Julia Roberts in  
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Source: Nielsen Media Research, Television Estimates June 2002, Jan. 2002 to May 2002 vs. Jan. 2001 to May 2001 Prime M-Su 7p-12m Women 18-34 Avg. Aud 1000. Qualifications available upon request. AMC is a registered mark and the AMC logo is a service mark of American Movie Classics Company. © 2002 American Movie Classics Company. All rights reserved. Audrey Hepburn courtesy of S. S. Archive. Julia Roberts © Mark Seliger /CORBIS OUTLINE.





# What Recession?



While other TV networks struggle, home-shopping nets rack up double-digit growth

During the Winter Olympics on NBC, one brief on-screen graphic urged viewers to click on ShopNBC.com to buy an official Olympic beret. It wasn't much of a plug—just a visual that lasted a few seconds—and NBC marketers expected that, if they were lucky, about 10,000 viewers would visit the Web site to order.

Wrong. Way wrong.

"We got a 10-second [message] and sold 78,000 berets," marvels Gene McCaffery, chairman of cable network ValueVision, which is 40% owned by NBC and has been rebranded ShopNBC. The sale convinced him that, "if you do it right and there is some demand and you create good marketing, the power of the network [NBC] from a commerce standpoint is pretty amazing."

NBC officials "were just blown away" by the beret sales. "We had this massive surprise success during the Olympics," says Brandon Burgess, NBC's executive vice president of business development. "We said, 'OK, obviously there is a linkage between television and shopping behavior.'"

In fact, there's quite a lot of "shopping behavior" going on right under the upturned noses of consumers who sneer at cable shopping channels, or their Web sites, as the butt of jokes, not an instrument of commerce. Executives in the television business know better.

Last year, for example, NBC, the network of *Friends* and *The West Wing*, was No. 1 of BROADCASTING & CABLE'S Top 25 TV networks in terms of revenue. No. 2, though, wasn't one of the other members of the Big Four broadcast nets—CBS, Fox or ABC—but rather shopping channel QVC. Indeed, for the past year, while traditional broadcast and cable networks struggled to maintain ad sales, the shopping networks seemed only vaguely aware

By Linda Moss



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Source: 1) Nielsen Media Research, 12/31/01-3/31/02, Covg. Area HH rtg vs all basic cable networks 2) Nielsen Media Research, 3/27/00-3/31/02, Covg. Area HH rtg vs all basic cable networks 3) Nielsen Media Research, 12/31/01-3/31/02, W18-34, W18-49, W25-54, Covg. Area HH rtg vs all basic cable networks \*Ties among W18-34 on Total Day 4) Nielsen Media Research, 10/01/01-5/26/02, Covg. Area HH rtg vs all basic cable networks Subject to qualifications upon request.

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**QVC's Darlene Daggett boasts that "we bypassed CBS and ABC this past year. We have quietly generated a \$4 billion business."**

that there was a recession going on.

As their business matures, home-shopping networks like QVC are ringing up record sales. They have been beating the pants off many traditional cable and broadcast channels, racking up double-digit growth in revenue—gains immune to the lingering ad downturn.

In 2001, QVC generated \$3.9 billion in revenue, an 11% increase from 2002; NBC took in \$4.4 billion last year. "We bypassed CBS and ABC this past year," says QVC President of U.S. Commerce Darlene Daggett. "We have quietly generated a \$4 billion business."

When Comcast, which (along with John Malone's Liberty Media) owns QVC, has meetings with analysts, it boasts about the electronic retailer's sales, which have been fortified by increasing the number of national brands it offers and by maintaining a slicker on-air look than its competitors.

"QVC's just been a cash cow for Comcast," says SunTrust Robinson Humphrey analyst Barry Farber. "It's not leveraged, and it's grown at a double-digit rate." He projects that QVC will hit \$4.4 billion in revenue this year. In the first quarter, it posted \$993.5 million in revenue, up 12.4% from a year ago.

The players in the competitive home-shopping arena have all been sprucing up, trying to boost their sales to the levels that QVC, the Tiffany of the segment, enjoys.

HSN (which is technically *not* called Home Shopping Network anymore) generated roughly \$1.9 billion in revenue last year, just half what QVC did. It has also become more upscale, in its on-air look and merchandise, and has stepped up its marketing. It has even poached QVC's former top host, attracting Kathy Levine into its fold starting this summer.

The smallest national participant in the \$7 billion home-shop-

ping-network arena, Shop at Home, is retooling, moving away from offering male-targeted collectibles. And ShopNBC, which ranks third behind QVC and HSN, is launching more initiatives with its mighty strategic partner, NBC, which is using ShopNBC as a gateway to electronic commerce, as a way to generate product sales from NBC programming.

"Our view is, if the other guys can basically make a billion dollars of profit in that space," says NBC's Burgess, "there ought to be room for another store."

It remains to be seen how much NBC's gamble on ValueVision pays off.

It worked with those Olympics berets. The experimentation will continue July 27, when ShopNBC debuts the show *Soap Style*, hawking merchandise that has appeared, as product placements, on NBC soaps, such as *Days of Our Lives* and *Passions*. The cross-marketing is two-way: *Soap Style* will

## Dell's big day at QVC

QVC had a banner day last Dec. 2. The home-shopping network set a record for sales, \$80 million, which translates to more than \$55,000 a minute. And a major part of that day's receipts, \$56 million, was for Dell computers.

"Computers are an explosive category for us," says QVC President of U.S. Commerce Darlene Daggett.

Home-shopping channels such as QVC, HSN and ShopNBC (which posted its biggest sales day June 15, with \$5 million in orders) are all hawking computers now. Dell Computers founder Michael Dell has appeared on QVC endorsing his product and prodding orders.

Daggett theorizes that QVC does well selling

products that consumers are intimidated to purchase, such as fine jewelry, exercise equipment and computers.

At a computer retail store, a consumer may face a salesperson who is bothersome on one of two levels: He or she either knows little about computers or is a "techno-geek" who can't explain the product in plain English.

On QVC, by contrast, viewers are offered a simple but soup-to-nuts explanation about a PC, with demonstrations of its software and how to hook it up.

"Our method of selling is to give you as much information as possible so you can make your own decision," Daggett says.

Selling national-brand products such as Dell computers is one aspect of QVC's strategy. "They establish our credibility for people who don't know us," says Daggett, "and allow us to have some of those marquee brands on our air and on our site so that people understand QVC's own commitment to quality."

Second, while QVC has a number of celebrity lines on the air, such as Joan Rivers jewelry, the network also goes around the country seeking entrepreneurs with unique products. "Small businesses are where some of our most innovative products have come from," notes Daggett.

In 1995, during its "America's Best Tour," QVC found Ron and

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**On Dec. 2, QVC toted up \$56 million in sales of Dell computers, an explosive category for the network.**

Margie Kauffman, a Maryland couple who make gourmet crab cakes. Since then, QVC has sold more than 8 million of them, according to Daggett.

Both QVC and HSN also offer "private-label" or proprietary brands, goods that can be purchased only from them. QVC, for example, sells women's

sportswear under the Denim & Co. label, the network's answer to The Gap, and linens and comforters under the Northern Nights name.

The brands "address a customer need or a market void—not a margin requirement," says Daggett. "We're talking about \$100 million brands."—L.M.



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- 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>

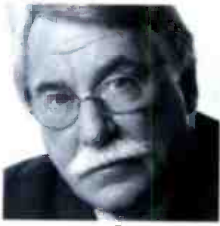
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Gene McCaffery, of ShopNBC (formerly ValueVision), was convinced by sales of Olympic berets of the "amazing" power of the NBC network from a commerce standpoint.



Celebrities rate high on home-shopping nets. Here, ShopNBC offers memorabilia of the late Anthony Quinn.

'If the other guys can make a billion dollars of profit in that space, there ought to be room for another store.'

—Brandon Burgess, NBC

also feature live appearances by NBC soap stars.

HSN claims that it beat ShopNBC and NBC to the punch with its "Shop the Soaps" project, which began as a test last August with ABC. HSN, which is part of Barry Diller's USA Interactive, is selling such merchandise as jewelry worn by characters on the ABC soaps *All My Children*, *One Life to Live* and *General Hospital*.

ShopNBC is also testing with the novela *El Clon* on NBC's recent acquisition, Spanish-language broadcaster Telemundo.

#### BETTER GOODS, BETTER SALES

"With the soft ad market, these broadcasters are looking for other ways to generate revenue," says HSN President and CEO Mark Bozek. "We've proven over the past year or so, with a variety of

products, that it works."

HSN and Shop at Home have had their rough patches. HSN pulled the plug on HSN Español this spring: The Hispanic-targeted service couldn't get enough cable distribution. Shop at Home, which saw sales drop last year as it tried to sell collectibles like sports items, knives and coins to men, abandoned that strategy. Now it's offering more of the female-oriented goods that QVC and HSN sell.

"We kind of lost our way two years ago," says Shop at Home Co-CEO Frank Woods. "We made some management changes last year, and now we've changed our vision of who we want to be."

Besides fine-tuning their pitch and launching robust Web sites, each of the electronic retailers is increasingly using celebrities—from Joan Rivers to Susan Lucci to Wolf-

gang Puck—to sell merchandise.

Their strategies also hinge on featuring national brands ranging from Dell Computers (see box, page 26) to KitchenAid appliances. That builds credibility with skeptical consumers, who still associate shopping networks with ersatz diamonds.

Electronic retailers are endeavoring to grab the fleeting attention of channel surfers by making their programming entertaining, with QVC going on location to places like Italy.

Viewers are buying in, mainly. Cash flow has been growing for the three biggest players. In the first quarter, for example, QVC's domestic business saw EBITDA (earnings before interest, taxes, depreciation and amortization) increase to \$190 million, an 11.6% gain.

However, gross margin was flat



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Noting broadcasters' interest in generating additional revenue through electronic retailing, HSN's Mark Bozek says, "We've proven over the past year or so, with a variety of products, that it works."

at 22.6%, a situation that QVC blamed on its product mix that quarter, which was weighted toward computers rather than higher-margin jewelry. The rest of this year, QVC expects its margin to increase.

At No. 2 HSN, first-quarter EBITDA was up 26%, to \$57.7 million. The network's gross profit margin also increased, to 35.5% from 33.5% a year ago. Like QVC and HSN, ShopNBC saw double-digit gains in cash flow. In the first quarter, its EBITDA hit \$5.3 million, up 34% from the year-ago quarter. ShopNBC's gross margin was 39%, up from 37.7% in 2001.

Bozek's management team has polished HSN's look and upgraded and expanded its product roster, adding more national brands to its inventory, much like QVC. It has backed up those improvements with a major consumer ad campaign and, taking "imitation-is-the-sincerest-form-of-flattery" to new heights, has recruited Levine, who had left QVC to develop a talk show with Studios USA, to go on-air this August with her own line of

clothes and accessories.

On HSN, Levine will be competing head to head against her former employer.

What's the reaction at QVC?

"I would have to reserve judgment and say it's all about the product," Daggett says. "You can have all the personality in the world—and don't get me wrong, Kathy is wonderful; I have nothing but good things to say—but the customer ends up voting with their credit card or with a mouse click, and they'll get to decide."

### GROWING WITH CABLE

There are many reasons that *leaching!* sound is coming from home-shopping channels, which have caught the attention of broadcasters such as NBC and ABC. In part, home-shopping network sales have grown because distribution for the channels is on the rise.

"They are on more MSOs, so they are getting a wider swath of the American public tuning in," says Elissa Myers, president of the Electronic Retailing Association.

When NBC invested in Value-

Vision, the media giant's NBC Cable unit took over affiliate sales for the home-shopping service. Since then, using its leverage, NBC Cable has jump-started ShopNBC's carriage to 45 million full-time homes, a gain of roughly 20 million subscribers during the past two years.

NBC Cable packaged ShopNBC with long-term contract renewals for CNBC, MSNBC and the Olympics and, in some cases, with retransmission consent for NBC-owned TV stations.

"Part of our pitch to the industry was that we were going to develop ValueVision to be a more compelling and competitive service and we were going to try and grow it in some non-traditional directions," says NBC Cable President David Zaslav. "We were going to look at doing some nice synergies with the [NBC] network, and we're starting to do that now."

HSN has 75 million subscribers, while QVC has 83.9 million. Shop at Home is at 40 million.

For cable operators complaining about rising programming fees,

## Home-shopping lowdown

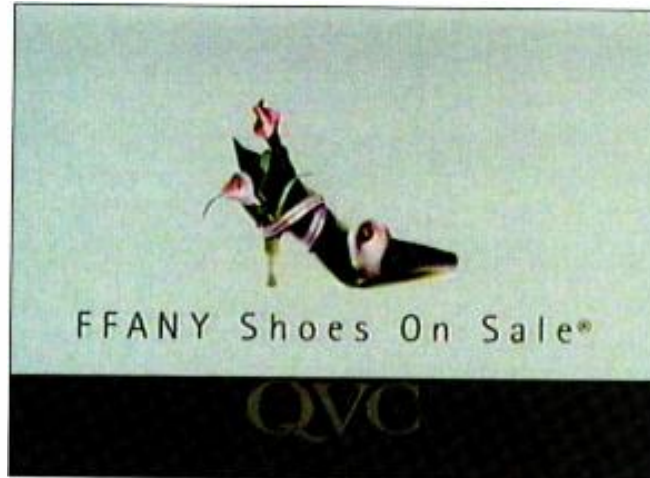
Network	QVC	HSN	ShopNBC	Shop at Home
2001 revenue	\$3.92 billion	\$1.93 billion	\$463.3 million	\$177.6 million
U.S. homes (full-time)	83.9 million	75 million	45 million	40 million
Estimated annual sales per cable home	\$40	\$20 to \$22	\$13 to \$14	\$6
Cable-operator deals	5% commission	5% commission	\$1.40-\$2 per-sub annual fee	\$1.50-\$3 per-sub annual fee
Celebrity vendors	Joan Rivers Delta Burke Richard Simmons Marie Osmond	Wolfgang Puck Suzanne Somers Susan Lucci Christopher Lowell	Star Jones Rebecca Kolls	
Headquarters	West Chester, Pa.	St. Petersburg, Fla.	Minneapolis	Nashville, Tenn.



On December 1,  
you'll start to look at everything differently.



Shop at Home's Frank Woods acknowledges that "we kind of lost our way two years ago" but adds, "Now we've changed our vision of who we want to be."



To build credibility with consumers who still associate shopping networks with ersatz diamonds, QVC has implemented a strategy that hinges on featuring national brands and a wide variety of wares, including accessories, beauty products, cookware, gardening goods, exercise equipment, food, linens, rugs, housewares, consumer electronics and the familiar jewelry.

'Cable operators are more attuned to electronic retailing than ever before because we pay out great commissions.'

—Al Ulozas, QVC

home-shopping networks offer an attractive deal: Cable operators get paid to carry them. QVC and HSN give cable operators a 5% commission on sales.

ShopNBC and Shop at Home pay operators a flat yearly rate per home. It ranges from \$1.50 to \$2 a subscriber for ShopNBC, to \$1.50 to \$3 for Shop at Home, according to home-shopping officials.

"Cable operators are more attuned to electronic retailing than ever before," Bozek says, "because we pay out great commissions and nobody else does that."

QVC, which has paid more than \$1 billion in commissions to

cable operators, has waged a "Go Low/Go Smart" campaign during the past three years. As a result, it has managed to get more than 75% of its distribution on channel slots below 35, according to Al Ulozas, senior vice president of affiliate sales and marketing. Cable systems earn on average 23% higher commission when QVC has a channel slot below 35.

"We've been preaching this to cable operators for years," Ulozas says.

#### AN EVOLUTION

Home-shopping services have evolved over the years to carry a

broader array of wares, like brick-and-mortar department stores.

McCaffery likens QVC to a Macy's and describes HSN as comparable to a Sears. Product mix for both QVC and HSN today includes not just jewelry but cookware, beauty products, accessories, gardening goods, rugs, exercise equipment, food, linens, general housewares, and consumer electronics such as computers and cameras.

ShopNBC's main product has been pricier fine jewelry; McCaffery describes his channel as similar to a Fortunoff.

QVC is champ in terms of annual sales per cable home, at about \$40. HSN takes in \$20 to \$22, ShopNBC \$12 to \$14, and Shop at Home an estimated \$6, according to several network officials.

"The number of great products and the sophistication of the production on the TV shopping channels are growing," Myers says. "And the tie-ins to both celebrities and broadcasters are growing."

Both QVC and HSN have long lists of celebrities who tout products on their networks, although QVC seems to be downplaying their importance.

"At this point, what we're seeking out is really great products and guests and designers that are really passionate about the product, who are deeply involved in its development and are very knowledgeable about it," Daggett says. "That's not to say we don't have celebrities in our mix, like Joan Rivers and Emeril. But those celebrities have become national brands for us."

Home-shopping services have seen phenomenal sales growth via their Web sites. Unlike start-up dotcoms, the electronic retailers already have inventory in stock, an infrastructure in place to fulfill orders, and an established customer base from TV. "We did not have an Internet business two years ago," Bozek says. "Now we have a business that will do upwards of \$200 million this year." ■



Including a network.



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## Programming

# King picks up pace in syndie

*Columbia TriStar gets brisk sales response for its off-net sitcom available in 2003*

By Steve McClellan

In just weeks of actively selling the show, Columbia TriStar Domestic Television has sold the off-network rights to *King of Queens* to 154 stations covering 55% of the country, including 15 of the top 20 markets.

No deals yet in the top three markets, but it appears to be just a matter of time because sources say that CTDI has multiple offers in each of the three.

That being the case, the company won't be rushed into deals, says one distribution executive because stations realize the show (part of the CBS Monday-night sitcom block) is perhaps the last broad-appeal sitcom that will be entering the market for a while.

That's probably true, says Bill Carroll, vice president, programming, for the Katz Television Group.

*King of Queens* will debut in 2003 (along with *Becker*, also more than 50% sold). After that comes Fox's *Malcolm in the Middle* (2004) and *My Wife and Kids* (2005).

*Malcolm* will definitely go to syndication. *My Wife and Kids*, produced by Disney, may go to stations but could also end up on co-owned ABC Family on cable.

Columbia TriStar has deals with the CBS/Paramount TV group, Sinclair, Acme, Pegasus, Scripps Howard, Raycom, Post-Newsweek, Clear Channel, Bahakel, Hubbard and Capitol Broadcasting. The company also has a deal with The WB's 100-plus group of affiliates in smaller markets, where the network is delivered on cable-like channels.

According to John Wieser, executive vice president of CTDI, The WB 100-plus group

(covering 15% of the U.S.) will double-run the program in consistent time periods. Giving the show "aggressive pricing and really special promotional platforms," he said, "they want to embrace it as the centerpiece for their programming next year."

Several stations buying the show plan to use it as a companion to either *Everybody Loves Raymond* or *Seinfeld*, Weiser says.

Columbia has also struck some creative deals with duopoly stations, which have negotiated the right to air the show on two stations simultaneously (in different time periods, of course), or on one station and then the other.

"A lot of duopoly managers want to run *King of Queens* on their affiliate for a couple of years before they move it to an independent or co-launch it on both," says Weiser. CBS has negotiated duopoly rights along those lines in Philadelphia (KYW-TV/WPSG-TV) and Boston (WBZ-TV/WBSK-TV), and Sinclair has done so in Baltimore (WBFF-TV/WNUV-TV).

"Sometimes people look at the duopoly situation as being a negative for the seller in a market," says Steve Mosko, president, CTDI. "But it actually opens up some opportunities," despite the common ownership.

"As the world changes, the way you go

about selling shows changes," he said. In some duopoly situations, the show will air on one station in access and on the co-owned station in late fringe.

Other stations clearing the show include KSTW-TV Seattle, KSTP-TV Minneapolis, WOIO-TV Cleveland, KMAX-TV Sacramento, KDKA-TV Pittsburgh, KPLR-TV Saint Louis and KWBP-TV Portland.

When the show launches in '03, it will be with 125 episodes in the can, says Weiser. There is no cap on the first cycle, so that, for every additional year that it gets renewed on the network, the length of term of the off-network package gets extended by a number of months.

That's fairly typical, although Paramount bucked the trend recently with *Becker*, which has a four-year cap on the first cycle in off-network.

Stations like the idea of a cap because they know well in advance how long they are committed to the show.

But Columbia's position is that, with a minimum of 125 episodes (and probably more), the show will remain fresher longer even if stations double-run it. "Most shows try to get to 100 episodes at launch," says Weiser, noting that no show in recent history has launched with 125 episodes. "It's unparalleled."

Columbia is also reserving the right to drop in a cable window in the fourth year of the show's syndication run, also fairly typical. ■

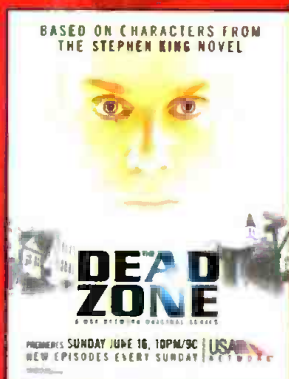


*King of Queens*, starring Kevin James, has already been sold in 55% of the country.

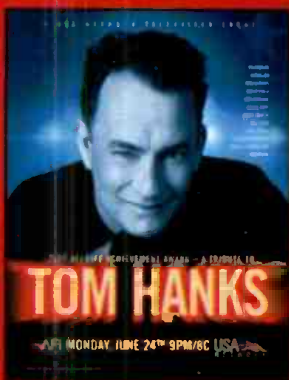




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A *Smackdown!* maneuver was not found to have influenced 12-year-old convicted killer Lionel Tate.

## Programming

futilely attempted “the wrestling defense,” arguing that he was performing wrestling moves he saw on TV. A judge determined that Tate had stomped the girl to death and convicted him of first-degree murder.

Bozell and the PTC, however, routinely included the Tate case among “the startling and sad facts” of children’s killing other children after watching wrestling. (Tate was actually watching Cartoon Network’s *Cow and Chicken* at the time he killed the little girl.) Such assertions were repeated in PTC newsletters and direct-mail fund-raising solicitations and by Bozell on TV.

The PTC regularly bragged about its successes in lobbying advertisers, claiming variously that 30 to 45 companies had withdrawn. “They’re so disgusted by what you are doing they’ve all pulled their advertising,” Bozell told WWE star The Rock (aka Dwayne Johnson) in a TV appearance. Many advertisers, like MCI, did indeed bow under PTC pressure. But Bozell claimed companies that never did, like Saks, Federated Department Stores and Maytag.

“Many of the companies we stated had ‘withdrawn’ or pulled their support had never, in fact, advertised on *Smackdown!* nor had any plan to advertise on *Smackdown!*” Bozell said in a statement. “Again, we regret this error and retract any such misleading statements.”

There’s a big downside for other media outlets. WWE attorney Jerry S. McDevitt, a partner at Kirkpatrick & Lockhart, said one big lever on his side was the argument that Bozell and PTC’s assertions that fund-raising efforts were not political speech but commercial speech. In libel land, a public figure like WWE would normally have to prove “actual malice,” that Bozell and his associates spoke knowing or recklessly disregarding that their contentions were false. But, if the statements were judged commercial speech, the McMahons would have to prove only that the statements were false.

Kevin Goering, a media lawyer at Coudert Bros., said, “The suggestion that this was pure commercial speech is part of a disturbing trend in the courts’ differentiating between commercial and non-commercial speech.” ■

# Bozell’s \$3.5M apology

*Parents TV Council admits it lied about Smackdown! copycats, ad boycott*

By John M. Higgins

The next time media critic Brent Bozell and his Parents Television Council (PTC) claim to be persuading advertisers to yank advertising from some tawdry TV program, it might be useful to check out the claim carefully.

That’s an interesting sidelight to Bozell’s settlement of a libel suit filed by World Wrestling Entertainment last week. The suit centers on Bozell’s admission that, in 2000, he falsely blamed what was then called the World Wrestling Federation for children’s killing other kids using “wrestling moves” learned on TV.

What’s more, Bozell also acknowledged that he exaggerated the number of advertisers that pulled ads from wrestling programming: He claimed to have persuaded advertisers to withdraw from WWF *Smackdown!* on UPN that had never been advertisers there to begin with.

Libel lawyers not involved in the case expressed surprise at the size of the \$3.5 million PTC agreed to pay in the case, an unusually large amount for a pretrial settlement with a plaintiff that has the huge legal

hurdle to overcome because the WWE and its chief Vince McMahon are considered “public figures.” Courts always make it harder for them to win libel cases.

WWE CEO Linda McMahon said she and her husband, Vince, the chairman, feel vindicated. “Not very often do you, in a settlement, get money like this,” she said. “You can’t sit by while someone is libeling you. It’s clearly a devastating thing to be linked to these deaths.”

Bozell’s admission cheered the executives of several networks that have tangled with Bozell, the PTC and one-time parent group Media Research Council, which have attacked shows like *Boston Public*, *Temptation Island* and *South Park*, usually for sex content and foul language.

A PTC spokesman said neither the organization nor Bozell would comment further.

“What you’re seeing with WWE is something that they’ve been doing for a long time,” said Tony Fox, VP at Comedy Central, whose *South Park* once featured an episode of Bozell-esque protesters committing suicide at a network’s headquarters. “It’s not in their interest to put things in context.”

WWE sued Bozell when the PTC seized on the death of a 6-year-old Fort Lauderdale, Fla., girl at the hands of 12-year-old playmate Lionel Tate. Lawyers for Tate



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# Programming

## BroadcastWatch

COMPILED BY KENNETH RAY

JULY 1-7 Broadcast network prime time ratings according to Nielsen Media Research

Week 41	abc	4	NBC	FOX	PAX TV	UPN	WB
	4.7/8	6.9/12	5.6/10	2.3/4	0.9/2	2.0/4	2.0/4
<b>MONDAY</b>	8:00 31. ABC Monday Night Movie—Sling Blade 4.7/8	18. King of Queens 5.6/11 18. Yes, Dear 5.6/10 2. Ev Lvs Raymnd 7.9/14 6. Becker 7.3/12 4. 48 Hours 7.4/13	24. Fear Factor 5.3/10 11. Dog Eat Dog 6.1/10 21. Crossing Jordan 5.4/10	76. Boston Public 2.4/4 90. Ally McBeal 1.8/3	119. Miracle Pets 0.6/1 105. Touched by an Angel 0.9/2 96. Diagnosis Murder 1.3/2	87. The Hughleys 1.9/4 81. One on One 2.1/4 83. The Parkers 2.0/3 87. Girlfriends 1.9/3	83. 7th Heaven 2.0/4 83. 7th Heaven 2.0/3
<b>TUESDAY</b>	8:00 57. Spin City 3.3/6	14. JAG 5.8/11	29. Spy TV 5.0/10 31. Spy TV 4.7/9	59. That '70s Show 3.2/6 49. That '70s Show 3.7/7	123. Mysterious Ways 0.5/1	94. Buffy the Vampire Slayer 1.5/3	87. Gilmore Girls 1.9/4
	9:00 49. The Mole II: The Next Betrayal 3.7/6	21. The Guardian 5.4/10	20. Frasier 5.5/10 31. Scrubs 4.7/8	13. American Idol 5.9/10	117. Doc 0.7/1	112. Under One Roof 0.8/1	81. Smallville 2.1/4
	9:30 42. Houston Medical 4.0/7	16. Judging Amy 5.7/10	4. Dateline NBC 7.4/13		96. Diagnosis Murder 1.3/2		
<b>WEDNESDAY</b>	8:00 45. My Wife & Kids 3.9/9	14. 60 Minutes II 5.8/13	41. Bob Hope: Funniest Out-takes 4.1/9	73. Grounded/Life 2.6/6 73. Grounded/Life 2.6/5	119. Candid Camera 0.6/1	92. Enterprise 1.6/3	92. Sabrina Down Under 1.6/3
	8:30 56. According to Jim 3.4/7			59. Bernie Mac 3.2/6 35. American Idol 4.4/8	103. Touched by an Angel 1.0/2	112. Buffy the Vampire Slayer 0.8/2	
	9:00 66. Drew Carey 3.0/6	30. CBS Wednesday Movie—Mama Flora's Family, Part 2 4.8/9	34. The West Wing 4.5/9		99. Diagnosis Murder 1.2/2		
	9:30 69. Drew Carey 2.9/5		7. Law & Order 6.6/13				
	10:00 49. State V. 3.7/7						
<b>THURSDAY</b>	8:00 66. ABC News Special—In Search of America: July 4th Celebration 3.0/7	37. The Price Is Right 30th Annivers. 4.3/11 16. CSI 5.7/13 49. The Agency 3.7/9	62. Friends 3.1/8 66. Will & Grace 3.0/7 28. Macy's 4th of July Fireworks 5.1/12 37. Dateline NBC 4.3/10	76. Beyond Belief 2.4/6 76. Beyond Belief 2.4/6	130. It's a Miracle 0.3/1 123. Touched by an Angel 0.5/1 105. Diagnosis Murder 0.9/2	83. WWE Smackdown! 2.0/5	112. Jamie Kennedy 0.8/2 105. Jamie Kennedy 0.9/2 112. Jamie Kennedy 0.8/2 123. Off Centre 0.5/1
<b>FRIDAY</b>	8:00 53. America's Funniest Home Videos 3.6/8	42. 48 Hours 4.0/9	25. Dateline NBC 5.2/11	57. Fox Movie Special—Blast From the Past 3.3/7	123. Weakest Link 0.5/1 119. Encounters With the Unexplained 0.6/1	101. UPN's Movie Friday—Operation Sandman: Warriors in Hell 1.1/2	99. Sabrina/Witch 1.2/3 105. Maybe It's Me 0.9/2 94. Reba 1.5/3 96. Raising Dad 1.3/3
	8:30 76. Whose Line Is It 2.4/5	10. CBS Friday Movie—Murder, She Wrote: South by Southwest 6.2/13	12. Law & Order: Special Victims Unit 6.0/12		117. Diagnosis Murder 0.7/1		
	9:00 70. Whose Line Is It 2.8/6						
	9:30 25. 20/20 5.2/10						
<b>SATURDAY</b>	8:00 59. ABC Bond Picture Show—Octopussy 3.2/7	62. Touched by an Angel 3.1/7 42. The District 4.0/9 53. The Agency 3.6/7	62. NBC Saturday Night Movie—Mother 3.1/7 48. Dateline NBC 3.8/8	25. Pepsi 400 5.2/12 35. Post Race 4.4/9	123. Diagnosis Murder 0.5/1 119. PAX Big Event—Haven't We Met Before? 0.6/1		
<b>SUNDAY</b>	7:00 70. ABC Sunday Picture Show—Buddy 2.8/5	1. 60 Minutes 8.6/18	62. Weakest Link 3.1/6 21. Dateline NBC 5.4/10 7. Law & Order: Criminal Intent 6.6/11 9. Crime and Punishment 6.3/11	80. Futurama 2.2/5 72. King of the Hill 2.7/5 45. The Simpsons 3.9/7 40. The Simpsons 4.2/8	123. Candid Camera 0.5/1 112. Doc 0.8/2 123. Ponderosa 0.5/1 105. Touched by an Angel 0.9/2		105. For Your Love 0.9/2 103. For Your Love 1.0/2 101. Charmed 1.1/2 105. Angel 0.9/1
	7:30						
	8:00						
	8:30						
	9:00 75. Alias 2.5/4	3. CBS Sunday Movie—A Time to Kill 7.7/13		37. Bachelorettes in Alaska 4.3/7			
	9:30						
	10:00 53. The Practice 3.6/6						
	10:30						
<b>WEEK</b>	3.5/7	5.7/11	5.0/10	3.6/7	0.7/1	1.5/3	1.4/3
<b>5-10</b>	5.9/10	7.8/13	8.4/14	5.4/9	0.9/1	2.5/4	2.3/4

KEY: RANKING/SHOW TITLE/PROGRAM RATING/SHARE  
 • TOP TEN SHOWS OF THE WEEK ARE NUMBERED IN RED  
 • TV UNIVERSE ESTIMATED AT 105.5 MILLION HOUSEHOLDS;  
 ONE RATINGS POINT IS EQUAL TO 1,055,000 TV HOMES  
 • YELLOW TINT IS WINNER OF TIME SLOT • (NR)=NOT RANKED; RATING/SHARE ESTIMATED FOR PERIOD SHOWN  
 • \*PREMIERE • PROGRAMS LESS THAN 15 MINUTES IN LENGTH NOT SHOWN • 5-T-0 = SEASON TO DATE  
 • SOURCES: NIELSEN MEDIA RESEARCH, CBS RESEARCH



# SyndicationWatch

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

## TOP 25 SHOWS

Rank/Program	18-49	18-49
	AA	GAA
1 Friends	5.0	5.8
2 Seinfeld	4.5	4.8
3 Seinfeld (wknd)	3.5	3.9
Everybody Loves Raymond	.4	3.8
5 Entertainment Tonight	2.8	2.9
6 Wheel of Fortune	2.4	NA
7 Friends (wknd)	2.3	2.4
8 Oprah Winfrey Show	2.2	2.2
8 King of the Hill	2.2	2.5
8 Judge Judy	2.2	3.1
8 Jeopardy	2.2	NA
12 Frasier	2.1	.2
13 The X-Files	1.9	2.0
14 Stargate SG-1	1.8	1.9
14 Everybody Loves Raymond (wknd)	1.8	NA
14 Andromeda	1.8	1.9
17 Maury	1.6	1.6
17 Jerry Springer	1.6	1.7
17 Entertainment Tonight (wknd)	1.6	1.6
20 Access Hollywood	1.5	1.5
21 Live With Regis and Kelly	1.4	NA
21 Extra	1.4	1.4
23 Judge Joe Brown	1.3	1.7
23 Inside Edition	1.3	1.3
23 Divorce Court	1.3	1.6

## TOP COURT SHOWS

	18-49	18-49
	AA	GAA
1 Judge Judy	2.2	3.1
2 Judge Joe Brown	1.3	.7
2 Divorce Court	1.3	1.6
4 Judge Mathis	1.1	.8
5 Texas Justice	0.9	1.2

According to Nielsen Media Research Syndication Service Ranking Report Aug. 27, 2001-May 26, 2002  
 18-49/AA = Average Audience Rating (Adults 18-49)  
 18-49/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

## Going to EX-treme



Twentieth Television confirmed last week that it will roll out a relationship show called *EX-treme Dating* (B&C, July 1) on July 29.

Initially, the show will air on co-owned Fox TV stations in New York; Los Angeles; Washington; Houston; Minneapolis; Phoenix; Orlando, Fla.;

and Baltimore. Collectively, those stations cover about 21% of the U.S.

*EX-treme Dating* is the latest of a flurry of relationship, or dating, shows launched in the past year. Last fall, four of the 12 new first-run strips were dating shows, trying to capture some of the success of the veterans in the genre, Universal's *Blind Date* and Warner Bros.' *Change of Heart*.

Of the four, three have been renewed: Warner Bros.' *Elimidate*, Columbia TriStar's *Ship Mates* and Universal's *The Fifth Wheel*. Paramount's *Rendez-View* will not return.

*Elimidate* clearly took rookie-of-the-year honors in the genre. Season to date (through June 23), it has the best Nielsen ratings in the adults 18-34 and 18-49 demos of any of the 12 new first-run strips that started the 2001-02 season. It's second in the dating genre behind *Blind Date* in household rating with a 1.5 and second in the key demos as well.

*EX-treme Dating* follows a couple on a date while their conversation is tapped by two of the "exes" of one of the daters. The other dater wears an earpiece and receives feedback from the exes on how honest (or not) the companion is. "*EX-treme Dating* puts a unique twist on the relationship genre, as it proves the old saying, 'Be careful what you wish for,'" said Twentieth Television President Bob Cook.

The show will air in early- or late-fringe time periods on the eight Fox-owned stations, seven of which are UPN affiliates. In New York, for example, the show will air on WWOR-TV at 11 p.m. leading out of news. In Los Angeles, it will air on KCOP(TV) at 6:30 p.m., sandwiched between two runs of *Blind Date*.

The show is the latest slow-rollout from Twentieth and its co-owned TV-station group. *Good Day Live* was rolled out just last month to 60% of the U.S. after being test-marketed on a handful of Fox outlets.

—Steve McClellan

# PATIENCE PAYS OFF!



Source: NSI, WNAF Overnights, Dec '01 = 12/3-28/01, Feb '02 = 1/28-2/22/02, May '02 = 4/28-5/24/02, w/o 7/1/02, HH Rtg

# StationBreak

BY DAN TRIGOB OFF

## JACKSONVILLE JUMP

This week marks major changes in the landscape of Jacksonville, Fla., TV with the switch in CBS affiliation from Post-Newsweek's WJXT(TV) to Clear Channel's WTEV-TV. Although the network and WJXT had had a successful partnership, negotiations broke down, largely over the issue of network compensation. WJXT becomes an independent this week, boosting its local news and syndicated programming to fill the spots that had carried CBS programs and sports.

Compensated or not, Clear Channel was only too happy for WTEV-TV, which had been a UPN affiliate, to become a CBS affiliate and has been welcomed by numerous network personalities, including Dan Rather, who was featured on a promotional special last week and is scheduled to visit the station in the fall.

Clear Channel also runs Fox affiliate WAWS there and, with UPN programming pushed to later hours, now hosts programming from three networks. Clear Channel, which owns or operates 11 radio stations in the market and more than a thousand billboards, has turned its promotional muscle toward publicizing the affiliate switch.

## STATIONS DON'T GET THE PICTURE

A Florida law, passed after the death last year of race-car driver Dale Earnhardt and restricting public access to autopsy photos, was upheld by a Fort Lauderdale judge over a challenge brought by Florida media. An earlier challenge from a University of Florida student newspaper brought a



### Bolt nabbed red-handed

A weather camera mounted on the tower belonging to KFYP-TV Minot-Bismarck-Dickinson, N.D., captured the lightning that began wildfires south of Bismarck, burning down the entire small town of Shields, N.D.

similar result last year and is making its way through Florida appeals courts. Attorneys for the media group opposing the law indicated that this case will be appealed as well.

The law passed at the instigation of the Earnhardt family after newspapers wanted to examine autopsy photos of Earnhardt to see whether safety additions might have affected the outcome of his Daytona 500 crash. "This law has weakened the watchdog function of the media," says Forrest Carr, news director for WFLA-TV Tampa, one of the law's challengers.

The law, he says, was part of an emotional reaction to Earnhardt's death. "No one wants Dale Earnhardt's autopsy photos on the Internet. But questions need to be asked regarding some deaths. This solution prevents the media from ever investigating a suspicious death. The public now has to hope they can trust the government, with no way to verify what it's doing."

## RAE RETURNS

Angela Rae's return to Miami will spark a change at WFOR-TV's early-morning news when she takes over the 5 a.m. and 6 a.m. news. She returned to the station this spring after a little less than two years at co-owned WCBS-TV New York. Her return, said WFOR-TV GM Steve Mauldin, provided "an opportunity to do something spectacular." The revamped morning news, the station said, "will include the latest business updates, consumer tips, health reports and entertainment news."

## ON THE MOVE

■ Gary Stokes, most recently VP/GM at NBC-owned WVTM-TV Birmingham, Ala., will start next week as news director at WAVY-TV Portsmouth, Va. He has a history with the station, having been news director there in 1994-95 and an executive producer in 1989-91.

■ Laura Diaz, a popular anchor and reporter at KABC-

TV Los Angeles for nearly two decades, is leaving the station for local rival KCBS-TV. Diaz has been anchoring KABC-TV's 5 and 11 p.m. newscasts. The announcement that she is leaving was made first at KABC-TV. Her start date has not been announced.

■ KNBC(TV) Los Angeles has named John Stehlin weekend weathercaster, replacing Paul Johnson, who will continue to serve as weekday traffic reporter and fill-in weathercaster. Stehlin will anchor weather reports for the afternoon and 11 p.m.

weekend editions of *KNBC News*. Stehlin most recently was weekday weathercaster at CBS's KYW-TV Philadelphia.

■ Troy McGuire, most recently news director at Meredith's KTVN(TV) Reno, Nev., has been named to head news operations at Meredith's Portland, Ore. duopoly KPTV(TV)-KPDJ(TV). He replaces both KPDJ News Director Dan Acklen and KPTV News Director John Sears. Sears is a past chairman of the Radio-Television News Directors Association.

■ WBBM-TV Chicago named Mike Wilken engineering manager, replacing Peter Sockett, who was promoted to director of engineering and operations for the station.

Wilken has been with the station since 1985, when he was a freelancer. He became a full-time employee three years later. Recently, he was co-designer and planner in the master-control rebuild.

*All news is local. Contact Dan Trigoboff at (301) 260-0923, e-mail dtrig@reedbusiness.com or fax (413) 254-4133.*



## Programming

# FocusLake Charles

### THE MARKET

DMA rank	174
Population	254,000
TV homes	91,000
Income per capita	\$14,987
TV revenue rank	163
TV revenue	\$12,300,000

### COMMERCIAL TV STATIONS

Rank*	Ch.	Affil.	Owner
1	KPLC-TV	7 NBC	Liberty
2	KVHP(TV)	29 Fox	National

\*May 2002, total households, 6 a.m.-2 a.m., Sun.-Sat.

### CABLE/DBS

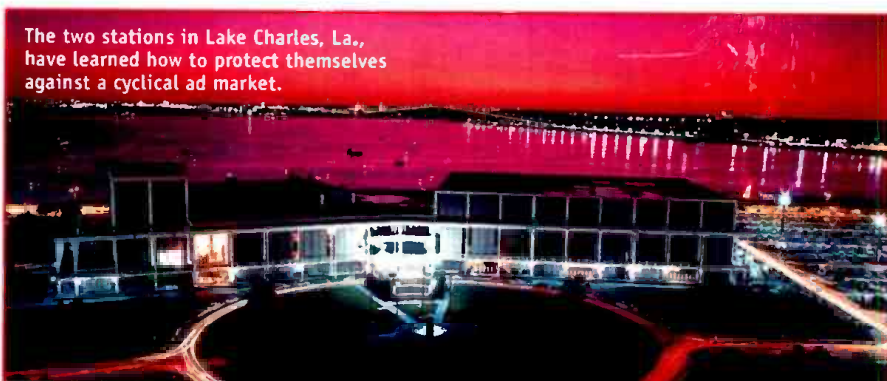
Cable subscribers (HH)	64,610
Cable penetration	71%
ADS subscribers (HH)**	4013
ADS penetration	21%
DBS carriage of local TV?	No

\*\*Alternative Delivery Systems, includes DBS and other non-cable services, according to Nielsen Media Research

### WHAT'S NO. 1

Syndicated show	Rating/Share***
<i>Entertainment Tonight</i> (KPLC-TV)	19/38
Network show	
<i>ER</i> (KPLC-TV)	23/35
Evening newscast	
KPLC-TV	29/58
Late newscast	
KPLC-TV	26/53

\*\*\*May 2002, total households  
Sources: Nielsen Media Research, BIA Research



The two stations in Lake Charles, La., have learned how to protect themselves against a cyclical ad market.

## A taste for the non-traditional

When Edward K. Braxton became bishop of the Lake Charles, La., Catholic Diocese in late 2000, KPLC-TV put together a collection of area vendors to underwrite the station's four-hour live coverage of the installation. Although the ceremony was steeped in tradition, "that was not a traditional advertising package," says Jim Serra, general manager at Liberty Corp.'s KPLC-TV, the market's long-dominant station.

The market grew through such atypical advertising sales, he explains. "For years, the market was under-retailed. We learned a long time ago that, as a market with a strong petrochemical presence, this market tends to be cyclical and we had to get off the conventional sales treadmill. That's protected us in down years."

Lake Charles is a small market: only four parishes (counties), just over a quarter-million people and two local commercial stations.

"In a two-market station," says KVHP General Manager Al Tanksley, "there are a lot of available advertisers." Most of that advertising is local, and the station does not employ a national rep firm. "But some of that national advertising trickles down."

KVHP is owned by local investors going by the name National Communications Inc., even though the station is its sole property. KPLC-TV is owned by Liberty Corp. and is routinely among the top-performing stations in the nation, with sometimes staggering local-news numbers. Both stations offer about 20 hours of news a week.

"Not a day goes by when I'm not stunned by the amount of news that goes on here. The petroleum industry, the deep-water port, the aircraft industry, prevailing old Cajun culture, and now the gaming industry—these, by their very nature, generate news. Add to that Louisiana's notorious state politics, and the question is not how do we find enough news but how do we find enough time to cover the news."

—Dan Trigoboff

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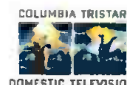
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Source: NSI, WRAP Overnights; HH rtg, 7/1 - 7/5/02; Year ago = July '01 Sweep



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## Washington

# Reg review is spring-loaded

*FCC delay until next year may have to do with pleasing Congress as much as judges*

By Bill McConnell

Politics, as much as hurdles constructed by federal judges, may be dictating FCC Chairman Michael Powell's decision to wait well into next year to modify broadcast-ownership rules.

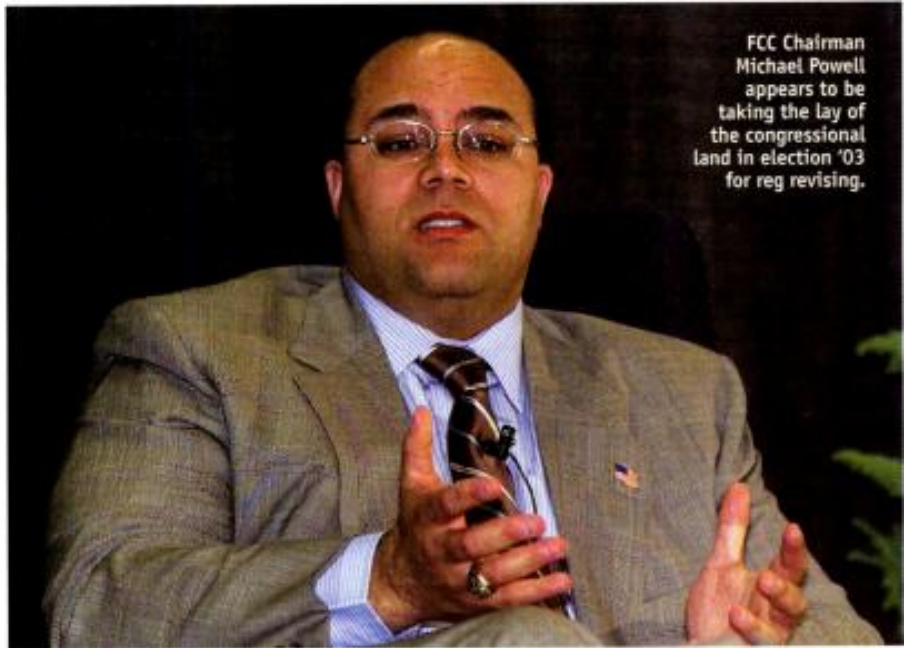
By waiting until spring 2003, Powell gives himself a chance to find out which party will control Congress and, ultimately, which lawmakers he must keep happy.

"Chairman Powell wisely deferred," Washington attorney Erwin Krasnow said last week during a teleconference sponsored by SunTrust Robinson Humphrey. After this fall's elections, Powell will know whether a Republican-controlled Congress will continue the deregulatory wave launched by the 1996 Telecommunications Act or whether Democrats will try to stem the tide.

"The FCC doesn't take any action without the fingerprints, and sometimes the footprints, of Congress members being shown," Krasnow said.

At the moment, congressional intent is impossible to read with the House run by the GOP and the Senate by Democrats. Republican leaders such as House Energy and Commerce Committee Chairman Billy Tauzin (R-La.) recently criticized Powell's decision to delay relaxation of local newspaper/broadcast crossownership restrictions. The same week, Sen. Russ Feingold (D-Wis.) introduced legislation intended to crack down on a string of alleged abuses by the radio industry in the wake of the sector's rapid consolidation.

In the meantime, Powell's point man on media-ownership issues told the panel's listeners the FCC is gearing up to conduct a new round of studies aimed at helping the agency gather evidence on media diversity,



FCC Chairman Michael Powell appears to be taking the lay of the congressional land in election '03 for reg revising.

consumer habits and ad practices. Judges say such evidence is necessary to justify any rules going forward.

"We've been criticized for rules that aren't internally consistent," said Paul Galant, FCC special adviser on media ownership. For instance, in a ruling issued in April, the court harshly criticized local media "voice" tests governing the number of broadcast stations an owner can control in a market. To permit dual ownership of TV stations, markets have been measured according to the number of TV stations in the market whereas limits on radio/TV crossownership in a market count newspaper and cable systems in addition to broadcast outlets.

One study is already in the can.

Last month, the FCC unveiled results of a novel laboratory-based examination of programming prices under various levels of cable-system concentration. On July 5, the

FCC was forced to revise earlier findings because of computational errors. The revised data show that program sellers' profits were underestimated when large cable systems have the right to insist that per-sub programming fees are not higher than other systems'. Despite the revision, these "most-favored-nation" contracts were still found to substantially increase big systems' bargaining power, the FCC says.

On tap is a review of the extent to which different viewpoints were offered under various commonly owned media during the 2000 presidential campaign.

A consumer survey will measure where individuals are turning for news these days, and another study will examine the extent to which advertisers believe various forms of advertising are interchangeable.

The results of the studies will be unveiled at the same time the FCC issues a notice of proposed rulemaking that could





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relax the 35% cap on one company's share of TV-household reach, as well as limits on TV duopolies and crossownership of cable systems and broadcast stations in the same market. Each restriction has been ordered rewritten in a string of judicial opinions issued since March 2001. The rulemaking also tees up local radio/TV and newspaper/broadcast crossowner-

ship limits and the dual-network rule.

The Media Bureau this December also will recommend additional changes to the 30% cap on a cable company's national pay-TV subscriber share and to limits on the amount of their own programming that cable systems may include in their lineups.

Rigorous examination of each rule is

required in large part because the 1996 Telecommunications Act required the FCC to review all media-ownership rules every two years and eliminate those not necessary to protect the public interest. Although the FCC says the court is interpreting the congressional mandate too rigidly, Gallant said the agency will not ask Congress to water down the law. ■

# Still a political football

*House hearing on public broadcasting strikes sparks once again*

By Paige Albiniak

It has been almost three years to the day since the House last held a hearing on public broadcasting, but the service is still one of Congress's favorite political footballs.

Last week, the House Telecommunications and Internet Subcommittee held its first oversight hearing on public broadcasting since July 13, 1999. It was at that hearing that committee members discovered that Boston noncom WGBH-TV had been sharing its fundraising lists with Democratic organizations. The political backlash lasts in some ways to this day. It was one reason Rep. Billy Tauzin (R-La.), then chairman of the House Telecommunications Subcommittee, withdrew support for a bill that would have substantially increased public broadcasting's funding.

Republicans were still distressed last week, this time over a story National Public Radio did about the Traditional Values Coalition, a group promoting conservative Christian values.



Association of Public TV Stations' Lawson sees 20%-30% of public stations missing DTV deadlines.

In January, TVC got a call from NPR reporter David Kestenbaum looking into federal investigators' comments that right-wing groups were possible suspects in the October anthrax attacks on Sens. Tom Daschle (D-S.D.) and Patrick Leahy (D-Vt.). Kestenbaum remembered a press release TVC issued in August 2001 complaining that Daschle and Leahy supported removing the words "so help me God" from official Senate business.

Kestenbaum asked TVC if the group "had been contacted by the FBI yet," according to TVC Executive Director Andrea Lafferty. She was so

offended that TVC immediately issued a press release criticizing NPR, saying, "No wonder many in Washington refer to it as National People's Radio."

Three weeks later, NPR ran a story that referred to TVC's press releases on the senators and on NPR's "allegation."

The story further upset TVC. "Clearly, NPR employees graduated from the school of anti-Christian bigotry where their new math of 2+2=4 equates to: Christian organization + speaking out against Senators = MURDER," wrote Lafferty in her submitted testimony.

NPR President Kevin Klose apologized publicly to Lafferty during the hearing, but Lafferty said that was not enough and called for an end to all federal funding of NPR.

As witnesses to the dispute, members of Congress split along party lines. House Energy and Commerce Committee Chairman Tauzin said the incident makes him feel "conflicted" about public broadcasting and gives him the "feeling that there is not necessarily objective coverage all the

time." Said Rep. Anna Eshoo (D-Calif.): "I'm not conflicted at all about my support of public broadcasting. Controversy comes with everything public."

Members also focused on public broadcasting's transition to digital. Though divided on whether public broadcasters should receive federal funds for operations, Republicans supported help with the transition.

"If I had to vote to de-fund public broadcasting, I would," said Rep. Joe Barton (R-Texas). "I would give it no federal money for operations, but I would give it federal dollars to make the transition."

Public broadcasters say the transition will cost them \$1.8 billion. They have raised nearly \$775 million, but most committee members agreed that the government needs to help close the \$1 billion gap.

The FCC deadline for the DTV transition is next May, but John Lawson, president of the Association of Public Television Stations, estimates that 20%-30% of public broadcasters will miss the deadline if the government doesn't step in. Even then, many are having to make the transition on the cheap, with "bare minimum of power requirements," Lawson told the committee. ■



## Regulation Watch

**NEW FACE JOINS  
COPPS' TEAM**

Alexis John has joined the staff of FCC Commissioner Copps to assist with media and consumer-protection issues. She had been serving in the Wireline Competition Bureau. She has been at the FCC since 1996, when she was hired as an attorney in the Cable Services Bureau. She also has served in the Mass Media and Enforcement Bureaus.

**BUSH NAMES POWELL  
CORPORATE COP**

In the wake of the WorldCom scandal, President Bush has asked FCC Chairman Michael Powell to join the new inter-agency Corporate Fraud Task Force. "There is a severe capi-

tal crisis putting a tremendous strain on the telecommunications industry," Powell said in accepting the appointment. "It is imperative to do everything possible to restore investor confidence in this critical sector of the American economy. The commission stands ready to offer its expertise to assist in the effort to investigate and prosecute significant financial crimes."

**DON'T GO THERE**

On July 5, the FCC dismissed a series of complaints by the Litigation Recovery Trust, which has been fighting at the agency and in court for a financial settlement over Lockheed Martin's purchase of Comsat. LRT accused

Comsat of violating indecency laws by offering adult movies over its in-hotel movie system. LRT's petitions lay dormant at the FCC for years before the group late last month urged the FCC to revive the matter. The commission did and promptly said go away. As for its rationale, the FCC said it took "very seriously" Lockheed/Comsat claims that LRT was abusing the commission's complaint procedures to "harass" the merged company.

**ECHOSTAR WINS AGAIN**

EchoStar won another intellectual-property decision when a court in North Carolina said the Littleton, Colo.-based company was not guilty of infringing the patents

on electronic program guides developed by Gemstar and SuperGuide. A federal district court found that none of EchoStar's products infringe any of three patents developed by Gemstar and SuperGuide. Last month, Gemstar also was unsuccessful in a separate but similar complaint against EchoStar, Scientific-Atlanta, Pioneer and SCI Systems.

**CORRECTION**

The July 8 edition incorrectly reported that George Carlin's "Seven Dirty Words" routine was prompted by a 1978 FCC decision banning specific words from the airwaves. In fact, it was a broadcast of Carlin's routine that prompted the FCC ruling.



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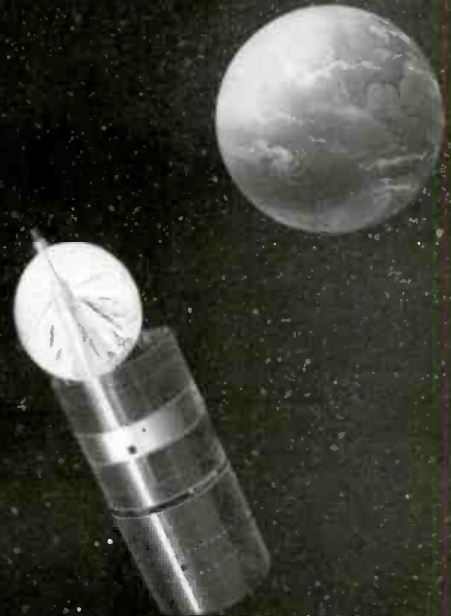
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# Changing Hands

## TVs

### **WPWR-TV Gary, Ind.**

**Price:** \$425 million

**Buyer:** Fox Television Stations Inc. (Mitch Stern, chairman/CEO)

**Seller:** NewsWeb Corp. (Fred Eychaner, owner)

**Facilities:** Ch. 50, 5,000 kW, ant. 1,621 ft.

**Affiliation:** UPN

## Combos

### **WCLE-FM Calhoun and WCLE(AM)**

**Cleveland, Tenn.**

**Price:** \$2.4 million

**Buyer:** Williams Communications Inc. (Walton E. Williams Jr., president); owns six other stations; none in this market

**Seller:** Radio Center Dalton (Paul Fink, president)

**Facilities:** WCLE-FM: 104.1 MHz, 2 kW, ant. 522 ft.; WCLE(AM): 1570 kHz, 5 kW day/84 W night

**Format:** WCLE-FM: AC; WCLE(AM): Country

### **WMON(AM) Montgomery and WSCW(AM) and WJYP-FM S. Charleston (Charleston), W.Va.**

**Price:** \$1.5 million

**Buyer:** L.M. Communications (Lynn Martin, president); owns nine other stations, including WCOZ(AM) and WKLC-FM Charleston.

**Seller:** Mortenson Broadcasting Co. Inc. (Jack Mortenson, president)

**Facilities:** WMON(AM): 1340 kHz, 1 kW; WSCW(AM): 1410 kHz, 5 kW day;

WJYP-FM: 100.9 MHz, 3 kW, ant. 299 ft.

**Format:** WMON(AM): Gospel;

WSCW(AM): Gospel; WJYP-FM:

Inspirational/Light AC

### **KJCK-FM and KJCK(AM) Junction City and KQLA-FM Ogdan, Kan.**

**Price:** \$600,000

**Buyer:** Platinum Broadcasting (Steven R. Struebing, president/director); no other broadcast interests

**Seller:** Platinum Broadcasting Co. (Dale J. Weary, president/director)

**Facilities:** KJCK-FM: 94.5 MHz, 100 kW, ant. 630 ft.; KJCK(AM): 1420 kHz, 1 kW day/500 W night; KQLA-FM: 103.5 MHz, 41 kW, ant. 312 ft.

**Format:** KJCK-FM: Top 40; KJCK(AM): Country; KQLA-FM: Hot AC

## FMs

### **WYGY-FM Hamilton (Cincinnati), Ohio**

**Price:** \$45 million

**Buyer:** Susquehanna Radio Corp. (Dave Kennedy, president/COO); owns 31 other stations, including WMOJ-FM and WRRM-FM Cincinnati.

**Seller:** Salem Communications Corp. (Edward G. Atsinger, III, president/CEO)

**Facilities:** 96.5 MHz, 20 kW, ant. 810 ft.

**Format:** Country

### **KRCY-FM Kingman, Ariz.**

**Price:** \$6 million

**Buyer:** Entravision Communications Co. LLC, (Walter Ulloa, Chairman/CEO); No. 20 station group owns 53 other stations, none in this market

**Seller:** Spectrum Scan LLC, (Rodney A. Burbridge, president, Rodco Inc)

**Facilities:** 105.9 MHz, 17 kW, ant. 1,890 ft.

**Format:** Oldies

### **WXCL-FM Pekin (Peoria), Ill.**

**Price:** \$5 million

**Buyer:** JMP Media LLC (Mike Wild, president/COO); owns four other stations: WMBD(AM), WWFS(AM), WPBG-FM and WSWT-FM Peoria

**Seller:** Kelly Communications (Bob Kelly, president)

**Facilities:** 104.9 MHz, 3 kW, ant. 328 ft.

**Format:** Country

### **WOCE-FM Benton, Tenn.**

**Price:** \$3.25 million

**Buyer:** LB Radio of Chattanooga LLC (Paul Fink, president); no other broadcast interests

**Seller:** Radio Center Dalton (Paul Fink, president)

**Facilities:** 93.1 MHz, 4 kW, ant. 400 ft.

**Format:** Spanish

### **KMCM-FM Odessa (Odessa-Midland), Texas**

**Price:** \$2.5 million

**Buyer:** Tommy R. Vasocu; owns two other stations, including KHKX-FM and KQRX-FM Odessa-Midland

**Seller:** ICA Media LLC (John Bushman, chairman/director)

**Facilities:** 96.9 MHz, 100 kW, ant. 420 ft.

**Format:** Oldies

### **WKHC-FM Dahlonoga, Ga.**

**Price:** \$1.1 million

**Buyer:** Williams Communications Inc. (Walton E. Williams Jr., president); owns eight other stations, none in this market

**Seller:** Kevin C. Croom

**Facilities:** 104.3 MHz, 4 kW, ant. 417 ft.

**Format:** Country

### **KLTC-FM Superior, Mont.**

**Price:** \$900,000

**Buyer:** Clear Channel Communications (Randy Michaels, chairman/CEO, Radio); No. 1 radio group owns 1,211 other stations, none in this market

**Seller:** Michael Radio Group (Victor A. Michael Jr., president)

**Facilities:** 107.5 MHz, 100 kW, ant. 748 ft.

**Format:** AC

### **WKZB-FM Butler (Meridian), Ala.**

**Price:** \$771,500

**Buyer:** Holladay Broadcasting (Bob Holladay, president); owns 10 other sta-

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tions, including WJXM-FM, WMLV-FM and WMMZ-FM Meridian, Miss.

**Seller:** Butler Broadcast Corp. (Darryl Jackson, president)

**Facilities:** 93.5 MHz, 32 kW, ant. 610 ft.

**Format:** Classic Rock

**WAJW-FM Chesterton (Chicago), Ind.**

**Price:** \$550,000

**Buyer:** WBEZ Alliance Inc. (Torey Malatia, president); no other broadcast interests

**Seller:** Auricle Communications, (Pat Collins, board president)

**Facilities:** 89.5 MHz, 23 kW, ant. 187 ft.

**Format:** Variety

**WIFF-FM Binghamton, N.Y.**

**Price:** \$67,000

**Buyer:** CSN International (Charles Smith, president); owns 19 other stations, none in this market

**Seller:** Jesus is King Communications Inc. (Randall Terry, president)

**Facilities:** 90.1 MHz, 100 W, ant. 679 ft.

**Format:** Christian Contemporary

#### AMs

**KFKA(AM) Greeley (Fort Collins-Greeley), Colo.**

**Price:** \$1.6 million

**Buyer:** Music Ventures LLC (Kenneth W. Sasso, LLC member); no other broadcast interests

**Seller:** MK Inc. (Monte L. Spearman, president)

**Facilities:** 1310 kHz, 5 kW day/1 kW night

**Format:** News/Talk/Sports

**WALE(AM) Greenville (Providence-Warwick-Pawtucket), R.I.**

**Price:** \$1.2 million

**Buyer:** Moon Song Communications Inc. (Jerry Evans, president/CEO); no other broadcast interests

**Seller:** North American Broadcasting Co. Inc. (Francis Battaglia, EVP)

**Facilities:** 990 kHz, 50 kW day/5 kW night

**Format:** Talk

**Broker:** Greg Guy and Terry Greenwood of Patrick Communications

**WLLY(AM) Wilson, N.C.**

**Price:** \$255,000

**Buyer:** Estuardo Rodriquez; owns two other stations, neither in this market

**Seller:** WLLY Partnership (Wallace Bullock, general partner)

**Facilities:** 1350 kHz, 1 kW day/79 W night

**Format:** Gospel

**WBLC(AM) Lenoir City (Knoxville), Tenn.**

**Price:** \$55,000

**Buyer:** Three Angels Broadcasting Network Inc. (Danny Shelton, president/CEO); no other broadcast interests

**Seller:** Horne Radio LLC (Nick W. Drewry, chief manager)

**Facilities:** 1360 kHz, 1 kW day/24 W night

**Format:** Religion

**KFYN(AM) Bonham, Texas**

**Price:** \$50,000

**Buyer:** Bonham Broadcasting Inc. (Roy

Floyd, president); no other broadcast interests

**Seller:** Witko Broadcasting LLC (Dick Wilkowski, president)

**Facilities:** 1420 kHz, 250 W day/148 W night

**Format:** Country/Oldies

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# Calling on experience, vision

*New Sony president looks to put 27 years at the manufacturer to good use in DTV deploy*

By Ken Kerschbaumer

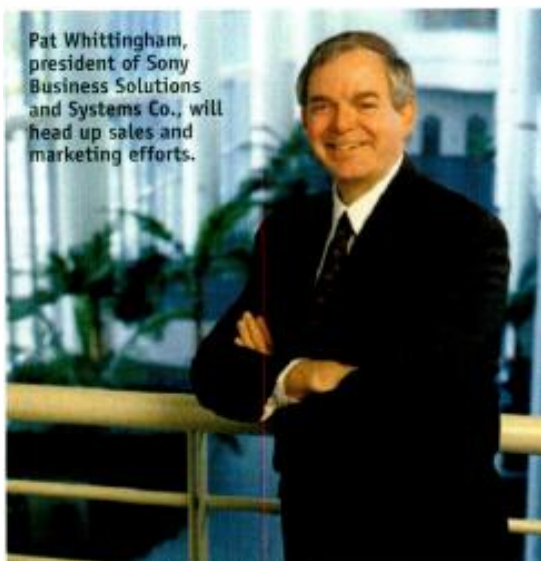
Nothing beats experience, so 27 years worth should be pretty unbeatable. Pat Whittingham, president of Sony Business Solutions and Systems Co., joined the manufacturer on March 11, 1975, many video formats ago. Having seen it all should help him keep Sony on track in what have proved to be difficult economic times.

Whittingham was named to his new position when Deputy President Ed Grebow left to head the Metropolitan Television Alliance in Manhattan. Grebow was the highest-ranking American at Sony, and Whittingham will split what were his duties with Sony Electronics President and COO Fujio Nishida, Whittingham tackling the sales and marketing side while Nishida handles corporate responsibilities.

Whittingham will also have oversight of Sony's Corporate and Professional Sales Co. and serve as chairman of the B-to-B committee, which addresses all non-consumer electronics products sold in the U.S. He expects to be busy.

Whittingham's professional career comprises two organizations: Sony and the Canadian Army. A graduate of Canada's Royal Military College, he served six years with the Army before his wife began persuading him that she'd rather not see him take a bullet doing peace-keeping duty.

His first job at Sony was as a government sales manager in Ottawa. He rose to the position of executive vice president for Sony of Canada and also was selected by the federal Minister of Heritage to represent the consumer and professional electronics industry in planning the transition to digital television. He has been a member of SMPTE since 1978.



Pat Whittingham, president of Sony Business Solutions and Systems Co., will head up sales and marketing efforts.

He describes his management style as collaborative and team-based. "I've been characterized as the kind of guy Japan would choose [for this position] because I'm below the radar," he says. "I'm not the kind of individual who basks in the limelight. I'd much rather give credit to those who have achieved the result. Their success will be my success."

A shyness of the limelight, however, does not mean he doesn't take his challenge seriously. "This past year to a year and a half has had some rather exceptional circumstances for business, but I think we're looking at a recasting of the business model for broadcasting."

To meet that recasting, Whittingham is establishing a new vision for Sony and figuring out how it will impact the company. He expects the first part to become apparent in the next two months.

"We need to reassign resources in a way that will allow us to focus on growth opportunities," he says. "My objective is to

improve profitability through more-aggressive revenue-generating capability."

Almost every customer, he adds, whether in corporate or broadcast market, is looking for the way products are going to make operations more efficient and help the bottom line. "To some extent, there's been a significant move away from quality being paramount. The just-good-enough attitude reaches down now into a large section of the overall business. And I think we all have some concern that there is less demand for high-ticket items."

Broadcasters' having to work toward hitting FCC deadlines for DTV transmission undoubtedly has an effect on the budgets available for production gear, he says, but there is an upside as consumers purchase more DTV and HDTV sets.

He believes that quality will return as a sales driver. "The consumer has to embrace a new style of television, and widescreen, both SD and HD, will be an important driver. Over time, my personal belief is, we'll see an increased awareness of quality by the consumer, and that will encourage investment in production and certainly in distribution."

Whittingham questions the move to digital in a station if consumers can't see the improvement. "If DTV to a TV station means they convert their infrastructure and have a work-flow process created by digital technology but the benefit isn't seen by the consumer, what's the driver in the process?"

Nonetheless, IT, servers and digital





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technology are making inroads. "It's interesting to go into a facility today and see somewhat dated architecture and hardware in the video area and contrast that with the latest server farm that is being set up by IT," he says. "That has a direct effect on traditional suppliers in the business, like Sony."

Centralcasting and the move to servers also affects the demand for VTRs, Whittingham points out. The server market has been dominated by U.S. manufacturers, in part because the computer explosion that occurred in the U.S. did not occur in Japan, leaving Japanese manufacturers behind the curve on product development.

"The solution is a combination of software, hardware and process organization [from different manufacturers] within a station," says Whittingham. "So the system may include a Pinnacle server or a DataDirect server."

Working with other manufacturers may be one of Whittingham's strengths. His previous job was as senior vice president and senior general manager of the Sony System Solutions Division. Based in San Jose, Calif., the division designs and handles project management and integration services for video and data systems to the broadcast, corporate and government markets throughout the Americas. That means working with products from countless manufacturers.

Whittingham cites his company's current AOL Time Warner consulting contract, under which Sony and its traditional competitors entered into non-disclosure agreements so the roadmap for the project would be usable. "We've done a number of projects where there has been virtually no Sony equipment in the solution."

There's little doubt that Whittingham's current goal includes making sure more Sony equipment finds its way into requests from customers of Sony's Systems Division. More trips to Japan, a move to New Jersey from Silicon Valley, and countless meetings will put him on the front lines of change—a place where experience might count more than anything else. ■

# Weather in your palm

*Weather Channel is latest provider to tap use of Mazingo to reach PDA users*

By Ken Kerschbaumer

New media may not be the buzz-inducing sector it was three years ago, but that doesn't mean it's old news. Mazingo, a company that delivers content to personal digital assistant (PDA) devices, expects to offer PDA users access to content from more than 20 television networks and programmers by the end of the year.

NBC has signed on to deliver fall TV promos, and The Weather Channel last week tapped Mazingo to bring video weather forecasts to the PDA. This week, *Healthy Solutions*, a program seen on CNBC and the Health Network, plans to deliver content through Mazingo as well.

"The fact that we can bring the Weather Channel in its complete form to PDAs is a dream come true for us that allows us to merge everything that was our brand," says Weather Channel Vice President of Business Development Jody Fennell.

*Healthy Solutions* and The Weather Channel applications point to the potential of the PDA medium. *Healthy Solutions* will include video segments from the weekly show, and new health video segments will appear weekly. The Weather Channel will offer regionalized video weather forecasts and a national forecast updated every few hours. The incentive for the updated content? Each provider gets a financial cut based on the popularity of its site.

"We focus a little more on forecasts rather than

current information," says Fennell, "but building it wasn't all that difficult."

Mazingo VP of Channel Development Carmine Gallo says getting content onto the service doesn't cost providers a dime, outside of the time to get it ready. He adds that anyone with basic HTML experience can create a channel and deliver content.

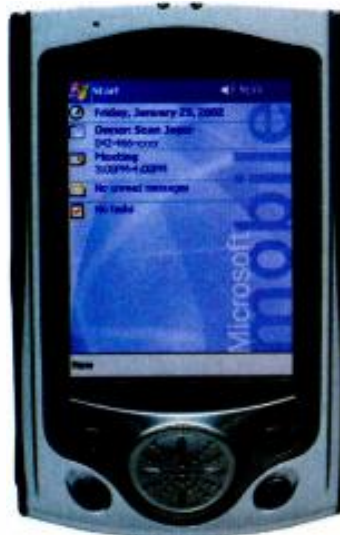
Mazingo has a large variety of free content, he says. The multimedia content from TV networks would fall under the company's subscription service. The cost to users is \$4.95 a month, with 33% of subscription revenues shared among the providers of content, he says. The money is paid out based on the popularity of the content.

"It gives content providers a reason to keep the content fresh. Every month, we send them checks," he says. Mazingo currently has 12 multimedia content providers. Gallo says there will most likely be a limit on how many can sign on.

Mazingo is compatible with MPEG-1, RealPlayer and Windows Media Player, making it available on PocketPCs and other PDAs. Kagan World Media research says Mazingo's revenue-share model could earn content owners more than \$1 million a year once critical mass of 250,000 subscribers is reached. That number represents

only 0.25% of 2003 estimated 100.6 million global PDA-user population converted to paying portal subscribers.

Content providers post a copy of the media file on their own video server or on Mazingo's servers, according to Mazingo Chief Technology Officer Bill Detering. When the PDA is synchronized with the PC it is connected to, it grabs the video file and copies the file into the PDA in the MPEG-1 format. ■



Health, weather and other content will move to your PDA in MPEG-1.



**A WORLD OF INFORMATION**

# NEWS SERVICES

News services have evolved, offering a wide spectrum of programming - whether it's hard news or soft.

On August 26, *Broadcasting & Cable* will take look at the latest developments in news services and take a hard look at the merits and differences between products. B&C's report will discuss the latest trends and success stories in television, radio and Internet news services and how these tactics help build and retain viewers.

This special report will reach the key decision-makers at the major television, radio, satellite and Internet news outlets across the country. Reserve your space today and make some news of your own.

Issue Date

**August 26, 2002**

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**Tuesday, Aug.16**

Materials Closing

**Friday, Aug.20**

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# S-A cuts workforce by 30%

*Third shift at digital set-top box plant in Juarez, Mexico, eliminated as demand slides*

By Ken Kerschbaumer

Responding to cable operators' slowing demand for digital set-top boxes, Scientific-Atlanta laid off 1,300 of the employees at its Juarez, Mexico, plant, or 30% of the workforce there. The reduction took the form of elimination of the plant's third shift.

All the company's Explorer digital set-top boxes are made at the facility, including the 3100HD and the new Explorer 8000 home entertainment server. A large



Shipments of digital set-top boxes like the Explorer 2200 to cable operators have dropped in recent quarters.

portion of the company's transmission equipment is also manufactured there.

Last October, the company's Atlanta-based manufacturing operation was consolidated into the Juarez plant. That move was completed in June.

At its peak, the plant produced well over 1 million set-tops per quarter, but

those production levels are driven by the demand from cable operators. In recent months, that demand has eased. "We can meet our current demand

without that shift," says spokesman Paul Sims.

Demand is off 36% from a year ago. In the quarter ended March 2001, the company shipped 1.4 million digital set-top boxes. This March, the number was down to 879,000. The previous two quarters held at about 860,000 shipments each. ■

# DTV picture clouds over

*Paxson reasserts complaint of digital interference in Sacramento, Calif.*

By Bill McConnell

Paxson Communications is the latest broadcaster urging the FCC to face up to what could be a growing number of interference complaints as new digital TV stations power up.

On June 11, WBOC-TV Salisbury, Md., filed a complaint accusing WHRO-DT Hampton Roads, Va., of encroaching on ch. 16 across the Chesapeake Bay on Maryland's Eastern Shore. Soon after, Paxson Communications' lawyer reminded the FCC that KSPX(TV) Sacramento, Calif., had filed a similar complaint four months earlier against CBS digital affiliate KPIX-DT San Francisco. The California stations use ch. 29.

In both instances, the sta-

tions are in separate markets and were expected to have no interference problems when digital channel assignments were issued.

But industry sources say they know the cause of today's problems: The lack of real-world knowledge about digital signal propagation forced the FCC to rely on theoretical modeling to allocate channels. As more digital stations come on-air, however, broadcasters are finding that the actual coverage area and signal strength of DTV stations are sometimes quite different from the theoretical. Consequently, the new signals may interfere with existing analog stations.

"The commission must decide how it will resolve com-

plaints where DTV interference extends well beyond the predicted into an [analog] station's existing city grade service area," Paxson attorney John Feore wrote in a letter to Rick Chessen, the FCC's DTV point person.

The FCC would like stations to work out problems privately, as WMVS-DT Milwaukee did when it agreed to cut power after it interfered with WOOD-TV Grand Rapids, Mich. But the government will have to step in eventually because few stations are likely to give up some of their broadcast rights willingly.

Hampton Roads' WHRO, for instance, contends that it is complying with FCC regs and that WBOC-TV has not dem-

onstrated a reception problem that requires FCC intervention. Even if serious interference is demonstrated, "there is no legal basis for the FCC to declare WHRO-DT to be 'at fault' ... so long as WHRO-DT's facilities are in compliance with FCC rules."

In a 98-page counter-reply filed July 5, WBOC-TV's attorneys argued that WHRO's response is wrong "as a matter of policy and law" and "does not make sense."

WBOC-TV submitted additional evidence of harm, including interference reports, e-mails, charts and a sworn statement from a Cox Cable executive saying that Comcast "has observed significant levels of interference" with WBOC-TV's signal from late April through July 3. More than "2,000 complaints regarding WBOC-TV's picture" have been received from cable viewers, WBOC said. ■



# MUSIC TELEVISION



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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# Datebook

## **This Week**

**July 14-17 CTAM Summit.** Hynes Convention Center, Boston. Contact: Seth Morrison, 703-549-4200.

**July 15-16 Association of National Advertisers E-Marketing Conference and Trade Show.** The Hilton New York, New York. Contact: 212-697-5950.

## **July**

**July 27 Reporter Training** Television News Center. Belo Broadcasting, Washington. Contact: Herb Brubaker, 301-340-6160.

**July 30 Convergence 2002: Advertising in the Digital Age** Hyatt West, Hollywood, Calif. Contact: 831-643-2222.

## **August**

**Aug. 12-14 Minnesota Cable Communications Association** Annual meeting. Two Harbors, Minn. Contact: 651-641-0268.

**Aug. 27 International Satellite & Communications Exchange and Expo (ISCe)** Long Beach Convention Center, Long Beach, Calif. Contact: 609-987-1202.

## **September**

**Sept. 11-13 NAB Radio Show and Xstream** Washington State Convention and Trade Center, Seattle. Contact: Kristie Morris, 202-429-4194.

**Sept. 16-18 Mid-America Show** Mid-America Telecommunications Association. Hyatt Regency Crown Center, Kansas City, Mo. Contact: Rob Marshall, 785-841-9241.

**Sept. 20-22 NAB's Hundred Plus Exchange** Point South Mountain Resort, Phoenix. Contact: Carolyn Wilkins, 202-429-5366.

**Sept. 23 Broadcasters' Foundation** Celebrity Golf Tournament. Essex Country Club, West Orange, N.J. Contact: 203-862-8577.

**Sept. 25 Annual Walter Kaitz Foundation Fundraising Dinner** New

## **Major Meetings**

**Oct. 10-14 Association of National Advertisers** 2002 Annual Conference. The Ritz-Carlton Naples, Naples, Fla. Contact: 212-697-5950.

**Nov. 11 BROADCASTING & CABLE** 12th Annual BROADCASTING & CABLE Hall of Fame. Marriott Marquis, New York. Contact: Steve Lubunski, 212-889-6716.

**Dec. 3-6 Western Show** CCTA. Anaheim Convention Center, Anaheim, Calif. Contact: Paul Fadelli, 510-428-2225.

**Jan. 20-23, 2003 NATPE 2003** National Association of Television Program Executives. Ernest N. Morial Convention Center, New Orleans. Contact: Edna Gonzalez, 310-453-4440 ext. 209.

**April 5-10, 2003 National Association of Broadcasters** Spring Convention 2003. Las Vegas Convention Center, Las Vegas. Contact: Joan Joffe, 202-775-3527.

**June 8-11, 2003 National Cable & Telecommunications Association** Annual Convention. Chicago. Contact: 202-775-3669.

York Hilton and Towers. Contact: Lorena Hernandez, 415-749-6980.

**Sept. 26 Society of Broadcast Engineers** Central New York Regional Convention. Turning Stone Casino Resort Convention Center, Verona, N.Y. Contact: Tom McNicholl, 315-768-1023.

## **October**

**Oct. 2-4 Streaming Media Inc.** Streaming Media 2002. Javits Center, New York. Contact: Todd Bolton, 415-593-7590.

**Oct. 16 International Women's Media Foundation** 13th Annual Courage in Journalism Awards. Waldorf-Astoria, New York. Contact: Mindy Cohen, 908-322-5802.

## **November**

**Nov. 3-5 Association of National Advertisers** Multicultural Marketing Conference. The Four Seasons Hotel, San Francisco. Contact: 212-697-5950.

**Nov. 11-15 AAAA Creative Directors Conference 2002** Grand Hyatt, San Francisco. Contact: Michelle James, 212-850-0733.

**Nov. 18 International Council of the National Academy of TV Arts and Sciences** International Emmy Awards

Gala. Sheraton New York. Contact: MJ Sorenson, 212-489-6969.

## **December**

**Dec. 3 CTAM** Pre-Western Show Luncheon. Anaheim Marriott Hotel, Anaheim, Calif. Contact: Seth Morrison, 703-549-4200.

**Dec. 11 NAMIC New York** 9th Annual Holiday Benefit Gala. The Pierre Hotel, New York. Contact: Cherine Anderson, 212-846-4209.

## **February 2003**

**Feb. 19-21 Texas Show 2003** Texas Cable & Telecommunications Association. Henry B. Gonzalez Convention Center, San Antonio. Contact: 512-474-2082.

## **March 2003**

**March 17-19 Central Cable Television Association** Annual Convention and Trade Show. Hyatt Regency Hotel, Minneapolis. Contact: 651-641-0268.

Send Datebook entries to  
P. Llanor Alleyne  
palleyne@reedbusiness.com  
Fax: 646-746-7028





## Ryan's return

Jim Ryan didn't expect the bagpipe corps—drawn from the New York Department of Sanitation—and the confetti-strewn welcome he received last week when he returned to WNYW(TV)'s *Good Day New York*, two months after the longtime anchor had triple-bypass surgery. Ryan, 61, asked if the on-air reception was *too* exciting, joked, "I only had a small piece of cake."

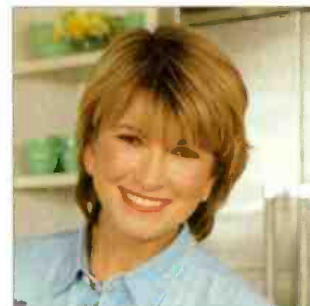
Ryan felt a pain across his back in May and checked in for surgery with the famed Dr. Wayne Isom. He returned last Monday overwhelmed by well-wishers. "You don't realize the power of this medium," Ryan says. "The number of people whose lives you touch and who will respond to your own in such a lovely way."

# People F A C E T I M E



## Graham revisited

Remember the summer of love? If not, A&E network's 1,000th *Biography* will help, recalling rock impresario Bill Graham, whose Fillmore Auditorium in San Francisco was where it was at in the late '60s. The A&E program, produced by Black Canyon Productions, a unit of Clear Channel Entertainment, airs tonight at 8 EST (it's repeated, however). Among the attendees at a benefit screening June 30 (l-r) were George Roy, of Black Canyon; Joel Felk, of Clear Channel Entertainment; Jack Casady, of the Jefferson Airplane; Marc Kinderman, of Black Canyon; rock legend Carlos Santana; Jorma Kaukonen, of the Jefferson Airplane; Mickey Hart, of The Grateful Dead; and David and Alex Graham, sons of the late Bill Graham and trustees of his foundation.



## Martha slipping

Ratings for *Martha Stewart Living* have held up year to year, as we reported last week, but, for the second week in a row, Stewart was a no-show at *The Early Show* on CBS, where she has—or has had—a regular segment every Wednesday morning. Maybe again, someday.

Now there's evidence that the insider-trading flap is affecting her popularity. CNN political pollster Bill Schneider last week reported that, for the first time since the ImClone story broke, "the public has turned negative, 39 [percent] to 30 [percent], unfavorable" toward her.

Schneider told CNN's Judy Woodruff, "Apparently, most Americans don't think she is perfect anymore."

## MEDIA BIZ QUIZ

1. When it debuts Aug. 4, Anna Nicole Smith's new show for E!, in which a camera follows her around *Osbourne*-style, will feature:

- A) her dog, Sugar Pie
- B) an admission she hasn't had sex in two years
- C) her purple-haired assistant
- D) all of the above

2. *Pulse*, the Fox

Network's summer news-magazine show that debuted last week, features a commentary segment from Bill O'Reilly titled:

- A) "A Small Handful of Opinions Modified Each Week to Fit the Circumstances"
- B) "Who's Annoying Me Now?"
- C) "You Want a Knuckle Sandwich, Bub?"



Bill O'Reilly

D) "Republicans Are Your Father; Democrats Are Your Mother"

3. According to *The New York Post*, during the local-news break on *The Early Show* last week on CBS, host Jane Clayson, who used to be teamed with Bryant Gumbel, and guest host Deborah Norville, who also used

to work with Gumbel, chit-chatted about what part of Gumbel's body?

- A) his manicured hands
- B) his big ears
- C) his unusually fat ankles
- D) all of the above



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Answers: 1, D; 2, B; 3, A

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

**Broadcast TV**

**John Hendricks**, VP/general sales manager, WFLD(TV) Chicago, named VP, sales, Tribune Broadcasting, Chicago.

**Greg Obata**, partner, Lakeshore Sales & Marketing, Seattle, joins KPDJ(TV) Vancouver, Wash., and KPTV(TV) Portland, Ore., as general sales manager.

**Mark Oxton**, account executive, WLVI-TV Cambridge, Mass., promoted to local sales manager.

**Leland Ware**, professor, law and policy, University of Delaware, has been elected to the board of directors of WHYY Inc., Wilmington, Del.

**John Blim**, creative services director, WHAS-TV Louisville, Ky., named marketing and public relations director, WHAS-TV Crusade for Children.

**Cable**

**Roger B. Keating**, senior VP/group GM, health and travel, America Online, Dulles, Va., named president, national division, Time Warner Cable, Denver.

**Cindy Krasner**, director, real estate, Cablevision Systems Corp., Bethpage, N.Y., named senior VP, real estate and facilities.

At Cox Communications, Atlanta: **Lacey Lewis**, VP/CFO, Cox Interactive Media, rejoins as VP, investor relations; **Jeff Brown**, director, business development, promoted to executive director.

At Comcast Cable Communications, Philadelphia: **Page**

**H. Thompson**, senior VP, marketing, General Cinema Theaters, Boston, joins as VP, marketing, new video products; **Lori L. Lego**, director, customer service, Indianapolis, promoted to director, executive support line.

At Insight Communications: **Alex Crowley**, VP, marketing and strategy and analysis, New York, promoted to district VP, Bloomington, Ind.; **John Niebur**, GM, Bloomington/Normal, Ill., promoted to district VP, Peoria, Ill.

At Advance/Newhouse, Syracuse, N.Y.: **Steve Miron**, VP/GM Syracuse cluster, Time Warner Cable, appointed president; **Nomi Bergman**, manager, Charlotte division, Time Warner Cable, appointed executive VP, strategy and development; **Bill Futera**, senior VP, promoted to executive VP/CFO.

**Media**

**Rob Davis**, controller/business manager, KNIN-TV Boise, Idaho, named business manager, Boise radio and television operations, Journal Broadcast Group.

**William Goodman**, director, Spencer Stuart, Los Angeles, named executive VP, human resources, Liberty Livewire.

**Programming**

**Tedd Rosenfeld**, VP, broadcast operations, Fox Network, Los Angeles, named senior VP, network operations, Turner Entertainment Group, Atlanta.

**Obituaries**

**Rod Steiger**, who in 1953 starred in one of the most acclaimed early television dramas, *Marty*, written by Paddy Chayefsky and directed by Delbert Mann, died July 9 in Los Angeles, from pneumonia and kidney failure. He was 77.

*Marty*, the story of a lonely, homely butcher who finds a girlfriend at a dance, was one of Steiger's first credits, and it almost instantly made him a major movie star, with roles in *The Pawnbroker*, *Doctor Zhivago*, *In the Heat of the Night*, *On the Waterfront* and dozens more. In 1993, he had a recurring role in *Armistead Maupin's Tales of the City* on Showtime. He was married and divorced four times. He is survived by his fifth wife, Joan Benedict, and his daughter, Anna.

**Dave Wilson**, *Saturday Night Live* director, died of an aortic aneurysm on July 30. He was 69.

Wilson, who spent 20 years directing early network fare such as *The Bell Telephone Hour* and *Kraft Music Hall*, got his break in 1975 when *SNL* creator Lorne Michaels chose him to direct the live sketch comedy program. Wilson's work on the show nabbed him an Emmy Award in 1976, and he would go on to direct it, on and off, for 17 years. In addition to *SNL*, he was noted as director of Miss America pageants and *The Muppet Show*, among other programs.

Wilson is survived by his wife, Roberta, and three sons.

**Ellen M. Cooper**, partner, Cooper/Totaro Communications, New York, joins Court TV, New York, as senior VP, corporate communications.

**Shelly Sumpter**, senior director, talent, Nickelodeon, Santa Monica, Calif., promoted to VP, talent, Nickelodeon and Nick Records.

**Dennis Welsh**, VP/director, sales, Fox Station Sales, New York, joins Fox Sports Net Southwest, Dallas, in the same capacity.

**Greg Hammaren**, local sales manager, Fox Sports Net South, Atlanta, named

VP/GM, Fox Sports Net Detroit.

**Victoria Watson**, traffic manager, The WB 100+ Station Group, Burbank, Calif., named director, traffic and sales administration.

**Kim Woods**, director, integrated sales and marketing, Gemstar-TV Guide, Los Angeles, joins AMC Networks, Los Angeles, as director, Western region ad sales.

**Journalism**

**Gary Stokes**, president/GM, WVTM-TV Birmingham, Ala., named news director, WAVY-TV Portsmouth, Va.

**Nelson Martinez**, news



## People

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

anchor, KOAT-TV Albuquerque, N.M., is leaving the station to pursue acting and music.

**Brad Neuhoﬀ**, producer, KCOP(TV) Los Angeles, named senior producer, KWGN-TV Denver.

**Dana Larson**, sports reporter, KXAN-TV Austin, Texas, named weekend anchor/reporter, *Southwest Sports Report*, Fox Sports Net, Dallas.

At KCEN-TV Temple, Texas: **Latoya Silmon**, reporter, BET, Washington, joins as reporter/producer; **Kris Radcliffe**, sports anchor, KNOP-TV North Platte, Neb., joins as sports anchor/reporter.

**Kim Lehman**, co-anchor, WWTW(TV) Cadillac/WWUP-TV Sault Ste. Marie, Mich., adds 5 p.m. and 6 p.m. co-anchor to her responsibilities.

**Ken Pritchett**, freelance reporter, KCRA-TV Sacramento, Calif., named full-time reporter.

At KLFY-TV Lafayette, La.: **George Faust**, reporter/weekend sports

anchor, KPLC-TV Lake Charles, La., and **David Begnaud**, part-time evening reporter with the station, named reporter.

At WPLG(TV) Miami: **Olga Villaverde**, reporter/fill-in anchor, promoted to morning anchor; **Matt Lorch**, weekend morning anchor, promoted to weekend evening anchor.

#### Radio

**Bill Saurer**, VP/GM, Buffalo cluster, Citadel Communications, New York, joins Millennium Radio Group, Monmouth-Ocean, N.J., as VP/GM, Shore radio cluster.

**Andy Santoro**, GM, WBUD(AM)/WKXW(FM) Trenton, N.J., adds to his duties group VP/manager, New Jersey cluster, Millennium Radio Group.

At Nassau Broadcasting Partners, Princeton, N.J.: **Don Dalesio**, VP, Shore group, promoted to executive VP/COO; **Peter Tonks**, executive VP/chief accounting officer, promoted to executive VP/CFO.

**Sean Auchenbach**, account executive, Katz Radio, Los Angeles, named senior account executive.

#### Advertising/Marketing/PR

**Ron Son Solleleveld**, VP, international, BMG Music Publishing Worldwide, New York, joins BMI, New York, in the same capacity.

**Jennifer Cohen**, director, sales and marketing, WOW and Flutter, Los Angeles, joins Asbury Communications, Hollywood, Calif., as senior publicist.

**Joe Cartwright**, VP/general sales manager, Adlink, Los Angeles, promoted to senior VP/general sales manager.

**Suzanne Trout**, marketing manager, Miller Business Communications, Pennington, N.J., named senior account manager, D&D Interactive, Bala Cynwyd, Penn.

#### Technology

**Piers Wilson**, CFO/director, Two Way TV Ltd., London, appointed CEO, Two Way TV (US), Los Angeles.

At Liberate Technologies:

**Colin Dixon**, GM, cable services, Web TV division, Microsoft, Mountain View, Calif., joins as VP, applications and content, San Carlos, Calif.; **Jennifer Graham**, senior director, corporate communications, Europe, Middle East and Asia, promoted to VP, marketing communications worldwide, London.

At Ener1 Inc., Boca Raton, Fla.: **Jesse Bishop**, channel sales manager, Sun Microsystems Inc., Fort Lauderdale, Fla., joins as VP, sales; **Michael D. Stebel**, senior VP, sales and marketing, promoted to chief marketing officer.

#### Associations/Law Firms

**Christine H. Merritt**, managing director, project services, Ohio Manufacturers' Association, Columbus, appointed executive VP, Ohio Association of Broadcasters Inc., Columbus.

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

# In the family business

*Born into a broadcasting clan, Morris found radio a good fit*

**V**irginia "Ginny" Hubbard Morris was literally born to be a broadcaster. She is the third of five in the well-known Hubbard clan, all of whom are employed in the family broadcasting business.

Morris's older sister, Kathryn "Kari" Hubbard Rominski, runs the corporate foundation. Older brother Stanley E. Hubbard II is the entrepreneur of the family, running U.S. Satellite Broadcasting until the family sold the venture to DirecTV in 1999 for \$1.25 billion. Now he's preparing to launch a cable and satellite network called MovieWatch. Younger brother Robert Hubbard heads the Hubbard Television Group, while Julia Hubbard Coyte, the baby of the family, runs three Hubbard-owned bookstores in New Mexico.

Morris began working for the family company in 1982 while still in college, although she says that, at the time, she would have preferred to stay a waitress. She waited tables at the local Mr. Steak during high school.

She had no intention of going to work for her father, Stanley S. Hubbard, chairman and CEO of Hubbard Broadcasting, but he persuaded her to try out a position in the promotions department of Hubbard Broadcasting's flagship TV station, KSTP-TV Minneapolis-St. Paul. She says she "lined up props for promotional shoots, lined up vehicles for community parades. I liked the excitement of it and the creativity of it. And I loved the people."

She intended to finish college but enjoyed working full-time so much that she quit college to work in the station's promotions department, becoming manager and then director.

Although she loved the work, she says, it wasn't her best

career fit. "In retrospect, I wasn't very good at it. My dad very kindly fired me by promoting me into a different job."

Her father describes it: "Maybe her real love wasn't there. She had to find her real love, and that was radio."

Her father made her vice president of corporate affairs and public relations for Hubbard Broadcasting in January 1989, but she did that job for only a year and a half.

In July 1990, Radio Manager John Mayasich retired, and Stanley S. began thinking about who could replace him. "We needed to go off in a new direction. I thought, 'Who do I know that would be able to do that?' And I thought of Ginny."

Hubbard says he offered his



**Virginia Hubbard Morris**  
*President and CEO, Hubbard Radio Group; chair, National Association of Broadcasters' Radio Board of directors*

**B. Jan. 14, 1963, Minneapolis; St. Mary's College, 1981-82; St. Thomas College, 1982; assistant, promotions dept., KSTP-TV, Hubbard Broadcasting, Minneapolis-St. Paul, 1982-85; promotions director, KSTP-TV, 1985-89; VP, corporate affairs/public relations, Hubbard Broadcasting, 1989-90; GM, KSTP(AM), 1990-95; president/GM, KSTP(AM)/-FM, 1995-2000; president, Hubbard Radio Network, 1999-present; director, NAB Radio Board, 1999-2001; vice chairman, radio board, 2001-02; chair, NAB Radio Board, June 2002-present; m. Jon Morris, Sept. 13, 1986; children: Savannah (10), Wheeler (8)**

daughter leadership of the family radio business because "she's creative, she's good with people, she's not afraid to try new

things, and she has good sense."

Radio has been her passion since the day she first stepped into KSTP(AM). "I absolutely knew almost from the day I started there that radio was really meant for me."

Since then, she has been expanding Hubbard's radio business. In August '99, Morris and her team launched Hubbard Radio Network, which syndicates the company's locally created programming to 40 affiliates in four states. Hubbard Radio acquired WIXK(AM)/-FM New Richmond, Wis., in December 2000.

Besides running three radio stations and a network and being a wife and a mother of two, Morris in June became the first woman to chair the National Association of Broadcasters' radio board of directors. Those who know her say the board—traditionally a sort of old boys' club—couldn't have made a better choice.

"She's an exceptional talent whose executive skills are beginning to be recognized in the industry," says NAB President Eddie Fritts.

A former radio board chair also thinks Morris's gentle leadership and excellent diplomatic skills will serve the industry well. "She is quiet, but she is a leader with great resolve," says William McElveen, southeast vice president for Citadel Broadcasting Co., Columbia, S.C. "It gives me great confidence in her ability to lead the radio board."

—Paige Albiniaik



# We're Moving

Reed Television Group  
(formerly Cahners) will be  
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### DIGITAL INTERFERENCE

Editor: Your editorial "Power Struggle" [June 17] was a much needed morale boost. We regret that WBOC-TV's circumstances have forced us to request relief from the digital station of WHRO-TV Hampton Roads, Va., in the FCC's "court," but the feedback we are receiving from our viewers and cable providers quite frankly has us very concerned. There are times during the evening and early morning hours when one of our primary cable providers receives significant interference at their cable headend, which is located at the edge of our city and Grade A contour.

We do not believe that a station can serve its viewers or the public interest in the manner conceived by the FCC when faced with the level of interference WBOC-TV is experiencing throughout its licensed service area. Our situation is due to propagation effects caused by our geographic surroundings (which the FCC's computer program does not model when calculating interference) and is compounded by WHRO-TV's maximization of facilities from an original allocation of 113.5 kW to 950 kW.

In the long run, the real loser is the local viewer. How do you attempt to explain these technical issues to people whose only concern is that they are unable to view their local evening or morning newscasts? We can only ask all the parties involved to examine the issues, the impact this situation has upon local viewers, and then act accordingly.

The editorial questions the mentality that digital television should roll forward whatever the costs—that theoretical predictions should trump concerns about real-world service. Congress's enactment of legislation last week to protect against interference in the ch. 52-69 relocation process is further vindication of the importance of the public's

television service. We hope that the same concern for the public's local television service is brought to bear as the FCC considers the service losses WBOC-TV's viewers now are experiencing.

—Thomas Draper, president and owner, and  
Rick Jordan, vice president and assistant GM,  
WBOC-TV Salisbury, Md.

### TALKING OF TOWERS

Editor: Mayor Bloomberg has it right, and the broadcasters have it wrong ["Outta Here," June 24]. As the mayor is reported to have said in your article, "there are other solutions: You could have smaller towers located in different directions from the central city." He is exactly right.

In this modern day, the idea of monstrous, centrally located broadcast antennas to service 20% (a number rapidly falling in NYC) of the population with an inferior broadcast modulation like 8-VSB would seem like a bad idea. We have had major disasters involving three such towers in the last few years that have caused major disruptions: Moscow, New York City and a station in Texas.

Why are the [New York] TV executives not taking advantage of COFDM digital transmission and modern single-frequency network capability? Co-locating their transmitters on a series of smaller towers around the city would give much better coverage than one large tower and would guarantee against a disaster such as 9/11 taking out over-the-air broadcasting.

If broadcasters had chosen COFDM rather than 8-VSB for digital transmission, they also would be able to provide mobile services, which are especially important in emergencies. We demonstrated the mobile capability using COFDM last fall to the Department of Defense and the Federal Emergency

Management Administration at Ground Zero.

Until COFDM is allowed in the U.S., I fervently hope that the broadcasters' wish to build a monstrous tower anywhere near Manhattan fails. Mayor Bloomberg, stick to your correct understanding of modern broadcasting, and maybe the FCC will come around. In fact, I would hope that the mayor would take up this problem with the FCC and ask for authorization to use COFDM in New York. 8-VSB is truly a total disaster in the city.

With 8-VSB, the mayor is right: "Broadcasting is less important"; it is irrelevant.

—Bob Miller, Viacel Corp., New York City

Editor: In opposing the construction of a broadcast tower on the planned campus of the City University of New York on Governors Island ["Outta Here," June 24], Mayor Bloomberg is ignoring the educational opportunity.

Does anyone remember when WQXR was W2XR, an experimental AM station operated by electrical engineering students? They played classical music because the records ran longer and thus had to be changed less frequently. By the time the station was acquired by the New York Times Co. and went commercial, the music had built a large, loyal audience.

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—Thomas D. Bratter, Los Angeles

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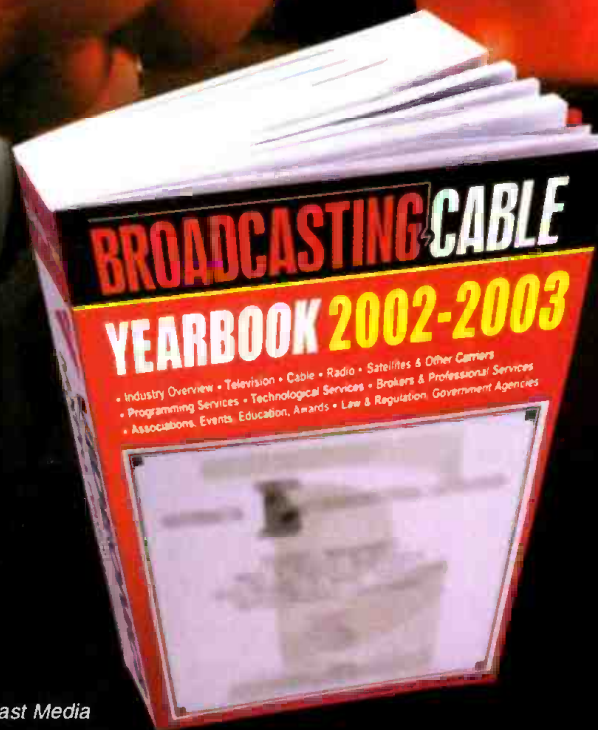
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Qualifications: Bachelor's degree in related field needed with substantial years of experience in journalism or mass communications; understanding of the student media; demonstrated understanding and appreciation for diversity; excellent interpersonal skills excellent written and oral communication skills; as well as significant office and management experience. Prefer experience in professional media; advising /work in student media; managing production facilities; experience with computer/online technology; and knowledge of principles of free speech and copyright.

Submit State of Virginia Applications to: VCU Human Resources, PO Box 980067, Richmond, VA 23298-0067, FAX (804) 827-1472. EO/AA. Women, minorities and persons with disabilities encouraged to apply. [www.vcu.edu/hr](http://www.vcu.edu/hr).

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WBRE-TV, part of the growing Nexstar Broadcasting group, has an immediate opening for a bright, motivated anchor for our 90-minute morning newscast. This person will co-anchor with our established male anchor. We need an energetic journalist with loads of personality. Strong writing and interviewing skills, competitiveness, and a great personality are all required for this job. You'll also need at least 2 years of anchoring experience and be willing to sign a multi-year deal to be considered. Please send a VHS tape of your most recent anchoring to:

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WBRE-TV  
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### TECHNICAL CAREERS

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The television station is seeking an applicant with an in-depth knowledge of broadcast and microwave RF technologies. This position will oversee the installation & maintenance of all television equipment components and station computers or systems. This will call for actual hands-on work. This position will maintain a technical staff that will be well trained and knowledgeable of applicable technology. The applicant must show the aptitude to manage people and projects, and be a team player. Five years of television technical maintenance experience and a complete understanding of broadcast and microwave RF technologies is required. Must be willing to work flexible hours. No phone calls please. Send resume to Operations Manager, WANE-TV, 2915 West State Blvd., Fort Wayne, IN 46808. EOE.

#### TECHNICAL SPECIALIST

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### NEWSCAREERS

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WTVD-TV, the ABC owned station in Raleigh-Durham, North Carolina has an immediate opening for a photojournalist. Applicants with on-camera reporting experience are preferred. Send non-returnable tapes and resumes to Rob Elmore, News Director, WTVD-TV, 411 Liberty Street, Durham, NC 27701. No phone calls please. EOE.

#### ASSISTANT NEWS DIRECTOR...

Take charge leader and team player with impeccable news judgment, excellent story-telling ability, & writing skills. Prefer news management experience as well as reporting and/or producing background. Must be willing to work any shift. Send resume, brief news philosophy, salary requirements & non-returnable tape to Harvey Cox, KAIT-TV, P. O. Box 790, Jonesboro, AR 72403. EOE. Phone 870-931-8888. Application & Data Forms available on our web site, [www.kait8.com](http://www.kait8.com). Fax 870-930-9238.

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Only resumes submitted via email to: [www.eentertainment.com/careers](http://www.eentertainment.com/careers) will be considered. Qualified applicants will be notified. No phone calls please. EOE



### NEWSCAREERS

#### MAIN ANCHOR

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El candidato debe además hablar y escribir el español de manera impecable. A college degree is required. Send cover letter and salary history in Spanish, your resume, five references and a non-returnable demo tape to:

**Laila Rodriguez, News Director,**  
2725-F Broadbent Parkway NE,  
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NSM New York Resume  
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# Editorials

COMMITTED TO THE FIRST AMENDMENT

## PTC, bad dog!

*Today's lesson: Build your foundation on sinking sand, and you forfeit even the most tenuous claim to the moral high ground.*

PTC, which previously stood for Parents Television Council, may now have to stand for "pad the count" or "pardon the crucifixion." The conservative media watchdog hit itself in the muzzle with a rolled-up newspaper last week when, to settle a lawsuit, it agreed to cough up \$3.5 million and offered an extensive apology to World Wrestling Entertainment on behalf of PTC, the associated Media Research Center, and PTC's top dog, L. Brent Bozell.

The charge Bozell & Co. had levied against the chair-wielding, turnbuckle-rattling WWE was that WWE's scripted violence was responsible for some tragic copycat violence in the real world. The charge is an old dog that never would hunt, although "blame the media" has become a popular first-gasp legal gambit. Of course, the media itself loves to report stories about the harm it does, even when it isn't doing any harm.

Bozell & Co. slammed WWE around the squared-circle of public opinion, using bogus information in a guerrilla campaign to compromise its product with advertisers. Even if the copycat charge weren't bogus on its face, the UPN *Smackdown!* show cited and boycotted by PTC wasn't even on when the highest-profile death occurred. On the way to smearing WWE, Bozell et al. inflated the number of advertisers their campaign had driven from the show.

Bozell wrote the book on advertiser boycotts, but we have no problem in theory with groups that express media likes or dislikes and encourage others to do likewise. That's the American way. In practice, though, they sometimes wield censorship power disproportionate to their numbers due to the hypersensitivity of a regulated medium. We have a problem with that, especially if the pressure group plays fast, loose and wrong with the facts.

For instructional purposes, and not to rub any already tender snouts in it, here is an excerpt from Bozell's apology to the McMahons:

"By this retraction, I want to be clear that WWE was correct in pointing out that various statements made by the Media Research Center, PTC and me were inaccurate concerning the identity and number of WWE *Smackdown!* advertisers who withdrew support from the program. Many of the companies we stated had 'withdrawn' or pulled their support had never, in fact, advertised on *Smackdown!* nor had any plan to advertise on *Smackdown!* Again, we regret this error and retract any such misleading statements."

Of the wrestling-death accusation, Bozell said: "I regret this happening, it wasn't fair to WWE. And I say this emphatically: Please disregard what others and we have said in the past about the Florida 'wrestling' death. Neither 'wrestling' in general, nor WWE specifically, had anything to do with it. Of that I am certain."

Of this we are certain: You'll want to save Bozell's own "please disregard" advice, apply it more generally than this particular smear campaign, and keep it handy for the future.

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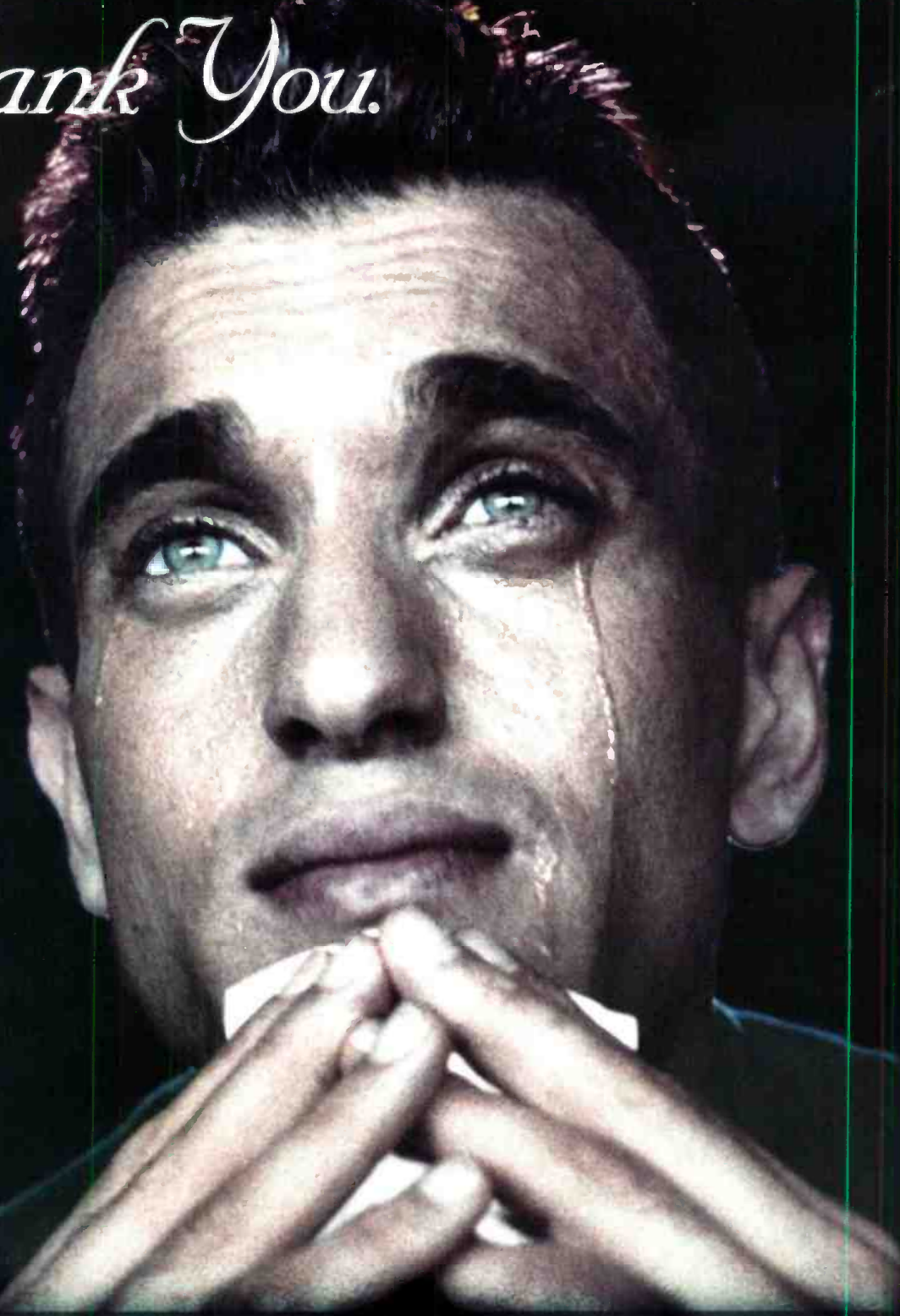
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