

# BROADCASTING CABLE

NOVEMBER 5, 2001

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## THE FUTURE BELONGS TO SALLY FIELD

ABC's deal for her new drama, *The Court*, may be the template for future prime time repurposing

» PAGE 5

## FINALLY! FOX DEBUTS NEW SKED

Baseball playoffs push network's premiere week into November sweeps

» PAGE 23

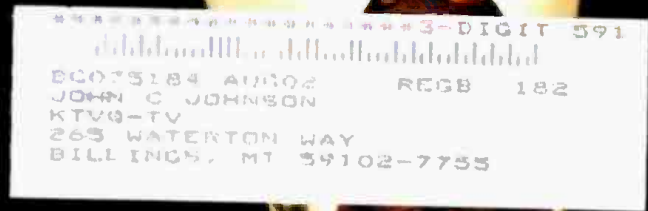
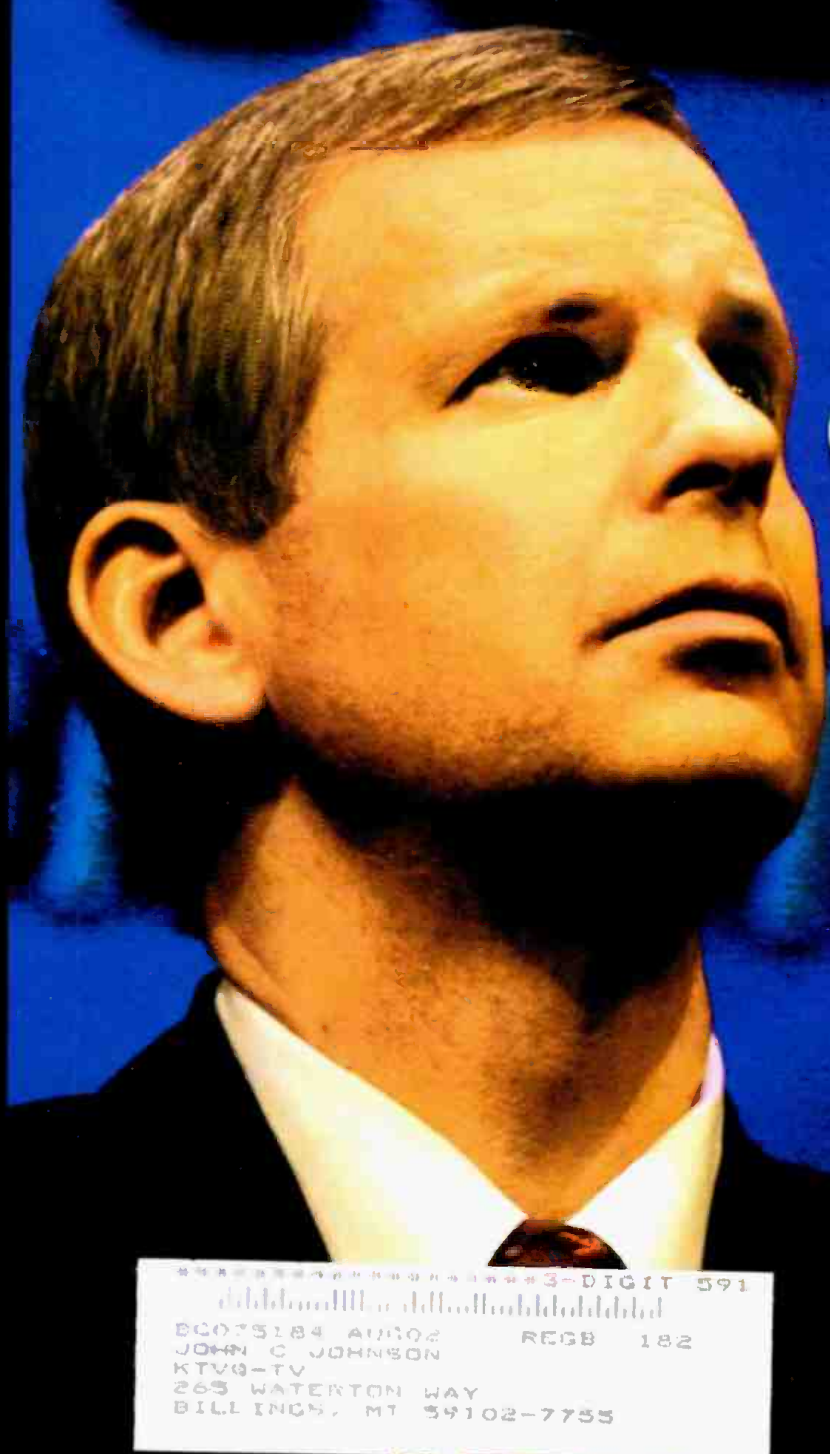
## SALT LAKE, AND WOW

Entrepreneur to test a new kind of interactivity at Winter Olympics

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Charlie wants it all...and he just might get it

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EchoStar's Charlie Ergen could be building a DBS monopoly.

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# RENEWAL

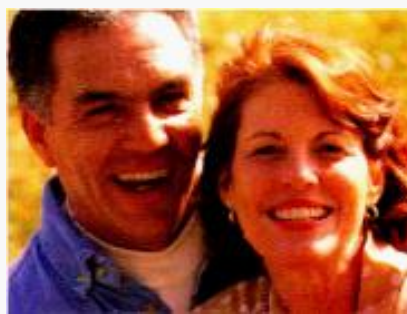
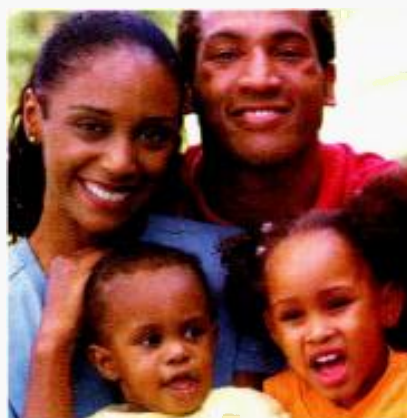
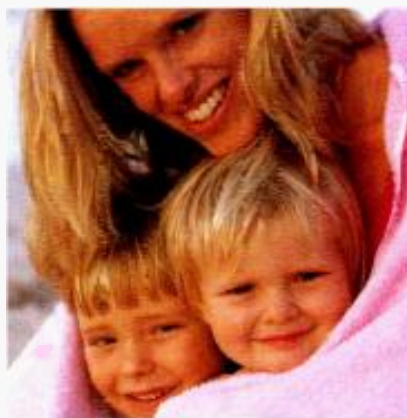
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## Top of the Week November 5, 2001



Sally Field stars as a justice on ABC's midseason series *The Court*.

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Cover: Nejliah Feanny / Corbis SABA

### COVER STORY

## IT COULD HAVE BEEN WORSE

Cable industry issues collective sigh of relief that EchoStar, not News Corp., has won the bidding for DirecTV. » 18

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TV STATIONS

## KRON continued

NBC is apparently still talking to Young Broadcasting about buying KRON-TV. Sources close to the situation say that, while the network has not made any offer for the station, executives have made it clear they view KRON-TV as an independent and would be willing to buy the station only if it were priced accordingly. Granite-owned KNTV (TV) is set to replace KRON-TV as the NBC affiliate in San Francisco Jan. 1. "This is not about taking the NBC affiliation away from KNTV or keeping it at KRON-TV," says a source familiar with NBC's position.

Call them skeptical, but most observers say that, if Young sells KRON to NBC, KRON will wind up the NBC station in the market. Young's challenge: Get somebody besides NBC interested. There was no comment from any of the parties involved.—S.M.

REGULATION

## In this corner

Senate Majority Leader Tom Daschle (D-S.D.) is in a quandary. The person he would nominate for the last FCC seat—Andy Levin, minority counsel to the House Energy and Commerce Committee—is steadfastly opposed by Senate Commerce Committee Chairman Fritz Hollings (D-S.C.).

Hollings says he won't move Levin's nomination, which may have more to do with a bill sponsored by Levin's boss, Rep. John Dingell (D-Mich.), than with any problem he has with Levin. So, who's left?

Daschle's legislative aide Jonathan Adelstein, for one. But sources say Daschle is now hesitant to select his own staffer.—P.A.



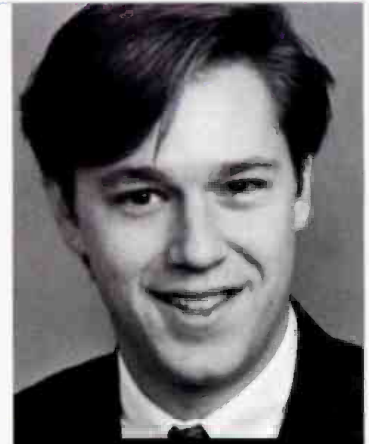
PROGRAMMING

## Fox plays kazoo

The Twentieth Century Fox fanfare music played on a kazoo? After nearly 70 years, Fox is "jazzing up" its theme.

Creative executives at the studio have spent the past several months and close to \$100,000 reworking the network's "Newman Fanfare," the signature six-second tune that plays over the end credits and klieg-lit logo on Fox TV shows and films. It is the first time since the tune was composed by Alfred Newman in 1936 that Fox has modified it.

Six different versions (six, four and two seconds) have been cut, including a jazzy piano version, a futuristic theme and even the kazoo rendition. Fox executives are also reworking interstitial music and the overall sound of the network as part of an aural re-branding. "When you consider technologies just around the corner, like PVRs, you are looking at the possibility that people will no longer think of channel position," says Rafe Oller, Fox's creative director. "So you have keep reminding them where they are."—J.S.



REGULATION

## Unlike minds meet

The surprising connection between political opposites Harold Furchtgott-Roth and Gloria Tristani lingers at the FCC, even though both exited months ago.

New Republican Commissioner Kevin Martin (above), a former aide to Furchtgott-Roth, in an Oct. 26 decision, followed Tristani's example by criticizing an FM license award to Liberty Productions.

Martin insists he's no carbon copy of his mentor, but he appears to be a stickler for bureaucratic process, a concern shared in several joint dissents by the conservative economist and the liberal Tristani.

Martin wanted his colleagues to stay the FM grant until a court challenge by Liberty's rivals is resolved. He agreed with Tristani's dissent, issued when the Biltmore Forest, N.C., license was granted in June.—B.M.

## Teeing up a tribute

The Golf Channel has produced a special on how attacks on the World Trade Center affected, well, golfers. The hour *New York Stories...of Enduring Spirit* premieres Nov. 21 and features friends and family talking about the golfers

that they loved who died in the collapse. The network's rationale is that a lot of Wall Street types who died that day were golfers, as were many firefighters with their odd shifts of 24 hours on, 72 hours off. OK.—J.H.

# Preparing to say nay to Eye

*CBS's Jacksonville affil, WJXT, considers turning independent*

By Dan Trigoboff

With affiliation talks stalled over network compensation, Post-Newsweek is prepared to take its Jacksonville, Fla., CBS affiliate WJXT(TV) independent this summer if a deal isn't done.

When the affiliation agreement ran out, it was renewed only for a year rather than long term. And TV insiders said the station was "buying up more syndicated products than they've got time periods." Many shows eyed by other stations had already been locked up by WJXT.

After the station purchased new strips like *Who Wants to Be a Millionaire?*, *Dr. Phil* and *Texas Justice* and the new *Pyramid*, "we were surprised they renewed their current shows, like *Frasier*, *Entertainment Tonight*, *Inside Edition*, *Maury*, and *Sally*," said a market-based local programming executive. "We thought they were cleaning house. They've got four access shows now. They could drop CBS News and still have one left for 8 o'clock."

Post-Newsweek President Alan Frank acknowledged to BROADCASTING & CABLE that the move to go independent is under consideration. He said the difference between the parties is over compensation and acknowledged that the station has "bought more programming than in recent years. But we haven't crossed any Rubicon. It's not like we bought a hundred shows. We may well stay with the network, and that would be our preference."

Frank said that any difficulties in negotiating the Jacksonville deal have no impact on any other agreement, including its other CBS affiliate, WKMG-TV Orlando, Fla., which has years to go on its current deal.

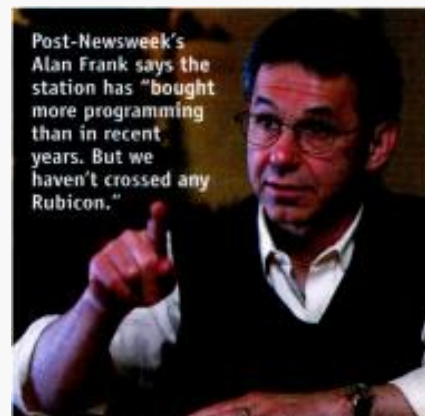
CBS officials had not returned calls by press time. But the fact that an important

group is considering abandoning its network affiliation—even in the No. 53 DMA—demonstrates the deterioration in the relationship between stations and networks.

As a CBS affiliate, the station has been the top-rated station in its market from sign-on to sign-off for years and among the strongest CBS affiliates. But, while an independent is not likely to draw the same audience with syndicated programming as with network, an independent station doesn't have to share prime time and other inventory with a network.

"Alan is a brilliant programming guy," said a broadcasting executive. "If anyone could make it work, it's Alan."

Frank is also one of the leading figures in the Network Affiliated Stations Alliance. He testified on Capitol Hill earlier this year



Post-Newsweek's Alan Frank says the station has "bought more programming than in recent years. But we haven't crossed any Rubicon."

on behalf of the 600 ABC, NBC and CBS affiliates that had joined to demand that the FCC look into alleged network abuses.

Chief among those charged was that NBC interfered with the sale of KRON-TV San Francisco by threatening to strip its affiliation from any broadcaster that outbid NBC. ■

## The Court may set precedent

*The ABC-Warner Bros. deal for dual playing seen as marketplace template*

By Joe Schlosser

The deal between ABC and Warner Bros. TV for midseason drama *The Court* is "the marketplace template" for the dual playing of programs on both network and cable TV, the network and the studio say. Whatever it turns out to be, it shows

how seriously Hollywood is working to maximize programming investments.

*The Court* deal allows ABC to take the Sally Field drama and, within eight days of its initial ABC telecast, play it again on a secondary cable outlet. The stroke for Warner Bros.: It gets extra cash (about \$100,000 per episode) for the repurposed runs. Also, ABC has essentially committed to buying the off-network syndication rights to the series if it runs three seasons or more on the network.

The deal comes at a time when studios and networks continue to tighten their belts and look for ways to generate more revenue. For Disney at least, it's the wave of the future. "It is ABC's intention to talk to anyone who supplies programming to us and to utilize this template in some fashion so that ABC and its owned-and-controlled cable services can have the option to repur-

## TOP OF THE WEEK

pose the rights," says Mark Pedowitz, ABC Entertainment TV Group's executive vice president. "It is important to ABC to help to begin to defray costs of what has become very expensive programming in either the half-hour or one-hour area."

Disney closed its \$5 billion deal with News Corp. and Haim Saban for Fox Family Channel late last month; it will change the name shortly. *The Court* is expected to be Disney's first programming deal for ABC Family, which is seen as a future haven for repurposed ABC and Disney fare. But network executives wouldn't go so far as to confirm its future *Court* plans.

Disney-owned Touchstone TV originally developed *The Court*, produced by top *ER* producers John Wells and Carol Flint. When the studio and ABC conceived its repurposing package, Disney was persuaded to give up its ownership stake. ABC and Warner Bros. executives say the structure proves to actors and producers that all will be represented fairly in repurposing arrangements.

"It was incumbent upon both ABC and Warner Bros. to have crafted an arm's-length deal," says Bruce Rosenblum, Warner Bros. TV's executive vice president. "We did not want to place ourselves in a position where the creative partner on one of our shows or a supplier to one of our networks could argue that we are dealing at less than arm's length. So, by establishing this equitable deal between two very independent companies, we have set the bar for the deals going forward."

Rival network and studio executives offered mixed reviews of *The Court* deal.

"We think it is a good template, and we think it's the way that we are going to be operating," says NBC Entertainment President Jeff Zucker. NBC has done repurposing deals with co-owned Pax TV and with USA Network for *Law & Order: Special Victims Unit* and *Law & Order: Criminal Intent*.

"I don't think that is the template for everyone," says one top studio head. "This is just a business arrangement. The element I find most interesting is, ABC is basically guaranteeing a domestic backend for the series based on longevity." ■

# High Highe



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PRODUCTIONS  




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# Judging Amy

Available **2003**

Source: NTL Explorer, CBS dramas same TP throughout 2001 and 2002 seasons. (Judging Amy 9/24-10/28/01 vs. 10/9/00-5/23/01, The District, Family Law and JAG 9/14-10/28/01 vs. 10/2/00-5/23/01), A18-34 (000's)  
NTL Explorer, #1=Judging Amy 12/23/01, P2+ A18-34, A18-49 (000's). % growth=Judging Amy 9/24-10/28/01 vs. 10/9/00-5/23/01.

Kandahar Airport as seen from Space Imaging's satellite. RTNDA's Dan Dubno claims the Defense Department is using taxpayer money to deny taxpayers images they should see.



## DOD grabs sat pix

*RTNDA objects to Pentagon's monopoly of high-resolution satellite images from commercial operator*

By Dan Trigoboff

The Radio-Television News Directors Association may protest the government's monopolizing high-resolution commercial satellite images of Afghanistan.

A nearly \$2 million contract with the Defense Department's National Imagery and Mapping Agency (NIMA), renewable by the government every 30 days, gives the Pentagon exclusive access to satellite images shot from the civilian satellite Ikonos, operated by Colorado-based Space Imaging, images the government has so far shared only sparingly.

"The Defense Department is using taxpayer money to deny taxpayers images they should see," said CBS producer and technologist Dan Dubno, chair of the Radio-Television News Directors Association's Remote Sensing Task Force. RTNDA leadership may contact the Pentagon, possibly raising constitutional issues.

Dubno asserts that media users of the satellite images would do nothing to compromise the security of U.S. military forces and disputes historical notions that media

access breaches national security. The government's exclusive contract with Space Imaging denies the media independent verification of facts in dispute—such as damage or casualties, Dubno said—and can limit military reporting to Pentagon handouts.

The arrangement "is a bona fide contract," a NIMA spokesman said. "No force was used. We made this contract for assured access, exclusively, to use any time we want to. It also brings a measure of operational security, although that was not the main objective."

Space Imaging said the agreement to provide the government all its capacity "was a solid business transaction where we bring valuable products to the U.S. government."

Satellite images are available elsewhere, such as from Cyprus-based Israeli company ImageSat International, but satellite experts say Space Imaging's photos are superior. Although Dubno and RTNDA are aware of the de facto restrictions, there has been no network outcry.

"It would be wonderful to have access to that imagery," said John McWethy, ABC

## CNN to reporters: Remember Sept. 11

CNN directed network staff last week to balance its reporting on casualties and damage in Afghanistan with the Taliban role in harboring the terrorists believed to have backed the Sept. 11 attacks.

"As we get enterprising reports from our correspondents or Al Jazeera inside Afghanistan," said an internal memo, "we must continue to make sure that we do not inadvertently seem to be reporting uncritically from the perspective or vantage of the Taliban. Also, given the enormity of the toll on innocent human lives in the U.S., we must remain careful not to focus excessively on the casualties ... in Afghanistan that will inevitably be a part of this war, or to forget that the Taliban leadership is responsible for the situation Afghanistan is now in."

CNN stressed that the memo does not signal a change in editorial policy but only a restatement of its standards. The memo further directed that "each and every report from inside should be buttoned up by our anchor with some comment along the following lines:

"We must keep in mind, after seeing reports like this from Taliban-controlled areas, that these U.S. military actions are in response to a terrorist attack that killed close to 5,000 innocent people in the U.S."

anchors are also advised to note that "the Pentagon has stressed that the Taliban continues to harbor terrorists and that Taliban forces are reported to be ... in populated areas and using civilians as human shields."

—Dan Trigoboff

News national security correspondent. It would allow me to take a look at the front line, to see what the forces deployed look like."

However, McWethy is not entirely confident that unfettered access to the satellite images would not prompt a security breach. "The images are something we would like," he said. "But it's not killing us. I can understand from a military commander's point of view why they would not want the press or the enemy to have the imagery from outer space. Do we buy all the levels of secrecy? No. But some levels of restraint? Yes." ■



# Hollywood takes on PVRs

*Content providers sue ReplayTV, claiming copyright violation*

By Ken Kerschbaumer

It was only a question of time before the Hollywood community would take action against PVRs that provide the means to automatically skip commercials. With the debut of the ReplayTV 4000 PVR due this month, that time is now.

Paramount Pictures, Disney Enterprises, NBC, NBC Studios, Showtime, the UPN network, ABC, Viacom, and CBS filed a lawsuit against ReplayTV and its parent company, Sonicblue, in U.S. District Court, Central District of California, last week. The lawsuit requests relief against an "unlawful plan by defendants to arm their customers with ... unprecedented new tools for violating plaintiff's copyright interests in the programming they supply to various television distribution services."

In a joint statement, Disney, NBC and Viacom said, "In order to protect our copyrighted content and all whose livelihoods are depending on it, we are seeking preliminary and permanent relief."

A visit to the ReplayTV Web site and a run through the demo makes clear why broadcasters may feel threatened. The plaintiffs have two major complaints with the ReplayTV 4000, which still hasn't shipped. One is the AutoSkip feature that allows viewers to set up the recorder to delete all commercials in all future playback.

Viewers click an on-screen icon called "skip commercials" when watching a program with advertisements. "In essence, the defendants are seeking to profit from the sale of features that are calculated to disrupt the ability of copyright owners to market their works for telecast by free, over-the-air television, by basic and premium subscription services, and by pay-per-view," the lawsuit states.

The Consumer Electronics Association says it will be watching the suit closely because it sees the action as a direct attack

on consumers' fair-use rights to record free over-the-air broadcasting for later viewing.

"The knee-jerk reaction of the content community to every new technology is to litigate instead of looking for ways to develop business models that take advantage of the new technology," says Jeff Joseph, spokesman for CEA. "We're certainly concerned about giving Hollywood the ability to comment on specific functions of consumer electronics devices. Today it's commercial skip, tomorrow it's something else."

Another feature that has content owners and distributors nervous is called "Send Show." It allows a user to distribute a recorded program to third parties via broadband connection. "Nothing in the



Copyright Act gives defendants or their customers any right to make, for distribution to third parties, digital copies of *Will & Grace* or *Rugrats*, much less entire theatrical motion pictures appearing on television," plaintiffs state in the filing. "These practices violate not only the Copyright Act but also the Federal Communications Act and California Law." ■

## How now, down Chao?

*Unable to equal Fox score, Diller's protégé to exit USA Cable*

By John M. Higgins

Failing to spark the kind of breakthrough programming he was brought in to create, USA Cable

President Stephen Chao is leaving the company. He will not be replaced. His units—USA Network, Sci Fi Channel and a handful of start-ups—will be combined into USA Entertainment, reporting to Michael Jackson, former CEO of England's Channel Four Television.

USA Networks Chairman Barry Diller brought in his old Fox cohort, Chao, in 1998 with the mission of branding the cable networks and creating stronger programming. Chao, who ran a development

group under Fox Broadcasting, developed hits *Cops* and *Studs*. While Sci Fi has arguably improved on Chao's watch, USA has drifted and can't claim many programming successes.

**Chao was given the mission of branding the cable networks and creating stronger programming.**

A Chao associate said the executive wants to get back into developing programming. "Every move he's made lately has taken him further away from making programs, which is what he loves."

USA Entertainment named Adrienne Becker vice president of operations and Michael Bonner vice president of strategic planning. Becker was USA Networks' vice president of corporate communications. Bonner was vice president of business development for Studios USA. ■

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# Cable: Get with the program

*Urges broadcasters to focus on DTV content, not carriage*

By Paige Albiniak

The cable industry wants broadcasters to stop worrying so much about who is going to carry their signals and how and just come up with some worthwhile programming for them to carry.

The NAB last week shifted from pushing for dual cable carriage of broadcasters' analog and digital signals to getting the cable industry to pass through broadcasters' entire 6 MHz digital signal to consumers, according to a statement of principles that the NAB board approved last week.

"The cable industry believes that marketplace, not government-mandated, solutions consistently achieve the best results," an NCTA spokesman responded. "We stand prepared to work with all parties, including the NAB, on consumer-driven solutions to the digital broadcast transition."

Said one cable source, "In the end, I think the need for must-carry is going to disappear. Cable operators will agree to carry the high-definition programming of

the four major networks." Once the four majors are carried, that will drive carriage for everyone else, the source predicted.

Cable still is balking at the idea that operators should have to carry broadcasters' entire digital signal. "Cable operators are offering [cable] programmers as many bits as they need to provide their core business. We think it should be the same for broadcasters," says Bruce Collins, general counsel for C-SPAN.

On broadcasters' side is Rep. Billy Tauzin (R-La.), chairman of the House Energy and Commerce Committee, who says he is prepared to help broadcasters achieve their goals if that will speed the transition.

"It's an important step forward in breaking the logjam. [The statement] certainly shows that NAB is willing to be flexible in trying to make the transition to digital a reality. We look forward to working closely

with all of the affected parties to make sure this happens," said Tauzin spokesman Ken Johnson. Tauzin and other key lawmakers plan to hold a second DTV meeting with industry representatives this month in an effort to advance the transition.

"We are going to ask all of the affected industries to agree to a game plan spelling out where we want to be and how we get

**'We stand prepared to work with all parties, including NAB, on consumer-driven solutions to the digital transition.'**

—NCTA spokesman

there," Johnson said. "From Billy's perspective, we're willing to give everyone a reasonable amount of time to carry out the game plan, but there will also be a warning: 'If you don't get the job done, you can expect Congress to intervene.'"

Some Washington observers, however, weren't too impressed by the NAB's policy switch. "I was disappointed in the NAB," said one attorney. "I thought they would do something more." ■



**Paxson Chairman Bud Paxson wants the FCC to force cable systems to carry his DTV signals.**

## Paxson appeals FCC carriage ruling

The bitter fight over cable carriage of broadcasters' digital channels has finally landed in federal court.

Paxson Communications is asking the federal appeals court in Washington to reverse a tentative FCC opinion denying stations the right to demand carriage of digital signals until they relinquish their analog signals.

Paxson's appeal stems from its failed request for carriage on Chicago-area cable systems for WCPX's digital signal on ch. 46 in return for dropping carriage of its analog counterpart on ch.

38. Paxson called the FCC's decision "arbitrary and capricious" because the 1992 law mandating carriage of local TV signals does not distinguish between analog and digital signals.

Paxson insists that the 1992 law entitles TV stations to demand carriage of the entire 6 MHz channel, which would include a primary signal and, in a digital context, the other four or five programming signals that are possible.

Next week, the National Association of Broadcasters will ask for court permission to

intervene in the case.

"This may be the only shot we have at defending dual carriage," said NAB attorney Jeff Baumann, indicating that a last-ditch effort to preserve the double-carriage option could be in the works.

In addition to abandoning the fight for dual carriage long ago, Paxson generated NAB enmity by calling for multicast carriage only to cable subscribers receiving a digital tier. The NAB wants all cable customers to be entitled to multicast signals.

—Bill McConnell

## THE WEEK THAT WAS

**BREAKING NEWS:  
AT&T RAISES RATES**

Despite the recession, AT&T **Broadband** at deadline on Friday said it is hiking basic subscribers' bills an average of 7.4%, nearly triple the rate of inflation, starting Jan.1. The biggest hikes will likely be seen in Boston.

**UP, DOWN, IN, OUT**

CBS has given full-season orders to *The Education of Max Bickford*, *The Agency*, and second-year drama *That's Life* and canceled new Saturday-night drama *Citizen Baines*, which had averaged a 1.8 rating in adults 18-49 and 8.2 million viewers, according to Nielsen. CBS programmers have also pulled new drama *Wolf Lake* for the sweeps; its long-term future is also iffy. ... **MTV Networks** laid off 450 people last week, about 9% of its worldwide work force. Internet units **MTVi** and **Nickelodeon Online** took the biggest hits, but the terminations "touched every channel," said one staffer. ...

**Moviewatch**, a new cable net from **Hubbard Media Group** set to launch next year, unveiled its first slate of original programming last week. "We want to be like the **Zagat's** guide to restaurants for movie fans," says **Rod Perth**, its president. The network has ordered nine pilots so far and plans to launch with four or five hours of original programming.



Geraldo Rivera (r) will leave his CNBC talk show to join his old boss Roger Ailes at Fox News; Rivera will cover the war from Pakistan.

Startup costs: More than \$150 million. ...

**NBC Studios** is taking over production of **Julia Louis-Dreyfus's** mid-season comedy **23:12** from **Carsey-Werner-Mandabach**. The comedy starring the former *Seinfeld* sidekick was recently given a 12-episode order. ...

**Terry Wood**, profiled in **BROADCASTING & CABLE** last week as one of the "next wave" of female power brokers, has been named senior vice president of programming at **Paramount Domestic Television**. ...

CNN veteran **Bobbie Battista**, host of *TalkBack Live* and a CNNer since 1981, exited last week. She will form an Atlanta-based communications consulting company with husband **John Brimelow**. ...

The exciting Game 5 of the **World Series** delivered a 16.8/26 last Thursday night, a 7% gain over last year's fifth and deciding game in the **Mets-Yankees** World Series.

Fox's five-game average of 15.9/25 is 5% better than last year's 15.1/24 and 1% better than 1998's 15.7/25 for the Yankees-Padres.

**FROM THE WAR FRONT**

**Geraldo Rivera** is leaving **CNBC** to join **Fox News Channel** and eventually will go to the war zone. **CNBC** and Rivera have been unhappy with each other for months. The network wanted his prime time slot for business news. He's now being released with two years left on his contract. "I'm not the same guy I was before the maniacs tried to tear our hearts out," Rivera said. ...

From fake reality to the real thing. That's the switch made Friday night, with the debut of **ABC News** magazine *America '01*, replacing *The Mole*. The new show, the network says, is designed to document how the country has changed and continues to change since Sept. 11.

**GONE BUT NOT FORGOTTEN**

**Laura Hunter**, senior vice president of programming for **TV Land**, died Oct. 29 in Stanford, Calif., from cancer. Hunter joined **Nickelodeon** nine years ago. ...

Pioneering low-power TV broadcaster **Sherwin Grossman** died last Wednesday of complications from bone cancer. Grossman, 77, was president of the **Community Broadcasters Association** from 1994 to 2000 and operated a Miami LPTVer.

**WHO WATCHED WHAT**

After four consecutive weeks as No. 1 in two categories, **NBC** lost the total viewers race by about 100,000 viewers, **CBS** averaging 12.84 million vs. **NBC's** 12.74 million. **NBC** was tops in adults 18-49, with a 5.0 rating/13 share, according to Nielsen. ...

**CNN** nudged out **Lifetime** by just the slightest margin to top this month's cable Nielsens. Three-hundredths of a point separated **CNN** (1.81) and **Lifetime** (1.78) in October prime time ratings.

**CORRECTION**

As many as 75 staffers at **Sony's** network, syndication and other TV-related operations are expected to be cut in the course of downsizing. A story in the Oct. 29 edition indicated that the cuts were coming only from **Columbia TriStar**.

# Squeeze play in Pittsburgh?

*KDKA-TV—and other CBS stations—accused of employing compression to run additional spots during prime time*

By Dan Trigoboff

**W**hen CBS-owned KDKA-TV Pittsburgh got called for delay of game while broadcasting a Steelers game last month, it exposed what appears to be a much wider practice.

KDKA-TV and CBS last week acknowledged that the station compressed the part of the Oct. 14 broadcast of the Steelers-Kansas City Chiefs game to squeeze in extra commercial time. CBS said it was unauthorized and the practice had stopped.

But both station and network are declining comment on allegations that KDKA-TV and other CBS-owned stations have been regularly compressing prime time programming to fit in more spots. Reliable sources say that group management has given at least tacit approval to the practice for two years.

TV execs say it would be naïve to believe that stations—both inside and outside the CBS group—are not taking advantage of the opportunity to add commercial spots.

The compression in the game—during halftime and into the third quarter—was brought to light by fans watching the TV broadcast while listening to the radio broadcast on Clear Channel's WDVE-FM.

CBS affiliates were upset following the discovery that an owned station could alter network programming when an affiliated one would be severely chastised by the network for such actions.

Ray Deaver, general manager at KWTX-TV Waco, Texas, and head of the CBS affiliate board, said he plans to raise the issue with the network.

And, TV executives say, the revelation may also draw the ire of advertisers whose spots have been speeded up—if only minutely and undetectably—and put into more-crowded ad clusters.

Competitors in the Pittsburgh market say

they have monitored KDKA-TV in prime time and concluded that the station has used compression to gain a competitive edge of two to four spots during prime time on several nights. Each such spot could bring in \$2,000 to \$5,000. A spot in a Steelers broadcast goes for as much as \$8,000.

John Howell, general manager of Cox-owned rival WPXI(TV), says he and other station executives in the Cox group have compared the logs of their CBS affiliates with KDKA-TV's and found the latter doing more spots.

Former CBS employees said other CBS-owned stations have used compression to squeeze in more spots, usually in highly rated programs, but added that it is not done all the time or at all group stations.

Executives in other groups, who say they complained to CBS, say they were told that KDKA-TV was chastised for its use of the compression technology. ■

**TV execs say it would be naïve to believe that stations are not taking advantage of the opportunity to add commercial spots.**

## 2000 wow! 2001 ow!

*Those were the TV and radio days; Veronis Suhler says they won't come again soon*

By Steve McClellan

**I**t will probably be a long time before the industry has another year like it had in 2000. According to the just-issued Veronis Suhler Communications Industry Report, broadcast TV posted a 17.2% revenue gain to a record \$33.3 billion in 2000, fueled by outsized political spending, the summer Olympics and the end of the dotcom branding binge. Pretax

earnings soared even higher, up 31% to \$9 billion.

The cable/satellite sector posted even greater growth: Revenue was up 29% to \$57 billion, with pretax earnings up 43% to \$17.4 billion.

The radio sector also had a remarkable year with revenues up 50% to \$7 billion and pretax earnings up 59% to \$2.7 billion.

That was then. This is ow.

As Veronis Suhler, the New York-based media banking and consulting firm was quick to point out, those heady days are gone. "We've seen the media and informa-

tion business shift rapidly from one of its best years into what is certain to be one of its worst in a decade," said James P. Rutherford, Veronis executive vice president.

In July, Veronis issued its forecast for the 2001 to 2005 period, predicting that ad growth would be about half what it was for the previous five years. For 2001, the firm predicted that broadcast-TV ad revenues would be down at least 2.5%. And that was before the Sept. 11 attack, which most media executives say exacerbated the downturn. But no revised forecast yet from Veronis.

No one has a firm handle on when the current slump will turn around, but Rutherford predicts that the start of the recovery will occur sometime in 2002. ■



# I ♥ TVNY

*A place where all of television can come to wheel and deal*

Organizers of the Western Show and the NATPE convention are at a loss, literally. No matter what they do, the conventions shrink in size and importance. Fewer want to exhibit; fewer want to attend.

Blame it on consolidation. I've covered a lot of Western Shows and NATPEs, and they have been mostly about distribution.

At NATPE, never-say-die syndicators chased maybe-say-yes TV station executives. At the Western Show, a bunch of networks vied for the attention of cable operators with the power to decide which networks would get carried (and prosper) and which would not.

With all those buyers and sellers, the conventions were important as places where serious business was done, though often to a rock beat and over a giant shrimp. The parties at both were the stuff of legend.

But consolidation has ruined the fun. In the wake of all the mergers and acquisitions of the past decade, there are fewer looking for distribution, fewer offering distribution. Most syndicators

are now affiliated through ownership with major station groups. They don't have to cut deals with too many other large groups to get their shows on the road.

The same goes in cable. The power to make carriage decisions is concentrated in a few MSO executives. Programmers can visit them in St. Louis, Philadelphia, Atlanta or Coudersport. They don't have to go to Anaheim, as tempting as another ride on Space Mountain may be. In some cases, networks and operators are working for the same boss. All they need is interoffice mail to close the deal.

So, what are the conventions to do? NATPE Chairman Jon

Mandel wants to transform his convention into a place where a variety of TV programmers—syndicators, cable networks and stations—present their best to the advertising community. Mandel's pitch: Make NATPE a marketplace of TV time-programmers on one side, advertisers on the other.

The association has already begun the process. Recognizing that station clearance wasn't enough to justify the show, NATPE started attracting advertisers. That Mandel, a top executive at a leading media-buying firm, is chairman is testimony to the strategy.

But Mandel suggests that NATPE needs to do more. It needs to bring cable and TV

stations into the tent. I'd go one step beyond and get the broadcast networks to play, too.

Here's the idea: Turn the broadcast networks' upfront week in mid May into an annual confab of all TV programmers and advertisers. It could be organized around the Big Five programming companies: Disney, Viacom, NBC, AOL Time Warner and News Corp. Last year, each of these companies took a morning or afternoon to showcase

works, Discovery, Carsey-Werner and the like would get their shot.

It would save money. Programmers would avoid attending multiple conventions. The participants could share a hall, or two, for their presentations. And they could stop the endless spring series of ineffective press conferences and receptions that now passes for cable upfront.

Bringing this off would not be easy. NATPE or whoever

## Turn the broadcast networks' upfront week in mid May into an annual confab of all TV programmers and advertisers.

its broadcast network programming at glitzy places like Carnegie Hall. Next year, each could showcase everything it has to offer advertisers.

Viacom fills a large hall with advertisers, ad agencies and media buyers. But instead of just presenting CBS's fall schedule, it also showcases what's new in syndication from Paramount and King World and the latest from cable networks MTV, VH-1, Nickelodeon, TNN and CMT.

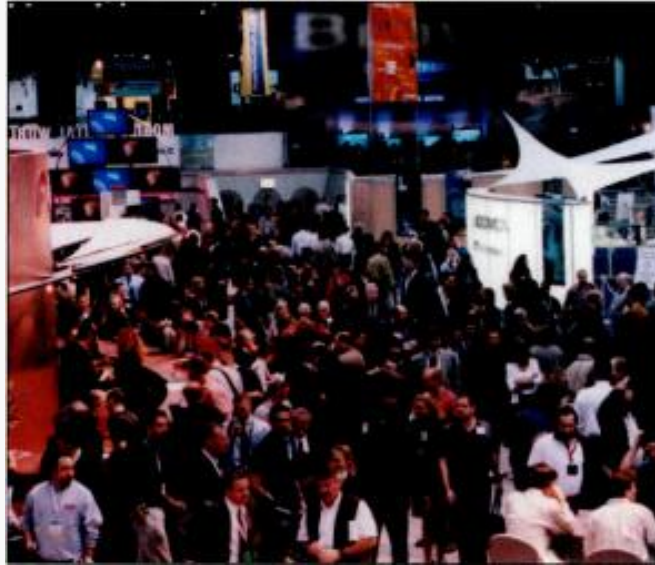
During the week, time could be set aside for programmers not affiliated with the Big Five. Let's call it Independents Day. USA Net-

else takes up this cause would have to achieve a consensus not only among the Big Five but also among other associations that would be or could be affected: NAB, NCTA, California Cable Television Association, TVB and CAB.

But think about it. TVNY—TV Week in New York—would become what the TV industry needs: a gathering of the entire industry for selling, buying, personal networking and some New York-style partying. It would be great for the industry, great for the city. ■

Jessell may be reached at [jessell@cabners.com](mailto:jessell@cabners.com) or 212-337-6964.

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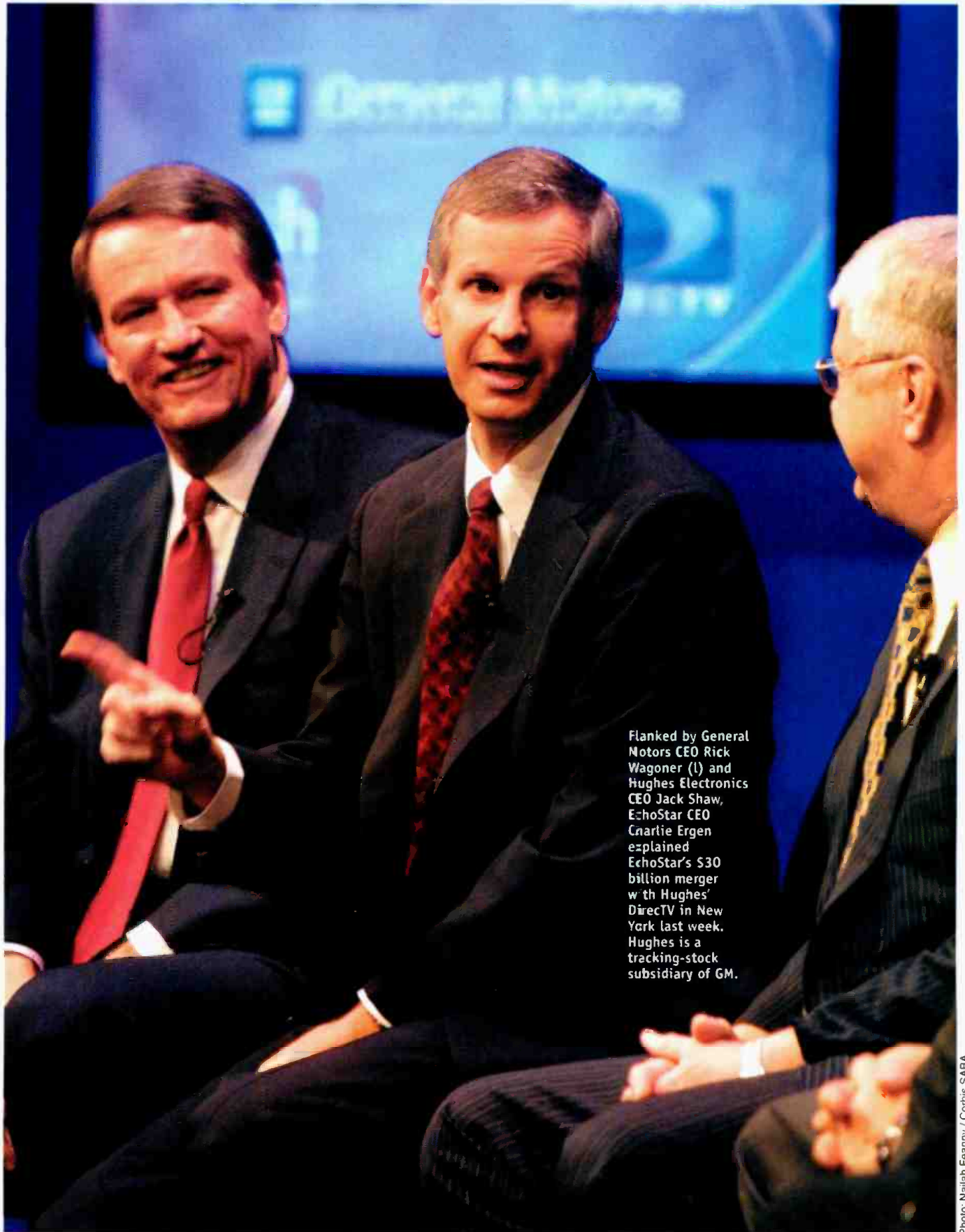
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# ERN SHOW



Flanked by General Motors CEO Rick Wagoner (l) and Hughes Electronics CEO Jack Shaw, EchoStar CEO Charlie Ergen explained EchoStar's \$30 billion merger with Hughes' DirecTV in New York last week. Hughes is a tracking-stock subsidiary of GM.

Photo: Najlah Feanny / Corbis SABA

# It could have been worse

BY JOHN M. HIGGINS

**A**s satellite TV rivals, EchoStar and DirecTV grabbed 20% of the multichannel video market and virtually halted cable's subscriber growth. Now EchoStar Chairman Charlie Ergen is threatening to cut more deeply into cable with his deal to combine with DirecTV.

Looking for howls of protest? Try sighs of relief. Cable operators are actually chipper about the \$30 billion deal. By dramatically snatching DirecTV away from nemesis Rupert Murdoch, Ergen not only continued his record of besting the Australian media mogul but also removed what cable operators had seen as a potential nightmare.

"Deep, deep down, Rupert scares me more," said the CEO of one cable operator. "He could be one big, bad competitor."

Said another industry executive, "If you're cable, you're thrilled. Rupert had content. As a cable operator, you just had the best day of your life."

For months, MSOs have dreaded the prospect of the hardball-loving News Corp. chairman's running their biggest competitor. They were bracing for Murdoch to use his regional sports networks and national sports rights against them, making some of that product exclusive to DBS.

The same goes for cable networks, whose executives feared that they could find themselves on unfavorable tiers if their product competed directly with some cur-

rent or future Fox network.

Ergen, of course, owns no networks, no sports rights. So assuming the deal clears antitrust review—which is far from certain—cable operators see all kinds of other reasons to be happy.

Suddenly, operators foresee at least two years of DBS disarray: 12 to 18 months of regulatory review followed by 12 to 18 months of integrating DirecTV into the ultra-frugal EchoStar.

To do the deal, EchoStar will probably boost its leverage past seven times cash flow, leaving the company with little ability to borrow money. So Ergen may choose to shift gears from his heavy, expensive push

*Cable operators say better Ergen in charge of DirecTV than Murdoch*

to add new subscribers and instead milk his existing customer base for profits. That would suit cable operators.

And finally, if Ergen's bid succeeds, he'll have to execute a massive \$2 billion, three-year switchout of DBS equipment, trading Dish Network and DirecTV dishes and receivers for gear that can receive a combined service. When many of those customers initially signed up, MSOs didn't have digital cable packages to equal what DBS could deliver. Operators will try to pounce on the dislocation the DBS switchout will create.

"The bottom line is, I think it's great for Charter," said Charter Communications

## Where they stand

	DirecTV	EchoStar
<b>Headquarters</b>	El Segundo, Calif.	Littleton, Colo.
<b>Owner</b>	Hughes Electronics; GM	Public; Charlie Ergen owns 50.1% of equity, 97% of shareholder votes
<b>Top execs</b>	Jack Shaw, Hughes chairman; Eddy Hartenstein, Sr. VP	Ergen, chairman; Mike Dugan, president
<b>Subscribers</b>	8.6M*	5.3M
<b>2001 sales (est)</b>	\$5.6B	\$3.6B
<b>2001 cash flow (est)</b>	\$197M	\$391M
<b>Monthly revenue/sub</b>	\$54.70	\$49.20
<b>Monthly cash flow/sub</b>	\$1.84	\$6.14
<b>Cost to add new sub</b>	\$555	\$550

Note: A cable system typically generates \$45-\$50 a month in revenues per subscriber, \$20-\$22 in cash flow per subscriber

\* Excludes subscribers in NRTC franchises.

Source: Morgan Stanley; company reports

CEO Carl Vogel. "I've been through these FCC wars, which I find somewhat entertaining. We'll enjoy watching the Washington gymnastics on this one."

Comcast President Brian Roberts was more measured but still happy that News Corp. lost the bidding. EchoStar "will be interested in running a profitable distribution company, not perhaps a less profitable distribution company and a profitable programming company," he said. "At the very highest level, it's slightly better than the alternative."

Ergen insists that cable operators should be plenty worried. Combining DirecTV and EchoStar will allow him to widely fix DBS's biggest Achilles heel: the dearth of local broadcast signals that cable customers are accustomed to getting. Currently, the DBS services offer "local-in-local" packages of broadcast stations in about 40 markets. However, Ergen said, after combining under the DirecTV brand, he will be able to offer local signals in 100 markets, representing 86% of the nation's 105 million TV homes.

And because, ultimately, he won't have to carry ESPN twice or MTV twice, he can further loosen up spectrum to add services, such as near-video-on-demand or high-speed Internet.

"We've always had a vision at EchoStar of competing with cable," Ergen said. "We're excited now that we can compete on an equal, level playing field."

Ergen's victory is an outrageous one, and a bitter defeat for Murdoch. For years the TV, film and newspaper mogul has lusted for a U.S. DBS play to fit with his British Sky Broadcasting, Asia's Star TV and Sky Latin America.

But it's hard to argue against Ergen's logic, that the efficiencies of combining two U.S. DBS operations will throw off more cash and create more value than Murdoch's plan of combining DirecTV with DBS assets in England and China.

Since February 2000, Murdoch has been trying to snag DirecTV and its parent, Hughes Electronics. Because Hughes is a tracking-stock subsidiary of General Motors, he had to persuade two boards of

### Where EchoStar would rank

Cable and DBS by millions of subscribers

1	AT&T	15.1
2	DirecTV-EchoStar	14.9
3	AOL	12.7
4	Comcast	8.3
5	Charter	6.9
6	Cox	6.2
7	Adelphia	5.7
8	Cablevision	3.0
9	Insight	1.4
10	Mediacom	1.0

Source: EchoStar; Kagan Media

directors, first, to sell the operation and, then, to sell to him.

His proposal: merge Hughes into a newly created company, Sky Global Networks, which would combine all the DBS assets. It would also hold a big stake in interactive TV guide Gemstar.

When they started the process, GM and Hughes executives probably could have unloaded Hughes for \$50 billion to \$60 billion. But they pondered and delayed and studied so long that the market collapsed. To keep his proposal tax-free, Murdoch would have had to strip assets out of Sky Global because Hughes's stock value was dropping so dramatically.

Ergen had been trying to get in the door to negotiate with a proposal of his own. Although GM and Hughes executives last week lauded EchoStar as a compelling match, they had been rebuffing his approaches for months.

So in August, Ergen—a gambler banned from some casinos for counting cards at the blackjack table—offered a "bear hug." He faxed an offer first to GM and Hughes, then to the press. By rallying GM and Hughes shareholders into calling for a bidding war, Ergen embarrassed GM into negotiating

with him.

When GM's board spent the weekend before Halloween reviewing the bids, Ergen couldn't even lock down his financing. The carmaker wanted assurances that he could come up with \$5.5 billion in cash on top of the \$23 billion in EchoStar stock.

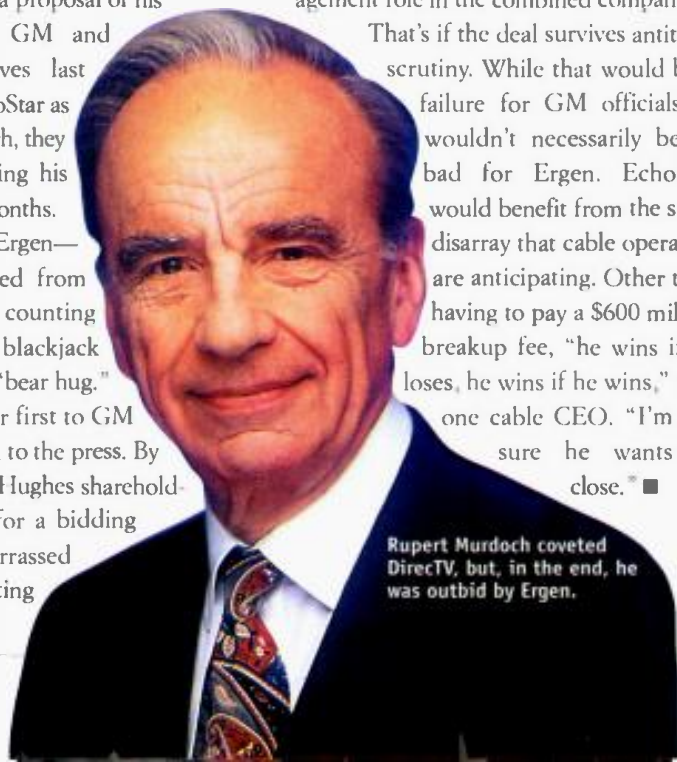
News Corp. had cash commitments from Microsoft and Liberty Media. Ergen needed to borrow but could secure only a bridge loan for half the cash. Ergen, who is notorious for chiseling investment-banking fees, couldn't come to terms with UBS Warburg, which had helped get him to the table.

GM's board accepted a personal guarantee against Ergen's EchoStar holdings to cover the dangling \$2.75 billion. "He doesn't even have the cash," said a frustrated News Corp. executive. "They had to back-stop him, and they still took the deal."

In a "you-can't-fire-me-I-quit" move, Murdoch withdrew his offer, and the GM board signed off Ergen's plan.

To keep the deal tax-free, current Hughes shareholders will retain majority ownership of the combined companies, about 53%. EchoStar shareholders will own 36%, and GM keeps 11%. Ergen will be chairman of the combined companies and have 18% of the equity. DirecTV founding CEO and now Hughes executive Eddy Hartenstein said he may have a management role in the combined companies.

That's if the deal survives antitrust scrutiny. While that would be a failure for GM officials, it wouldn't necessarily be so bad for Ergen. EchoStar would benefit from the same disarray that cable operators are anticipating. Other than having to pay a \$600 million breakup fee, "he wins if he loses, he wins if he wins," said one cable CEO. "I'm not sure he wants to close." ■



Rupert Murdoch coveted DirecTV, but, in the end, he was outbid by Ergen.

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# Facing the regulators

*With little opposition in sight, DBS merger could squeeze by*

B Y P A I G E A L B I N I A K

Last year, the Clinton administration quashed a \$129 billion merger between the No. 2 and No. 3 long-distance phone companies, Worldcom and Sprint, even though they were taking on entrenched competitor AT&T. Last month, Bush antitrust regulators killed No. 3 rum distiller Diageo and Pernod's attempt to buy No. 2 Vivendi's Seagram even though combined production was less than No. 1 Bacardi's.

Those precedents don't seem to bode well for EchoStar Communications Chairman Charlie Ergen, since his proposed \$30 billion deal to buy DBS rival DirecTV would reduce consumers' pay-TV choice from three distributors in most markets to just two: DBS and cable.

But Ergen has a key element in his favor: No big crowd is lining up against the deal.

The most obvious protesters—cable operators that compete against Ergen—seem to be sitting this out. Operators will enjoy watching its biggest rivals tying themselves up in knots for months trying to get approval.

AOL Time Warner's Gerald Levin said at a breakfast meeting that "I don't believe there are antitrust concerns. Charlie Ergen is an entrepreneur and should have his day in the sun."

And consumer advocates are thanking their lucky stars they aren't facing the tag team of News Corp.'s Rupert Murdoch and Liberty Media's John Malone.

House Energy and Commerce Committee Chairman Billy Tauzin (R-La.) last week said he would back the merger as long as EchoStar would agree to national pricing terms guaranteeing rural subscribers fair prices.

Add to that regulators' years-long effort to check the power of cable operators, and their annoyance over constant price increases.

There are plenty of skeptics, though. Soon after the merger was announced, analysts began rating its chances: "This has a one-in-three chance," said Scott Cleland, CEO of the Precursor Group, an independent research company in Washington. "It can get done; it's just not likely to get done."

Ergen's challenge in Washington is twofold. First, he must convince antitrust authorities and the FCC that the market includes both satellite and cable and he's merely merging the No. 3 and No. 6 players. "If the market is satellite-only," he says, "then even I wouldn't approve this deal."

Convincing the authorities shouldn't be too hard. "I would be very surprised if the authorities didn't decide that the market was the entire multichannel market," says Phil Verveer, partner at the Washington law firm of Willkie, Farr and Gallagher. "Antitrust authorities have come to that

conclusion in the past, and the FCC uses that definition."

Second, and much more important, Ergen must prove that consumers would get better prices and services if the two DBS companies were allowed to become one.

His best chance at accomplishing that is to prove that the merger will produce efficiencies that would be otherwise impossible. Because satellite TV relies on spectrum, he rightfully can argue that he can better serve the public by operating one nationwide satellite service against cable operators. A merged EchoStar-DirecTV has to carry each local TV station only once, as opposed to taking up satellite space on both systems. That would open room for EchoStar to carry more local TV stations and serve more markets.

"Aggregating the spectrum means EchoStar ought to be able to bring local-into-local service into smaller markets, and it ought to be able to carry smaller channels, about which we care," said Andrew Schwartzman, president of non-profit law firm Media Access Project. "That would improve the distribution of broadcast services into the rural communities."

Right now, EchoStar and DirecTV offer local TV stations in about 40 markets. Most markets are duplicative, so the two services are using valuable spectrum to carry the same local TV signals.

"At a minimum, government regulators should condition this deal on a guarantee that this additional satellite channel capacity be devoted to the carriage of the signals of all local television stations," said NAB President Eddie Fritts last week. Broadcasters did not say that they would support the deal if their condition was granted, but they also do not oppose it.

Ergen appears willing to accept any number of conditions. Asked about critics' skepticism of the approval, he said, "Are these the same guys who gave us a one-in-100 shot to get a satellite up and launch it on a Chinese rocket? Are these the same guys who gave us a one-in-10 shot of doing this deal? I'm very excited that our odds are improving." ■

## Programming

# A hitch in Fox's stagger plan

*Delays put season launches up against competitors' November sweeps efforts*

By Joe Schlosser

When Fox programmers decided to start their season with a staggered launch, they didn't expect to be rolling out the majority of their new and returning shows during November sweeps.

"It's been tough waiting in the wings," says Fox Entertainment President Gail Berman. "This was not our intent."

Major League Baseball's postseason was pushed back a week in the wake of Sept. 11, and Fox, in the first year of a six-year deal to carry all of baseball's postseason, was forced to fall back, too. Most of the network's prime time schedule during October and the first week of this month was occupied by playoff and World Series games. As a result, most of Fox's Tuesday-, Wednesday-, Thursday- and Sunday-night lineup gets under way this month.

The monkey wrench in Fox's plan came as network programmers were getting ready to resume where they had left off last season: just three-tenths of a rating point behind NBC in adults 18-49.

With the most anticipated new show of the season in *24*, a second installment of *Temptation Island*, and a crop of young comedies starting to show some legs, the plan was to allow shows to get started outside the fall onslaught and to receive invaluable promotion during the playoffs. Because of the delays, however, the majority of Fox's series are now debuting against rival networks' strong November sweeps efforts.

"We certainly found the staggered launch to be a good strategy last year. This one has been stretched more than our original plan due to events of the day, and it has obviously put us at somewhat of a disadvantage," says Berman. "But we are get-



The plan was for *Temptation Island 2* and most of Fox's prime time shows to debut outside the fall onslaught.

ting in the game now, and we just have to deal with what we have."

Last week, Fox's Monday drama duo of *Boston Public* and *Ally McBeal* started the 2001-02 campaign on a strong note, winning the night in adults 18-49. The net's Tuesday-night pairing of comedies *That '70s Show* and freshman *Undeclared* has fared well in the ratings, while new Friday-night drama *Pasadena* and reality series *Love Cruise* have struggled.

Action series *24* debuts Nov. 6, *Temptation Island 2* on Nov. 7, the full Sunday-night roster including *The X-Files* on Nov. 11, and critically acclaimed comedy *The Bernie Mac Show* on Nov. 14.

"I think the core schedule at Fox is still pretty solid," says media buyer Tom DeCabilia, of Advanswers PHD. "They came awfully close to catching NBC last

year, and I think they have a great shot this year. But the jury is still out on their new shows."

Fox averaged a 4.5 rating/12 share in adults 18-49 last season, topping all rival networks except NBC, which scored a 4.8/13 in the demo, according to Nielsen Media Research. The year before, Fox finished fourth in the category and was floundering.

Berman, who started at Fox after the network's rough 1999-2000 season, notes: "We're looking to stay in the game, improve our performance and put on shows of high quality. If we ... come near NBC again, that will be icing on the cake."

While Fox's schedule is strong from Saturday through Tuesday, the network's Wednesday-Friday lineup is still in flux. Wednesday night opens with sitcom repeats, for which Fox programmers took a lot of flak when they announced their lineup last May, and Berman says Wednesdays will be "a work in progress throughout the year." Thursday has *Temptation Island 2* for

**Network programmers were getting ready to resume where they had left off last season: just three-tenths of a rating point behind NBC in adults 18-49.**

the short term, and Friday's combination of *Dark Angel* and *Pasadena* is not clicking. Of Friday's sluggish ratings, Berman says, "We are not overly pleased with those numbers ... but we are trying to stay committed to the material at this point."

For midseason, Fox has three comedies in production, including a '70s *Show* follow-up titled *That '80s Show* and *Ally McBeal's* successor, due in March, drama *Emma Brody*. ■

# Programming

## BroadcastWatch

COMPILED BY KENNETH RAY

OCT. 22-28 Broadcast network prime time ratings according to Nielsen Media Research

Week	abc	CBS	NBC	FOX	PAX TV	U/PIN	WB
5	9.0/14	9.9/15	7.9/12	7.3/12	1.0/1	2.6/4	4.2/6
MONDAY	8:00 46. Who Wants to Be a Millionaire? 7.2/11	21. King/Queens 9.3/14 23. Yes, Dear 9.0/13	42. Weakest Link 7.5/11	64. MLB Pregame 5.5/9	131. Miracle Pets 0.7/1	102. The Hughleys 2.5/4 97. One on One 2.6/4	66. 7th Heaven 5.4/8
	9:00 19. NFL Monday Night Football—Philadelphia Eagles vs. New York Giants 9.9/16	7. Ev Lvs Raymnd 13.7/20 12. Becker 11.3/17	42. Third Watch 7.5/11	39. MLB American League Championship Series Game 5—Seattle Mariners vs. New York Yankees 7.6/12	125. Touched by an Angel 1.0/1	102. The Parkers 2.5/4 97. Friends 2.6/4	94. Angel 3.0/4
	10:00 36. Family Law 7.9/13		24. Crossing Jordan 8.7/14		118. Diagnosis Murder 1.3/2		
	10:30 6.4/10	11.6/18	6.7/10	3.6/6	0.8/1	2.7/4	4.2/6
	8:00 52. Dharma & Greg 6.5/10	10. JAG 11.9/19	75. Emeril 4.3/7	67. That '70s Show 5.2/8	134. Ooc 0.6/1	85. Buffy the Vampire Slayer 3.5/6	81. Gilmore Girls 3.9/6
TUESDAY	8:30 58. Dharma & Greg 6.1/9		71. Three Sisters 4.6/7	85. Undeclared 3.5/5			
	9:00 55. Spin City 6.2/9	13. The Guardian 10.8/16	24. Frasier 8.7/13	96. Dark Angel 2.9/4	129. Mysterious Ways 0.8/1	110. Roswell 1.9/3	74. Smallville 4.4/7
	9:30 53. Spin City 6.4/10		46. Scrubs 7.2/11				
	10:00 51. Philly 6.6/11	8. Judging Amy 12.1/20	39. Dateline NBC 7.6/12		125. Diagnosis Murder 1.0/2		
	10:30 7.6/12	6.4/10	1.0/19	3.5/5	1.2/2	3.8/6	2.8/4
WEDNESDAY	8:00 29. My Wife & Kids 8.3/14	24. 60 Minutes II 8.7/14	39. Ed 7.6/12	78. That '70s Show 4.0/7	127. Candid Camera 0.9/1	69. Enterprise 5.1/8	92. Dawson's Creek 3.1/5
	8:30 34. According/Jim 8.0/12			85. Grounded/Life 3.5/5			
	9:00 44. Drew Carey 7.3/11	55. Amazing Race 6.2/9	6. West Wing 14.1/21	92. Titus 3.1/5	118. Touched by an Angel 1.3/2	97. Special Unit 2 2.6/4	97. Felicity 2.6/4
	9:30 62. Bob Patterson 5.7/9			89. Titus 3.3/5			
	10:00 29. 20/20 8.3/14	76. Wolf Lake 4.2/7	5. Law & Order 14.4/24		116. Diagnosis Murder 1.4/2		
THURSDAY	10:30 7.6/12	11.6/18	13.6/21	3.3/5	0.9/1	4.0/6	2.3/4
	8:00 77. Whose Line Is It 4.1/6	8. Survivor: Africa 12.1/19	2. Friends 16.1/25		131. It's a Miracle 0.7/1		116. Popstars 1.4/2
	8:30 73. Whose Line Is It 4.5/7		13. Inside Schw 10.8/16	89. Fox Movie Special—Varsity Blues 3.3/5		78. WWF Smackdown! 4.0/6	118. Eliminate Deluxe 1.3/2
	9:00 37. Who Wants to Be a Millionaire? 7.8/12	3. CSI 15.7/23	15. Will & Grace 10.7/16		129. Touched by an Angel 0.8/1		89. Charmed 3.3/5
	9:30 15. Primetime Thursday 10.7/17	48. The Agency 7.1/11	1. ER 17.3/27		121. Diagnosis Murder 1.1/2		
FRIDAY	10:30 3.9/7	6.3/10	9.3/17	3.0/5	0.9/2	2.1/4	2.3/4
	8:00 67. King of Queens 5.2/10		24. Providence 8.7/16	83. Dark Angel 3.7/7	121. Weakest Link 1.1/2		108. Sabrina/Witch 2.0/4
	8:30 81. Radio Music Awards 3.9/7	78. The Ellen Show 4.0/7		105. Pasadena 2.3/4	134. The Next Big Star 0.6/1	106. UPN Movie Friday—Bad Boys 2.1/4	113. Maybe It's Me 1.8/3 94. Reba 3.0/5 104. Raising Dad 2.4/4
	9:00 63. That's Life 5.6/10	37. Dateline NBC 7.8/14					
	9:30 59. 48 Hours 5.9/11	11. Law & Order: Special Victims Unit 11.5/21			121. Diagnosis Murder 1.1/2		
SATURDAY	10:30 5.4/9	6.2/11	3.6/6	10.3/19	0.5/1		
	8:00 71. America's Funniest Home Videos 4.6/8	64. Touched by an Angel 5.5/10	85. Dateline NBC 3.5/6	18. MLB World Series Game 1—New York Yankees vs. Arizona Diamondbacks 10.4/19	136. Ponderosa 0.5/1		
	8:30 59. ABC Saturday Night Movie—My Best Friend's Wedding 5.9/10	70. Citizen Baines 4.8/8	83. NBC Saturday Night Movies—In & Out 3.7/6		136. PAX Big Event—Judas 0.5/1		
	9:00 31. The District 8.2/14						
	10:00 5.3/10	9.6/15	7.2/11	12.3/19	1.1/2		2.0/3
SUNDAY	7:00 (nr) NFL Game 2 10.6/20		49. Dateline NBC 7.0/11	97. Futurama 2.6/4	127. Candid Camera 0.9/1		108. Ripley's 2.0/3
	7:30 59. Wonderful World of Disney—Toy Story 5.9/9	17. 60 Minutes 10.6/17		31. Series Pregame 8.2/14			106. Steve Harvey 2.1/3
	8:00 33. The Education of Max Bickford 8.1/12		44. Weakest Link 7.3/11		115. Doc 1.6/2		110. Men Women Dogs 1.9/3
	8:30 55. Alias 6.2/9	20. CBS Sunday Movie—The Wedding Dress 9.4/15	28. Law & Order: Criminal Intent 8.4/13	4. MLB World Series Game 2—New York Yankees vs. Arizona Diamondbacks 15.0/23	121. Ponderosa 1.1/2		110. Off Centre 1.9/3
	9:00 50. The Practice 6.9/12		54. UC: Undercover 6.3/11		131. Mysterious Ways 0.7/1		113. Nikki 1.8/3
	10:00 6.6/11	8.7/14	8.6/14	7.1/11	0.9/1	3.0/5	2.9/4
	10:30 6.8/11	8.3/13	8.7/14	5.9/11	0.9/2	3.2/5	2.7/4

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 • S-T-D = SEASON TO DATE  
 • SOURCES: NIELSEN MEDIA RESEARCH, CBS RESEARCH



# SyndicationWatch

OCT. 15-21 *Syndicated programming ratings according to Nielsen Media Research*

## TOP 25 SHOWS

Rank	Program	HH AA	HH GAA
1	Wheel of Fortune	9.0	9.0
2	Jeopardy	7.7	7.7
3	Entertainment Tonight	6.0	6.1
3	Oprah	6.0	6.1
5	Friends	5.9	6.7
6	Seinfeld	5.2	5.6
7	Judge Judy	4.9	6.8
8	Everybody Loves Raymond	4.7	5.3
9	Live With Regis and Kelly	4.0	4.0
10	Seinfeld (wknd)	3.6	4.1
11	Entertainment Tonight (wknd)	3.5	3.6
12	Wheel of Fortune (wknd)	3.3	3.3
13	Extra	3.1	3.2
13	Inside Edition	3.1	3.1
15	Andromeda	3.0	3.2
15	Frasier	3.0	3.2
15	Mutant: X	3.0	3.2
15	Access Hollywood	3.0	3.1
15	Everybody Loves Raymond	3.0	3.0
20	Judge Joe Brown	2.8	3.6
21	Jerry Springer	2.7	2.9
22	Just Shoot Me	2.6	2.8
22	Maury	2.6	2.8
22	Stargate SG-1	2.6	2.8
22	Hollywood Squares	2.6	2.7

## TOP COMEDY SHOWS

Rank	Program	HH AA	HH GAA
1	Friends	5.9	6.7
2	Seinfeld	5.2	5.6
3	Everybody Loves Raymond	4.7	5.3
4	Seinfeld (wknd)	3.6	4.1
5	Frasier	3.0	3.2

According to Nielsen Media Research Syndication Service Ranking Report Oct. 15-21, 2001

HH/AA = Average Audience Rating (households)

HH/GAA = Gross Aggregate Average

One Nielsen Rating = 1,055,000 households, which represents 1% of the 105.5 million TV Households in the United States

## 5th Wheel gets rolling

Universal Worldwide TV executives are hoping their new dating series, *The 5th Wheel*, can follow the path paved by the studio's veteran series, *Blind Date*.

*Blind Date*, which is currently in its third season in syndication, started slowly in the national ratings and steadily rose throughout its first year into a first-run hit.

"*Blind Date* premiered at a 1.3 [national household rating], started getting traction and wound up overall for its first season averaging a 2.0," says Universal Worldwide TV Senior Vice President Matt Cooperstein.

"If we can do that with *5th Wheel*, we'll be in business."

*The 5th Wheel* debuted this fall with a 1.0 national weekly rating and, in its third week, the week ended Oct. 21, pushed its way up to a 1.2, according to Nielsen Media Research. The series currently ranks second out of the four new relationship series in syndication, trailing Warner Bros.' newcomer *Elimidate* by two-tenths of a ratings point in the weekly polls.

According to Cooperstein, *5th Wheel* is currently cleared in approximately 75% of the country in late-night time periods, with some early-fringe, daytime and overnight time slots as well.

The studio has wasted little time getting the show upgrades in an effort to improve its national ratings. The show is moving from overnight to 10:30 p.m. on WKCF-TV Orlando, Fla., from 12:30 a.m. to 3 p.m. on KSAT-TV San Antonio, and from 2:30 a.m. to 11:30 p.m. on WGNO-TV New Orleans. The series is also adding a second run in New Orleans. Upgrades are pending in Buffalo, N.Y.; Little Rock, Ark.; and Tampa, Fla., Cooperstein says.

"I think people are starting to see that *5th Wheel* is separating itself from the pack of imitators," Cooperstein says. "I just need to get the show in front of more available audiences."


—Joe Schlosser



*The 5th Wheel* is two-tenths of a ratings point behind the No. 1 new relationship series.

# Tampa's Heating Up!

WTVT/FOX, M-F 11:00am



**1.8**

JUDGE HATCHETT

OCT '00

**+44%**

% Improvement vs. Oct '00

**1.9**


TEXAS JUSTICE

SEPT '01

**2.6**


TEXAS JUSTICE

OCT '01



Judge  
Larry Joe Doherty

The New  
Court Leader



Source: NIELSEN WRAP Overnights, Oct '00=9/28-10/25/00, Sept '01=9/17-26/01, Oct '01=9/27-10/24/01, HH Rtg

## Station Break

BY DAN TRIGOB OFF

### MORE NEWS IN MOTOWN

Ken Jobe, newly hired news director at CBS's Detroit duopoly, will be taking over an operation slightly smaller than one he runs at Hearst-Argyle's WLWT(TV) Cincinnati. Jobe notes, though, that, even in an environment seeing more shrinkage than growth, the Detroit stations plan to grow.

WWJ(TV) had been the only CBS-owned station not to run local news but added newscasts after CBS acquired WKBD(TV) Detroit's news department in the CBS-Viacom deal. The current 1½ hours per day on WKBD-TV might have been considerable for a station under prior Paramount management but is well below the norm for one run by CBS.

Jobe replaces Tom Bell, who had been WKBD's news director when it was a Paramount station. He takes over at the end of the month, seeing his current station through much of sweeps.

He'll be there long enough to see which of the two former WLWT-TV anchors, Curtis Fuller or incumbent Mayor Charlie Luken, will be running Cincinnati for the next four years.

### PITTSBURGH LOSES A NEWS ICON

Patti Burns, 49, who made history in the 1970s anchoring with her father, the late Bill Burns, on KDKA-TV Pittsburgh, died of lung cancer last week.



Believed to be the first father-daughter anchor team, they were called "Patti and Daddy," and she did not refrain from calling her father "Dad" on the air. But she developed her own reputation, reporting from China, from Vietnam and throughout Pittsburgh, winning numerous awards.

The *Pittsburgh Post-Gazette* likened the Pittsburgh native's local stature to royalty: "Her contentious split from Channel 2 almost five years ago was a major news story."

Burns left KDKA-TV in 1997 after being offered less money for less work at a time when she was apparently considering a run for public office. She remained in Pittsburgh, running media training and production company Burns Communications.

Burns is survived by her hus-

band, attorney Charles Cohen; her mother; and a brother.

### UNIVISION ADDITION

Entravision Communications last week launched KNRV-TV, a UHF station in the No. 48 market, Reno, Nev., as a Spanish-language Univision affiliate. The station had been a shopping channel.

Viola Cody, a veteran Nevada broadcast saleswoman and member of the Nevada Broadcasters Hall of Fame, was named general manager. Entravision already owns KNRV-FM in the market.

### POLITICAL PRAISE

Three veteran Seattle news anchors will be spotlighted at the Washington News Council's third Annual Gridiron West Dinner there Sunday night. Jean Enersen of KING-TV, Kathi Goertzen of KOMO-TV,

and Susan Hutchison of KIRO-TV will be toasted by local politicians, former Mayors Norm Rice and Charles Royer and U.S. Senators Patty Murray and Maria Cantwell.

### RETRANS EXTENSION IN FAIRFAX

There was no settlement of differences regarding retransmission of Allbritton Communications' WJLA-TV Washington and NewsChannel 8 over Cox Cable's Fairfax, Va., MSO. As the one-month extension agreed to at the end of September expired last week, the parties agreed to another one, but there was no agreement on the contract. Still, parties said the sides have come closer in the past month—a far cry from their earlier war of words, in which each side tried to mobilize the public to its side.

### BUT WILL HE BEND?

KRIV(TV) Houston reporter Ned Hibberd sang backup vocals for a local radio station's CD "Bend Over Bin Laden," sung to the tune of "Roll Over Beethoven." Hibberd told the *Houston Press* he was talked into singing when doing a story on the recording, and has no regrets. Hibberd said he mentioned his participation in the story that he did.

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

# Focus Chattanooga

## THE MARKET

DMA rank	86
Population	834,000
TV homes	337,000
Income per capita	\$15,269
TV revenue rank	88
TV revenue, 2000	\$45.1 million

## COMMERCIAL TV STATIONS

Rank*	Ch.	Affil.	Owner
1	WTVC(TV)	9 ABC	Freedom
2	WDEF-TV	12 CBS	Media
3	WRCB-TV	3 NBC	Sarkes Tarzia
4	WDSI-TV	61 Fox	Pegasus
5	WFLI-TV	42 WB	Lambert

\*May 2001, total households, 6 a.m.-2 a.m., Sun.-Sat.

## CABLE/DBS

Cable subscribers (HH)	236,000
Penetration	70%
ADS subscribers**	62,700
ADS penetration	18.6%
DBS carriage of local TV?	No

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

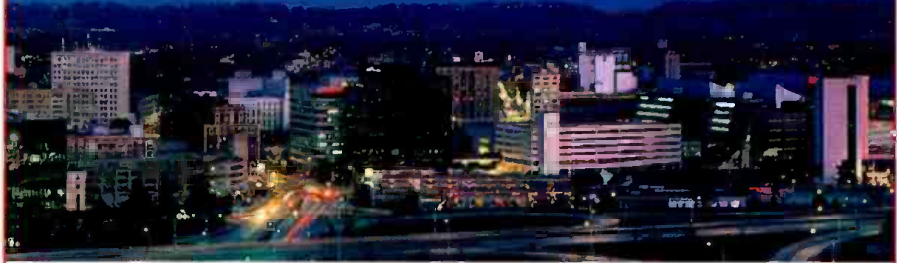
## WHAT'S NO. 1

Syndicated show	Rating/share***
<i>Wheel of Fortune</i> (WTVC)	10/22
Network show	
<i>Survivor</i> (WDEF)	16.8/26
6 p.m. newscast	
WTVC	12/26
11 p.m. newscast	
WRCB-TV	8/24

\*\*\*May 2001, total households

Sources: Nielsen Media Research, BIA Research

Chattanooga, Tenn.'s four TV stations with news departments jointly produced a special lauding the market's United Way.



## Competition, Southern-style

When *NYPD Blue* in 1993 warned in promo ads that its premiere episode would include "partial nudity," a small handful of Chattanooga, Tenn., viewers picketed outside the studios of ABC affiliate WTVC(TV). It was a hot day, so the station served Coca-Cola to the protesters.

It's that kind of Southern hospitality that seems to permeate the nation's 86th-largest market. For example, on Oct. 22, the market's four stations with news departments jointly produced a half-hour special extolling the work of the Chattanooga United Way. Why? The charity and GMs were fearful that local residents were putting their dollars toward victims of the World Trade Center disaster, inadvertently slighting the needy in the area.

"I've never seen anything like that on television before," says Jerry Lingerfelt, general manager of Freedom Communications' WTVC. On the flip side, nor has he ever felt the kind of economic punch the Sept. 11 attacks inflicted on Chattanooga's television ad sales.

"We were just seeing some recovery starting to kick in," Lingerfelt notes. "I've seen downturns, but never like this when sales just fell off the cliff. But now it looks like those 0%-financing deals from automakers are becoming really helpful." He has left six positions unfilled at the station, though, and, for financial reasons, is not going to NATPE this January, "for the first time I can remember."

WTVC is the market leader ("barely," Lingerfelt insists) although it's a reasonably shared position with WRCB-TV, the Sarkes Tarzian NBC affiliate. "We're so close you could just throw a blanket over us," Lingerfelt says. His news usually dominates, he says, mainly because anchor Bob Johnson is in his 26th year and others there, including nine-year veteran news director Steve Hunsicker, have strong local ties. "They've been together since 1496," Lingerfelt jokes.

—P.J. Bednarski

# HATCHETT RULES HOUSTON!

With the Time Period's Best October Performance In 9 Years, JUDGE HATCHETT Shows Outstanding Year to Year Growth on KHWB!

**JUDGE HATCHETT**  
She's All That.



The Leader in Young Adult Programming.  
CTTD.COM

www.judgehatchett.com

Source: NSI, WRAP Overnights, HH cumc rtg, Oct 2000 (10/2/00-10/27/00 at 12N and 1P), Oct 2001 (10/01/01-10/26/01 at 2P and 2:30P); best Oct. tp performance = 2-3P tp

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# Changing Hands

## TVs

### **WOTV(TV) Battle Creek, Mich.**

**Price:** \$2.25 million

**Buyer:** Wood License Co. LLC (Gregory M. Schmidt, president)

**Seller:** Channel 41 Inc. (John W. Lawrence, president)

**Facilities:** Ch.41; 5,000 kW, ant. 1,076 ft.

**Affiliation:** ABC

## Combos

### **WGHC-AM and WRBN(FM) Clayton, Ga., and WFSC-AM and WNCC-FM Franklin, N.C.**

**Price:** \$1.4 million

**Buyer:** Sutton Radiocasting Corp. (Douglas Sutton Jr., chairman/CEO); owns six other stations, none in this market

**Seller:** Sorenson Broadcasting Corp. (Dean Sorenson, president)

**Facilities:** WGHC-AM: 1370 kHz, 3 kW; WRBN(FM): 104.1 MHz; 190 W, ant. 1,296 ft.; WFSC-AM: 1050 kHz, 1 kW day, 1 kW night; WNCC-FM: 96.7 MHz, 6 kW, ant. -331 ft.

**Format:** WGHC-AM: adult standard; WRBN(FM): AC; WFSC-AM: country; WNCC-FM: country

### **KHIL(AM) and KWCX(FM) Willcox, Ariz.**

**Price:** \$1.1 million

**Buyer:** Lakeshore Media LLC (Chris Devine, member); no other broadcast interests

**Seller:** William Konopnicki

**Facilities:** KHIL(AM): 1250 kHz, 5 kW day, 196 W night; KWCX(FM): 104.9 MHz, 730 W, ant. 3,176 ft.

**Format:** KHIL(AM): country; KWCX(FM): AC

**Broker:** Kalil & Co. Inc.

### **KPOC(AM) and KPOC-FM Pochontas, Ark.**

**Price:** \$410,000

**Buyer:** Bobby Caldwell; owns six other stations, none in this market

**Seller:** Scott Media Services (Tim Scott, president)

**Facilities:** KPOC(AM): 1420 kHz, 1 kW day; KPOC-FM: 103.9 MHz, 6 kW, ant. 144 ft.

**Format:** KPOC (AM): soft AC; KPOC-FM: soft AC

### **KXIT(AM) & KXIT-FM Dalhart, Texas**

**Price:** \$325,000

**Buyer:** Dalhart Radio Inc. (George

Chambers, president); no other broadcast interests

**Seller:** Dalhart Broadcasters (Robert J. Beller, president)

**Facilities:** KXIT(AM): 1240 kHz, 1 kW day, 1 kW night; KXIT-FM: 95.9 MHz, 3 kW, ant. 171 ft.

**Format:** KXIT(AM): country; KXIT-FM: country

### **KRFS(AM) and KRFS-FM Superior, Neb.**

**Price:** \$150,000

**Buyer:** CK Broadcasting Inc. (Cory Kopsa, president); no other broadcast interests

**Seller:** Hoeflicker Stations (Herbert R. Hoeflicker, president)

**Facilities:** KRFS(AM): 1600 kHz, 2 kW day, 44 W night; KRFS-FM: 103.9 MHz, 6 kW, ant. 220 ft.

**Format:** KRFS(AM): country; KRFS-FM: country

## FMs

### **WAVF(FM) Hanahan (Charleston), S.C.**

**Price:** \$6 million

**Buyer:** Apex Broadcasting Inc. (Dean Pearce, president); owns six other stations, including WJZX-FM Charleston

**Seller:** Maverick Media (Gary Rozynek, president/COO)

**Facilities:** 96.1 MHz, 100 kW, ant. 538 ft.

**Format:** AOR

**Broker:** Kalil & Co. Inc.

### **KAJZ(FM) North Fork (Fresno), Calif.**

**Price:** \$5 million, plus additional \$500,000 if new CP moving station from Merced, Calif., market to Fresno is completed at time of closing

**Buyer:** Hispanic Broadcasting Corp. (McHenry Tichenor Jr., president/CEO); owns 53 other stations, none in this market

**Seller:** Merced Radio Partners (Edward Hoyt Jr., president)

**Facilities:** 107.9 MHz; 8 kW, ant. 600 ft.

**Format:** Jazz

**Broker:** Larry Patrick and Greg Guy, Patrick Communications

### **KGNT(FM) Smithfield, Utah**

**Price:** \$775,000

**Buyer:** Sun Valley Radio Inc. (M. Kent Frandsen, president); owns six other stations, none in this market

**Seller:** Legacy Communications Corp. (E. Morgan Skinner Jr., president/CEO)

**Facilities:** 103.9 MHz; 3 kW, ant. 2 ft.

**Format:** Country

### **KGER(FM) Quincy, Wash.**

**Price:** \$700,000

**Buyer:** Butterfield Broadcasting Corp. (Mick Tacher, president/director); owns seven other stations, none in this market

**Seller:** Quincy Community Radio (Thomas Reed, sole proprietor)

**Facilities:** 95.9 MHz, 3 kW, ant. 1,047 ft.

**Format:** Christian talk

### **KOZX(FM) Cabool, Mo.**

**Price:** \$110,000

**Buyer:** Communications Works Inc. (R. William Jones, owner); owns two other stations, none in this market

**Seller:** Twin Cities Broadcasting Inc. (Russell Wood, president)

**Facilities:** 98.1 MHz, 3 kW, ant. 220 ft.

**Format:** Country

### **KPVW-FM Aspen, Colo.**

**Price:** \$57,500

**Buyer:** Entravision Communications Co. LLC (Walter Ulloa, chairman/CEO); owns 51 other stations, none in this market

**Seller:** Aspen FM Inc. (Martha Tapias Mansfield)

**Facilities:** 107.1 MHz, 21 kW, ant. 361 ft.

**Format:** Not on the air

## AMs

### **WTCV(AM) Lajas, P.R.**

**Price:** \$535,500

**Buyer:** Perry John Galiano Cruz; no other broadcast interests

**Seller:** Pedro Roman Collazo

**Facilities:** 1510 kHz; 1 kW day, 1 kW night

**Format:** Spanish/tropical

### **WRJQ(AM) Appleton (Appleton-Oshkosh), Wis.**

**Price:** \$450,000

**Buyer:** Woodward Communications Inc. (Craig Trongaard, president/COO); owns four other stations, including WHBY(AM) and WAPL-FM Appleton-Oshkosh

**Seller:** Winnebago Broadcasting Inc. (Jane Koeffler, acting president)

**Facilities:** 1570 kHz, 1 kW day, 331 W night

**Format:** Big band/nostalgia

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*Over 7,000 clearances . . . and growing daily!*

# Band of colluding broadcasters?

*Station groups seek ways to make more money from free TV*

By Bill McConnell

In 1996, the Justice Department declared that the Big Three affiliates in Corpus Christi, Texas, violated antitrust laws by refusing to grant retransmission rights to the local Tele-Communications Inc. system until each had inked a deal.

Justice officials found that KRIS-TV, KIII-TV and KZTV-TV conspired to raise the prices charged to TCI by refusing any retransmission deal that gave a competitive edge to any station.

"They must not band together and collude in their dealings with cable companies," Assistant Attorney General Anne Bingaman said at the time.

Fast forward to today. Caught between a tanking economy and the expensive transition to digital, stations need every dollar they can get, and that may mean asking the Justice Department to allow them to "collude" in order to get maximum value for their signals.

Two weeks ago, the heads of some of the country's largest affiliate TV station groups met in New York to talk about new ways of doing business in a world where viewers are willing to pay for programming, rather than relying on traditional free, advertising-driven TV.

Included in the group were Emmis Communications' Jeff Smulyan, Post-Newsweek Stations' Alan Frank and Hearst-Argyle's David Barrett. Cox's An-



Jeff Smulyan says of the meeting: "This was one of a series of informal discussions about the future of the business ... the start of a long dialogue."

drew Fisher, reported by BROADCASTING & CABLE last week to have been in the meeting, did not attend.

Smulyan and his companions aren't saying what strategies they came up with. "This was one of a series of informal discussions about the future of the business," he said last week, noting that they were "at the start of a long dialogue." But sources say collective bargaining for retrans could land on the agenda, if it isn't already there.

Tops among broadcasters' concerns is creating a secondary revenue stream to make up for disappointing growth in ad revenue. One idea Smulyan has been advocating is getting more compensation from cable operators for carriage of stations' signals.

Currently, few cable companies pay affiliates and independent stations outside the top markets for the right to carry their signals. Most smaller stations opt for must-carry because they can't risk losing carriage if negotiations fail.

Stations owned by the big networks don't face the same dilemma because their parent companies also own major cable channels such as the Disney Channel, ESPN and MTV and include their O&Os in lucrative package deals.

Negotiating retransmission fees as a group won't be easy. After all, the tactic is illegal, and policymakers don't appear inclined to go easier on broadcasters.

Broadcasters have tried to win antitrust exemptions before, most notably during negotiations over the 1996 Telecommunications Act.

Broadcasters then tried to persuade lawmakers to write into law either a blanket exemption or, failing that, an "if-carry/must-pay" law requiring cable operators to compensate according to market size.

But lawmakers are wary of antitrust exemptions, a sentiment that, coupled with furious lobbying against the measures by the cable industry, continues to make prospects for change very dim.

Another option for broadcasters would be to persuade the Justice Department not to sue stations on grounds that broadcasters need a leg up against cable operators. But that approach poses risks, too, because cable operators would still be free to sue, charging collusion.

Ironically, broadcasters insist that their antitrust restrictions actually strengthen cable companies' monopoly power.

Cable operators have the upper hand in negotiations, broadcasters say, because they generally have a monopoly in their markets and, nationwide, account for roughly 80% of viewers. Because broadcasters must reach the people who rely on subscription TV in order to entice advertisers, stations cannot walk away from cable carriage and thus have little leverage to drive a hard bargain for carriage rights. ■

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## Technology

# NYC stations form tower coalition

*Seek to build new broadcast tower; Governor's Island 'best option' so far*

By Michael Grotticelli

**E**leven New York TV stations are considering Governor's Island as a possible site for a new shared broadcast tower, either as a primary site or as a backup to protect against a future catastrophe.

Most of the stations lost their primary transmitters and antennas when Tower 1 of the World Trade Center was struck on Sept. 11. Since then, they have been broadcasting from facilities at the Empire State Building or towers in Alpine and West Orange, N.J.

Organized as the New York/New Jersey Broadcasters' Coalition, the stations have tapped Bill Baker, president and CEO of noncommercial WNET, to lead the effort to find a site and build the tower.

The Governor's Island site, owned by the federal government, is the "best option" so far, Baker said. Governor's Island is off the southern tip of Manhattan. The proposed site is 4.5 miles south of the Empire State Building.

The coalition includes WABC-TV,

WCBS-TV, WHSE-TV, WNBC(TV), WNET(TV), Telemundo's WNJU-TV, Fox's WNYW(TV) and WWOR-TV, Tribune's WPIX(TV), Paxson's WPXN-TV, and Univision's WXTV(TV).

The tower on the Empire State Building provides good coverage of the market. Even though some of the coalition stations have established permanent facilities on the Empire State Building, all are interested in a second site that could provide primary or backup analog service and enough room for planned digital service.

The coalition members now at Empire are WABC-TV, WCBS-TV, WNBC, WNET, WPIX, WHSE-TV, WXTV and the two Fox stations. WABC-TV, WNBC, WNET and WPIX made the switch from Alpine to Empire just last week.

Other TV and radio stations may crowd onto the Empire tower. Baker said management at Empire (Helmsley-Spear) is "looking at a number of creative ways to locate stations there."

According to Baker, New York State Governor George Pataki has instructed his Office of Technology in Albany to look into easing tower restrictions on Governor's Island, while other officials, including U.S.



WNET's Bill Baker, who is heading the coalition, says federal and state officials are helping in the search for a tower site.

Senator Charles Schumer, also appear willing to help the broadcasters get back on air.

"Federal and state officials are very concerned about the television industry in New York and have all said that television is vital to the distribution of emergency information and to the New York economy, so they're helping us," Baker said.

Coalition stations will share legal, accounting, insurance and construction costs, although Baker couldn't say how much.

Once it has picked a site, it hopes to be on air within a year to 18 months, "although you never know how these things will play out," Baker noted. Finding a site that isn't limited by local zoning, FAA height restrictions, and signal interference with other markets is a challenge, he said.

The coalition looked at the Fresh Kills landfill in Staten Island, approximately 15 miles south of Empire. But it was deemed impractical because signals would interfere with Philadelphia stations and height restrictions due to nearby Newark Airport would limit the stations' coverage. ■

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# Putting some Wow in DTV

Start-up company will test interactive service over digital station in Salt Lake City

By Michael Grotticelli

**B**ringing low-cost digital reception and interactivity to analog TV sets is Steve Lindsley's vision. To realize it, he is planning a 50-home trial of his Wow Digital TV service in Salt Lake City during the Winter Olympics in February.

With the proprietary Wow box attached to TVs and telephone line, participating homes will be able to receive digital broadcasts of Olympics coverage on their analog sets, call up data and make purchases over their TVs.

For the trial, Lindsley will have the help of Bonneville International, owner of Salt Lake City's NBC affiliate, KSL-TV. The station is committed to broadcasting 70 hours of local Olympics coverage over its digital station, KSL-DT, and enhancing it with Wow interactive data. Lindsley is the former head of KSL-DT.

If the trial goes well, he hopes to take the service to market next year, selling the boxes for \$200.

Here's how it works. A small icon appears in an upper corner of the picture, informing viewers that the broadcast is enhanced. Clicking on that icon shrinks the video screen (à la Headline News) to reveal a series of "virtual" channels that lead to more information about the program being viewed or to the transactional services.

Lindsley knows how he will market the



Stations would share in revenue from on-screen transactions and sell sponsorships for links to weather, sports, entertainment through the TV.

service to broadcasters. Stations will share in revenue generated by the on-screen transactions. They will also be able to sell sponsorships for interactive data links to weather, sports, entertainment and other services through the TV. More than one station within a market can be involved in the service.

Lindsley will provide stations with software templates from U.K.-based OpenTV that will allow station staff to insert data into their digital signal. The Wow boxes are manufactured by Advanced Digital Broadcast, of Taipei.

According to Lindsley, the Wow box can receive digital signals off the air or from a cable box.

Lindsley said he'll negotiate various content deals, to make the service more attractive. "Content is the most important reason

why we'll eventually succeed or fail."

The Wow system will not use the Internet initially, he said, but it might do so down the road. All enhanced data will come from the station itself.

"The viewer never leaves the on-air program," Lindsley explained. "That's important because today's competitive market requires that stations keep viewers watching. The two-screen approach [TV and Web site] just hasn't worked for broadcasters the way we all thought it would."

ADB has developed the 8-VSB receiver chips necessary to receive digital signals and has included OpenTV interactive software to display and facilitate interactivity. Both ADB and OpenTV are major investors in Wow Digital TV, Lindsley said, but he wouldn't reveal how much money they have committed.

Offering the service free to consumers is the only way interactive TV can be successful in America, Lindsley said, adding that giving them digital reception for \$200 is sure to be a hit.

Others have tried subscription-based data broadcast services to consumers' PCs. But Lindsley believes that's the wrong model for broadcasters. Stations don't want to be in the computer or Internet business, he said. "They want to be in the broadcasting business: We're broadcast-centric and will continue that way." ■

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# People

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

### Broadcast TV

**Richard D. Adams**, general manager, KXII-TV Sherman, Texas, named regional VP/general manager, KWTX-TV Waco, Texas.

**Robert P. Gilbert**, general sales manager, WBPX(TV) Boston, promoted to GM.

**Susan Kelly**, local sales manager, WIAT(TV) Birmingham, Ala., promoted to general sales manager.

Appointments at KMAX-TV Sacramento, Calif.: **Gavin Joe**, national sales manager, KUVS(TV) Modesto, Calif., joins in the same capacity;

**Tom Marciano**, local sales manager, KVVU-TV Henderson, Nev., joins in the same capacity; **John Mansker**, local sales manager, KOVR(TV) Stockton, Calif. joins as account executive.

### Cable TV

**Stephen E. Silva**, senior VP, corporate development and technology, Charter Communications, St. Louis, promoted to executive VP/chief technical officer.

### Programming

**Patrick Connolly**, executive director, programming and development, Fox Family Worldwide, Los Angeles, appointed VP, Fox Kids, Fox Broadcasting Co., Los Angeles.

Appointments at In Demand, New York: **Peter Schamel**, director, e-business strategy, KPMG Consulting,

New York, named senior VP/chief information officer; **Lisa Shab**, associate director, affiliate relations/sales operations, promoted to director, affiliate-relations operations, Customer Care Center; **Michele Sinisi**, regional marketing manager, affiliate marketing, promoted to regional senior manager.

**Debra Delman**, senior VP/chief financial officer, Emmis International, New York, joins Hearst-Argyle, New York, as VP, finance.

**Wendy Nordstrom**, coordinator, drama and comedy series, Touchstone Television, Los Angeles, named director, series development, Granada Entertainment USA, Los Angeles.

**Gary Morgenstern**, director, brand management, ESPN, Bristol, Conn., promoted to executive director, ESPN Outdoor.

### Radio

**Beverly Tilden**, senior VP, marketing, AMFM Inc., Boston, named marketing director, WQSX-FM Boston, and integrated marketing director, Entercom Radio, Boston.

### Journalism

**Ken Jobe**, news director, WLWT(TV) Cincinnati, joins WWJ-TV/WKBD(TV) Detroit, in the same capacity.

**Tod Pritchard**, news director, WKOW-TV

## Obituary



Lee

Popular KYW-TV Philadelphia newswoman **Siani Lee** was killed in a car crash in Chester County, Pa., Sunday afternoon, Oct. 28. The 39-year-old had co-anchored the 6 p.m. news with veteran Larry Kane since April 1999. She had previously worked at Philadelphia's WCAU(TV) for six years and at Washington, D.C.'s Newschannel 8 before that. Lee was also a talented vocalist who had put herself through college singing with a big band.

Police believe Lee drove through a stop sign and was broadsided by another driver. The intersection has seen at least 20 other accidents, KYW reported, and was recently approved for a traffic light. The other driver was treated and released.

Kane will solo-anchor the 6 p.m. news this week, while the station decides how it will proceed in Lee's absence. Kane called Lee "a self-made woman who set the gold standard for work ethic, never forgot the people or her purpose in broadcasting."

Korea-born, Lee won the Society of Professional Journalists Dateline Award for her reporting on relations between the African-American and Korean communities in Washington.

She is survived by her mother and brother.

—Dan Trigoboff

Madison, Wis., joins KITV(TV) Honolulu, in the same capacity.

**Steve Noviello**, consumer and investigative reporter, WVNy(TV) Burlington, Vt., joins WGHP(TV) High Point, N.C., in the same capacity.

Appointments at WPHL-TV Philadelphia: **Tracy Humphrey**, morning weather anchor, WKBW-TV Buffalo, N.Y., joins as reporter/weekend weather anchor; **Alison Harmelin**, anchor, WATM-TV Altoona, Pa., joins as general-assignment reporter.

### Technology

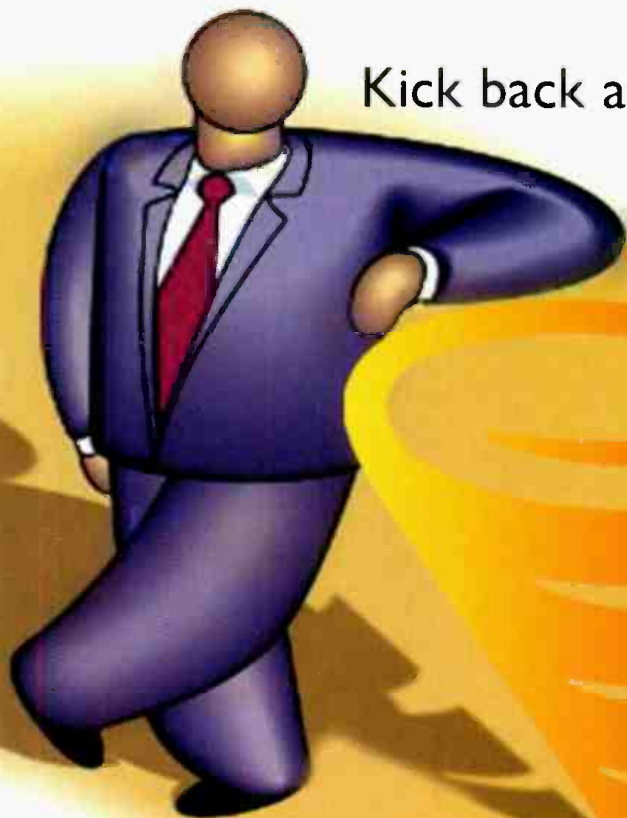
**Carol Lustnader**, VP, finance, Terayon, Santa Clara, Calif., promoted to CFO.

**Klayton Fennell**, executive director, planning and administration, TESS Communications Inc., Westminster, Colo., joins Comcast Cable Communications/Comcast Business Communications, Moorestown, N.J., as director, government affairs.

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

# In-house entrepreneur

*Vien is charged with building USA's portfolio of digital assets*

**P**atrick Vien knows it's not easy for a French-Canadian to break into the American television business. And it's even harder to crack the New York media circle. But as president of USA Cable's emerging networks, Vien is carving out a successful niche as he builds Barry Diller's portfolio of digital networks.

"Starting as an unknown outside the American border forced me to learn everything very quickly," says Vien, who was born and educated in Quebec.

Vien arrived in New York last year after USA Cable purchased arts channel Trio and global news net News World International from the Canadian Broadcasting Co. (CBC) and Power Broadcasting. He had been president of the nets since 1997, laboring over their programming and growth since joining the company in 1994. After the USA acquisition, Vien stayed on as president of Trio and NWI and developed future digital networks for USA, including

Crime network, which should debut next year.

Since Trio and NWI launched in 1994, Vien's company eagerly sought to export them, particularly to the U.S. But Vien found it tough to make inroads across the border.

"We were Canadian, and, when you're not an insider in the U.S. media business, it's tougher," Vien notes. "We had no tentacles into major cable operators and no leverage for getting distribution."

As the media industry consolidated in the late 1990s, Vien became increasingly eager to partner with a larger firm. He knew he needed the help of an American company to grow his channels. "I could see the day coming where our indie status

was going to get dangerous. But I knew we had built a good acquirable asset."

The networks were financially sound; Trio and NWI were part of a healthy \$100 million company.

Vien still manages the networks' operations and says he hasn't been constrained by his new corporate surroundings. "I'm not asked to be a divisional manager at USA. I am asked to be an entrepreneur," he explains. "I'm in the business of building assets for USA, not just managing them."

USA's media muscle has helped Trio and NWI increase their distribution. Trio and NWI now reach about 13 million subs each on several MSOs' digital tiers and



**Patrick Vien**  
*President, emerging networks, USA Cable*

**B. April 22, 1966, Quebec; B.A., economics, McGill University, 1989; M.A., communications, University of Southern California, 1992; global internship, CNN, 1989-90; director of product development television, Power Broadcasting, 1992-93; deputy programming director, Trio, North American Television (NATV), 1994; programming director and general manager, Trio, NATV, 1995; executive vice president and chief operating officer, NATV, 1996; president, NATV, 1997-00; president, emerging networks, USA Cable, current position since May 2000; m. Sharon Lavon-Krein, Aug. 27, 2000**

DirecTV.

Vien has been given more resources and more capital to grow his networks. The fruits are showing up on-air. Last summer, Trio unveiled an

expansive slate of acquired programming and original documentaries and specials, including the acclaimed musical series *Sessions at West 54th* and a 10-hour special on the New Orleans Jazz Festival.

To celebrate the premiere of the Jazz Festival special last summer, Trio held a screening in New York's Bryant Park. The network expected a few thousand people; 10,000 came.

"That was the demarcation for me of leaving the independent sphere and joining USA," Vien remarks.

Vien learned the television business at a young age from his parents, who owned Pathonic Network, a group of Canadian TV stations.

After graduating in 1989 from Montreal's McGill University, he headed south to Atlanta to take part in Turner Broadcasting's global internship program. On one of his rotations, he worked with CNN veteran Ed Turner on the domestic news desk.

A year later, Vien returned to Canada with new experience, only to learn that his parents had sold their TV stations. So he went back to school, earning a masters in communications business from the University of Southern California's Annenberg School of Journalism.

He landed his first position with Canada-based Power Broadcasting, which sent him to France to help launch that country's first local TV stations.

—Allison Romano



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### Academic

#### FACULTY CAREERS

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# Editorials

COMMITTED TO THE FIRST AMENDMENT

## Two birds in the hand

With the proposed merger of EchoStar and DirecTV parent Hughes last week, the government may finally get the cable competition it has been looking for, if it doesn't suddenly get cold feet.

If this deal passes muster at Justice and the FTC, the FCC should approve it as well.

EchoStar Chairman Charlie Ergen, who was looking like the cat that swallowed a canary named Rupert, pledged to go hard after cable with his new combined company. The success of this merger in terms of increasing competition in the pay-TV marketplace, and in justifying our support for it, depends on his following through with that promise. It's expensive to acquire new customers—a \$500-\$600 per pop—and there could be a temptation to milk existing subs rather than round up new ones. That way lies trouble.

Fortunately for Ergen, FCC Chairman Michael Powell has shifted the commission's course (B&C, Oct. 1) from one of strict limits and a presumption of monopoly based on an outdated scarcity rationale to a more streamlined review that measures true market power and competition. That should mean this merger won't remain in a holding pattern at the FCC. To that end, we were impressed that Powell has already named a team to review the merger.

Not surprising, Senate Commerce Committee Chairman Fritz Hollings, was chief hand-wringer last week. "I'm troubled by the prospects of the two largest satellite companies becoming one. That kind of consolidation would leave consumers with few, if any, choices." We think he's got it all wrong.

The DBS industry was nurtured by a Congress concerned that the pay-TV market lacked real competition. The 1992 Cable Act effectively created the DBS business when it handed satellite operators the keys to cable's programming store by guaranteeing nondiscriminatory program access. The Satellite Home Viewer Act added local signals to sweeten the deal. If those are the first two legs of the stool, the merger of DirecTV and EchoStar could be the third. A DBS operator standing toe to toe with cable should lower rates and might even give broadcasters more leverage in retrans negotiations.

But what of Hollings' complaint about few choices? Nonsense. In 1998, Justice said the multichannel video business, cable and satellite, was one market. Well, that one market now has even more players, or soon will. It includes cable, DBS, broadcasters (when the transition to digital allows for ancillary services), and the Internet, which may be the sleeper. For example, we reported last week on a move by National Geographic to digitize its TV programming and market it over the Internet.

So, let's recap. Justice has legitimate concerns that Ergen won't go after cable, but will instead go after cash, but those concerns shouldn't scotch the deal. The Hollings scarcity argument: Forget about it. We say, let DBS heavy up and may the best service(s) win.

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