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JUNE 24, 2002

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EVERYBODY'S TALKING ON CABLE NEWS CHANNELS

The battle between CNN's newsy Connie Chung, MSNBC's liberal Phil Donahue and Fox's right-wing Bill O'Reilly begins this week

» PAGE 20

RADIO'S ROYAL PAIN

The feds name the final price radio will have to pay to stream songs off the air on Websites, and broadcasters aren't happy about it

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THOSE AUCTIONS? NOT NOW

After seven delays, Congress finally halts the controversial auction process indefinitely

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WHEN DIGITAL INTERFERES

As stations power up their digital signals, there's a new fear they'll block other signals

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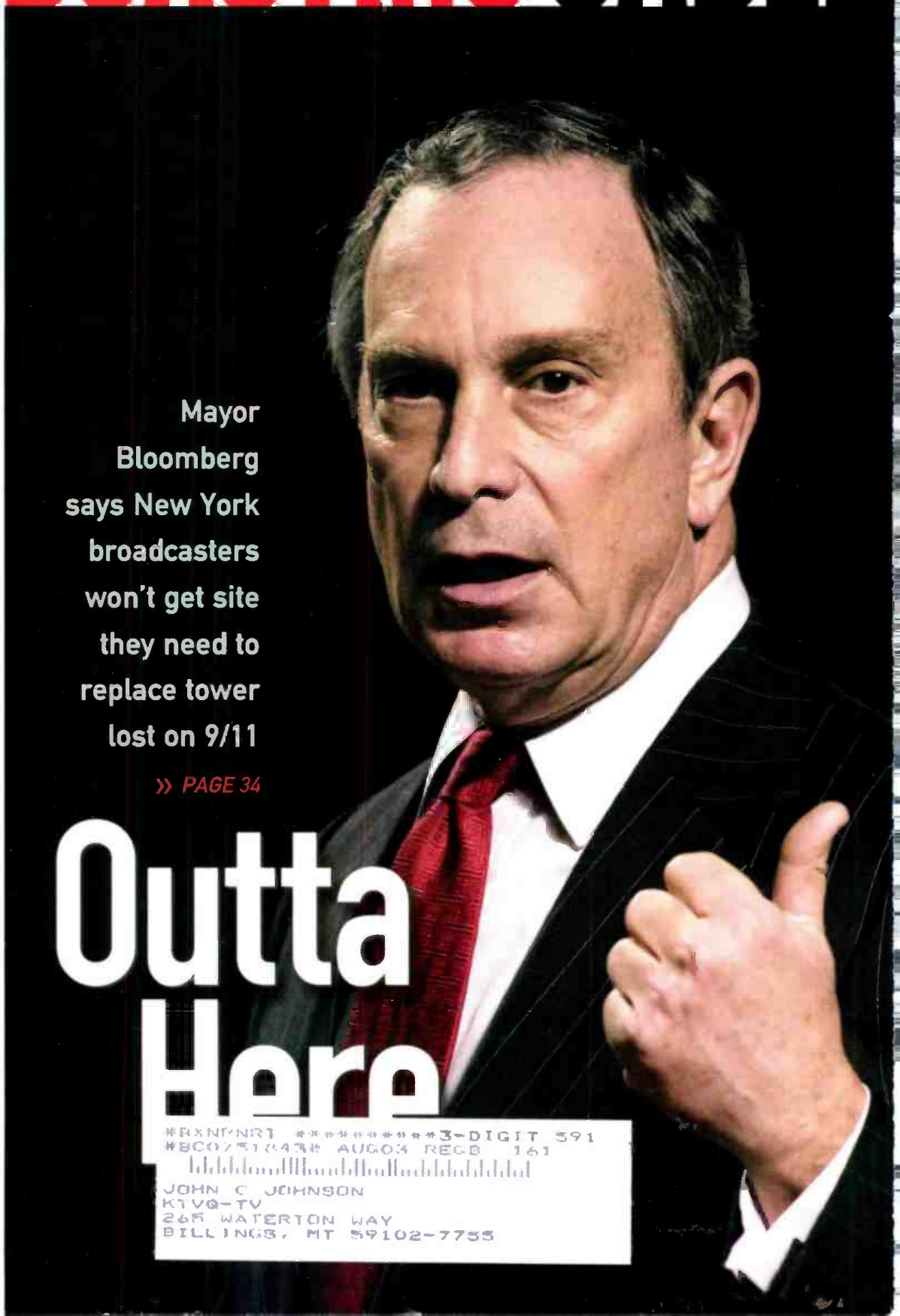

Mayor Bloomberg says New York broadcasters won't get site they need to replace tower lost on 9/11

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Outta Here

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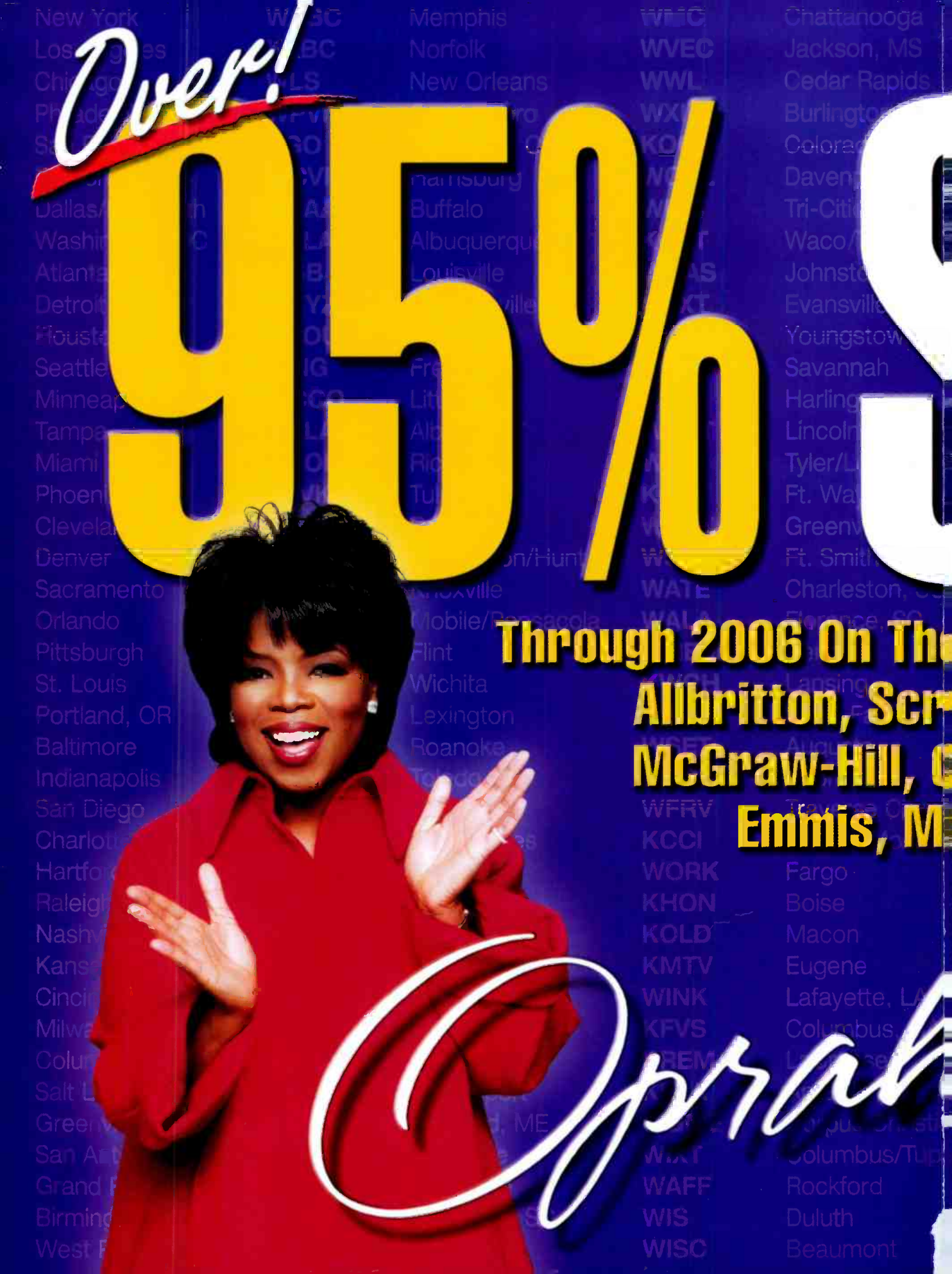
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Syndicated Television's
Most Celebrated Talk Show
Is Now...

Oprah

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Top of the Week June 24, 2002

George Stephanopoulus promises to be impartial and hard-hitting on *This Week*.

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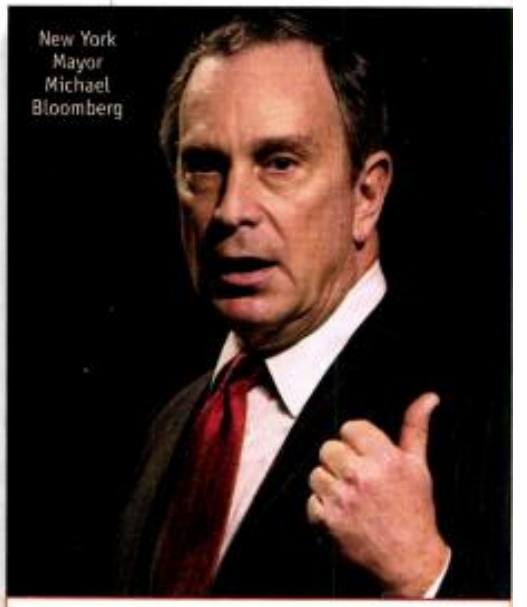
Rosie O'Donnell participated in controversial *My Family Is Different* on Nickelodeon.

Cover: AP Photo / Ed Bailey



New York Mayor Michael Bloomberg

COVER STORY

TOWER TROUBLE

Not on my island Mayor Bloomberg opposes New York broadcasters' site for a transmission tower to replace the one lost on 9/11. » 34

Programming

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Industry split Big media companies are happy with the FCC's timetable for revising ownership rules; smaller owners aren't. » 26

Not reserved Federal appeals court upholds rules requiring utilities to lease unused pole space to cable companies. » 27

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Interference issues As stations move to full-power digital transmission, problems are expected to increase. » 30

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ADVERTISING

Super Bowl runneth over

Spots in next January's Super Bowl are selling out at a record pace, and for record dollars. Roughly three-quarters of the ads in the ABC game are spoken for. Sources say it will be 80% sold by July 4, leaving 15 units for the scatter market.

The average price? About $2.25 million per 30-second spot, or about 15% more than the $1.95 million Fox got last year. There are several reasons for the quick sales this year, including a general economic upturn. In addition, ABC Sports and ESPN are sold together, so the Super Bowl is packaged with two other hot commodities: *Monday Night Football* and ESPN's Sunday-night game, one of the highest-rated offerings on cable. *MNF* is close to 80% sold, at CPM rates 10% higher than last year's. Ed Erhardt, head of sales for ESPN/ABC Sports, wouldn't comment on the numbers but said the networks' ability to leverage their top product "is having a very strong positive impact."—*S.M.*

JOURNALISM

Miffed over diss

Fox News Channel anchor Neil Cavuto (below) went on a bit of a tear last Thursday after failing to get an interview with Microsoft and Verizon brass (the two are teaming on Internet access via DSL). Cavuto says a Microsoft rep claimed there wasn't time for the interview, although time was found for CNBC and CNN.

Twice during his show, Cavuto flashed numbers and e-mail addresses for Microsoft on the screen, telling viewers to protest the diss. "If you don't like me, you hate the show or Fox, just tell me," he told B&C, referring to the perceived snub. In top-rated Fox's newsroom, some staffers were shaking their heads. "It's Neil being Neil," said one, "but people here feel it's unprofessional."—*A.R.*

REGULATION

No NASA liftoff

FCC Chairman Michael Powell several weeks ago received a staff recommendation on resolving affiliates' complaints against the networks.

He hasn't acted on the guidance, however, to the frustration of some fellow commissioners. The Network Affiliated Stations Alliance in March 2001 asked the FCC to declare the Big Four nets in violation of a litany of rules protecting stations' rights, including the right to reject network programming and to deny network requests to reserve airtime without committing specific programs. Media Bureau Chief Ken Ferree confirmed the recommendation's submission but did not reveal details. Industry sources believe that the staff called for dismissal and that opposition to that dismissal by Commissioners Kevin Martin (above) and Michael Copps is preventing Powell from acting. A Martin aide confirmed he wants Powell to bring the matter before the commission quickly but wouldn't address his stand on the petition. A Copps aide did not return a call by deadline.—*B.M.*

Star power

Kevin Costner, *NYPD Blue*'s Dennis Franz and Will Smith are among stars narrating pieces for the pilot of Universal Domestic Television proposed magazine series *Good News* (for fall 2003). Smith is also one of the show's executive producers. Charity work by supermodel Tyra Banks (left) will be highlighted in the segment narrated by Smith. Producers say the strip will tell uplifting stories about the unique struggles and triumphs of inspirational individuals, including celebrities, public figures and everyday heroes.—*S.M.*

HOPE FOR ADELSTEIN

The logjam may be breaking on Democratic FCC nominee Jonathan Adelstein. Last week, Senate Majority Leader Tom Daschle (D-S.D.), for whom Adelstein works, said that his staff is in talks with the staff of Senate Minority Leader Trent Lott (R-Miss.) and that Daschle hopes an agreement can be reached "before the end of next week." Upset with Democrats for voting down his choice for a federal judgeship, Charles Pickering, Lott has been blocking Adelstein's confirmation. Sources say Adelstein recently has seemed more confident about getting the fifth commissioner slot but it all depends on whether Daschle and Lott can cut a deal.—*P.A.*

ON SUNDAY, JUNE 9TH, OVER 25 MILLION VIEWERS WERE BLOWN AWAY BY TBS SUPERSTATION'S

ATOMIC twister

#1 MOVIE OF 2002 IN BASIC CABLE

HOUSEHOLDS & ADULTS 18–49, 25–54

Sure, we swept past the competition. But that's nothing new. TBS Superstation is America's #1 Sunday Prime Time destination in basic cable with households and key adult demos. Now, that's what we call taking the country by storm!

NO WONDER THEY CALL IT THE SUPERSTATION!

TBS SUPERSTATION
TBSsuperstation.com
AOL Keyword: TBS

Source: TBS Research from Nielsen Media Research data; TBS estimates reflect total national viewerships, 12/31/01 - 6/9/02. All movies ranked by average audience delivery. Over 25,000,000 is from Nielsen Cable Ratings System based on P2+, two telecast program based, one-minute qualifier. Sunday Prime Time defined as Sunday, 8-11p. Key Demos = adults 18-49 and adults 25-54.

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Syndie ad sales swing upward

Upfront take nears $2 billion, a mighty recovery from year ago

By Steve McClellan and Allison Romano

TV syndication ad sales are up sharply from a year ago, much to the relief of sales executives, who endured their worst season ever last year when the market tanked because of the recession.

Gene DeWitt, president of the Syndicated Network Television Association, estimated last week that the syndication upfront market is up 18% in total dollar volume to approximately $2 billion, up from $1.7 billion last year.

Sellers say that, on average, they sold probably 75% of their inventory in the upfront, leaving 25% for potential makegood situations and the scatter market.

That's a dramatic change from last year, when most distributors sold no more than 45% of their available inventory in the upfront. But the haul from this year's upfront still puts syndicators back to around the level they achieved in 2000, when syndication's upfront took in $2.4 billion.

"I would say the syndication guys have to be pretty happy," says Tom DeCabia, executive vice president of New York-based ad-buying firm PHD. "The whole, entire broadcast market is up from last year, and, hopefully, it continues or stays right where it is, because that's good for the business and good for the economy."

Steve Rosenberg, president of Universal Television Enterprises, called this upfront "great, especially compared to last year." This year, he said, "I think both the advertisers and the distributors found a comfortable place for everybody to exist."

Pricing was up across the board in the market, with the average increase said to be in the 6%-7% range, more for top-tier product like *Seinfeld* and *Everybody Loves Raymond,* which reportedly saw double-digit price hikes.

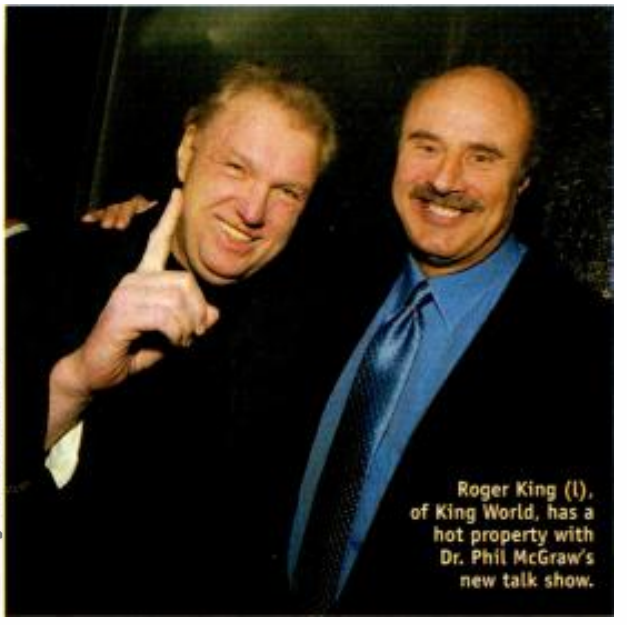


Photo: Craig T. Mathew / Mathew Photo

Roger King (l), of King World, has a hot property with Dr. Phil McGraw's new talk show.

"The market improved tremendously," said Bob Cesa, president, syndication/cable sales, for Twentieth Television. "We're back to normal conditions." The past two years, he noted, were "way out of whack"—first because of the dotcom explosion (and subsequent implosion), then because of the recession.

> **'The real strength in the market was kind of a return of the big guys, the packaged goods and the pharmaceuticals.'**
>
> **—Gene DeWitt, SNTA**

Others agree. "It felt like nobody really wanted to kill each other this year," said Steve Mosko, president of Columbia TriStar Domestic Television. "It was more collaborative, and people wanted to do their business and move on."

Hot with buyers were new talk show *Dr. Phil* from King World, *Pyramid* from Columbia TriStar, *That '70s Show* and *Dharma & Greg* from Twentieth, and *Providence* and *She Spies* from MGM/NBC Media Sales.

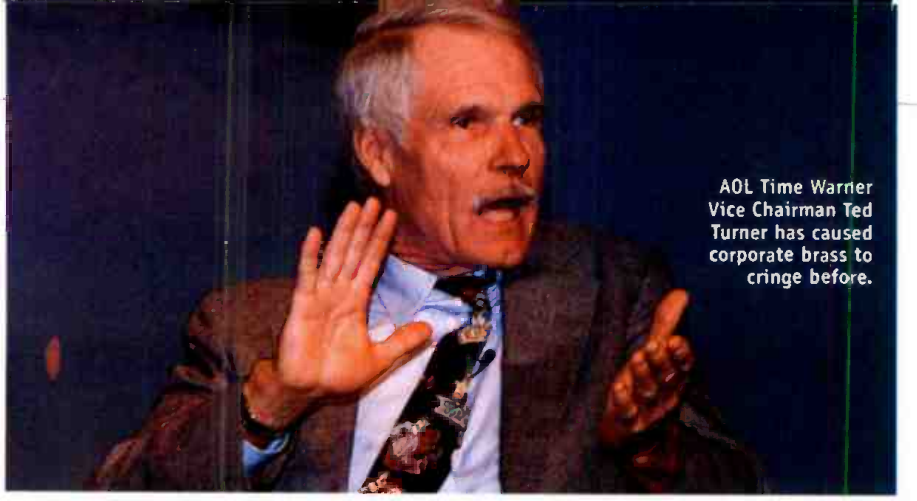
DeWitt said SNTA members indicated that "the real strength in the market came from advertisers who had been strong in syndication in the past but had cut back last year. So it was kind of a return of the big guys, the packaged goods and the pharmaceuticals."

Chris Kager, president of MGM/NBC Media Sales, the start-up representing 15 syndication programs, was pleased but said daytime is not as robust as it once was.

Mosko agreed: "Daytime is one area that still concerns me. As an industry, we have to do a better job selling it." But he stressed that, improved market aside, Columbia TriStar will continue its "Syndication Works!" campaign.

On the cable front, business slowed for many nets. Large ones, such as Lifetime, MTV, TBS, TNT and USA have closed the bulk of upfront deals.

For everyone else, "it's the difference between a few and a handful of deals," said Fox Cable ad sales chief Bruce Lefkowitz. Smaller and specialty nets are just getting down to business; Food, HGTV, E! and Nat Geo closed deals last week. Several execs think cable's upfront will close by July 4. ■



AOL Time Warner Vice Chairman Ted Turner has caused corporate brass to cringe before.

Ted says he's sorry

Suggestion Israelis are terrorists causes international ruckus

By Allison Romano

Once again, Ted Turner is making headlines—and creating headaches for AOL Time Warner. The CNN founder drew fire after telling London's *Guardian* newspaper that Israelis and Palestinians are "terrorizing each other."

His stinging comments drew ire from Israelis, and Prime Minister Ariel Sharon called Turner's remarks "stupid." Some lobbied Israeli satellite operator YES, along with the country's three cable operators, to drop CNN International.

By last Thursday, though, Turner, an AOL Time Warner vice chairman, apologized; CNN said its place on the YES system is secure. Turner wrote in a letter to the Anti-Defamation League, "I do not morally equate Israel's right to defend itself with the intentional killing of innocent civilians."

A beneficiary in the conflict was the Fox News Channel, which sealed a distribution deal with the 300,000-subscriber YES. Fox had been in negotiations with YES, but the deal was inked last Thursday, the day Turner apologized.

Turner has been a corporate outlaw before, causing AOL Time Warner brass (and Time Warner before it) to cringe over his outbursts. He was shunned by former CEO Gerald Levin but, since new chief Richard Parsons took the helm in May, has been more welcomed.

The thaw may be short-lived. After his comments, AOL Time Warner quickly put him back to pasture, saying in a statement: "Mr. Turner has no operational or editorial involvement at CNN. Mr. Turner's comments are his own and do not reflect the views of our company in any way." ■

Fees set, fight certain

Broadcasters get no relief on streaming levy; decision irks Webcasters, record industry, too

By Paige Albiniak

The Librarian of Congress gave radio broadcasters no relief last week, leaving unchanged the royalty fees they must pay record companies for streaming their signals over the Internet. Pure-play Webcasters, by contrast, had their fees cut in half. Still, nobody seemed pleased with the decision; broadcasters said it spells doom for streaming.

After rejecting the recommendation of a panel of arbitration judges last February, Librarian James Billington was required to set up his own fees last week. Radio broadcasters and Internet-only Webcasters warned for four months that leaving the rate as-is would likely kill the Webcasting business, but Billington ruled that radio broadcasters must pay 0.07 cents per song per listener when simultaneously streaming their radio signal online.

"The Librarian's decision places a prohibitive financial burden on radio-station streaming and will likely result in the termination of this fledgling service to listeners," said Eddie Fritts, president of the National Association of Broadcasters.

Even before the Librarian's decision, the NAB Radio Board had decided to challenge the rule, written by the U.S. Copyright Office, that requires radio broadcasters to pay record companies royalties to stream copyrighted music.

Billington did reduce by 0.2% the fees broadcasters pay for what is known as an "ephemeral license," bringing the fee down to 8.8% from 9%. That license covers the automatic copies computers and other digital devices make of streamed material.

Pure Webcasters—Internet-only music services—fared better, seeing their fees halved to 0.07 cents per song per listener, from 0.14 cents.

Still, Webcasters weren't happy, calling any fee a tax they'll pay to transmit a song, said RealNetworks VP Alex Alben. Those fees, some say, exceed Webcasters' revenues.

Many parties are pursuing a legislative fix for the problem. Sen. Patrick Leahy (D-Vt.), and Rep. Howard Coble (R-N.C.), have indicated interest in reducing the rate. And, in April, House Judiciary Committee Chairman James Sensenbrenner (R-Wis.) collected comments to help write a new bill on digital copyrights.

The Recording Industry Association of America, whose record-company members will receive less money from Webcasters as a result of the ruling, blasted it: "The import of this decision," said President Cary Sherman, "is that artists and record labels will subsidize the Webcasting businesses of multibillion-dollar companies like Yahoo, AOL, RealNetworks and Viacom." ■

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Hill blocks 700 MHz auction

MSTV, wireless companies notch victory over Spectrum Clearing Alliance

By Bill McConnell

The wireless industry and top lawmakers last week scored a win over a handful of broadcasters by pushing through legislation that postpones indefinitely a government auction of TV spectrum.

The sale, part of which was scheduled to begin last Wednesday, was highly controversial. In fact, this was the seventh delay. Working against it was the wireless industry, which doesn't want to pony up the big bucks broadcasters may demand to exit early from the spectrum. Likewise, many in Congress aren't too keen for broadcasters to reap potentially huge profits for relinquishing spectrum they got for free. In addition, there were broadcaster concerns about interference from dislodged stations relocating in the lower band.

After a down-to-the-wire battle, both houses of Congress voted on June 18 to postpone the June 19 bidding for spectrum currently used for chs. 52-59 as well as the planned Jan. 14 sale of frequencies now used for chs. 60-69. President Bush signed the measure the next morning.

The vote was also a lobbying coup for digital-TV trade group Association for Maximum Service Television because the statute also bars the FCC from easing interference protections for broadcasters that, vacating analog channels early, wanted to use their digital allotments for analog broadcasting.

Broadcasters operating on chs. 52-69 are not required to exit until the transition to digital television is complete, which could be years after the 2006 target date. To clear the spectrum quickly, the FCC allows auction winners to pay for early-buyout deals worth perhaps billions to roughly a dozen station groups. Stations that give up their analog channel in a buyout are permitted to use a remaining digital allotment in the chs. 2-51 TV core for analog operation.

MSTV has argued that allowing TV stations to use digital allotments for analog broadcasts would create interference havoc because coverage footprints for the two services differ substantially. "They can still make the switch, but not if they produce interference for their neighbors," said MSTV President David Donovan.

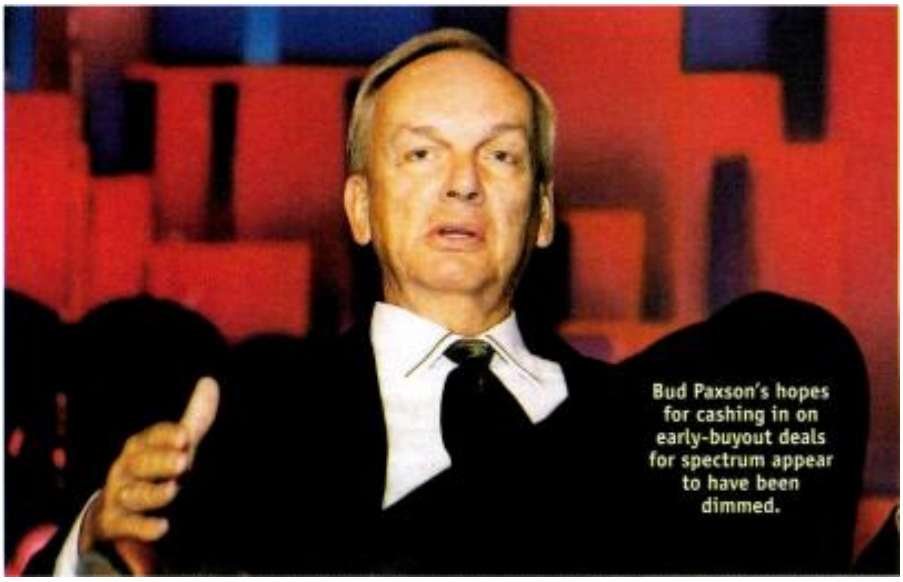
"This sends a clear message," added LIN Television lobbyist Greg Schmidt, "that new interference won't be tolerated as a way to clear spectrum."

The interference restriction also may dim the hopes of Bud Paxson and other broadcasters in the Spectrum Clearing Alliance for winning lucrative early buyouts to clear the 60-69 band. Although the delay already gave the cellular industry more time to work with Congress to eliminate the early-buyout rules, the interference protections appear to greatly reduce Paxson's opportunities to squeeze his 19 analog operations in the upper TV band into lower channels.

Paxson officials said that they were disappointed by the postponement but that they did not have time to determine whether their ability to strike band-clearing deals had been hampered.

Auction of a sliver of the chs. 52-59 band known as the C and D blocks was permitted to go forward between Aug. 19 and Sept. 19. The C block contains chs. 54 and 59 and will be sold as two-way licenses, each covering one of 734 metro or rural areas. The D block contains ch. 55 and will be sold as six licenses, each covering one large region of the country.

The FCC must say within a year when it will reschedule bidding for A, B and E blocks.



Bud Paxson's hopes for cashing in on early-buyout deals for spectrum appear to have been dimmed.

FCC Chairman Michael Powell had been reluctant to stop the entire sale without explicit orders from Congress. The sale of the 60-69 block had already been delayed six times from its original May 10, 2000, date.

Rep. John Dingell (D-Mich.), the Commerce Committee's ranking Democrat, offered surprising honesty about Congress's 1997 role in setting "asinine" auction deadlines based on eagerness to raise government funds. "The budget committees commandeered management of the nation's airwaves," Dingell said. "Today, we take back the reins and restore rationality to the process. I look forward to the FCC establishing an intelligent spectrum management policy." ■

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We promised to GROW
The New TNN RICHER.
And we increased our median income to become
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TOP 5 CABLE TV NETWORKS.
We're rich!

WE ARE
The New TNN

TNN™

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from MTV Networks!

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Philly's new TV head count

Arbitron test of its PPM suggests higher broadcast and cable viewership

By Dan Trigoboff

Arbitron Inc.'s release of early Portable People Meter (PPM) broadcast and cable measurements from its ongoing trial in Philadelphia suggest that viewing is significantly higher than recorded by Nielsen Media Research's meter-diary estimates.

"Encoded broadcast TV stations are 41% higher in the Portable People Meter system," said Arbitron in a statement, and "encoded cable networks are 118% higher."

The biggest differences are in the younger demographics, particularly under age 35, and for smaller and newer broadcast and cable outlets.

All of Philly's eight measured broadcast stations' ratings increased with the PPM, and several of the 20 cable networks' rose significantly from Nielsen measures. Radio listenership also rose.

The Philadelphia experiment has provoked considerable interest among both broadcasting and cable outlets, while Nielsen's Local People Meters, deployed in Boston, are being used by some cable outlets but have been almost universally rejected by the broadcast community there.

Nielsen has maintained its commitment to Local People Meters and has said the two technologies can coexist even if the two companies partner in PPM deployment—a decision supposed to have been made this month but put back to later this year.

But researchers among Philly's broadcast, cable and advertising communities so far suggest more enthusiasm for the Arbitron technology and believe Nielsen will eventually have to choose.

Researchers contacted by BROADCASTING & CABLE did not find the early Philadelphia numbers to be all that dramatic and, in fact, cautioned that reducing the data to percentages could be misleading. The early results were in fact unsurprising, they said, and that was their strength.

"The differences look huge," said Jeff Finken, research director for Tribune-owned WB affiliate WPHL-TV Philadelphia, "but they're not really that far from Nielsen's." In some cases, he noted, the huge percentage increases apply to a very small cable audience. Cable net CNN, for instance, got 10 times the rating it got from Nielsen as reported by Arbitron, rising from a 0.01 to a 0.1. The Weather Channel similarly more than tripled its rating: from a 0.03 to a 0.1.

Clearly, said Joan Erle, research director for NBC's WCAU(TV), "the Portable People Meter is capturing more viewing. It's fairer. And Philadelphia hasn't had a change in methodology since 1981."

Jim Gallagher, general manager for Comcast MarketLink in Philadelphia, which sells 32 cable networks across the No. 4 DMA, said, "Obviously, we're delighted that there seems to be a new research methodology that better captures cable viewing. We're very hopeful that Nielsen will embrace the Portable People Meter project."

Said Bernie Shimkus, of Philadelphia-based buyer Harmelin Media, "We're cautiously optimistic about the PPM numbers. We're supportive of a technology that can garner both television and radio audiences. The numbers seem to confirm our suspicions that viewing is higher for younger demographics—which are less likely to comply with filling out diaries. The technology allows us to see the interaction of media better than we ever have." ■

The Philadelphia story

A snapshot of the difference between Arbitron PPM and Nielsen ratings data in the test period Feb. 28-March 27
Average quarter-hour ratings, total persons age 18-49

Mon.-Sun. 6 a.m.-12 mid.	Arbitron PPM Rating	Arbitron PPM Share*	Nielsen Meter/diary Rating	Nielsen Meter/diary Share*
BROADCAST				
KYW (CBS)	2.40	9.4	1.78	11.5
WCAU (NBC)		12.9	2.58	
WHYY (PBS)	0.40	1.6	0.19	1.2
WPHL (WB)		7.4	1.17	
WPPX (Pax)	0.20	0.6	0.11	0.7
WPSG (UPN)		5.4	0.77	
WPVI (ABC)	3.90	15.2	3.12	20.1
WTXF (Fox)**	2.60	9.9	1.77	11.4
	16.10	62.3	11.49	74.2

Mon.-Sun. 6 a.m.-12 mid.	Arbitron PPM Rating	Arbitron PPM Share*	Nielsen Meter/diary Rating	Nielsen Meter/diary Share*
CABLE				
A&E	0.30	1.3	0.20	1.3
BET		2.4	0.18	
CN8	0.10	0.3	0.01	0.1
CNN		0.8	0.12	0.8
CSN	0.60	2.2	0.22	1.4
Discovery		1.5	0.14	
ESPN	0.50	2.0	0.27	1.8
ESPN2		0.8	0.03	0.2
ETV	0.30	1.0	0.13	0.8
FX		1.5	0.16	
Headline	0.00	0.2	0.01	0.1
History		1.3	0.12	
Lifetime	1.20	4.5	0.49	3.2
MTV		2.9	0.31	2.0
Nickelodeon	1.50	5.8	0.42	2.7
TBS		3.1	0.47	
TNN	0.40	1.7	0.18	1.1
TNT		2.9	0.45	2.9
VH1	0.20	0.9	0.05	0.3
Weather	0.10	0.5	0.03	0.2
	9.50	37.7	4.00	25.8
Total Encoded TV	**25.60**	**100.0**	**15.50**	**100.0**

For purposes of this report, Arbitron has adopted the Nielsen format of presenting results to two decimal points. The current Arbitron PPM application produces values only to one decimal point.
*Share among encoded outlets only; shares calculated on the basis of average quarter-hour persons projections.
**WTXF did not encode all broadcast hours on 2/28/02 and 3/1/02; data may be slightly understated as a result.
Note: WGTW (Ind.), WUVP (Univision), WWSI (Telemundo) and Court TV were not encoded in time to be included in the March release of data.
Source: Arbitron Inc.

USA SHATTERS RECORDS WITH THE DEAD ZONE
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THE DEAD ZONE

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Source: Nielsen Media Research. Based on original series premieres. Ranked on CVG HH AA% against all ad-supported cable networks. January 1994 - June 2002 (12/27/93-06/16/02). Excludes sports and news. Primetime (M-Su 7p-11p). Dead Zone aired 06/16/02 10p-11p: CVG HH AA% 4.7; P2+ 6.4 million. Qualifications available upon request.

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Stephanopoulos to anchor *This Week*

Former Clinton aide defends his partisan roots; ABC looks for a Sunday-morning boost

By Dan Trigoboff

Back in his White House days, George Stephanopoulos recalls, Clinton aides would start thinking about the Sunday talk-show circuit around Wednesday. Now, he says, he'll be thinking about it all week.

ABC News last week made its long-expected appointment of former Clinton aide George Stephanopoulos as anchor of the ABC News Sunday-morning program *This Week*, replacing co-anchors Sam Donaldson and Cokie Roberts in September.

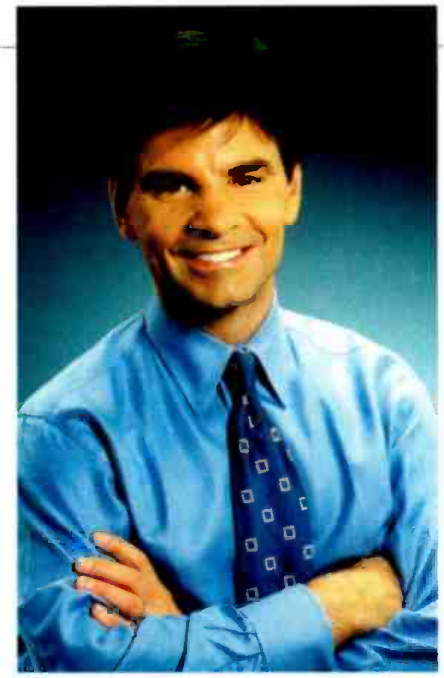
The political-roundtable show needs a boost. Once competitive with NBC's *Meet the Press*, *This Week* has settled in at a pretty distant second place, occasionally ceding that spot to CBS's *Face the Nation*. *Meet the Press* averages more than 4.5 million viewers, *This Week* about 3.2 million and *Face the Nation* just over 3 million.

"In his more than five years at ABC News covering national and international stories," ABC News President David Westin said in a statement, "George has demonstrated a keen understanding of the issues and superb ability to communicate to an audience." Criticism of Stephanopoulos has centered on his career in Democratic politics, not journalism.

Stephanopoulos acknowledged that "I haven't spent a lifetime in journalism, but I have spent my professional life dealing with the issues and policies that the Sunday shows are all about. And I think I've built a pretty solid body of work in an, admittedly, short time as a journalist."

Moreover, he said he has proved that he has the ability and the will to ask tough questions, regardless of the subject's politics. But some conservative commentators jabbed at the ABC announcement.

Donaldson will now report and substitute as *Nightline* anchor, as well as host his daily radio and Internet shows. Roberts continues with ABC News as a commentator, with George Will.



George Stephanopoulos promises to ask tough questions, regardless of the subject's political affiliation.

Veteran producer Jon Banner, most recently senior producer for *World News Tonight*, was named executive producer of *This Week*. Banner said the shift in personnel "gives us an opportunity to make some changes, to experiment and make the broadcast a little bit different."

Roundtable discussions will continue, with an added permanent panelist and a rotating one. Banner would like to take the show on location in the future, depending on where the news is. ■

A little nicked on diversity

Nickelodeon special on same-sex parents nets 100,000 complaints

Rosie O'Donnell appeared on *My Family Is Different*, which garnered a 1.4 Nielsen rating.

By Allison Romano

Nickelodeon weathered a firestorm of a protests to air a June 18 *Nick News* special on kids with same-sex parents. The Viacom net logged 100,000 complaints in a campaign led by the conservative Traditional Values Coalition.

Nick soldiered on with *My Family Is Different* to teach tolerance, according to producer Linda Ellerbee. "We've done shows about racism and AIDS ... kids being bullied for all kinds of reasons," she added. "This was one of those shows. It's a golden-rule show."

Rosie O'Donnell and Rev. Jerry Falwell appeared in the show, although Falwell later came out against it.

The network did proceed cautiously, airing the special commercial-free at 9 p.m. (*Nick News* usually airs at 8:30 p.m. on Sundays) and including a disclaimer and TV-PG rating. The reaction from viewers was strong, with 1.2 million households tuning in for a 1.4 rating.

Future *My Family Is Different* specials will focus on multicultural and single-parent families, Ellerbee added. ■

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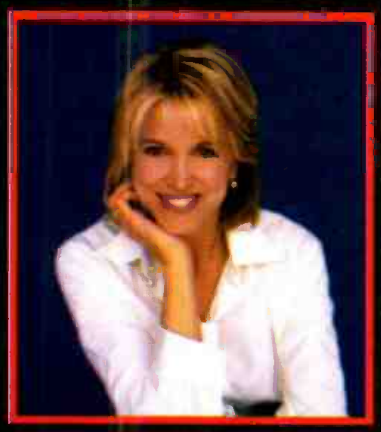
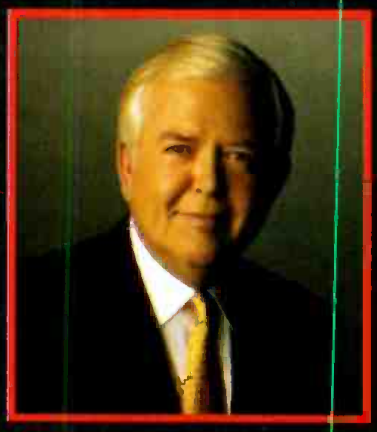


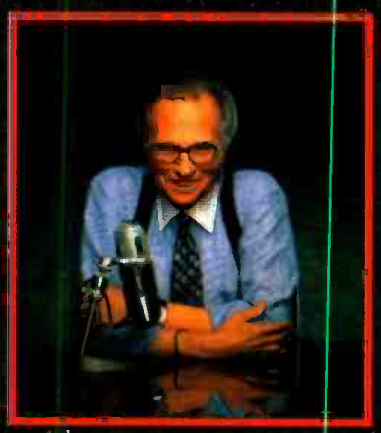
American Morning with Paula Zahn
7am et/pt



Lou Dobbs Moneyline
6pm et/pt

Crossfire
7pm et/pt

Connie Chung Tonight
8pm et/pt



Larry King Live
9pm et/pt

NewsNight with Aaron Brown
10pm et/pt

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THE WEEK THAT WAS

PROMAX TO HONOR KELLNER AT L.A. CONFAB

Turner Broadcasting Chairman **Jamie Kellner** and **Fox Television Entertainment** Chairman **Sandy Grushow** are just some of the luminaries who will be on hand at the annual **Promax Conference** in Los Angeles this week (June 26-29) to discuss the state of the TV business, while others there get down to the business of promoting what's on it.

Kellner will be the keynoter and the recipient of Promax's third annual BROADCASTING & CABLE Innovator Award. Promax chief **Glynn Brailsford** says he believes attendance at this year's show will be down, though only slightly, from last year's 4,500.

HALLMARK FOR SALE?

Hallmark Cards could dispose of all or part of its two-thirds stake in **Crown Media Holdings**, which operates the **Hallmark Channel**, said a newspaper report Friday. ***The Wall Street Journal*** said **News Corp**, **Discovery** and **MGM** are among potential suitors. Hallmark denies it's looking to sell but says it has been approached to develop a partnership.

TAKE THE TEST AT HOME

In apparently the first study to correlate TV sex and violence with commercial recall, 324 participants were shown a violent show, a sexual show and a "neutral" show, each containing nine ads. In a next-day telephone follow up, the study found respondents recalled

If you watch *Doc*, you might remember the commercials.

commercials in neutral shows more than in sexy or violent ones. The "neutral" shows were all **Pax TV** programs, including ***Doc, It's a Miracle*** and ***Miracle Pets***. "Violence and sex impaired memory for males and females of all ages," the study concluded. The participants were paid $25 apiece, plus cookies. Not surprisingly, Pax paid for the study.

HOT TOPICS

Adelphia Communications last week reported an additional $40.5 million in missed interest and dividend payments, boosting the total to $96 million. Also, the **NHL** took over the **Buffalo Sabres** hockey team operated by the Adelphia **Rigas** family; the league will probably force its sale. ...

How high a hurdle the **FCC** must clear to retain media-ownership rules will be decided at a later date, federal judges said Friday. The court upheld its decision to vacate the ban on crossownership of cable and broadcast properties. The FCC appealed a ruling by the federal appeals court in Washington that appeared to set a nearly impossible standard for complying with a congressional order to review all ownership rules every two years and repeal or modify those no longer necessary. The court said it would leave open whether rules must be "indispensable" to protect the public interest or simply "useful." ...

The **Federal Election Commission** last week agreed to leave intact the portion of the new campaign-finance–reform law that bans "issue" ads in the 60 days leading up to elections. The **NAB** is part of a coalition challenging the constitutionality of the law. NAB's challenge focuses on issue ads. ...

Broadcasters reacted strongly last week to a new bill that would charge radio and TV broadcasters spectrum-use fees and turn the money over to politicians for campaign ads. The bill, unveiled but not yet introduced by its co-sponsors—**Sens. John McCain** (R-Ariz.), **Russell Feingold** (D-Wis.) and **Robert Torricelli** (D-N.J.) and **Rep. Marty Meehan** (D-Mass.)—requires radio and TV broadcasters to pay about 1% of their gross revenues, or about $640 million, into a fund, which would then be dispersed to the political parties to be doled out in the form of vouchers. ...

CNN's chief news executive, **Eason Jordan**, issued a memo last week urging the network to resist airing statements from suicide bombers or their families unless there is a very compelling reason. He visited Israel last week to meet with terror victims and others to show how seriously he meant the pledge. ...

When **Barbara Fisher** joined **Lifetime** as EVP of Entertainment last month, it became clear that Lifetime chief **Carole Black** was staying put. Now the network says Black has signed a new contract said to be a three-year pact like her last. Financial terms were not disclosed. ...

Mike Kincaid, who has been senior vice president and general sales manager for **KCAL(TV)** Los Angeles, will add the same title and duties for new co-owned **KCBS-TV**.

DANDY DEBUTS

Dominick Dunne's Court TV show debuted June 19 to a strong 1.5 rating, the best-ever showing for a Court TV original. Six-part ***Dominick Dunne's Power, Privilege and Justice*** investigates crimes of the rich and famous. ...

USA's new psychic drama, ***Dead Zone***, may be the lifesaver the network needs. The series premiere scored a 4.7 Nielsen rating June 16, making it the highest-rated basic-cable show for the week of June 10-16. It helped lift USA to a 2.0 prime time weekly average, second only to **Lifetime.**

9/11 dominates RTNDA's Murrows

In a first, all NY entries win for best spot-news coverage

Tom Brokaw broadcasts from the roof of 30 Rockefeller Plaza after the WTC attacks.

By Dan Trigoboff

Coverage of the Sept. 11 attacks dominated the Radio-Television News Directors Association's Edward R. Murrow Awards this year.

In an unprecedented move, RTNDA gave awards to all the New York City TV-station submissions for their spot-news coverage of the attacks on the World Trade Center: O&Os WABC-TV, WNBC(TV) and WCBS-TV and Tribune's WPIX(TV). RTNDA said of the effort: "All stations demonstrated courageous efforts to provide coverage about the disaster itself, emergency efforts and the ongoing human drama of living in a city under siege."

WWOR-TV New York, which won a regional Murrow for a Sept. 11-related newscast, did not submit in the spot-news category, RTNDA said, nor did its Fox duopoly partner WNYW(TV).

NBC had the strongest performance on the network side. NBC newscasts dealing with Sept. 11 won for overall excellence, "amazing execution under stressful circumstances," and best network newscast, while *Dateline NBC* earned three Murrows for spot news, news series and videography on stories about Sept. 11.

CBS's *60 Minutes II* received an award for investigative reporting for "Merchants of Mass Destruction," about the availability of weapons of mass destruction. Impressed judges commented, "Bob Simon and his courageous team risked their personal safety along a lawless Pakistani border to demonstrate the ability to acquire weapons of mass destruction."

CNN's continuing coverage of the attacks won an award, as did the news net's much honored documentary *Behind the Veil*, about the Taliban's treatment of women. ABC News, which had been singled out among TV networks for a Peabody Award for its Sept. 11 coverage, did not win a Murrow for that coverage. ABC News Radio, however, got the award for best newscast.

CBS Radio News, AP Broadcast and WMAL(AM) Washington were each honored for their Sept. 11 coverage.

Overall-excellence awards went to KCNC-TV Denver and KKTV(TV) Colorado Springs, Colo. KOMO-TV Seattle and WNDU-TV South Bend, Ind., were named best local newscast. Seventy-five awards were given to 54 news organizations. ■

P&G makes a Discovery

$50M deal will put its blurbs, product placement on eight Discovery networks

By Allison Romano

The cable upfront may be slow-moving, but Discovery Communications last week secured a generous chunk of advertising change. It inked a $50 million cross-platform advertising deal with Procter & Gamble, the consumer-products giant, which will advertise on Discovery's eight cable properties, in Discovery stores, on close-cousin BBC America and on Discovery's new high-definition channel.

Discovery's ad chief Bill McGowan landed P&G.

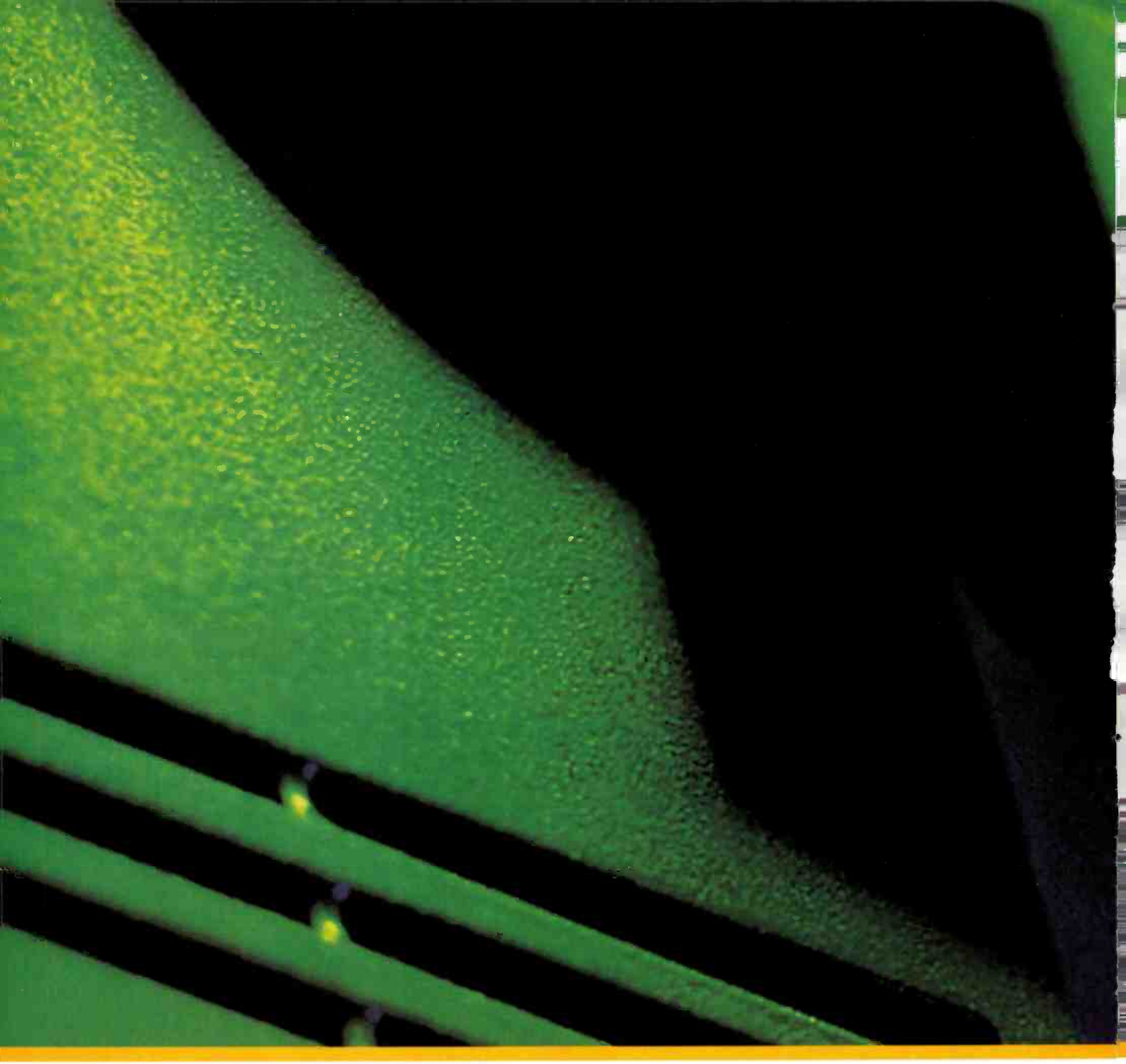
One key component is product tie-ins on Discovery Networks' programs. P&G's Swiffer sweeper, for example, will be featured on The Learning Channel's cult-hit redecorating show, *Trading Spaces*. Do sharks use Tide?

The big deal "epitomizes the benefits that the breadth and depth of our assets bring to large-scale clients," said Discovery Executive VP of Ad Sales Bill McGowan.

The Discovery deal, being only for cable and not broadcast, commanded less money than P&G's $300 million cross-platform deal last year with Viacom Plus, which includes CBS and billboards. The two companies have renewed their partnership for a second year, keeping P&G's wares on Viacom's TV outlets, including CBS, UPN, and cable nets MTV, Comedy Central and Nickelodeon.

Ad agency MediaVest brokered both the Viacom and Discovery deals on behalf of P&G.

The biggest cross-platform deal this upfront season, though, is Omnicom Group's $1 billion Walt Disney Co. spending spree. The ad agency plans to buy time across Disney properties, including ABC, ESPN and other cable nets, for clients like Pepsi and Apple Computer. ■



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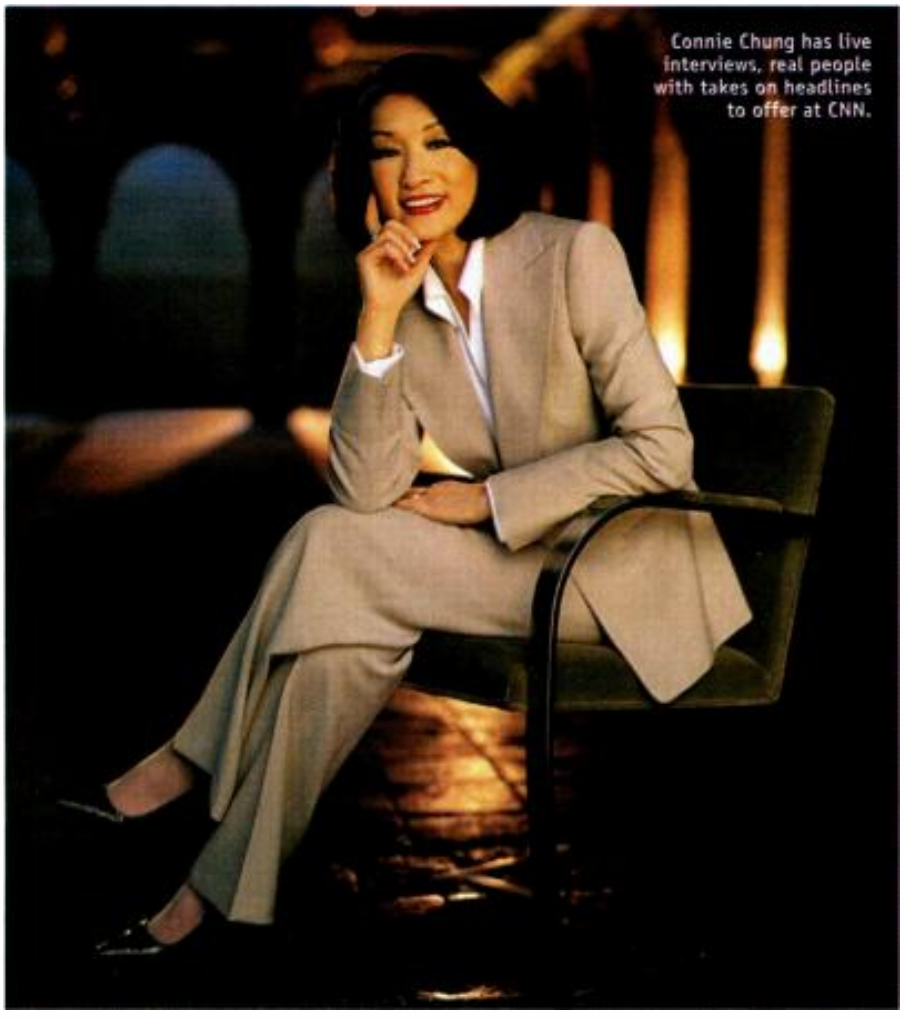


Connie Chung has live interviews, real people with takes on headlines to offer at CNN.

The new news battle

CNN's Chung vs. Fox's O'Reilly and, soon, MSNBC's Donahue

By Allison Romano

At a breakfast meeting last week where she was wooing a prospective plum interview subject, Connie Chung eagerly brandished her new CNN arsenal. She could offer a live interview or live-to-tape. And the subject had five nights a week to choose from.

"I used to have a problem at *20/20*," Chung said last week, referring to the ABC News show where she spent part of her career. "If a person had a preference for live, I couldn't offer them that. It was only tape and certain nights."

Chung, who makes her CNN debut tonight, is already proffering the advantages of 24/7 cable news. A broadcast journeywoman whose résumé also includes stints at CBS and NBC, she joined CNN six months ago, and her *Connie Chung Tonight* is housed in CNN's sparkling new midtown Manhattan studios (Paula Zahn's morning show moves in soon).

Her latest big "get" was Gary Condit last summer, but Chung is confident she can snare blockbuster interviews for CNN. So confident, in fact, she sang an entire song about the "get," set to "Get Me to the Church on Time," at her June 17 launch party in Manhattan. (Fox News' chief Roger Ailes and star Bill O'Reilly and CBS News chief Andrew Heyward were among partygoers.)

CNN already has one marquee interviewer in Larry King at 9 p.m. ET, but Chung, airing an hour earlier, doesn't seem concerned about competition or infighting. "He mostly interviews names," she said. "Our program is leaning more toward ordinary people."

Adds CNN/US Executive VP Teya Ryan: "We should only have such problems. It didn't hurt ABC, and it won't hurt us."

Chung's entrance is helping heat up the cable news scene yet again. She already battles Fox's O'Reilly, who hosts cable news' highest-rated show, in the 8 p.m. hour. And MSNBC's new star, talk-show vet Phil Donahue, joins the mix July 15.

Donahue was supposed to bow in June, but MSNBC execs decided to hold off a few weeks to let Connie Chung make her initial splash.

Her *Connie Chung Tonight* aims to be an interview-based show, working off a major headline and some smaller backburner stories. Chung shuns the notion that she needs a political bent or a talk-radio format to draw viewers.

"We're not on the right, we're not on the left. We're on the story," she says. Guests will be people involved in the story, she says, rather than pundits. And, save for taped packages from correspondents, Chung promises to almost always be live.

As for the critics who say she can't handle the rigors of live, nightly TV?

"I don't understand where that comes from. I did the *CBS Evening News* live five nights a week," she said. "I was live on

NBC News at Sunrise, and I did local news in L.A. for seven years."

Chung is latest CNN's latest big gun in its ratings war with Fox News. She joins a stable of highly promoted talent including Paula Zahn, Aaron Brown, Lou Dobbs and Larry King—a CNN strategy that appears to have become more talent-driven since the cable pioneer began getting bested by Fox News Channel.

"News was the star for a long time. Now stars make the news, they get press, they get the perks," said one CNN insider.

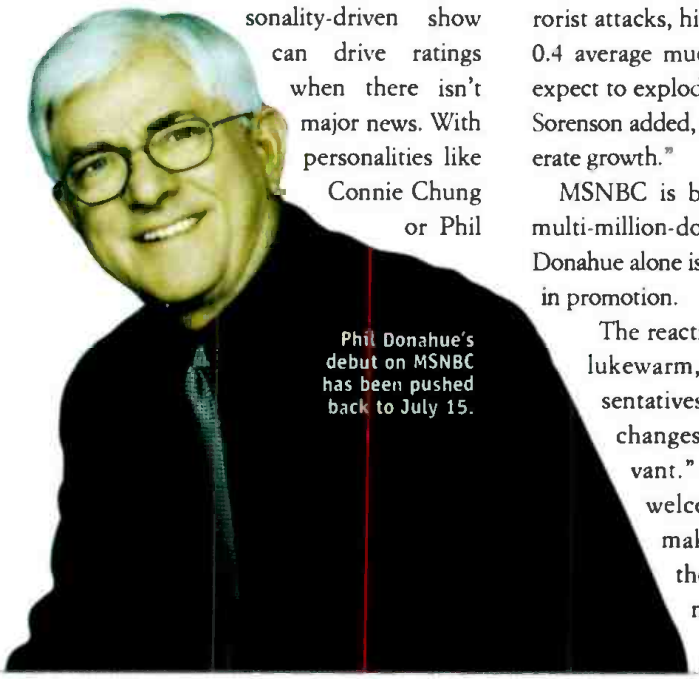
Despite all that firepower, CNN still faces an uphill battle. Since January, Fox News has ruled the ratings. MSNBC is revamping and claims it will push CNN aside to grab second place.

CNN execs are satisfied with their network's style. "We're not all opinion or people screaming," said Ryan. "With CNN, you'll actually get the news, some real analysis and personality, and good writing."

Fox News officials (no surprise) prickle at her assertion. "It's a blend of news and opinion. We think it's pithy commentary," said Fox VP of Newsgathering John Stack.

Don't expect any major Fox changes. Its prime time lineup—with O'Reilly, *Hannity & Colmes* and former CNN host Greta Van Susteren—is cemented, and each show contributes in ratings.

Now MSNBC and CNN are testing the Fox formula, says Horizon Media research chief Brad Adgate. "Fox found [that] a personality-driven show can drive ratings when there isn't major news. With personalities like Connie Chung or Phil Donahue, you may get appointment viewing."



Phil Donahue's debut on MSNBC has been pushed back to July 15.

Donahue's July 15 debut is the crown jewel of MSNBC's makeover. Like Chung, he'll interview newsmakers and work off the day's headlines. He is eager to spur debate, much as he did in his syndication days. "I want to ensure robust debates and lots of views," he said. "Let's not stifle dissent."

Arguably the biggest name on the MSNBC roster, Donahue has been pegged as the frontman for the new, "fiercely independent" strategy. He shies away from a leadership role, pointing to the network's overhauled schedule. "Say what you want about MSNBC, but they don't tinker; they really go for it."

New faces (as of July 15) include conservative commentator Pat Buchanan and liberal analyst Bill Press (both *CNN Crossfire* alums), who will face off in an afternoon show, and editor-in-chief Jerry Nachman hosting a news analysis show at 7 p.m. *Hardball With Chris Matthews*, no longer being shared with CNBC, will follow Donahue at 9 p.m. ET. New York talk-radio hosts Curtis Sliwa and Ron Kuby kicked off an afternoon show June 17.

Ashleigh Banfield is still there at 10 p.m., although former presidential hopeful Alan Keyes' prime time show didn't make the cut.

"We're in a David-and-Goliath situation," MSNBC President Erik Sorenson says. After popping a 1.1 prime time rating last September and October in the aftermath of the terrorist attacks, his network has slumped to a 0.4 average much of this year. "We don't expect to explode in the ratings right away," Sorenson added, "but we'll have steady, deliberate growth."

MSNBC is backing its changes with a multi-million-dollar marketing campaign. Donahue alone is said to be getting $1 million in promotion.

The reaction from the competition is lukewarm, at best. Fox News representatives have dismissed MSNBC's changes, calling the net "irrelevant." And CNN's Ryan almost welcomes the overhaul. "It makes our moves easier. Now there really is only one news network." ■

INBRIEF

SYNDICATION REPORT

For the week ended June 9, one of the big stories was the 14% drop for *Martha Stewart Living*, the second biggest drop of any talk show (or talk/lifestyle show). *Living* dropped to a 1.2, equaling a season low and down 20% from a year ago. The drop, coincidentally or not, came just as reports surfaced that Stewart had sold ImClone shares in advance of a negative FDA decision that hammered the biotech's stock.

Stewart defends the sale as based on public information, not insider info. The ratings slide began before her connection to ImClone made headlines.

To be fair, all talk shows were soft. Out of the dozen talkers, none was up for the week.

On the upside, all three late-night rookie dating shows were up: *Elimidate* 6% to a 1.7, matching its season high: *Fifth Wheel* 8% to a 1.4; *Shipmates* 11% to 1.0. Columbia TriStar Domestic Television last week renewed *Shipmates* for a second season.

NBC 'OPENS' BIG

NBC's coverage of the U.S. Open golf tournament was the most-watched ever, with 55 million viewers tuning in some portion of the weekend (June 15-16) coverage. An Open-record 38 million viewers tuned in Sunday night to watch Tiger Woods seal his victory.

LIFE AS A SITCOM

MTV made a sitcom out of rocker Ozzy Osbourne's real home life. Now ABC Family wants to make a reality show out of turning an average family into a sitcom. ABC is hatching *My Life Is a Sitcom*, a 13-episode series launching in January. ABC will search for the "right" family, then have them help cast actors to play them in the sitcom. The series ends with an airing of the pilot.

BroadcastWatch

COMPILED BY KENNETH RAY

JUNE 10-16 *Broadcast network prime time ratings according to Nielsen Media Research*

Week 38	abc	CBS	NBC	FOX	PAX TV	upn	WB
MONDAY	3.5/6	8.2/14	5.8/10	3.1/5	0.8/1	1.9/3	1.8/3
8:00	56. NHL Stanley Cup Finals Game 4—Detroit Red Wings vs. Carolina Hurricanes 3.5/6	11. King of Queens 6.9/13	30. Fear Factor 5.5/10	53. The Simpsons 3.6/7	120. Miracle Pets 0.5/1	84. The Hughleys 1.7/3	75. 7th Heaven 2.5/4
8:30		10. Yes, Dear 7.0/12		66. Malcolm/Middle 3.1/5		81. One on One 1.9/3	
9:00		3. Ev Lvs Raymnd 9.9/16		68. That '70s Show 3.0/5	112. Touched by an Angel 0.8/1	79. The Parkers 2.0/3	98. Angel 1.2/2
9:30		4. Becker 8.7/14	20. Spy TV 6.1/10	71. Grounded/Life 2.8/4		77. Girlfriends 2.1/3	
10:00		5. 48 Hours 8.2/14	28. Crossing Jordan 5.9/10		106. Diagnosis Murder 1.0/2		
10:30							
TUESDAY	4.2/7	6.2/11	5.3/9	5.7/10	1.0/2	1.2/2	2.4/4
8:00	49. Spin City 4.0/8	19. AFI 100 Years, 100 Passions 6.2/11	34. Spy TV 5.0/10	43. That '70s Show 4.2/8	120. Mysterious Ways 0.5/1	98. Buffy the Vampire Slayer 1.2/2	77. Gilmore Girls 2.1/4
8:30			38. Spy TV 4.7/9	20. American Idol* 6.1/11			
9:00	42. The Mole II: The Next Betrayal 4.3/7		31. Frasier 5.4/9		109. Doc 0.9/2	105. Girlfriends 1.1/2	74. Smallville 2.6/4
9:30			38. Scrubs 4.7/8			98. The Hughleys 1.2/2	
10:00	43. Boston 24/7 4.2/7		20. Dateline NBC 6.1/11		90. Diagnosis Murder 1.5/3		
10:30							
WEDNESDAY	4.3/7	5.0/9	8.1/14	5.2/8	1.1/2	1.3/2	1.2/2
8:00	34. My Wife & Kids 6.0/9	15. 60 Minutes II 6.6/12	37. The West Wing 4.8/9	59. Malcolm/Middle 3.4/6	116. Candid Camera 0.6/1	90. Enterprise 1.5/3	95. Dawson's Creek 1.3/2
8:30	38. According to Jim 4.7/8						
9:00	41. Drew Carey 4.5/8	43. CBS Wednesday Movie—Joan of Arc, Part 2 4.2/7	2. NBA Finals Game 4—L.A. Lakers vs. New Jersey Nets 10.8/19	11. American Idol 6.9/12	106. Touched by an Angel 1.0/2	98. Wolf Lake 1.2/2	98. Dawson's Creek 1.2/2
9:30	59. Adventures in TV 3.4/6						
10:00	48. Boston 24/7 4.1/7				83. Diagnosis Murder 1.8/3		
10:30							
THURSDAY	4.2/8	7.9/14	6.0/11	2.9/5	0.9/2	3.6/6	1.6/3
8:00	43. NHL Stanley Cup Finals Game 5—Detroit Red Wings vs. Carolina Hurricanes 4.2/8	11. The Price Is Right: U.S. Army 6.9/13	14. Friends 6.8/13	70. Fox Thursday Night Movie—Lost in Space 2.9/5	116. It's a Miracle 0.6/1	53. WWE Smackdown! 3.6/6	84. Jamie Kennedy 1.7/3
8:30			20. Will & Grace 6.1/11				88. Jamie Kennedy 1.6/3
9:00		1. CSI 10.9/18	24. Will & Grace 6.0/10		106. Touched by an Angel 1.0/2		90. Charmed 1.5/3
9:30			32. Just Shoot Me 5.2/9				
10:00		24. The Agency 6.0/10	24. ER 6.0/11		98. Diagnosis Murder 1.2/2		
10:30							
FRIDAY	4.5/9	3.5/7	5.9/12	1.7/3	0.9/1	1.7/3	1.3/3
8:00	50. America's Funniest Home Videos 3.9/8	62. JAG 3.3/7	24. Dateline NBC 6.0/12	81. Dark Angel 1.9/4	116. Weakest Link 0.6/1	84. UPN's Movie Friday—The Wood 1.7/3	94. Sabrina/Witch 1.4/3
8:30							109. Maybe It's Me 0.9/2
9:00	68. John Stossel Special 3.0/6	56. The Guardian 3.5/7		90. The X-Files 1.5/3	114. Encounters With the Unexplained 0.7/1		88. Reba 1.6/3
9:30							95. Raising Dad 1.3/3
10:00	17. 20/20 6.5/12	56. 48 Hours 3.5/7	29. Law & Order: Special Victims Unit 5.8/11		95. Diagnosis Murder 1.3/2		
10:30							
SATURDAY	2.7/6	4.0/8	3.3/7	4.4/9	0.5/1		
8:00	72. ABC Bond Picture Show—From Russia With Love 2.7/6	66. Touched by an Angel 3.1/7	62. NBC Saturday Night Movie—Sphere 3.3/7	59. Cops 3.4/8	120. Diagnosis Murder 0.5/1		
8:30				43. Cops 4.2/9			
9:00		52. The District 3.7/7		34. AMW: America Fights Back 5.0/10	120. PAX Big Event—The Man Who Wouldn't Die 0.5/1		
9:30							
10:00		32. The District 5.2/10					
10:30							
SUNDAY	2.7/5	6.7/12	9.6/18	2.9/5	0.7/1		1.1/2
7:00	72. Wonderful World of Disney—Toy Story 2.7/5	8. 60 Minutes 7.5/16	(nr) PGA Golf—U.S. Open 8.9/22	84. Futurama 1.7/4	120. Candid Camera 0.5/1		98. WB Sunday Movie—The Big Hit 1.2/2
7:30				79. Futurama 2.0/4			
8:00		17. CBS Sunday Movie—The Negotiator 6.5/11		53. The Simpsons 3.6/7	112. Doc 0.8/2		
8:30			9. Dateline NBC 7.2/13	51. King of the Hill 3.8/7			
9:00	76. Alias 2.2/4		6. Law & Order: Criminal Intent 6.0/14	65. Bachelorettes in Alaska 3.2/5	116. Ponderosa 0.6/1		109. Angel 0.9/1
9:30							
10:00	62. The Practice 3.3/6		7. Crime and Punishment 7.6/13		114. Touched by an Angel 0.7/1		
10:30							
AVERAGES WEEK	3.7/7	6.0/11	6.4/12	3.6/7	0.8/2	1.9/3	1.5/3
AVERAGES S-T-D	6.1/10	7.9/13	8.6/14	5.5/9	0.9/1	2.6/4	2.4/4

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

JUNE 3-9 *Syndicated programming ratings according to Nielsen Media Research*

TOP 25 SHOWS

Rank	Program	HH AA	HH GAA
1	Wheel of Fortune	7.7	NA
2	Jeopardy	6.8	NA
3	Friends	6.4	7.5
4	Seinfeld	5.7	6.1
5	Judge Judy	5.6	8.1
6	Everybody Loves Raymond	5.5	6.2
6	Oprah Winfrey Show	5.5	5.6
8	Entertainment Tonight	4.9	5.0
9	Seinfeld (wknd)	4.2	4.7
10	Wheel of Fortune (wknd)	3.3	NA
10	Live With Regis and Kelly	3.3	NA
12	Home Improvement	3.2	3.7
13	Judge Joe Brown	3.1	4.2
13	King of the Hill	3.1	3.4
13	Maury	3.1	3.3
13	Frasier	3.1	3.3
13	Entertainment Tonight (wknd)	3.1	3.2
18	Inside Edition	2.9	2.9
19	Everybody Loves Raymond (wknd)	2.7	NA
20	Jerry Springer	2.6	2.8
20	Cops	2.6	3.5
20	Friends (wknd)	2.6	2.7
23	Divorce Court	2.5	3.1
23	Stargate SG-1	2.5	2.6
24	Just Shoot Me	2.4	2.6
24	Montel Williams Show	2.4	2.5
24	Access Hollywood	2.4	2.4

TOP OFF-NET DRAMAS

		HH AA	HH GAA
1	The Practice	2.2	2.4
1	ER	2.2	2.5
3	The X-Files	2.1	2.2
4	Seventh Heaven	1.7	NA
5	Nash Bridges	1.5	1.6

According to Nielsen Media Research Syndication Service Ranking Report June 3-9, 2002
HH/AA = Average Audience Rating (households)
HH/GAA = Gross Aggregate Average
One Nielsen rating = 1,008,000 households, which represents 1% of the 100.8 million TV households in the United States
NA = not available

Creative deals for *Becker*

Paramount Domestic Television has cleared its latest off-network entry, *Becker*, in close to 50% of the U.S. The series will debut in fall 2003.

Sources confirm that Paramount has done group deals with both the Sinclair Broadcast Group and the co-owned Paramount stations that are now part of the CBS-owned TV stations division. Paramount also has reportedly sold the show to some Gannett stations. Post-Newsweek's WJXT(TV) Jacksonville, Fla., the CBS affiliate that is going independent, has also cleared the show.

Paramount executives declined to talk about their progress in selling the show, citing ongoing negotiations.

But station sources say Paramount has a marketing plan that makes the program easier to buy in still uncertain economic times for many broadcasters. First, there's a four-year cap on the first off-net cycle, unlike a lot of sitcom deals that go five years or longer, adding a year to the off-network package for each additional year the show continues its network run.

Marketing plan for *Becker* is designed to appeal in still uncertain economic times.

Station executives say that planning is a lot easier when they know ahead of time exactly how long they're committed to off-network shows.

In addition, the barter split on the show gives Paramount two minutes of national time per episode to sell, with five minutes of local time for the stations. Most of the newer off-network packages have no more than 90 seconds of national time. But Paramount is also accepting smaller weekly license fees as a quid pro quo for the extra barter time, which is appealing to stations. "Both the cap and the financial terms make for an easier deal in times that are still a little shaky," said one station source.

Becker is heading into its fifth year on CBS. During its first four seasons, it was part of the network's popular 8-10 p.m. ET comedy block on Monday nights. Next season, the show moves to Sundays at 8:30 p.m., where it will serve as the lead-out for the new sitcom *Bram and Alice*.

—*Steve McClellan*

StationBreak

BY DAN TRIGOBOFF

EYE ON WGFL(TV)

WGFL(TV) Gainesville, Fla., has picked up the CBS affiliation in that market, filling the gap created when WJXT(TV) Jacksonville, Fla., which had provided Gainesville with CBS programming via Cox Cable, couldn't reach agreement with the network on a new affiliation deal.

Terms were not announced, but the deal is long-term. The CBS-WJXT pact halted largely over CBS's proposed reduction in network compensation.

WGFL has been a WB-UPN affiliate (both UPN and CBS are Viacom-owned). The switch to CBS affiliation will take place July 15, when WJXT becomes an independent station. The WB will be dropped, but for now, WGFL owner Harvey Budd said, UPN will still be carried on the station in the late afternoons after CBS soaps. Budd said he hopes to spin the UPN programming off to a stand-alone low-power station or directly to cable.

The station had carried The WB via broadcast in a rare small-market agreement. WB stations are typically carried only over cable in smaller markets; if The WB returns to the market, it will be by cable.

Budd is enthusiastic over the CBS deal and said local news could be in the long-term picture. The market has only one other local affiliate, ABC-programmed WJCB-TV.

Budd plans to add local news, "but we first need to make the transition to CBS. We do have a studio in the complex, and that will help."

Witnessed

When a firefighting plane crashed near Yosemite National Park, KOLO-TV Reno, Nev., reporter Terri Russell and chief photographer Tim Ill were nearby, covering the raging Yosemite fires and interviewing a man at a trailer park peering through his own viewfinder. The KOLO-TV crew captured the spectacular crash as the wings broke off the plane and the fuselage struck the ground. Russell reported that the plane circled before falling. The remarkable footage was picked up by all the broadcast and cable news nets. The amateur video being shot at the time also ran widely, first over KTVN(TV) Reno.

JACK HIGH AT WRC-TV

Michael Jack, general manager of NBC O&O WCMH-TV Columbus, Ohio, has been named president and general manager of NBC's WRC-TV Washington, D.C.

He replaces Linda Sullivan, who last month took over at NBC's newly acquired KNTV(TV) San Jose, Calif. Jack also will take over as NBC's chief diversity officer from KNBC(TV) General Manager Paula Madison, who, the station group said, has a full plate with the melding of Telemundo and NBC stations in Los Angeles. Jack has been on NBC's short list for advancement and was the early favorite for the Washington job (B&C, May 13) and was also a candidate for GM jobs at KNTV and KNBC.

"Michael was hugely successful in guiding WCMH-TV to first place in prime time and late local news," said NBC Station Group President Jay Ireland. "I am confident he has what it takes to maintain WRC-TV's leadership in Washington."

ANCHORS AWAY

Married WCHS-TV Charleston, W.Va., anchors Natalie Tennant and Erik Wells are leaving the station to join Bray Cary's fledgling West Virginia media network. The longtime anchors of *Good Morning West Virginia* will now anchor the news at WBOY-TV Clarksburg.

The budding statewide network, which includes WBOY-TV and WTRF-TV Wheeling, has made several key personnel moves recently. Last month, TV veteran and former *State Journal* owner Bill White was named general manager at WOWK-TV Huntington shortly after the station was purchased from SJL Northeast. Former KMTV(TV) Omaha, Neb., General Manager Christopher Leister was recently named senior vice president and national sales manager for the company.

KNOTT LANDS AT DUOP

Fox Television Stations has named Stan Knott, who has been vice president and general manager of WDAF-TV Kansas City, Mo., to run Fox's new Orlando, Fla., duopoly: WOFL(TV) and WRBW(TV). He has been with the group in Kansas City since 1998. At WOFL, Knott replaces Mark Higgins, who left late last week to become vice president and station manager at Belo's KTVK(TV) and KASW(TV) Phoenix. Karen Adams, general manager at Fox's WGHP(TV) High Point, N.C., had been running WRBW.

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

FocusAustin

THE MARKET

DMA rank	17
Population	1,404,000
TV homes	556,000
Income per capita	$21,085
TV revenue rank	41
TV revenue	$104,600,000

COMMERCIAL TV STATIONS

Rank*		Ch.	Affil.	Owner
1	KXAN-TV	36	NBC	LIN
2	KTBC(TV)	7	Fox	Fox
3	KVUE-TV	24	ABC	Belo
4	KEYE-TV	42	CBS	CBS
5	KNVA(TV)	54	WB	LIN

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

CABLE/DBS

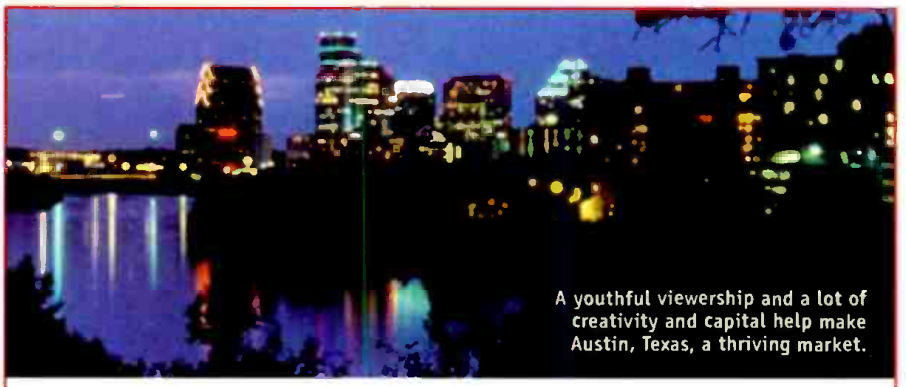
Cable subscribers (HH)	361,400
Cable penetration	65%
ADS subscribers (HH)**	77,560
ADS penetration	14%
DBS carriage of local TV?	Yes

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

WHAT'S NO. 1

Syndicated show	Rating/Share***
The Simpsons (KTBC)	8/16
Network show	
Friends (KXAN-TV)	20/32
Evening newscast	
KXAN-TV	6/12
Late newscast	
KXAN-TV	10/17

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



A youthful viewership and a lot of creativity and capital help make Austin, Texas, a thriving market.

Rich in opportunity

There are some big players in the No. 54 DMA. Austin, Texas, television includes two owned-and-operated stations—Fox's KTBC(TV) and CBS's KEYE-TV—and the other affiliate owners aren't little guys either: Market leader and NBC affiliate KXAN-TV is owned by LIN Television, and ABC affiliate KVUE-TV is a Belo station.

But numbers as well as names tell quite a story in Austin. The market is 41st in revenue. Per capita income is high at more than $21,000, and household income is similarly strong. The local NBC, Fox and ABC affiliates all take in household viewership within a few percentage points of each other and revenue within a few million dollars, according to BIA Financial.

Even the 13% drop in market revenue in 2000-01 doesn't detract from the previous 10 years of growth. From 1996 to 2000 alone, according to BIA, market revenue grew nearly $40 million, to a peak of $120 million in 2000. BIA projects nearly $110 million for this year. But in a heavily high-tech economy, thousands of jobs were lost in the past couple years. Manufacturing employment is also down.

Some of Austin's key underlying components protect it from real disaster when the high-tech sector goes south. Austin has several colleges, including the massive University of Texas, a youthful viewership, and a lot of creativity and capital—and is the state capital. There are still high-tech deals to be made, says KXAN-TV and KNVA(TV) GM Gail Brekke, "but business plans have never been more scrutinized."

The market will benefit from several statewide political races, as well as some congressional ones, notes Danny Baker, GM at the strong Fox-owned KTBC—which traces its roots back to LBJ. There are growing film-making and music businesses, Brekke points out. KVUE-TV GM Patti Smith believes there's abundant opportunity for local TV. "This is a strong market with an excellent quality of life." —*Dan Trigoboff*

HATCHETT RULES NEW ORLEANS!

JUDGE HATCHETT Delivers Big Results on WNOL!

3.8 Household Rating!

+15% vs Year Ago!

#1 Daytime Show on WNOL!

JUDGE HATCHETT
The Judge America's Watching!

www.judgehatchett.com

Source: NSI, Wrap Overnights, 9:30a-10a tp, 6/10/02 - 6/14/02, Year ago=June '01 Sweep, Daytime=9a-5p

COLUMBIA TRISTAR DOMESTIC TELEVISION
The Leader in Young Adult Programming
CTDTV.COM

Merger plan divides industry

Big owners approve of slow and steady approach; smaller ones are frustrated

By Bill McConnell

Big media companies and activists fighting consolidation may be in rare accord in endorsing the FCC's timetable for revising all broadcast-ownership rules in one fell swoop next spring, but the idea doesn't sit so well with smaller TV-group owners.

Those smaller owners are seeking FCC help in only two areas: making it easier to own two stations in a market and increasing opportunities to own broadcast outlets and a newspaper in the same market. Many believe both can be tackled easily this year.

"It's pretty frustrating to have newspaper ownership put into this hopper," says Shaun Sheehan, lobbyist for Tribune Co., which owns 23 TV stations and 13 major newspapers and wants more in-market combos.

Although the big conglomerates also would be happy if the FCC moved sooner than 2003, they are more concerned that the commission take whatever time it needs to write rules that will withstand court scrutiny and give them clear direction on what they can buy and where.

FCC Chairman Michael Powell decided to tackle all broadcast-ownership rules at once because he believes they share the same goal: ensuring diversity and competition in radio and television. "These rules are all kissing cousins in some sense," FCC Media Bureau Chief Ken Ferree told reporters last week.

Disney/ABC lobbyist Preston Padden calls the FCC's plan "eminently sensible." Fox Network officials also like the roadmap. "We support the FCC's plan to conduct comprehensive studies to ensure rules are defensible in court," said a Fox spokesman.

FCC Media Bureau Chief Ken Ferree says any merger that doesn't comply with current rules would likely be viewed as an attempt to force the FCC's hand: "I don't think it would be warmly received."

Public advocates opposing increased concentration are glad for the extra time to draw up evidence of consolidation's harmful effects. "There will be considerable delay before the commission can act," said Jeff Chester, president of the Center for Digital Democracy.

On the other side, Padden predicts the FCC's studies will prove consumer choice will be helped, not hurt, by allowing bigger, more efficient companies to use more resources in creating new services and content. Padden says the station groups and NAB are getting their just deserts for fighting the networks' effort to remove limits on national audience reach. It's inconsistent to argue that competition is sufficient to relax some rules but not others, he says.

Tribune has not opposed the networks' bid to raise audience limits, but Post-Newsweek has, though it has not taken an official position on relaxing the ban on newspaper/broadcast crossownership. Both companies say they staked out different positions on the ownership issues to avoid making inconsistent arguments to the FCC.

But the station groups' network rivals say the attempt at consistency is a phony veneer and notes that the NAB supports loosening restrictions on TV duopolies and newspaper crossownership.

"You can't cut the salami of public policy thinly just to meet your narrow business interests," Padden said. NAB officials declined to comment on the FC timetable.

Alan Frank, president of Post-Newsweek Stations and head of an affiliate coalition opposing an increase in the national ownership cap, said local markets deserve deregulation because audiences have many outlets to choose from. But nationally, he says, the market that counts is the tightly controlled business for network programming. "That's a crucial difference."

But Ferree says the FCC has little choice after the federal appeals court in Washington ordered the FCC to rewrite nearly all its media-ownership rules in the past year on grounds that the FCC failed to adequately justify them. "The court seems to be putting a premium on consistency between the rules."

Besides the national TV-ownership cap and limits on newspaper crossownership and TV duopolies, four other rules are up for review:

- Concentration in local radio markets
- Local TV/radio crossownership
- Dual-network ownership
- Local cable/broadcast crossownership.

Legg Mason analyst Blair Levin said the FCC's longer timetable gives big media corporations only a "marginal" edge and predicts that station groups that want to buy newspapers in their markets can do so now, betting that the ban will be eliminated before they have to sell.

But a merger that doesn't comply with current rules would likely be viewed as an attempt to force the FCC's hand, Ferree

counters. "I don't think it would be warmly received."

Separately, the FCC plans to issue by year-end new limits on cable conglomerates' national subscribership share and restrictions on the number of channels their local franchises may give to programming networks they own.

To comply with the judges' orders, the FCC has embarked on a series of economic studies to back up future revisions.

The studies will examine the extent to which audiences substitute one medium for another, how advertisers view different outlets, the relationship between ownership and public-interest values such as diversity and competition, and a historical survey of the changes in type and number of media available in different markets.

When the studies are completed, the FCC plans to use the data to craft an economic model that would be used to judge whether a particular merger would harm diversity and competition. The model would be akin to the Herfindahl-Hirschman Index, which is used by antitrust regulators to estimate how changes in market share affect concentration in an industry. "We will develop a kind of HHI for diversity," Ferree said. ■

Cable keeps pole position

Court ruling prevents utilities from withholding 'reserved' space

By Bill McConnell

The cable industry won another round in the pole wars when federal judges upheld FCC rules requiring utility companies to lease unused pole space to cable companies.

The rules, issued in 1996, bar utilities from holding capacity in reserve for future use. Instead, reserved space must be offered to cable companies until utilities need to use the space.

"There are no suggestions in the act that utilities enjoy the right to reserve as much space as they wish for as long as they deem necessary," wrote judges for the federal district appeals court in Atlanta June 14.

The court also refused utilities' bid for authority to (1) allow only their own employees and contractors to make attachments and (2) to be absolved of FCC guidelines regarding notification of cable companies and other third-party attachers when poles need modification.

The court also upheld a requirement that utilities grant third-party access to all poles, ducts, conduits or rights-of-way when those facilities are used in part for wire communications services.

Officials for the National Cable & Telecommunications Association praised the ruling. "The court rejected the utilities' numerous schemes to obstruct cable operators' access to utility poles," said NCTA law and regulatory policy chief Daniel Brenner.

The court also said utilities are not obligated to expand pole capacity when there is no room for third-party attachments.

Utilities did get some of what they asked. The court struck down an FCC mandate for access to switching stations, substations and other transmission systems used for carrying large quantities of energy over long distances. "The act's coverage," the court said, "was limited to the utilities' local distribution facilities and was not to extend to the general regulation of interstate transmission towers and plant."

The court also ruled that utilities are not obligated to expand pole capacity when there is no room for third-party attachments.

Predicting the rate caps' demise, some utilities attempted to raise monthly per-pole charges from roughly $7 to more than $30. ■

INBRIEF

SATELLITE MUST-CARRY OK

The Supreme Court last week declined to hear arguments on the satellite industry's appeal of the "carry one, carry all" must-carry rule, which requires DBS companies to carry all local TV signals in any market to which they want to deliver any such signals.

The satellite industry was disappointed by the decision. "Today's action will reduce competition ... millions of consumers in smaller and mid-sized markets will not receive local channels via satellite and will be forced to rely on frequently unreliable over-the-air broadcast signals," said Andy Wright, president of the Satellite Broadcasting & Communications Association. EchoStar had an uncharacteristically moderate response: "EchoStar is disappointed in the Supreme Court's decision today to deny a writ of certiorari to allow our appeal of satellite must-carry, but it is clear that Congress, the FCC and the courts are in agreement the must-carry law is constitutional," said EchoStar spokesman Marc Lumpkin.

Broadcasters celebrated. "This decision represents a major victory for viewers by enhancing the diversity of local television station choices on satellite," said NAB President Eddie Fritts.

AMAZON BACKS ACCESS

Amazon.com, seeking to preclude cable companies from cornering the book-selling business, last week joined ISPs and activists calling for open-access rules requiring cable broadband nets to carry competing Internet providers. Without an access mandate, Amazon.com predicted in comments filed last week, cable companies would steer traffic to their own affiliated retail sites and away from rivals'.

Changing Hands

TVs

KSBY-TV San Luis Obispo and K59CD Santa Barbara, Calif.
Price: $39.5 million
Buyer: New Vision Group Inc. (Jason Elkin, president)
Seller: SJL Communications LP (George Lilly, president)
Facilities: KSBY-TV: ch. 6, 100 kW, ant. 1,782 ft.; K59CD: ch. 59, 1.18 kW
Affiliation: KSBY-TV: NBC; K59CD: NBC

WSEE-TV Erie, Pa.
Price: $10 million
Buyer: Initial Broadcasting of Pennsylvania License, (Kevin Lilly, president)
Seller: WSEE Television Inc. (William Mustard, trustee)
Facilities: ch. 35, 1,170 kW, ant. 955 ft.
Affiliation: CBS

Combos

KKMR-FM Arizona City, KMRR-FM Globe, KHOT-FM Paradise Valley, KOMR-FM Sun City and KHOV-FM Wickenburg (Phoenix), Ariz.; KSCA-FM Glendale, KRCD-FM Inglewood, KTNQ(AM) and KLVE-FM Los Angeles, KZOL-FM North Fork (Merced), KLNV-FM and KLQV-FM San Diego, KEMR-FM San Francisco, KSOL-FM Santa Clara (San Jose), KZMR-FM Santa Cruz (San Francisco), KRCV-FM West Covina (Los Angeles), Calif.; WRTO-FM Goulds, WAQI(AM), WQBA(AM) and WAMR-FM Miami (Miami-Ft. Lauderdale-Hollywood), Fla.; WIND(AM) and WLXX(AM) Chicago and WOJO-FM Evanston (Chicago); WCAA-FM Newark (New York), N.J.; KQMR-FM Indian Springs, KISF-FM Las Vegas and KLSQ(AM) Laughlin (Las Vegas), Nev.; WADO(AM) New York; KCOR-FM Comfort (San Antonio), KLTO-FM Crystal Beach (Houston-Galveston), KVCQ-FM Cuero, KDXX(AM) Dallas and KHCK-FM Denton (Dallas-Ft. Worth), KAJZ(AM), KAMA(AM) and KBNA-FM El Paso, KLNO-FM Fort Worth and KESS(AM) Ft. Worth (Dallas-Ft. Worth), KOVE-FM Galveston (Houston-Galveston), KDXT-FM Granbury (Dallas-Ft. Worth), KGBT(AM) and KIWW-FM Harlingen (McAllen-Brownsville-Harlingen), KLAT(AM) and KLTN-FM Houston (Houston-Galveston), KDXX-FM Lewisvillle (Dallas-Ft. Worth), KBAE-FM Llano, KGBT-FM McAllen (McAllen-Brownsville-Harlingen), KPTY-FM Missouri City and KQBU-FM Port Arthur (Houston-Galveston), KDOS-FM Robinson (Waco), KRTX(AM) Rosenberg (Houston-Galveston), KCOR(AM), KXTN-FM, KXTN(AM) and KROM-FM San Antonio and KBBT-FM Schertz (San Antonio), KLAT-FM Winnie (Houston-Galveston), Texas
Price: $3.5 billion
Buyer: Univision Communications Inc. (A. Jerrold Perenchio, chairman/CEO); No. 1 Spanish-language TV group purchases No. 1 Spanish-language radio group
Seller: Hispanic Broadcasting Corp. (McHenry Tichenor Jr., president/CEO)
Facilities: KKMR-FM: 106.5 MHz, 6 kW, ant. 292 ft.; KMRR-FM: 100.3 MHz, 90 kW, ant. 2,047 ft.; KHOT-FM: 105.9 MHz, 36 kW, ant. 577 ft.; KOMR-FM: 106.3 MHz, 23 kW, ant. 725 ft.; KHOV-FM: 105.3 MHz, 6 kW, ant. 1,365 ft.; KSCA-FM: 101.9 MHz, 5 kW, ant. 2,832 ft.; KRCD-FM: 103.9 MHz, 4 kW, ant. 387 ft.; KTNQ(AM): 1020 kHz, 50 kW day; KLVE-FM: 107.5 MHz, 30 kW, ant. 2,999 ft.; KZOL-FM: 107.9 MHz, 2 kW, ant. 1,227 ft.; KLNV-FM: 106.5 MHz, 50 kW, ant. 440 ft.; KLQV-FM: 102.9 MHz, 32 kW, ant. 617 ft.; KEMR-FM: 98.9 MHz, 6 kW, ant. 1,342 ft.; KSOL-FM: 105.7 MHz, 50 kW, ant. 499 ft.; KZMR-FM: 99.1 MHz, 1 kW, ant. 2,612 ft.; KRCV-FM: 98.3 MHz, 600 W, ant. 1,004 ft.; WRTO-FM: 98.3 MHz, 100 kW, ant. 1,408 ft.; WAQI(AM): 710 kHz, 50 kW; WQBA(AM): 1140 kHz, 50 kW day/10 kW night; WAMR-FM: 107.5 MHz, 95 kW, ant. 1,007 ft.; WIND(AM): 560 kHz, 5 kW; WLXX(AM): 1200 kHz, 10 kW/1 kW night; WOJO-FM: 105.1 MHz, 8 kW, ant. 1,175 ft.; WCAA-FM: 105.9 MHz, 610 W, ant. 1,362 ft.; KQMR-FM: 99.3 MHz, 31 kW, ant. 2,264 ft.; KISF-FM: 103.5 MHz, 100 kW, ant. 1,158 ft.; KLSQ(AM): 870 kHz, 10 kW day/1 kW night; WADO(AM): 1280 kHz. 50 kW day/7 kW night; KCOR-FM: 95.1 MHz, 100 kW, ant. 925 ft.; KLTO-FM: 105.3 MHz, 6 kW, ant. 180 ft.; KVCQ-FM: 97.7 MHz, 25 kW, ant. 302 ft.; KDXX(AM): 1480 kHz, 5 kW day/2 kW night; KHCK-FM: 99.1 MHz, 100 kW, ant. 1,726 ft.; KAJZ(AM): 920 kHz, 1 kW day/360 W night; KAMA(AM): 750 kHz, 10 kW day/1 kW night; KBNA-FM: 97.5 MHz, 100 kW, ant. 1,089 ft.; KLNO-FM: 94.1 MHz, 98 kW, ant. 1,591 ft.; KESS(AM): 1270 kHz, 5 kW; KOVE-FM: 106.5 MHz, 100 kW, ant. 1,322 ft.; KDXT-FM: 106.7 MHz, 100 kW, ant. 1,339 ft.; KGBT(AM): 1530 kHz, 50 kW day/10 kW night; KIWW-FM: 96.1 MHz, 100 kW, ant. 988 ft.; KLAT(AM): 1010 kHz, 5 kW; KLTN-FM: 102.9 MHz, 100 kW, ant. 984 ft.; KDXX-FM: 107.9 MHz, 100 kW, ant. 981 ft.; KBAE-FM: 96.3 MHz, 3 kW, ant. 459 ft.; KGBT-FM: 98.5 MHz, 100 kW, ant. 997 ft.; KPTY-FM: 104.9 MHz, 3 kW, ant. 981 ft.; KQBU-FM: 93.3 MHz, 100 kW, ant. 1,952 ft.; KDOS-FM: 107.9 MHz, 6 kW, ant. 328 ft.; KRTX(AM): 980 kHz, 5 kW day/4 kW night; KCOR(AM): 1350 kHz, 5 kW; KXTN-FM: 107.5 MHz, 97 kW, ant. 1,470 ft.; KXTN(AM): 1310 kHz, 5 kW day/280 W night; KROM-FM: 92.9 MHz, 45 kW, ant. 1,352 ft.; KBBT-FM: 98.5 MHz, 98 kW, ant. 991 ft.; KLAT-FM: 100.7 MHz, 100 kW, ant. 1,952 ft.

FMs

KXDC-FM Estes Park (Denver-Boulder), Colo.
Price: $30 million
Buyer: Superior Broadcasting (Chris Devine, president); no other broadcast interests
Seller: High Peak Broadcasting (Chris Devine, president)
Facilities: 102.1 MHz, 25 kW, ant. 171 ft.
Format: Dance
Broker: Peter Handy of Star Media Group Inc.

KWOD-FM Sacramento, Calif.
Price: $25 million
Buyer: Entercom (David J. Field, president/CEO); owns 102 other stations, including KCTC(AM), KDND-FM, KRXQ-FM, KSEG-FM and KSSJ-FM Sacramento.
Seller: Royce International Broadcasting Co. (Royce Stolz II., president/CEO)
Facilities: 106.5 MHz, 50 kW, ant. 411 ft.
Format: Alternative

—Information provided by BIA Financial Networks' Media Access Pro Chantilly, Va. www.bia.com

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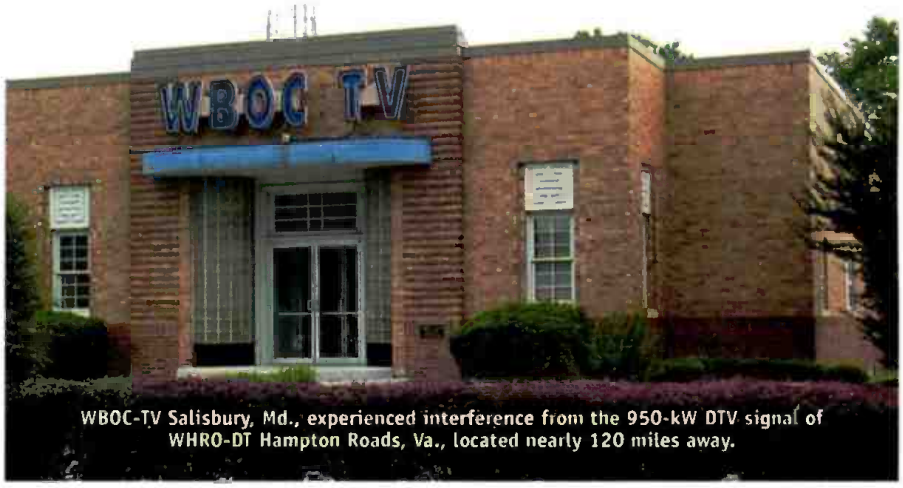
DTV interference issues loom

As stations move to full power, problems among stations are expected to increase



WBOC-TV Salisbury, Md., experienced interference from the 950-kW DTV signal of WHRO-DT Hampton Roads, Va., located nearly 120 miles away.

By Ken Kerschbaumer

Industry experts warn that, when broadcasters get on-air with full-power DTV signals, interference issues like that being experienced by WBOC-TV Salisbury, Md., may be the norm rather than the exception.

"I think it's inevitable that there are going to be a lot of these problems, and a lot of it was predicted," says William Meintel, president of Chantilly, Va.-based Tech-Ware, which was hired by the FCC to create the software used to make the DTV propagation tables. "We just haven't seen it because there aren't a lot of stations on the air and an even smaller number on-air at their full power. And I think that, once these stations start firing up with their full-power signals, we'll see a lot of interference to NTSC, and it may be worse than what was originally predicted."

Two weeks ago, WBOC-TV filed an emergency request asking the FCC for relief from interference that its signal is getting from the 950-kW DTV signal of WHRO-DT Hampton Roads, Va., located nearly 120 miles away. In April, when WHRO-DT made the move to full power, WBOC-TV began receiving consumer complaints (even from cable subscribers) not only from the area of its viewing audience closest to Hampton Roads but also from Dover, Del., which is about 150 miles away from Hampton Roads.

The cause of the interference in the case of WBOC-TV is "duct skipping," a phenomenon in which the signal skips across a body of water, causing interference where it usually wouldn't occur. It is not just a DTV phenomenon. Analog stations, typically in Florida or Louisiana, have been subject to duct-skipping interference for years.

WBOC-TV General Manager Rick Jordan says the situation is unique because ducting was not taken into account in the FCC's DTV interference modeling. WHRO-DT's tests showed interference of only 0.9%, well within acceptable limits, but they do not take into account the ducting interference.

"I wish that 0.9% was all that we were receiving, but I have cable systems as far north as Dover, Del., receiving an unbelievable amount of interference," he says, adding, "It's also unbelievable that propagation can have that much impact" from so far away.

The concern is obvious, Jordan says: The analog signal is the station's livelihood, and there are only a handful of DTV viewers.

"I'm hoping that this will be resolved with a gentlemen's agreement," he adds.

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"And I hope everyone sits down at the table and says this is a real-world issue and not that the computer model says this doesn't exist so we're done."

WHRO-DT plans to file a reply to the FCC concerning WBOC-TV's complaint, according to spokeswoman Donna Hudgins. "Everything that we've built and constructed has complied with the FCC's regulations," she adds. "And our engineers don't see that the facts presented really demonstrate a reception problem that needs extraordinary action by the FCC."

The situation is similar to one experienced in 2000 on Lake Michigan. WMVS-DT Milwaukee's signal was interfering with that of WOOD-TV Grand Rapids, Mich. The solution then was for WMVS-DT to voluntarily cut its transmission power by 75%.

That was a temporary solution, because the FCC told WOOD-TV that the interference from WMVS-DT was acceptable within the Grade B contours.

Today, WMVS-DT is back on at full power, and WOOD-TV has spent about $200,000 putting in an LPTV translator transmitting its signal on ch. 46 to serve cable headends and viewers within that Grade B contour.

"The rules provide up to 10% interference within a Grade B signal," explains Mike Laemers, director of engineering for WOOD-TV, WOTV(TV) Battle Creek, Mich., and WXSB(TV) Grand Rapids. "That doesn't sound like a lot of people, but, if you have a cable headend that is considered one of those 10% being affected, that equals a lot of people. That headend is serving 40,000 households."

WBOC-TV's Rick Jordan says, "I hope everyone sits down at the table and says this is a real-world issue and not that the computer model says this doesn't exist so we're done."

The potential number of complaints about DTV interference seems destined to rise to flood levels when it comes to stations on or near large bodies of water.

"Anytime there's a large body of water with an unobstructed path," says Laemers, "interference is going to happen a lot, not only when temperature inversions occur."

Complaints may spread to land-locked stations as more stations increase DTV power levels, although just how large of a problem it will become remains to be seen.

"The root problem is that some people think that the DTV spectrum was spectrum that wasn't being used," says one industry source. "For all practical purposes, there was no available spectrum on the East and West Coasts."

MSTV Vice President, Technology, Tom Gurley points out that the spectrum of a digital station is noise-like: Any interference raises the noise level and creates snow and sparkles in the signal. Analog-station signal spectrum is very concentrated around the visual and aural carrier, causing interference that is much more distracting to viewers.

Meintel concurs. "Digital is different than analog, and the interference characteristics are different. The FCC knew there was going to be interference, but it was the only way to assign the digital channels."

So what is the solution? Meintel says lower power levels may be the only way to solve interference troubles because changing channel assignments is not easy and may just move the problem elsewhere. "You can play with the statistics all you want, but it's not going to solve the problem."

The problem with lowering the power is that digital broadcasters then lose service in some areas.

Meintel says that the extent of interference problems from DTV signals remains to be seen. But everyone seems to agree that it could become a fairly large number. The question is, what can the FCC do?

"If the interference is a temporary thing, then the commission is not likely to do anything," says Meintel. "If the station causing the interference is complying with all of the commission's regulations, I don't know if there is anything the commission can do about it."

Gurley says that, if the digital station is operating at a power it was licensed for and the allotment table says it can operate at, what the FCC can actually do remains to be seen. "If the FCC does something for a station that is getting interference from that signal, then they almost have to start looking at the whole table again." ■

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ATI buys NxtWave

$20M deal brings front-end chip set to ATI's back-end tech

NxtWave technology will complement ATI's Xilleon set-top-box technology to provide a unified hardware/software platform.

By Ken Kerschbaumer

Set-top-box chip maker ATI has acquired chip manufacturer NxtWave for $20 million cash in a move that will round out ATI's offerings.

Dan Eiref, ATI director of marketing for the set-top-box division, says ATI will now have a front-end, modulation technology to complement its Xilleon set-top-box backend, which can be found in cable, satellite and DSL digital set-top boxes from such companies as Scientific-Atlanta and Pace.

"NxtWave has excellent VSB and QAM technology that we can do a number of things with, including offering an end-to-end system to our customers that they can offer today," says Eiref. "We can also offer a fully working hardware and software for the unified platform."

NxtWave has about 50 employees located in Langhorne, Pa. They and ATI employees in a nearby office will be moved into a new facility in the area (ATI's worldwide count is approximately 2,000 employees). Operationally, NxtWave will be merged into ATI's set-top division as the technology provider for the front-end.

"Our engineering team is fully intact, and our customer support and applications departments are still together," says NxtWave spokesman Mike Gittings. "We're committed to continuing our NXT 2000 chip line, and we'll be working with the ATSC on our enhanced VSB efforts. The work we started on the smart antennas and cable compatibility will continue as well."

Eiref points out that there is not a lot of overlap, meaning that NxtWave's technology will complement ATI's chip-set development. ■

Fennell to head Pinnacle

Sanders becomes chairman of the board as of July 1

By Ken Kerschbaumer

After spending 12 years as president and CEO of video-server manufacturer Pinnacle Systems, Mark Sanders is taking on the role of chairman of the board, and J. Kim Fennell, most recently president and CEO of StorageWay, will take over Sanders's former duties.

"We felt we needed a senior-level marketing and sales talent who has experience in running a billion-dollar company," says Sanders. "We're projecting revenues to the level where no one in the company has experience running an operation that big."

Fennell's executive track began at Octel Communications in 1986, where he ran several divisions, including International Operations. Octel was acquired by Lucent in 1997, where he was in charge of the Communications Applications Group, which dealt with customer-relationship-management applications, Internet-protocol applications and messaging.

J. Kim Fennell, incoming president and CEO of Pinnacle Systems, describes himself as "a big believer in team building with strong management teams with strong opinions."

"That group had about 3,000 people and $2 billion in revenue. It was mostly technology oriented with engineers and product management," Fennell says, "so that was a shift for me after growing up in sales and marketing."

Sanders will stay with the company full time and participate on strategy and in other areas. He says Fennell was the ideal candidate for the search team's criteria.

"It's not so much that I'm going away," he adds, "but that we need new ideas, fresh blood."

In 2000, Fennell was on the management team of Lucent spin-off Avaya but decided he wanted to head back to Silicon Valley, which led to a stint at StorageWay, a company that felt its own pinch during the collapse of the dotcom economy.

"We're back to good, solid business basics after a few years that were pretty wild," says Fennell. "My management style is a very open, participatory style. I'm a big believer in team building with strong management teams with strong opinions. I love to leverage the best out of people as opposed to being the guy on the mountaintop who tries to figure it out on his own."

Murray Arenson, analyst with Morgan Keegan & Co., expects Pinnacle is positioning itself for long-term growth without sacrificing near-term performance and that Fennell's background should be an asset. ■

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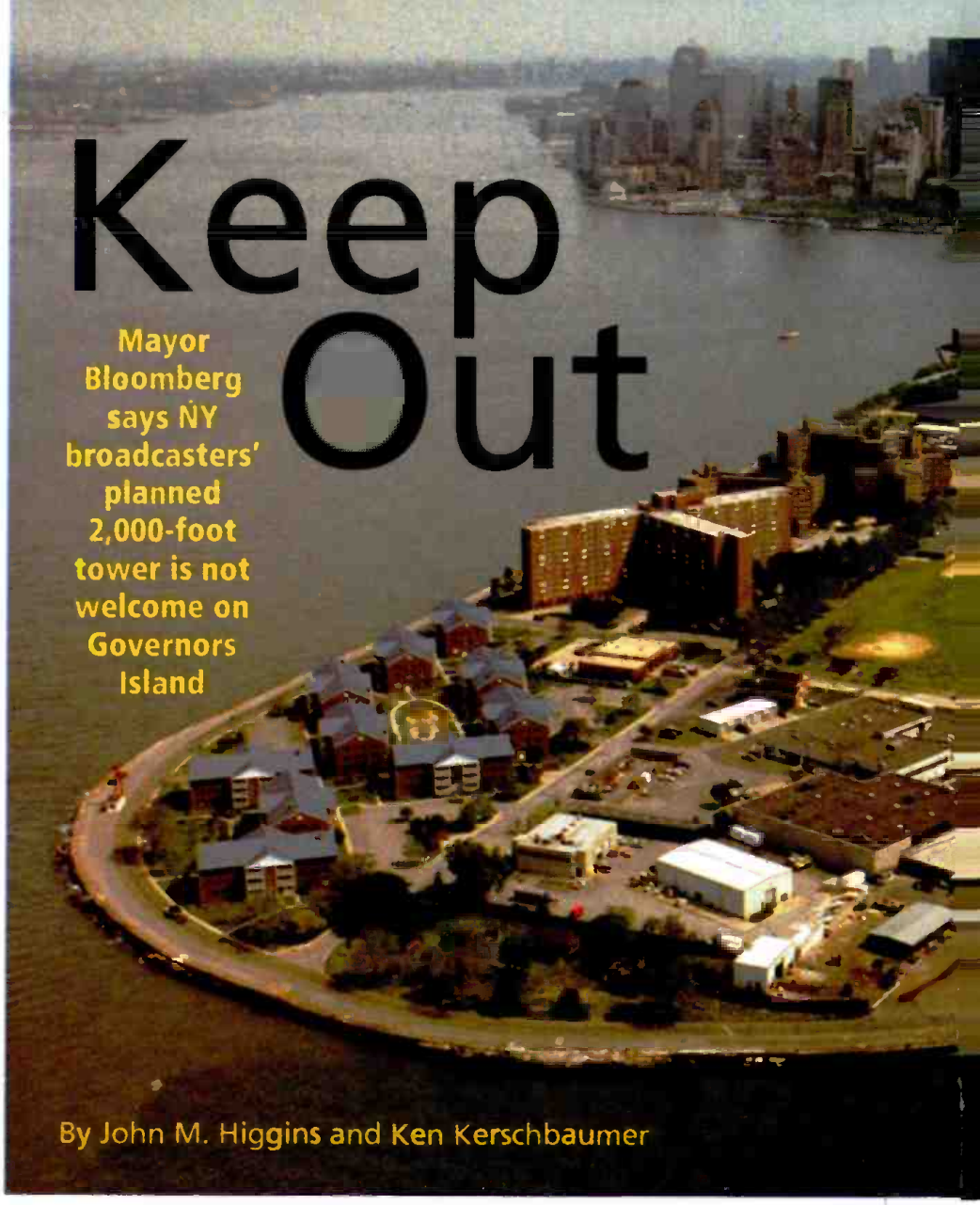


Keep Out

Mayor Bloomberg says NY broadcasters' planned 2,000-foot tower is not welcome on Governors Island

By John M. Higgins and Ken Kerschbaumer

When it comes to working the federal government, few players maneuver more deftly than the broadcasting industry. The likes of NBC, CBS, Fox and Tribune have loosened FCC ownership rules. They've prompted Congress to guarantee carriage of their TV stations' signals on cable and satellite TV. New spectrum that would have cost cellular-phone companies billions of dollars has been handed to them for free.

But those victories were all in Washington. In New York City, in their quest to replace the broadcast tower lost in the attack on the World Trade Center, broadcasters are striking out.

Forget the inevitable community opposition that springs up anywhere a broadcast tower does. The most important TV stations of America's most powerful media companies can't get past Mayor Michael Bloomberg.

It's not just that Bloomberg opposes the stations' central plan to put a tower on a government-owned island near downtown Manhattan. Broadcasters are flummoxed at how dismissive he has been—in public—of both the tower proposal and of the broadcasters themselves.

If the broadcasters had their way, they would build a new tower on Governors Island, a sliver of federal land off the southern tip of Manhattan, accessible only by boat, that for years served as little more than a Coast Guard station. It's not too far from the World Trade Center site, has enough space to carve out a tower site and leave room for other uses. And there are no litigious owners of million-dollar apartments in the neighborhood.

But Bloomberg—who is about to get the island back after 200 years of federal ownership—sees the island as a site for a new campus of City University of New York (CUNY), the city-run college determined to revive some of its former glory. His vision does not include a broadcast tower.

"There are a few people who wanted to put a big TV antenna [on the island]," Bloomberg told John Gambling's audience on WABC(AM) three weeks ago. "I don't think the president, when he talked about giving us the island, thought about trading in education for *Beavis & Butt-head*."

In May, Bloomberg, on the same show, said: "There is an argument that you need a tower. The counter-argument is that, in this day and age, if you can see the sky, you can see a satellite. Or we have cable systems, and so having broadcast facilities is less important than it used to be—still important but less important. There are other solutions: You could have smaller towers located in different directions from the central city."

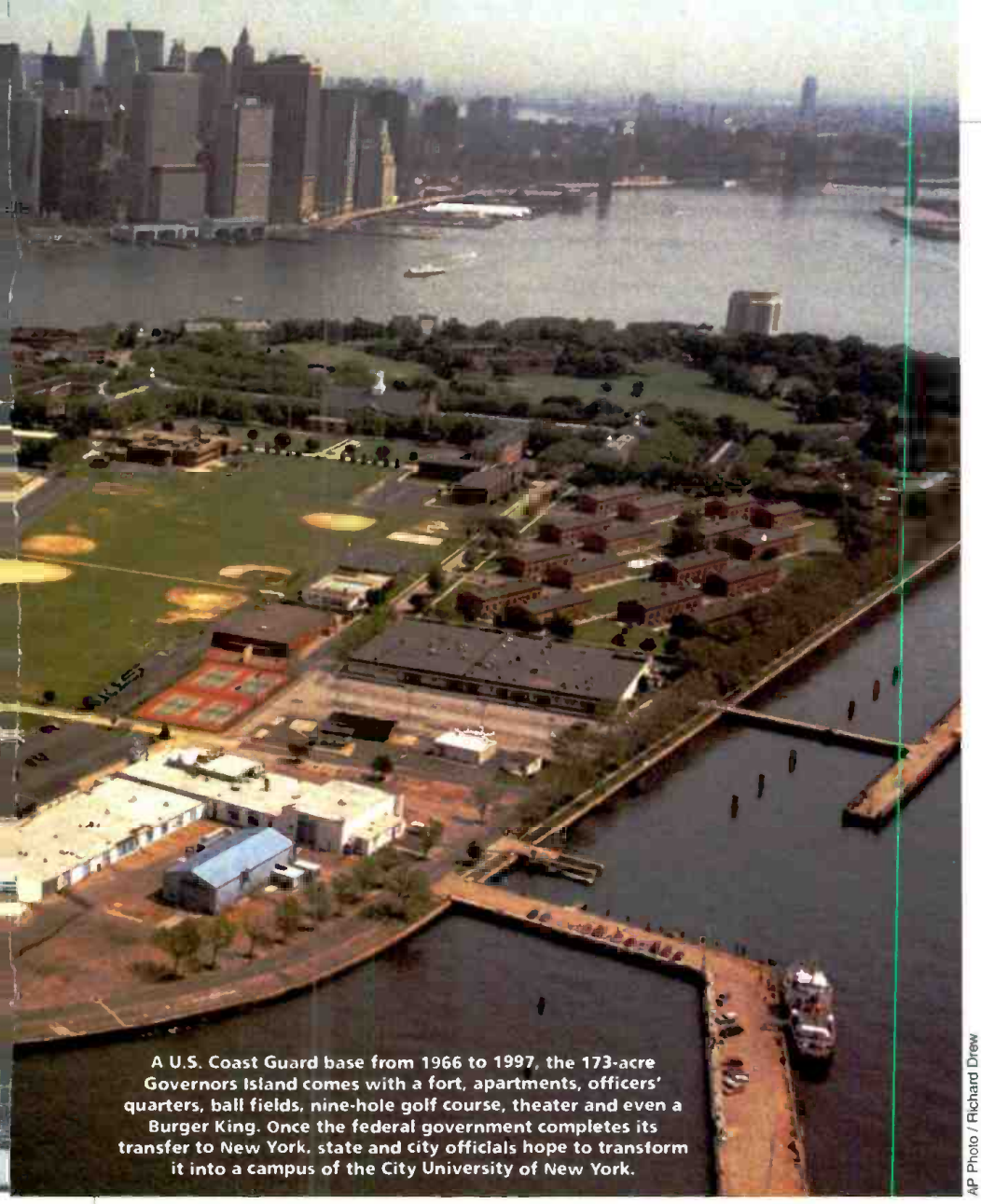
Bloomberg even suggested that college students on the island would be at risk. "There's an issue if you're going to have schools right at the base of it: radiation."

This from a man who is himself a broadcaster and cable programmer. His business-news company owns WBBR(AM) New York and Bloomberg Television, a cable network.

Local TV executives are disturbed and perplexed by Bloomberg's opposition and privately critical of his apparent ignorance of their business and problems. But they also acknowledge missteeping in their lobbying, particularly for allowing Bloomberg's opposition to harden without having talked to him.

"I think the people in our group are politically savvy in terms of understanding politics and covering it," said Bill Baker, president of local PBS station WNET(TV), whom his peers chose to be chairman of their tower alliance. "They are not politically savvy in trying to get things from the government, because they aren't out asking for things from the government."

Albert Butzel, who, as president of the Governors Island Alliance, opposes the tower, is surprised that broadcasters haven't made a better case. "It's not been very well presented to begin with," he said. "I think there's always a certain lack of credibility that accompanies something like this. There's always a wringing of hands. But



A U.S. Coast Guard base from 1966 to 1997, the 173-acre Governors Island comes with a fort, apartments, officers' quarters, ball fields, nine-hole golf course, theater and even a Burger King. Once the federal government completes its transfer to New York, state and city officials hope to transform it into a campus of the City University of New York.

AP Photo / Richard Drew

they're all on the air. The industry isn't going to crash; it hasn't crashed so far."

Butzel said the alliance he heads believes a 2,000-foot tower on the island would destroy the view of New York Harbor, particularly by competing with the Statue of Liberty. He said the group would like much of the island set aside for parks and recreation.

Stung by Bloomberg's comments, TV executives are now overhauling their efforts. They axed a long-time broadcast lawyer whom they had chosen to lead their joint tower group, the Metropolitan Television Alliance. A new, more recognizable face should be appointed within two weeks. His first job will be to line up support and hone the arguments.

The struggle for a new tower started on Sept. 11 at 10:29 a.m., when the north tower of the World Trade Center crumbled, following its twin, which had collapsed half an hour earlier. Since the towers were built in 1973, they had housed the central facility for most local TV and radio stations. (Six engineers manning the transmission equipment died in the attack.)

The loss of the tower did not devastate the TV stations because about 80% of the 7.9 million TV homes in the New York market receive their broadcast signals via cable or satellite TV, not off the air. Nonetheless, the stations scrambled to reach the remaining 20%, cutting deals for temporary use of various transmission facilities around the city. Today, most have relocated to the Empire State Building. But with the exception of WCBS-TV, which had its backup transmitter located there, the stations are operating at reduced power and at lower antenna heights. That means their signals don't propagate as well and they are not reaching as many viewers as they used to. And, in broadcasting, fewer viewers mean less revenue. To restore full power and coverage and to accommodate planned digital-TV facilities, the TV stations quickly realized that they would need a new tower. (They would maintain facilities at Empire as backup.)

The MTVA comprises all the city's major TV broadcasters: ABC (WABC-TV); CBS (WCBS-TV); Tribune (WPIX[TV]); Fox (WWOR-TV and WNYW[TV]); NBC (WNBC[TV] and WNJU[TV]); Paxson (WPXN-TV); Univision (WXTV[TV]); and WNET. They have agreed to share the cost equally and, according to Baker, have already spent "millions" on engineering studies and lobbying.

A new tower is, well, a tall feat. At 2,000 feet, even the simplest, ugly, Erector-set mast would run $30 million, plus $60 million for a building housing transmission equipment. A more elegant freestanding tower—sans guy wires—would require less land but cost $200 million to $300 million, particularly if it had any kind of observation deck or restaurant as some local developers have suggested.

Finding a site in New York has not been easy. One big restriction is that a new tower has to be within an FCC-mandated 3.2 miles of the World Trade Center site to avoid interfering with signals in other markets. Another is the city's three major airports: Kennedy, LaGuardia and Newark. The new tower cannot be anywhere near their flight paths.

The group considered many sites in the outer boroughs, New Jersey and even Manhattan. According to Baker, two developers said they would incorporate a tower into planned high-rise buildings in lower Manhattan. For various reasons, though, all but two sites have been ruled out.

Some hold out hope for the Liberty Science Center, a museum along the New Jersey shore. Unfortunately, it's close to Newark International Airport. While a tower would not be in regular flight paths, it might be in the path designated for aborted landings and takeoffs. There are also concerns about the soil and about the proximity to the Statue of Liberty.

Most broadcasters now believe Governors Island is the only answer. "Everybody

This is not a test

FCC Chairman Michael Powell was quick to praise New York broadcasters and cable operators who managed through unprecedented cooperation, instant decisions and, seemingly, baling wire, to keep news reports coming immediately after the 9/11 attacks.

But the need for ad hoc judgments after the collapse of the World Trade Center and the loss of 13 broadcast signals transmitted from there also highlighted the media's vulnerability to breakdown should another catastrophe occur.

"It could have just as easily gone another way," Powell told more than 40 media executives in Washington last month, gathered at his request to launch an industry council to draw up disaster-response plans. "It is imperative to capture lessons from that experience and aggregate them and have a more formal set of procedures."

To prepare, Powell has called on the industry to formally plan a response for disasters that could strike anytime, anywhere. The industry has taken Powell's charge seriously, and the council's membership is a who's who of the most powerful names in the business, including Disney Chairman Michael Eisner, News Corp. Chairman Rupert Murdoch, Viacom President Mel Karmazin, Time Warner Cable Chairman Glenn Britt and EchoStar Chairman Charlie Ergen.

Chairing the council is Tribune Co. President Dennis FitzSimons. "We have no time to waste, and assumes that there are alternatives," said one broadcaster deeply involved in the process. "If there were, we would be there already."

Even before the broadcasters' interest emerged, Governors Island had been getting a lot of attention. When the Bush administration announced its intention to transfer the island to the state and city in April, Bloomberg and Governor George Pataki said they would transform it into a CUNY campus.

Broadcasters are trying to work with CUNY. They are prepared to pay for the use of the tower site—money that could be funneled to the school, which says it will need $20 million to $30 million a year to operate the island. And they would also support the teaching of broadcast engineering and journalism.

Even with the incentives, Jay Hershenon, CUNY vice chancellor for university relations, makes it clear that the college is not yet on board with the broadcasters. "Our energy is not focused on ancillary activities and proposals for the island that don't have academic programs as the essential element."

In making their case, broadcasters feel their best argument is the underserved viewers. They say 1.6 million area homes rely on their now-impaired over-the-air reception and that many are poor, elderly and minorities. The claim may be true, but, so far, there have been no grassroots complaints that might influence the mayor.

Broadcasters will also argue that the tower is needed for public safety. The tower can also support the communications of police and emergency agencies—communications that were disrupted on Sept. 11 by the loss of the World Trade Center towers. Thus, broadcasters are now seeking support from police and fire departments—and their unions.

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everyone's participation is critical," he said at the first meeting May 17. The council is starting from scratch. "There is no blueprint, no history on this side of business."

To draw up the blueprint, FitzSimons and the FCC are recruiting council members for two working groups: one on communications infrastructure and chaired by Bruce Allan, president of Harris Broadcast Communications; the other on communicating emergency and public-safety information, chaired by John Eck, president of NBC Broadcast Network Operations.

Both groups are still recruiting members. "Once we get the members finalized, the subject areas will become clearer," said Mike Riksen, director of government relations for Harris.

Some tasks of Allan's group are already apparent. One of broadcasters' biggest vulnerabilities is co-location of transmitters. Sharing of transmitter towers is common because of savings in tower-construction costs and minimizing community opposition. But the industry now must add transmission redundancy to prevent an entire market from going dark, perhaps through new fiber links among stations and various transmitters.

"We also want to identify the weaknesses of each company," said Barbara Kreisman, the FCC's point person for the media-security council.

Allan's group also will plan for restoring damaged facilities and develop best practices for improving security.

Eck's group will study ways to improve communication of emergency information to the public, including the Emergency Alert System. —*Bill McConnell*

Lastly, there is the DTV transition. The broadcasters will argue that they need the tower so that they can build their digital stations and offer new services like high-definition television. The FCC is also pressuring stations to build DTV stations so that it can recover their analog spectrum.

"CBS has an enormous stake in the success of the [digital] transition," says CBS's Marty Franks. "And it's hard to see how that transition will go terribly well if the digital stations in the No. 1 market are not on the air."

Broadcasters are looking for support wherever they can. They have had productive talks with Gov. Pataki and State Senate Majority Leader Joe Bruno. And, two weeks ago, broadcast lobbyists met in Washington with officials of the General Services Administration, the federal agency that still controls the property. They asked the GSA not to put any condition on the transfer of the island that would prevent a tower's being built on it.

But the meeting the broadcasters need the most is with Mayor Bloomberg. "I think that he's got some bad information in front of him," said one broadcaster. "We've got to get him some better information. We could get a meeting with him if we were willing to give up on Governors Island before the meeting. We'd rather have the meeting when it could be more productive."

WNET's Baker thinks broadcasters deserve a fair hearing. "Television is so important to our community, and it was especially proven after Sept. 11, in which every single television broadcaster here proved the worth of the broadcasting profession," he says. "But yet, when it comes to building a tower to serve all of the people in the community, everybody wants one and thinks it is a good idea, but nobody wants it in their backyard." ■

Broadcasters in training

The National Association of Broadcasters Educational Foundation has sent off 19 more graduates of its Broadcast Leadership Training program to conquer the industry. Among the Class of 2002 was Serena Ferguson Mann (l), who runs the TV system at the University of Maryland. With her at the graduation ceremony (l-r): NABEF's Chuck Sherman; Diane Sutter, head of the BLT program; and NAB President Eddie Fritts. Now in its second year, the BLT program is an intensive course in broadcast management and finance aimed primarily at boosting women and minorities into the ranks of owners and top managers.

Photo: Patrick McMullan, all rights reserved

Celebrating Dunne

Connie Chung, who last Monday hosted a New York soiree to promote today's debut of her show on CNN, attended an earlier gathering to congratulate Dominick Dunne (r) and Court TV President Henry Schleiff (second from right) on the celebrity journalist's new show on Court TV. *Power, Privilege and Justice* entered the crime-and-punishment network's schedule last Wednesday at 10 p.m. The Dunne party drew other media types, including Chung's husband, Maury Povich (l), Regis Philbin, Dick Cavett, Don Hewitt, Cynthia McFadden, Maurice DuBois and Dan Abrams.

Field trip

As the Emma L. Bowen Foundation Student of the Year, Niena Drake (l) a 2002 graduate of Columbia College of Chicago and now a weekend field producer at WFLD(TV) Chicago, had a chance to meet FCC Commissioner Kathleen Abernathy and other Washington communications policymakers. The foundation, funded by communications companies, partners minority students with media outlets in a five-year internship program (last year of high school through college). That only two of the six nominees for Student of the Year could make the award ceremony last Wednesday turned out to be a testimonial to the program: Their absences were due, for the most part, to their presence in newly gotten industry jobs.

MEDIA BIZ QUIZ

1. A federal court reinstated a lawsuit against ABC's *Who Wants to Be a Millionaire* that claims the show discriminates against:

A) People who have a life
B) Contestants who don't have any smart friends Regis can call if they don't know an answer
C) Handicapped persons who can't use touch-tone phones needed to qualify
D) Potential contestants who can handle only true-false questions.

2. Bill Cosby last week told *Access Hollywood* he thinks that laughing at MTV's *The Osbournes*:

A) is "sad," like laughing at the falsetto-crooning Tiny Tim
B) is at least possible, unlike the jokes in Cosby's last sitcom on CBS.
C) proves that dog poop is an automatic laugh-generator.

Did Cos dis the Oz?

3. A couple weeks ago, President Bush got some publicity for correctly pronouncing and using which word for the first time in public:

A) "acumen"
B) "precipitous"
C) "broadband"

4. The first guest on Phil Donahue's new MSNBC talk show should know:

A) Donahue is a tenacious interviewer.
B) He eats a raw onion before every show.
C) Atheist Madalyn O'Hair, his first guest when he began in 1967, later disappeared and was never heard from again.

Answers: 1) C, 2) A, 3) C, 4) C

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FATES & FORTUNES

Broadcast TV

Blake Bryant, VP, advertising, promotion and creative d evelopment, WMAQ-TV Chicago, joins KNTV(TV) San Jose, Calif., as VP, creative services and consumer marketing.

Wendy Bello, regional VP/GM, East region, interactive division, The Ackerley Group, New York, named national sales manager, WUHF(TV) Rochester, N.Y.

John Witte, general sales manager, KFOX-TV El Paso, Texas, named GM.

Gloria Spence, controller, WTAE-TV Pittsburgh, joins WCVB-TV Boston and WMUR-TV Manchester, N.H., as finance director.

At KRON-TV San Francisco: **Jeanie Yun,** designer, ABC Network, New York, joins as art director; **Candace Hirleman,** writer/producer, Tribune Creative Services Group, Atlanta, joins in the same capacity; **Michael Smith,** writer/producer, creative services, KTVU(TV) Oakland, Calif., rejoins in the same capacity.

Jack Potter, general sales manager, WJXT(TV) Jacksonville, Fla., named local sales manager, WAWS(TV) Jacksonville.

Cable TV

Walter H. Carstensen, president, Metro Fiber and Cable Construction, Toledo, Ohio, adds president/GM, Buckeye Cablevision, Toledo, and president, Erie County Cablevision Inc., Sandusky, Ohio.

Programming

At AMC, New York; **Rob Sorcher,** executive VP/GM, USA Network, New York, joins as senior VP, programming and production; **Isabel Miller,** VP, Nickelodeon Online, New York, joins senior VP, marketing.

At Artisan Entertainment, Los Angeles: **Erin Austin,** senior VP, business and legal affairs, promoted to executive VP; **Jim Gladstone,** VP/deputy general counsel, promoted to senior VP, business and legal affairs.

Cathy DeRoy, VP, counsel, legal affairs, The Walt Disney Co., Burbank, Calif., named senior VP, counsel.

Lisa Fischer, account executive, Discovery Networks, New York, named VP, ad sales, Eastern region.

Joy Rosen, director, business development, Turner Learning, Atlanta, named VP, marketing.

Allan Kartun, director, First Annual American Film Institute Awards, Los Angeles, named director, *Late Night With Conan O'Brien*.

Jason Miller, director, advertising sales, Eastern region, Outdoor Life Network, Stamford, Conn., promoted to VP.

At Columbia TriStar Domestic Television, Culver City, Calif.: **Flory Bramnick,** VP, interactive media, Belo Corp., Dallas, joins as VP, strategic sales operations; **Rachel Mizuno,** manager, affiliate marketing, promoted to director.

Mark O'Connor, director, public relations, MSNBC, Fort Lee, N.J., joins Food Network, New York, in the same capacity.

Radio

At Clear Channel Radio Sales, Los Angeles: **Greg Glenday,** VP/director, sales, Diamond Team, named VP/director; **Kenny Ossen,** VP, sales, New York and Los Angeles, named VP/director, sales, Diamond Team.

Kathleen Maitino, manager, Boston office, Katz Radio, named VP/manager.

Journalism

Larry Moscow, senior producer, *The News With Brian Williams*, MSNBC, Secaucus, N.J., named executive producer, *Wall $treet Week With Fortune*, Maryland Public Television, New York.

Michael Kunkle, morning editor, KTRH(AM) Houston, named executive news producer, WBT(AM) Charlotte, N.C.

Morris Jones, anchor, WTTG(TV) Washington, joins Corporate News Center, Sinclair Broadcasting, Hunt Valley, Md., as main anchor.

Maria Menounos, international correspondent, Channel One News, Boston, joins *Entertainment Tonight*, Hollywood, Calif., as correspondent.

Tony Ventrella, sports director, KIRO-TV Seattle, has retired.

Krista Voda, weekend sports anchor, WLEX-TV Lexington, Ky., joins Fox Sports Net, as reporter, *Totally NASCAR*, Charlotte, N.C.

At WCNC-TV Charlotte, N.C.: **Kerwin Speight,** associate producer, WRC-TV Washington, joins in the same capacity; **Alexis Gordon,** news intern, named news assistant.

At WBAL-TV Baltimore: **Lena Moore,** nighttime assignment editor, WBFF-TV Baltimore, joins as assignment editor/planner; **Michele Cohen,** weekend news producer, WNUV-TV Baltimore, joins as 5 a.m. morning news producer; **Stephen Bamonti,** freelance producer, joins as senior promotions director; **Nicole Bonnani,** intern, named part time assignment editor.

Technology

Robert Chalfant, VP, sales and marketing, Standard Communications, Torrance, Calif., named to board of directors.

Associations/Law Firms

At National Academy of Television Arts and Sciences: **Dennis Swanson,** president/GM, WNBC-TV New York, elected national chairman; **Linda Giannecchini,** independent producer/director, named vice chairman; **Darryl Cohen,** counsel, Cahill, Gordon & Reindel, elected treasurer; **Janice Selinger,** deputy executive director, production, NJN Public Television, elected secretary.

P. Llanor Alleyne
palleyne@reedbusiness.com
Fax: 212-337-7028

FATES & FORTUNES

Obituaries

Jack Buck

Jack Buck, legendary announcer for the St. Louis Cardinals, died June 18 after a long illness. He was 77.

Buck started broadcasting for the Cardinals on KMOX(AM) in 1954 after calling minor-league baseball games for WCOL(AM) Columbus, Ohio. He was partnered with Harry Caray, whose boisterous style was countered by Buck's low-key but exciting, smoky delivery. He spent the last 30 years teamed with Mike Shannon.

Though best-known as "the voice of the Cardinals," Buck also worked in national radio. He served as a baseball and football announcer for CBS Radio and briefly left the Cardinals' booth to host NBC Studios' *Grandstand* in 1975.

He was inducted into the Baseball Hall of Fame's broadcasters wing in 1987 and was awarded the Pete Rozelle Award by the Pro Football Hall of Fame in 1996.

He is survived by his second wife, Carole; eight children, including Joe Buck, Fox Sports' top baseball and football announcer, who also calls Cardinals games; and 16 grandchildren.

Leslie Midgley, former CBS News producer, died of pneumonia in New York on June 19. He was 87.

Originally a newspaperman, Midgley joined CBS in 1954, where he was paired with Andy Rooney to write the pilot for the morning show, *F.Y.I.* Most notably, Midgley was the executive producer of *The CBS Evening News* with Walter Cronkite from 1967-72, when, because of the war in Vietnam, the newscast was especially influential on public opinion. He also is credited with producing the coverage of Kennedy assassination and its aftermath in 1963.

Midgley was the recipient of several Emmy and Peabody awards. After a brief appointment as NBC News VP for special programs in 1980, Midgley became a teacher and consultant.

He is survived by two daughters; a son; and two sisters and a brother.

Tony Oquendo, senior VP and operations manager for Univision's Tele-Futura Network, died suddenly following a heart attack on June 6. He was 54.

Oquendo joined Univision in 1980 as an operations director and was promoted eight years later to general director of operations. Over the past year, he was instrumental in establishing Univision's new network, TeleFutura.

He is survived by his wife, Teresa, and two sons, Victor and Julian.

John Raymond Hope, The Weather Channel's hurricane specialist, died June 13 of complications following heart surgery.

After forging his career at the United States Weather Bureau and the Spacelift Meteorology Group, Hope joined the Weather Channel in 1982. He semi-retired in 1997 when heart problems arose, but rejoined the network in 1998. He fully retired in 2001.

Hope is survived by his wife, Bernice; daughter, Camille; and sons James, Thomas and Joseph.

Pierre Weis, former president of United Artists Domestic Television Sales, died of pneumonia on June 3. He was 92.

Weis was president of United Artists Domestic Television sales from 1968 to 1972. He also worked for Metromedia Producers Corp. as a special-projects sales executive. He was also executive VP of ITC Entertainment. He retired in 1985.

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THE FIFTH ESTATER

An accidental mogul

Headed for real estate, Firestone ended up in entertainment

For a guy who got into the entertainment business "by accident," Jay Firestone, chairman and CEO of CanWest Entertainment, has done all right for himself. He co-founded one of Canada's leading TV and film production companies in 1985, Alliance Entertainment. A decade later, he started his own production company, Fireworks Entertainment. In '98, after going public, Fireworks was bought by CanWest Global Communications for $62 million and is now the core operation of the Canadian broadcaster.

Ironically, Firestone had no interest in the entertainment business when he started out in the late '70s. He was an accountant but had decided real estate development was where the real money was.

In 1985, he was considering a real estate job when a headhunter friend asked a favor. The friend was about to lose an account (Alliance, then being formed). The favor: Firestone would "pretend" to be interested in a job (as chief financial officer), do an interview and "be amazing."

Well, Firestone was so amazing he got a job offer. "When you go to a job interview you have no interest in, you're brilliant," he quips. "I impressed everybody. I knew everything they asked about: international tax law, the stock market, raising money. It was the most brilliant interview ever. But I made it all up."

At first, he turned the job down, still thinking real estate. But Alliance kept raising the offer so he did some research and concluded that there was little, if any, financial sophistication in the Canadian entertainment business. So he figured, "Who's going to know I BS'd my way through the interview?" With that, he demanded a seat on the board and stock options and accepted the position.

During his decade with the company, Alliance grew to be a leading program producer in Canada. Within five years, Firestone was vice chairman. He passed on an opportunity to be president: "I wanted to make deals, not be an administrator."

Alliance did a number of shows for U.S. exhibitors, including *Night Heat*, *Fly by Night* and *Diamonds* for CBS —all part of the network's pre-Letterman late-night strategy. Alliance also tapped the growing U.S. cable market, producing *Counterstrike* for USA and *The Adventures of the Black Stallion* and *Bordertown* for The Family Channel.

Firestone, though, had philosophical differences with Alliance Chairman Robert Lantos, who was primarily interested in producing quality shows for the Canadian market. Firestone wanted to produce shows on budget, acquire rights and distribute worldwide. "So we were a bit at odds."

Jay Firestone
Chairman and CEO, CanWest Entertainment

B. Oct. 31, 1956, Toronto; honors bachelor of commerce, McMaster University, 1979; accountant, Peat Marwick, Toronto, 1979-83; sales rep, Canada Development Investment Corp., Toronto, 1984; co-founder, chief financial officer, executive vice president and vice chairman, Alliance Communications Corp., Toronto , 1985-95; founder, Fireworks Entertainment, Toronto, 1996; current position since 1998; m. Sherry Barad, June 6, 1982; sons: Chaz (14), Ross (12)

In '95, Alliance bought him out. A year later, he founded Fireworks. Firestone is a big believer in evergreen product. *Pet Connection* is a good example: An advice show host by a veterinarian, it cost about $50,000 to produce and has taken in more than $1 million.

He also partners on a lot of projects. Tribune Entertainment is a partner on three weekly first-run hours, including *Andromeda* and, bowing this fall, *Adventure Inc.* Fireworks also produces *Mutant X* and, upcoming this fall for ABC, miniseries *A Wrinkle in Time*.

Despite his wealth, Firestone is a self-proclaimed cheapskate when it comes to spending on himself. When he splurges, though, he does it in a big way. Parked in his garage is an Aston Martin, the car made famous by James Bond. He also has a fondness for Franck Muller watches, which run $10,000 or more. Most satisfying, he didn't pay retail for his, courtesy of a chance encounter with Franck Muller himself. As luck would have it, Muller was a fan of USA series *La Femme Nikita*, which Fireworks produced. Firestone arranged for Muller to get a *Nikita* jacket in exchange for a very nice discount on a watch.

Just how nice? Let's not go there. Others in the business like Muller watches, too. But they didn't meet Franck in person.

—*Steve McClellan*

Classifieds

Television

NEWSCAREERS

NEWS REPORTER

KTRK-TV is looking for an outstanding News Reporter. Applicants should have significant experience in general assignment reporting, including Live ENG and satellite work. You must be able to develop your own contacts, enterprise good, hard news stories, and respond well to breaking and spot news. The ability to do features is important as well, although this is primarily a hard news position. Outstanding writing skills are required as well as the ability to make good use of graphics and production equipment. This position includes mornings and/or weekend mornings. KTRK-TV prefers to deal only with the applicants, and not third parties. Interested applicants should rush a resume, references, cover letter and non-returnable Beta or VHS resume tape to:

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BILINGUAL ANCHOR

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ENG PHOTOGRAPHER Should be experienced in news photography. Responsibilities also include editing and microwave set-up. Experience with ENG microwave, and proficiency with SX portable editing systems are pluses. The shift may include nights, overnights and/or weekends. Send resume and non-returnable VT with examples of your work (no calls/faxes) to Brian C. Smith, Director of News Engineering and Technology, WPVI-TV, Suite 400, 4100 City Ave., Philadelphia, PA 19131 EOE

GENERAL MANAGER

Major market Spanish television station with $3-5 million annual revenues seeks a general manager with expertise in sales, operations and marketing. Candidate must be bilingual. Please email all resumes along with salary history to TVjobsrecruiter@yahoo.com.

REPORTER:

WYFF-TV, a Hearst-Argyle NBC affiliate, is searching for a reporter - a digger and storyteller with exceptional writing and reporting skills. College degree and one year of experience required. Tape/Resume to Andy Still, News Director, WYFF-TV, 505 Rutherford Street, Greenville, SC 29609. EOE.

MANAGEMENTCAREERS

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Dr. Mark Zeltner, Search Committee Chair
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Slippery Rock University
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Fax: (724) 738-4547
Email: mark.zeltner@sru.edu

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Editorials

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Mayor's Island

Maybe if New York broadcasters promised to rechristen the site Mayor's Island, Michael Bloomberg would not dismiss out of hand the proposal by a still-hurting industry to locate a new broadcast tower on Governors Island. Hurting because 13 stations lost their antennas, and the lives of engineers working on them, when the Twin Towers fell. Hurting because, though back up on the Empire State Building, most are operating at lower power, unable to reach their entire markets. Hurting because they have yet to find a suitable site other than the site for which the mayor has prejudged them unworthy.

Mayor Bloomberg has taken a let-them-eat-cable approach that insults the entire broadcasting industry. "In this day and age," the mayor said on his *radio* show, *broadcast* on WABC(AM), "if you can see the sky, you can see a satellite. Or we have cable systems, and so having broadcast facilities is less important than it used to be." Tell that to Rudy Giuliani, who two weeks ago talked of the critical role NY broadcasters played during and after Sept. 11 (B&C, June 17).

Bloomberg has his heart set on opening a campus of the City University of New York on the island—a great idea that would not preclude placing a tower there. We're not saying that the environment, flight plans and aesthetics shouldn't be part of deciding whether to put a tower on the island. We're just saying that the first thing that needs opening in regards to the island's future isn't a college administration building, it's the mind of the mayor.

Needless delay

The FCC has decided to tackle all the ownership rules at once with an eye toward a spring 2003 unveiling. We're all for the commission's taking the time to get its ducks in a row on media ownership, but the commission already had a ready-made argument for scrapping its broadcast/newspaper-crossownership rules and should have already done so.

The commission extended the voice test to include newspapers and cable when it okayed same-market radio/TV crossownership in 1999. It was the right decision, and applying it more broadly would pave the way for newspaper/TV crossownership and duopolies in smaller markets.

The non-network station groups may have damaged their chances on newspaper/TV crossownership by hard lobbying against lifting the station-ownership caps. Media Bureau Chief Ken Ferree suggests that the FCC sees all the rules as kissing cousins. Still, that doesn't change the fact that local-market voices have multiplied rapidly since the restrictions were put in place. The FCC has recognized that. The aligning of ducks notwithstanding, it shouldn't take a year to make it official.

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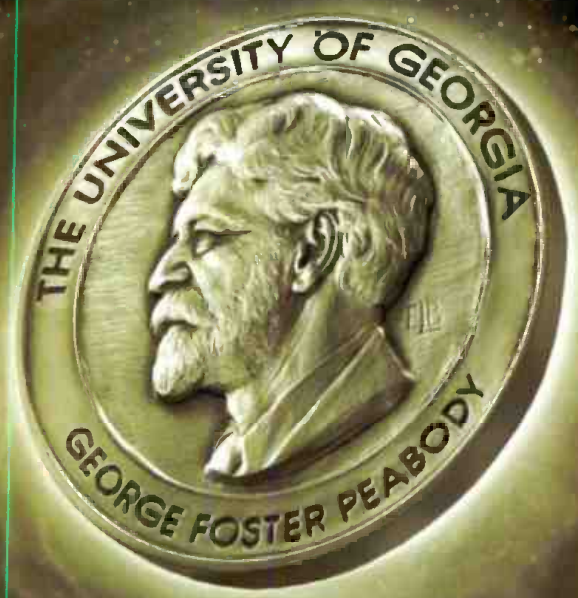

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THE GO-GO SPORTS UPFRONTS

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

» PAGE 6

ON TV, MARTHA'S GOT NO PROBLEMS

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

» PAGE 9

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

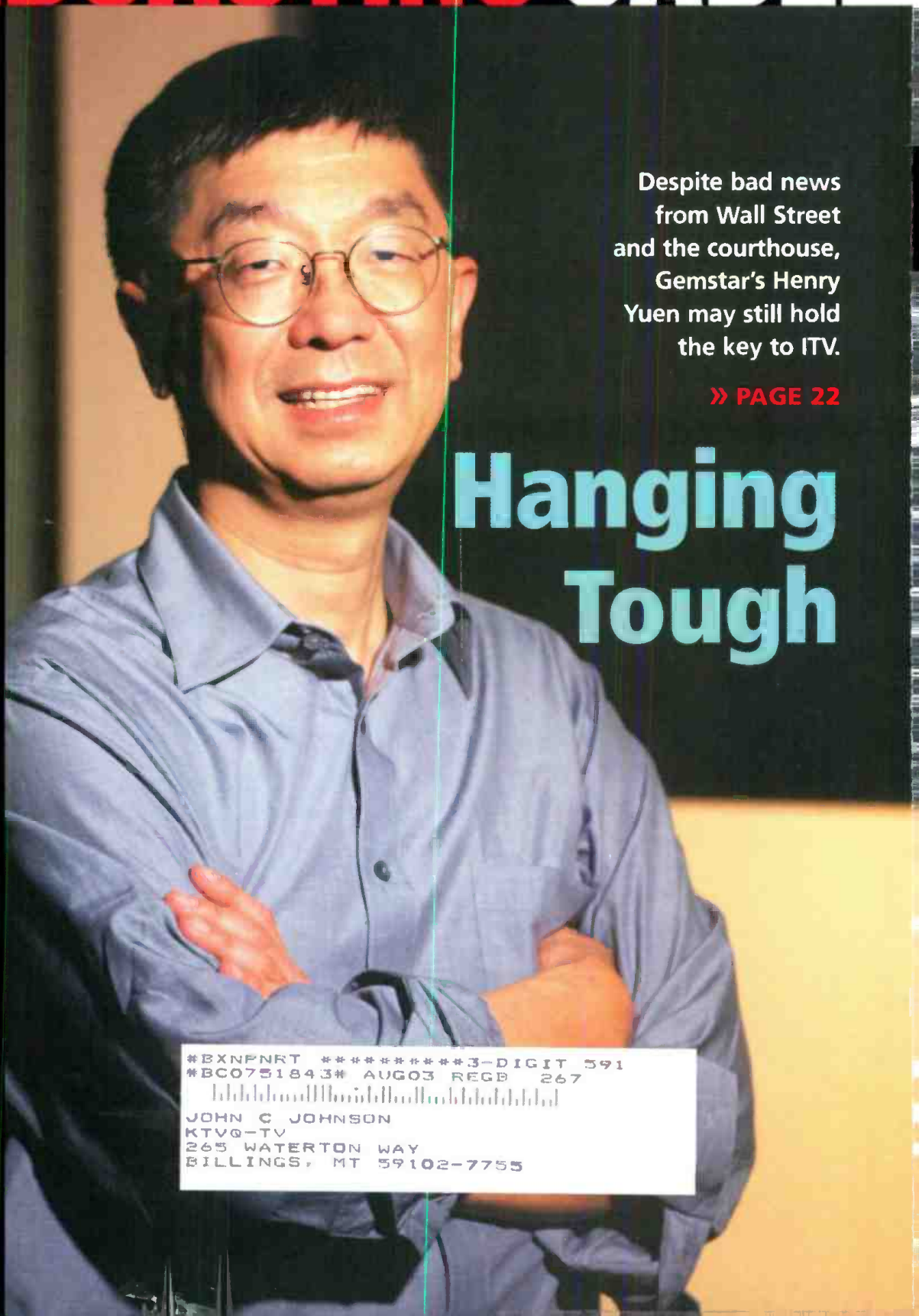
You could swear by the FCC's latest indecency ruling. Also, you could swear at it

» PAGE 18

NOW RADIO GETS SIRIUS

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

» PAGE 19



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

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Hanging Tough

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- Equaled or outperformed 42 basic cable networks in Total Day ratings.[3]
- Equaled or outperformed 35 basic cable networks in Primetime ratings.[3]
- +25% in Total Day and +17% in Primetime ratings.[4]

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Lifetime MOVIE NETWORK

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

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- **#1** in brand resonance among women 18+—outranking 137 nationally recognized brands.[4]

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Source: 1) Nielsen Media Research, 12/31/01-3/31/02. Cov9. Area HH rtg vs all basic cable networks 2) Nielsen Media Research, 3/27/00-3/31/02. Cov9 Area HH rtg vs all basic cable networks. 3) Nielsen Media Research, 12/31/01-3/31/02. W18-34, W18-49, W25-54, Cov9 Area HH rtg vs all basic cable networks. *Ties among W18-34 on Total Day 4) Knowledge Networks/Statistical Research, Brand Resonance Study 2001 Subject to qualifications upon request

BROADCASTING CABLE
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Top of the Week July 8, 2002

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

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

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

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

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

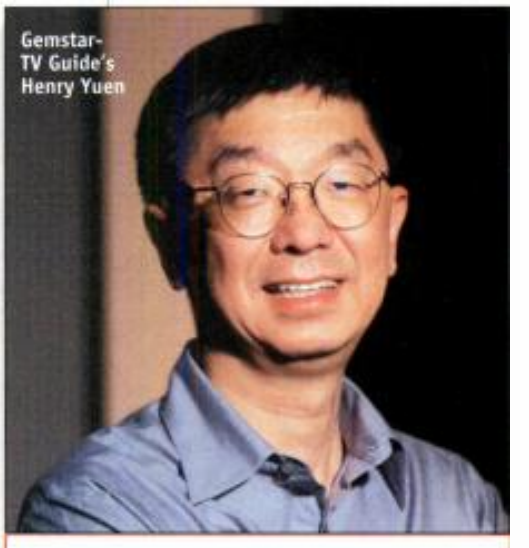
UNMUSSED Flap over stock trades doesn't affect ratings for Martha Stewart's syndicated and cable shows. » 9

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

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

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

Cover: Kim Kulish/Corbis Saba



Gemstar-TV Guide's Henry Yuen

SPECIAL REPORT: ITV

HANGING TOUGH

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

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

Programming

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Syndication Watch A meeting between Warner chief Dick Robertson and Julie Moran sparks speculation. » 15

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

Washington

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

Technology

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

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

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

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

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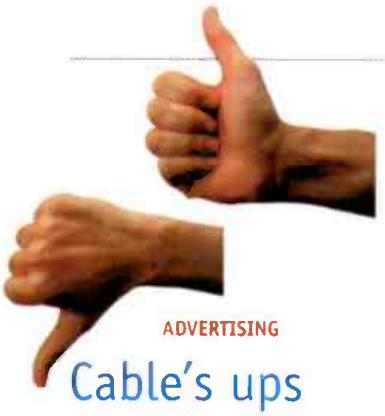

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ADVERTISING

Cable's ups and downs

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

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

CABLE PROGRAMMING

Talk write

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

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

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

CABLE OPERATIONS

RCN price break

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

COMSAT FOES SEE BLUE

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

NEWS STILL A GO AT GOCOM

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

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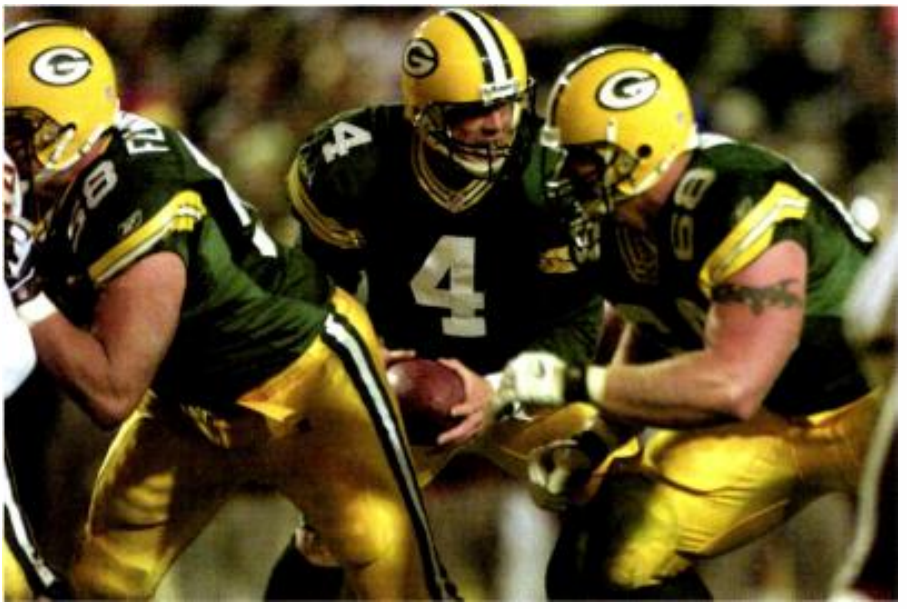
Hike! Sports upfront scores big

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



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

By Steve McClellan

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

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

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

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

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

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

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

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

That wouldn't be record setting, but it's going in the right direction. According to Nielsen Media Research's ad-tracking service, Nielsen Monitor-Plus, NFL advertisers spent $1.9 billion on televised games in 2000. Spending dropped about 21% in 2001 to $1.5 billion.

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

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

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

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

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

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

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

—A senior media buyer

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

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

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

He doesn't quibble with buyer reports that NFL prices on average are probably in the mid to high single-digit range. "In general, we're encouraged with what we're seeing, which is increased spending from returning advertisers as well as a couple of pieces of decent new business."

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

Of all the major sports, NASCAR probably weathered the recession better than any. In 2001, total ad expenditures on the race-car circuit were up 30% to $272 million. And Fox and Turner and NBC (the latter two in a joint venture) all capitalized on it. Fox sold out at record levels for its season, which ended last weekend, and Turner and NBC are sold out for its NASCAR cycle, which starts this month. Trish Frohman, Turner's senior vice president for sports sales, reports NASCAR sales (total dollars) are up between 15% and 20%, with price hikes in the high-single-digit range. Those results are indicative of what's going on in the overall sports market; she says: "It's definitely improving."

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

NBA ready to go it alone

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

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

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

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

"We're getting more comfortable with this route. We'll own about 90%," Stern said, "and we won't have any additional programming costs."

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

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

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

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

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

—Allison Romano

FCC OK's Dotcast

Two hundred stations signed up for ancillary data service

By Bill McConnell

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

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

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

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

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

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

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

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

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

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

At a glance

CAPITAL: $100 million

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

TECHNOLOGY PARTNERS: Harris Corp., SONICBlue

EchoStar challenges ruling

Loses satellite slot because, FCC says, it missed deadline

By Bill McConnell

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

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

The FCC based its ruling on company contracts that do not guarantee that the satellite's Ka-band transponders will be operational. EchoStar plans to generate Ka- and Ku-band transmissions from EchoStar IX, which will operate at 121 degrees west. "No one is using the Ka-band," spokesman Marc Lumpkin said. "We want to be a pioneer."

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

—Marc Lumpkin, EchoStar

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

Martha still at home on TV

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

By Allison Romano

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

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

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

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

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

A Martha Stewart Living Omnimedia spokesperson said that, while CBS News is compelled to question about the ImClone matter, "this inherent conflict unfortunately prevents Martha from appearing [July 3] in her lifestyle 'how-to' segment." The company last week retained The Brunswick Group, a crisis management PR firm.

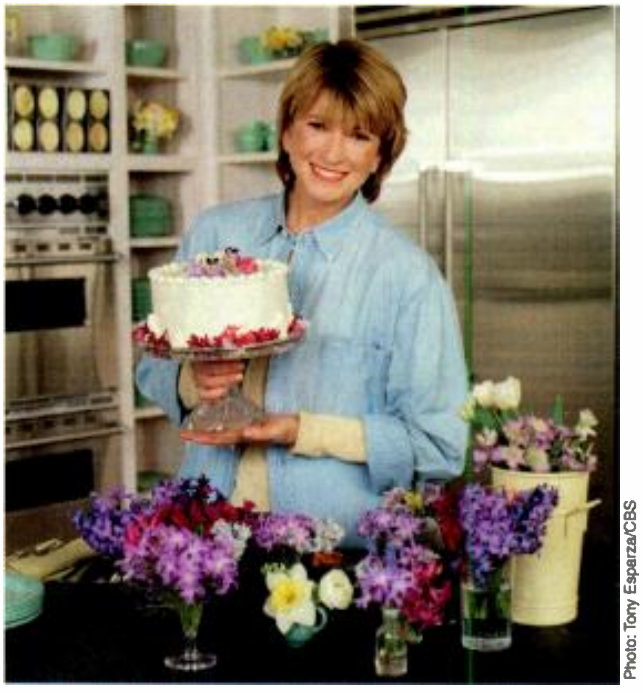


Photo: Tony Esparza/CBS

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

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

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

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

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

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

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

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

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

THE WEEK THAT WAS

THE VIVENDI MESS(IER)

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

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

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

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

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

AD IT UP

Roughly $4.9 billion in domestic media accounts changed hands in first half 2002, according to **Cable Audit Associates' MediaAnalysis-Plus**. Last month alone, MAP CEO **Jim Surmanek** estimated, nine clients shifted a total $387 million in media billings—"a major slowdown from the $1.4 billion awarded in May" and the second-slowest month this year (behind March) in terms of account activity.

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

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

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

NAME DROPPER

With financial and accounting scandals aplenty, **CNBC** has recruited a former **SEC** acting chairman to help sort out the news. **Laura Unger** is joining CNBC as a regulatory expert and to provide commentary and analysis on the SEC and the financial markets. She'll appear on CNBC programs including ***Squawk Box***, ***Business Center*** and ***Capital Report***. ...

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

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

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

THE HIRER AUTHORITY

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

WHAT'S ON TV?

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

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

THE ADELPHIA STORY

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

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A service of Rainbow Media Holdings, Inc.
Source: Intellisponse, 2001, National Survey

For cable, it's Maul Street

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

By John M. Higgins

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

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

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

Media stocks are pretty much poison to the market right now, and no antidote is in sight. As if the scandal at Adelphia Communications weren't enough to feed investor paranoia about cable companies' management, along comes the accounting scandal at high-flying Worldcom, a telco with debt and deal addictions, which seems to have overstated its earnings by $3.8 billion or so.

Looking for the bottom

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

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

Bear Stearns & Co. media analyst Ray Katz said it could take a while—and a round of solid earnings reports—to control the fires.

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

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

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

Cable breaks 50-share mark in prime

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

By Allison Romano

Cable outmuscled broadcast networks to claim the bulk of TV viewership in June. Cable networks registered a 54.0 prime time share for the month, compared with a 38.4 share for the seven major broadcast networks. June marks the first month cable has surpassed a 50 share in prime.

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

The same pattern held for delivery, with cable nets attracting 30.8 million homes, up 16%, and broadcasters harvesting 21.9 million homes, down about 9%.

The second quarter is history, and general-entertainment nets delivered the largest prime time audiences in two key demographic groups. TNT ranked first in reaching both adults 18-49 (1.1 million viewers) and adults 25-54 (1.1 million). USA was second, attracting 978,000 18- to 49-year-olds and 1 million viewers ages 25-54.

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

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

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

TV dropped from Medicare drug bill

Study of ads was considered 'poison pill' jeopardizing passage

By Paige Albiniak

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

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

The provision with the GAO study was removed after House Republican leadership was warned by the House parliamentarian that any controversial or extraneous provisions—what are known as "poison pills"—might keep it from passing. As a result, all portions not related directly to Medicare and Medicaid were removed.

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

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

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

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

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

Comparing gripes about work

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

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

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

Cable's fall line

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

By Allison Romano

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

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

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

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

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

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

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

Original movies and miniseries will be the main cable attraction this fall. Probably the biggest event is Steven Spielberg's $40 million, 10-part *Taken*, tracing three generations of alien encounters, on Sci Fi Channel.

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

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

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

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

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

SyndicationWatch

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

TOP 25 SHOWS

Rank	Program	HH AA	HH GAA
1	Wheel of Fortune	9.4	NA
2	Jeopardy	8.0	NA
3	Friends	6.9	8.0
4	Seinfeld	6.3	6.9
5	Entertainment Tonight	6.1	6.2
6	Judge Judy	5.8	8.4
6	Oprah Winfrey Show	5.8	5.8
8	Everybody Loves Raymond	5.6	6.3
9	Seinfeld (wknd)	5.0	5.7
10	Wheel of Fortune (wknd)	4.2	NA
11	Live With Regis and Kelly	3.8	NA
12	Entertainment Tonight (wknd)	3.6	3.7
13	Frasier	3.4	3.6
14	Judge Joe Brown	3.3	4.3
14	Friends (wknd)	3.3	3.4
16	Everybody Loves Raymond (wknd)	3.2	NA
16	King of the Hill	3.2	3.8
16	Maury	3.2	3.3
16	Inside Edition	3.2	3.2
20	Hollywood Squares	2.8	NA
20	Jerry Springer	2.8	3.1
20	The X-Files	2.8	3.1
20	Extra	2.8	2.8
24	Divorce Court	2.7	3.5
24	Stargate SG-1	2.7	2.9
24	Andromeda	2.7	2.9
24	Access Hollywood	2.7	2.8
24	Montel Williams Show	2.7	2.7

TOP OFF-NET SITCOMS

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

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

A meeting about magazines?

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

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

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

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

Sources familiar with the project hint that the new magazine would be "lifestyle"-oriented and not a pure entertainment-news magazine like Paramount's *ET*, although it would clearly compete with *ET* to the extent that Warner is able to clear it in access. In fact, *Extra* initially started as a straight entertainment-news magazine before being re-launched as a "celebrity-lifestyle" show to keep top-market NBC owned-and-operated stations in the fold after NBC took control of *Access Hollywood*.

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

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

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StationBreak

BY DAN TRIGOBOFF

ALMOST LOCAL NEWS

WOLO-TV is the "Eyewitness News" station in Columbia, S.C., but, in October, that witness may have an unusual vantage point: another state. The ratings-challenged Bahakel Communications Group station will have its news "centralcast" from its WCCB(TV) Charlotte, N.C., station. It will mean lost jobs for many of the approximately 70 Columbia-based staffers. About 30 newsroom personnel have already been given notice.

General Manager Chris Bailey said the move is intended to avoid costs of digital conversion by using the already converted co-owned facility less than 100 miles away (see story, page 20). The station will maintain a small news staff, which will send reports to the Charlotte station for a newscast produced there and sent back over fiber-optic lines. Similar economic conditions have led to combinations with stations inside and outside group-ownership lines, and several stations have ended news outright in the past year and a half.

"We currently do an hour and a half a day, and we'd like to keep as much as we can," said Bailey. The Charlotte Fox affiliate does news at 10 p.m. and will add at least 6 p.m. and 11 p.m. newscasts, with dedicated WOLO-TV anchors, for WOLO-TV. About a dozen positions may open up in Charlotte, Bailey said, and could be filled by WOLO-TV staff. Many Charlotte-based newspeople, he said, will be moving between the cities, taking advantage of the promixity to raise their profile in Columbia.

WYMT-TV NEWS DIRECTOR DIES

WYMT-TV Hazard, Ky., news director, anchor and station manager Tony Turner, 40, died Sunday, June 30, of injuries sustained in an automobile accident last month.

Turner began his career in radio in 1970 and moved to television in the mid 1980s after having been general manager of WFSR(AM) Harlan, Ky. He began at WYMT-TV as a reporter in 1986 and was named news director and anchor shortly after. A fan of political reporting, for years he anchored a local show, *Issues and Answers...The Mountain Edition*, which, the station said, featured guests ranging from local mayors to former presidents.

Assistant News Director Carole Butcher has been running the station's news department. General Manager Ernestine Cornett said she had not begun planning for Turner's replacement. The station has established a scholarship fund in Turner's name for aspiring Kentucky broadcasters.

Turner is survived by a wife and two children.

CODE OF SILENCE

A Minneapolis gossip columnist couldn't help commenting on the irony of the information surfacing locally about CBS O&O WCCO-TV news staff's being asked to adopt a Viacom business-conduct code that includes restrictions on comments on or off the record and on providing internal documents to the news media unless designated to do so.

The code is distributed throughout Viacom's expansive corporate structure — although a spokesperson for *60 Minutes* correspondent Steve Kroft told *Star-Tribune* columnist C.J. that he was unfamiliar with the requirement. Nor are such restrictions limited to Viacom. Still, she noted, "WCCO reporters couldn't break news without the help of sources disclosing information in some of the ways that are now verboten around the newsroom."

Dana McClintock, a spokesman for the CBS Station Group, commented: "Journalists have a right to do what they do. Businesses have a right to manage their press efforts independent of that process."

MAINE MOVE

Maine Public Broadcasting has tapped veteran broadcaster Mary Anne Alhadeff as its next president. She has been president and chief executive officer at Prairie Public Broadcasting, Fargo, N.D., and succeeds Rob Gardiner, who announced last year he was leaving but agreed to stay on while a replacement was chosen.

A former Emmy-winning producer and one-time New Hampshire Public Television executive, Alhadeff begins her new job in Bangor next month.

Talking politics

WCVB-TV Boston anchor Natalie Jacobson interviews Massachusetts Democrat and Sen. John Kerry for the political program *Commitment 2002*, which is part of station owner Hearst-Argyle's group effort on political coverage. Kerry discussed the ongoing threat of terrorism and the Supreme Court decision on school vouchers.

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

Changing Hands

Combos

KRQX(AM) and KYCX-FM Mexia, Texas
Price: $121,000
Buyer: MJ Communications Inc. (Susan M. Cholopisa, president/director); no other broadcast interests
Seller: Groveton Broadcasting Group Inc. (Susan Cholopisa, station manager)
Facilities: KRQX(AM): 1590 kHz, 500 W day/128 W night; KYCX-FM: 104.9 MHz, 2 kW, ant. 351 ft.
Format: KRQX(AM): Country; KYCX-FM: Country

FMs

WRVX-FM Eufaula, Ala.
Price: $425,000
Buyer: Small Town Radio Inc. (Don Boyd, president); owns six other stations, none in this market
Seller: Renegade Broadcasting (Clyde Earnest, president)
Facilities: 97.9 MHz, 3 kW, ant. 328 ft.
Format: Country

WSKT-FM Spencer, Ind.
Price: $321,100
Buyer: Mid-America Radio Group (David Keister, president); owns 13 other stations, none in this market
Seller: The Original Company Inc. (Mark Lange, president)
Facilities: 92.7 MHz, 1kW, ant. 479 ft
Format: Country

KMRL-FM Buras, La.
Price: $25,000
Buyer: White Dove Fellowship Church (Michael P. Mille, president); no other broadcast interests
Seller: Deep Delta Radio Inc. (headed by Rev. Max Latham)
Facilities: 91.9 MHz, 3kW, ant 164 ft.
Format: Inspirational/Gospel

AMs

KIVA(AM) Albuquerque, N.M.
Price: $500,000
Buyer: Aragon Broadcasting Co. LLC (John J. Aragon, member); no other broadcast interests
Seller: Simmons Media Group Inc. (Craig Hanson, president)
Facilities: 1600 kHz, 10 kW day/128 W night
Format: News/Talk

WIBQ(AM) Sarasota (Sarasota-Bradenton), Fla.
Price: $450,000
Buyer: Nova Broadcasting Co.; no other broadcast interests
Seller: Alliance Broadcasting Group Inc. (Joseph F. Newman, president/director)
Facilities: 1220 kHz, 1 kW day/41 W night
Format: News/Talk

WNCC(AM) Barnesboro and WRDD(AM) Ebensburg (Johnstown), Pa.
Price: $320,000
Buyer: Cambria Radiowerks Inc. (Michael McKendree, president); no other broadcast interests
Seller: Vernal Enterprises (Larry L. Schrengocost, president)
Facilities: WNCC(AM): 950 kHz, 500 W; WRDD(AM): 1580 kHz, 1 kW day/4 W night
Format: WNCC(AM): Oldies; WRDD(AM): Oldies

WROX(AM) Clarksdale, Miss.
Price: $246,000
Buyer: Jason Konarz; owns one other station, not in this market
Seller: Delta Radio Inc. (MS) (Larry G. Fuss, president)
Facilities: 1450 kHz, 1 kW
Format: R&B

WGAM(AM) Greenfield, Mass.
Price: $150,000
Buyer: P&M Radio LLC (Phillip G. Drumheller, president); no other stations broadcast interests
Seller: Edward Skutnik
Facilities: 1520 kHz, 10 kW
Format: Easy

WBIB(AM) Centreville, Ala.
Price: $146,397
Buyer: Bibb Broadcasting Corp. (Dennis W. Littleton, president); no other broadcast interests
Seller: Sides-Robinson Broadcasting Inc. (John H. Sides, president)
Facilities: 1110 kHz, 1 kW day
Format: Country

WPJX(AM) Zion (Chicago), Ill.
Price: $70,000
Buyer: Multicultura Broadcasting of Chicago (Edward K. Rim, president); no other broadcast interests
Seller: ABC Radio Inc. (John Hare, president)
Facilities: 1500 kHz, 250 W day
Format: Dark

—Information provided by BIA Financial Networks' Media Access Pro Chantilly, Va. www.bia.com

MUSIC TELEVISION

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

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

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BROADCASTING CABLE

Seven provisionally dirty words? Damn!

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

By Bill McConnell

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

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

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

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

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

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

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

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

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

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

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

Corn-Revere conceded, "This does appear to be a shift,"

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

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

Satellite radio gets Sirius

Competition heats up as different technologies compete for same ears

By Paige Albiniak

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

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

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

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

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

Things began moving more quickly for Sirius after it brought in CEO Joseph Clayton last November. Formerly with beleagured Global Crossing, he also had satellite experience, having helped develop and launch consumer equipment for DirecTV's rollout when he worked for Thomson Multimedia.

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

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

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

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

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

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

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

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

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

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

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

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

Bahakel tackles the doublecast

Carolina stations 90 miles apart to be served from tech facility

By Ken Kerschbaumer

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

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

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

Necessary capital improvements drove the decision to fold in operations. "WOLO-TV's facility is analog and a very tired plant," says Davis. "And it was difficult to do even a partial digital conversion, so that meant we would have to do a full digital conversion. And that was so expensive for what we needed to do, so we're going to use the DTV transmission system to feed the analog transmitter."

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

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

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

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

The tricky part will be handling the news operations. With two TV stations sharing the same studio, the newsroom will be a busy place. WCCB has a 10 p.m. local newscast; WOLO-TV has newscasts at 6 p.m. and 11 p.m. Around 10:50 each night, operations will get interesting.

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

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

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

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

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

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

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

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

Comcast picks up phone

Voice-over-IP telephony to be launched in Philadelphia

By Ken Kerschbaumer

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

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

Cable telecommunications equipment supplier Arris will provide the DOCSIS 1.1 carrier class cable-modem termination system to be installed at a mid-size headend in Philadelphia. Financial terms of the deal were not available.

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

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

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

New service provides news tickers to local stations

By Ken Kerschbaumer

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

"We've been surprised with the response we've gotten already," says Greg Groce, AP Television director of business operations and development. "Stations are looking for an automated, flexible solution to display the latest headlines. We've tried to develop this in a flexible way so they can select from a broad category of items." Categories include U.S. and international headlines, state news, business, sports, entertainment, tech, politics, health and strange news. A Spanish-language ticker is available. Groce says typical item length is 60-90 characters.

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

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

WAFB(TV) Baton Rouge, La., deploys it. GM Nick Simontette says: "People are so busy, they can't watch the newscast. So the rebroadcast allows them to watch later; the ticker helps by offering the most up-to-date information. It's a good marriage, and we've actually heard from viewers that they like it." ■

INBRIEF

SHOWTIME GOES VIRTUAL

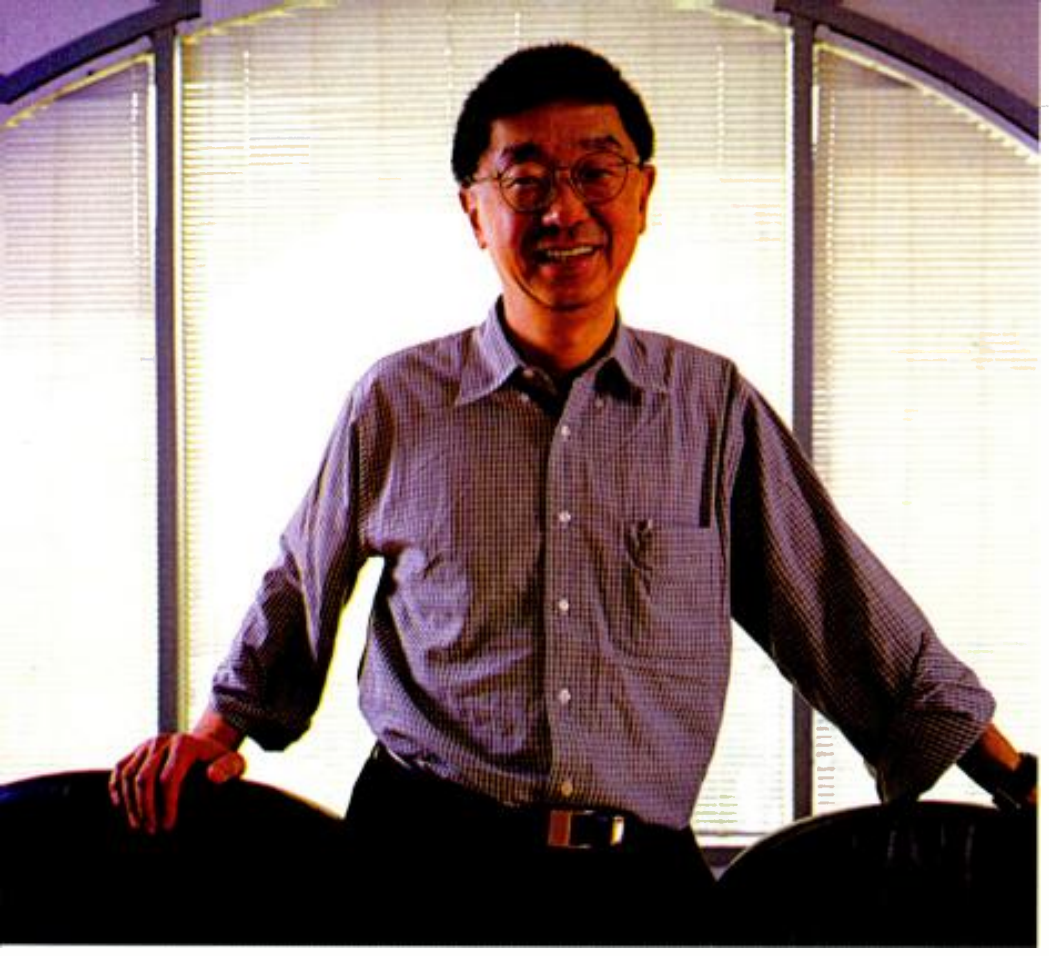
Showtime Networks today is launching SHOinfo.com, a virtual business office for use by affiliates and MSOs. Among the features are a marketing-support area (with downloadable radio spots, among other items), an engineering section (with online activation of headend devices and other services) and access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

HARRIS HITS NEW MEXICO

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

EVERTZ INTROS UPCONVERTER

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



Life beyond the royalties

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

By John M. Higgins

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

The CEO set up an introductory videoconference. Just a friendly chat. After introductions and a few minutes of casual conversation, Yuen got tense. He looked in the camera and shouted, "If you do anything to infringe on our patents, I'll sue you!" He got up and exited the room, leaving it to Gemstar staff to say goodbye.

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

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

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

But lately Yuen hasn't seemed so scary.

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

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

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

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

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

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

Careful. Other stations might get jealous.

Speed. Quality. Flexible workflow. From acquisition to air, you can have it all with Avid. Of course, your

Avid

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

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

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

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

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

Yuen and Shell declined interview requests.

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

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

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

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

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

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

Yuen started out with the model he already knew: develop some technology and get manufacturers to incorporate his software in VCRs. But he started acquiring other guide startups, notably StarSight, which had a couple of particularly powerful patents. That gave Yuen two avenues: license his processes to others to "make-and-sell" and, separately, sell a service to cable or DBS operators for a monthly fee.

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

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

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

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

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

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Viewers can buy tickets or simply watch a carousel of rehearsals and interviews.

Cable's ticket seller

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

By Ken Kerschbaumer

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

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

According to Mitch Rubenstein, CEO of the networks parent company, Hollywood Media, both are "creating services for niches that don't exist and that's what I like to do. We think these channels are interesting because they're fresh content that has not been on cable before."

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

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

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

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

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

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

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

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

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

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

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

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People FATES & FORTUNES

Broadcast TV

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

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

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

Cable TV

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

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

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

Programming

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

At QVC, West Chester, Pa.: **Paul Callaro,** VP, jewelry merchandising, named VP, homestyle; **Karen Fitzgerald,** VP, fine jewelry and watches, Macy's East, New York, joins as VP, jewelry merchandising.

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

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

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

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

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

At *The John Walsh Show*, New York: **Andy Barsh,** director, *Iyanla*, Buena Vista Television, New York, joins in the same capacity; **Alexandra Jewett,** supervising producer, *The Ananda Lewis Show*, King World Productions, New York, joins as executive producer.

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

Obituary

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

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

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

Media

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

Journalism

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

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

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

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

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

Advertising/Marketing/PR

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

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

Technology

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

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THE FIFTH ESTATER

A love of news 24/7

Hume says broadcast approach seems wasteful, old-fashioned

The thing I always loved about Washington," says veteran TV journalist Kim Hume, "was that it has real news, hard news. When there's nothing else going on, you can always turn to Washington for a story that is well worth reporting."

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

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

"People have adopted Fox News as their own," she adds, "the way certain neighborhoods adopted certain newspapers back when there were more newspapers. That's what happens when you treat your viewers like intelligent, capable viewers."

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

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

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

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

In reporting on issues like gun control or abortion, she explains, the media is affected "by what I refer to as groupthink. Everyone in a newsroom thinks gun control is a good idea; they don't even try to examine that premise. We try to. I don't think people sit around a newsroom and say, 'Let's be biased.' But most people who go into journalism go in it to fix the world. This is a liberal idea, fixing the world, and it brings in government. A conservative is trying to keep things from happening that are sponsored by the government.

Rhoda Kim Schiller Hume
Washington Bureau Chief, Fox News

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

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

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

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

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

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

—Dan Trigoboff

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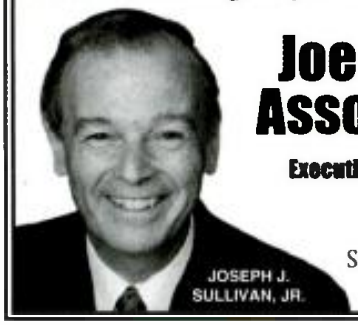
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Response deadline is July 19th, 2002. EOE

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WTNH is looking for someone to join our news department who can help develop stories from concept to finished product. We need someone with impeccable people skills, the ability to think creatively and the ability to work independently. You must be proficient in newswriting and field producing skills. A college degree or equivalent professional experience in required.
Send resume, to Jon Rosen, Senior Producer, 8 Elm St., New Haven, CT 06510.
No phone calls. EOE.

AM NEWSCAST PRODUCER:

WTNH is looking for a person to be responsible for overall creation and production of a morning newscast. Ability to be creative, handle breaking news and write solid news copy is a must. College degree and solid experience working as a producer in a television newsroom is required. Knowledge of Newstar or INews newsroom computer system would be a plus.
Rush resume to Jon Rosen, Senior Producer, News Channel 8, 8 Elm Street, New Haven, CT 06510. No phone calls please. EEO.

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

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Keith Porter
News Operations Manager
WTNH-TV, 8 Elm Street
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Final Selection for this position will not be made prior to July 15, 2002.

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

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Editorials

COMMITTED TO THE FIRST AMENDMENT

Curiouser and curiouser

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

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

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

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

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

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

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

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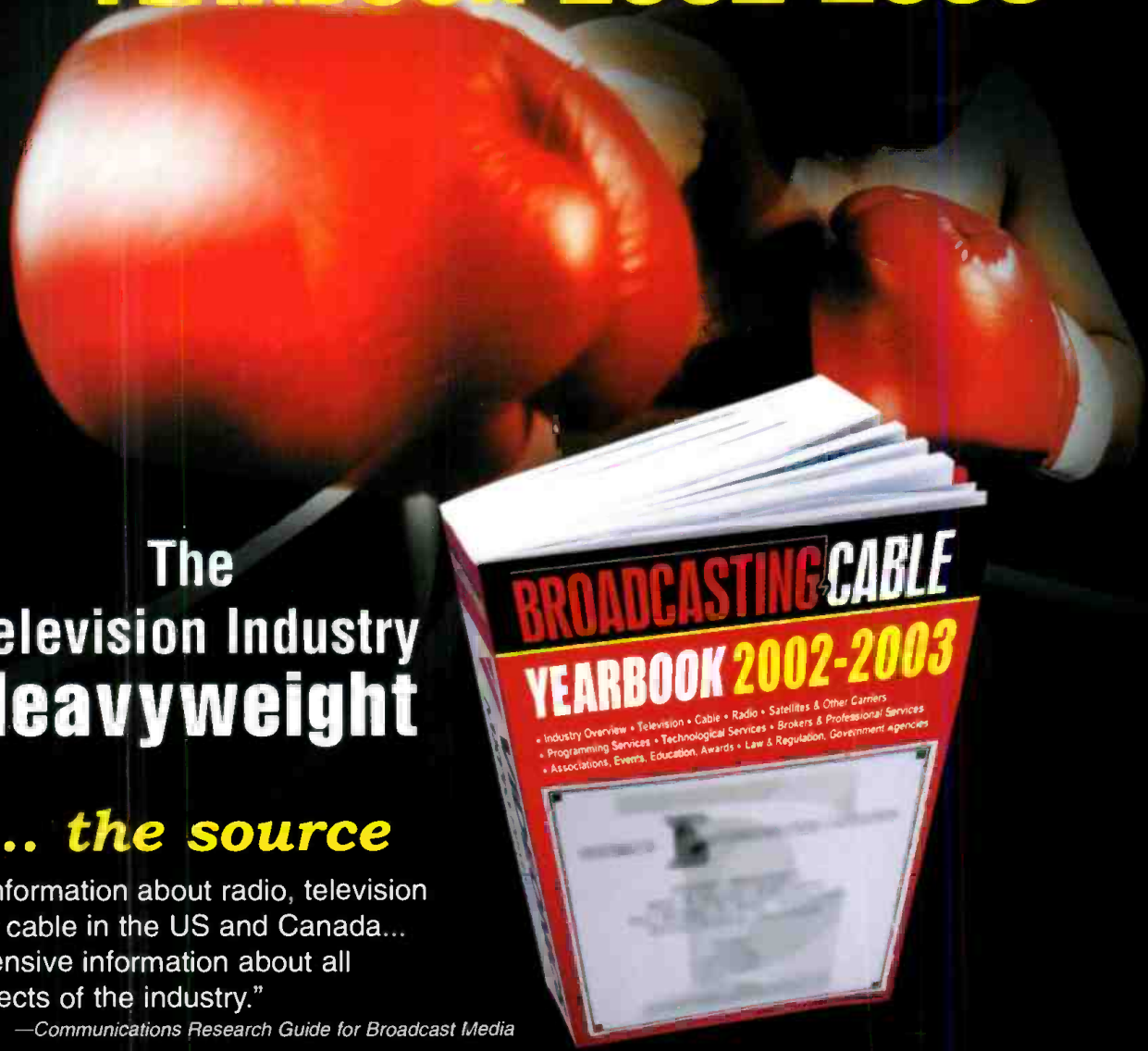

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