

# BROADCASTING CABLE

SEPTEMBER 2, 2002

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## CABLE BRESNAN'S ROCKY ROAD

The cable industry would welcome Bill Bresnan's return to the biz. If only lenders would cooperate

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## EXECUTIVE SUITE THAT DAMN CEILING

Female execs speak out about a new study that says they've still got a long way to go

» PAGE 9

## WASHINGTON DIRTY ENOUGH?

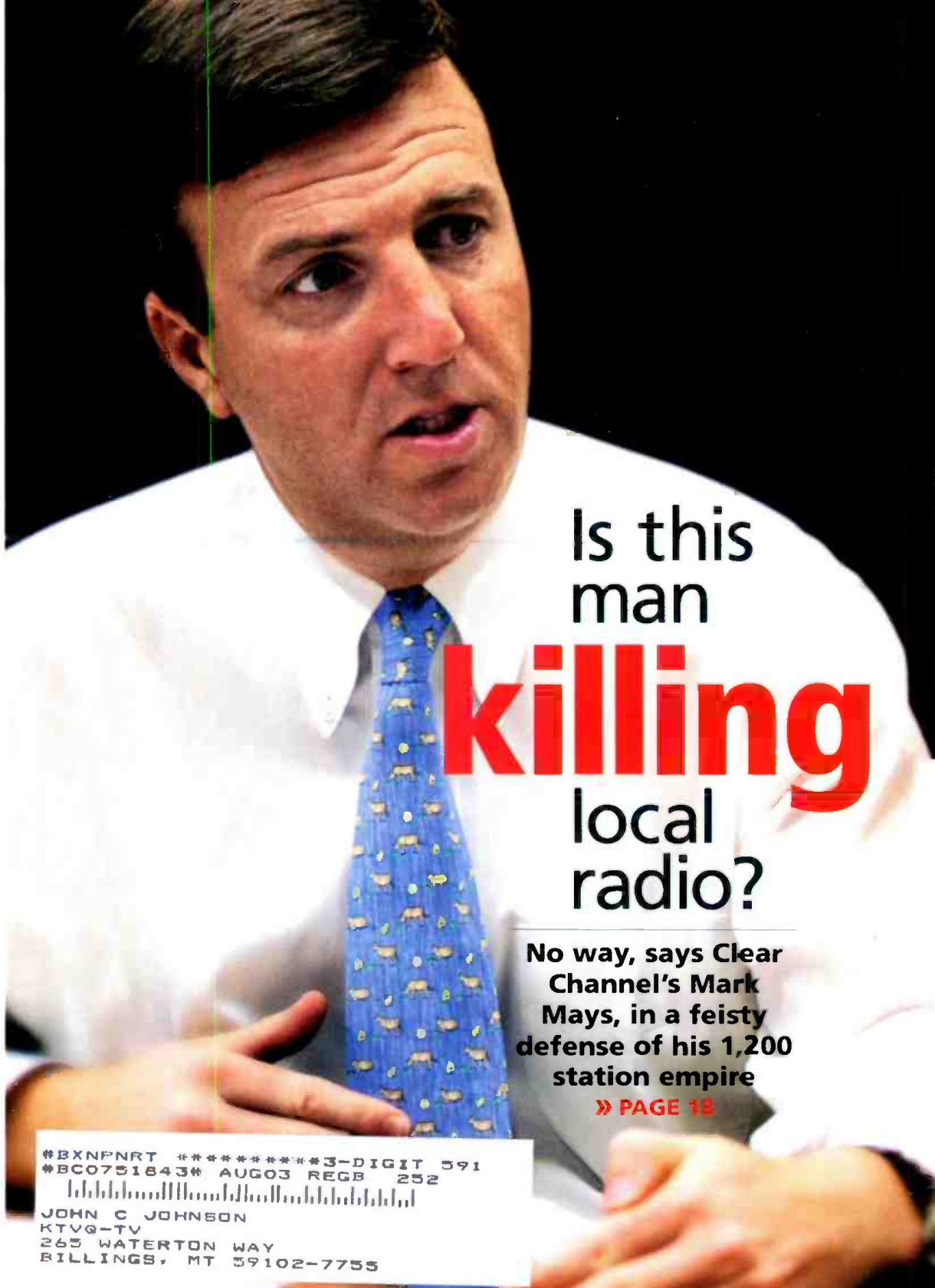
*Opie and Anthony's sex-at-St. Pat's stunt was certainly tasteless. But the FCC actually might have trouble saying it was indecent*

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## WASHINGTON CALL IN THE COPS

New campaign-finance rules might make broadcasters have to judge which ads violate the new law. They don't want the job

» PAGE 14



### Is this man


# killing

### local radio?

No way, says Clear Channel's Mark Mays, in a feisty defense of his 1,200 station empire

» PAGE 18

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A black and white photograph of a television set. A hand is pointing at the screen, which displays a bright, overexposed image. The background is dark.

## A major win for EchoStar — and for couch potatoes everywhere.

In what has been billed as the biggest-ever patent case before the International Trade Commission, Gemstar alleged that EchoStar's television program guide technology infringes a number of Gemstar patents. Gemstar's goal was to shut down EchoStar's satellites. The judge said no — a huge victory for EchoStar — for the multi-office MoFo team — and for those who don't like anyone messing with their remotes.

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# BROADCASTING CABLE

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## Top of the Week September 2, 2002



**TIGHT MONEY** The cable business is healthy, but buyers like Bill Bresnan are having a tough time convincing lenders. » 8

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Hallmark Channel staged a cattle drive through Times Square to hype its *Johnson County War*, but the effort didn't do much to boost the ratings of the original Western movie, which stars Burt Reynolds and Tom Berenger. » 12

Photo: Ida Mae Astute

## Programming

**Station Break** News about news at WPRI-TV and WBSK-TV; WBVI-TV's Marc Howard goes to KYW-TV; ex-anchor sues WTXF; Regional VPs at Clear Channel; KQED's content chief; manager for Raleigh, N.C., duopoly. » 24

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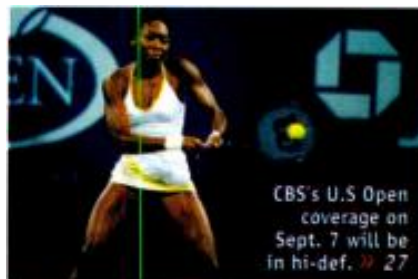
## Technology

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PROGRAMMING

## And the Emmys don't ever lie



Basic-cable execs are giddy over this year's original hits like *The Osbournes* and *Monk*. Aiming to quantify original programming success, MTV Networks

research chief Betsy Frank took a look at the prime time Emmy nods this year and last. "All the growth is coming from cable," she says. Basic-cable networks increased their Emmy nominations by 45%, from 69 to 100. Broadcast-TV nominations, meanwhile, fell 15%, from 255 to 218.

"Cable is evolving," Frank said. "Other than sitcoms, there are hits in every genre." FX's bad-boy cop drama *The Shield* boasted three nods, including a basic-cable first for best actor. TNT's 22 nominations included best miniseries for *Mists of Avalon*. Non-scripted fare like TLC's hit redecorating show *Trading Spaces* is on the Emmy screen. *South Park*, *Samurai Jack* and Discovery specials are up for animation awards.—A.R.



FX's *The Shield* guns for Emmy.

# BC EYE

Behind the scenes, before the fact

TECHNOLOGY

## MTV into HD look

Last Thursday's live broadcast of the MTV *Video Music Awards* was shot in the 24p HD format, which gave it a film look that definitely didn't slip past viewers. An informal viewer survey finds reactions ranging from "cool" (mostly from those in MTV's core demo, which will no doubt please the network) to "distracting" from the older set (so VH1 has no fear of losing audience share to future MTV awards broadcasts). Of course, the opinion that counts most is that of MTV itself. Early word there is that the network was thrilled with the look and it already plans on using it for next year's awards broadcast.—K.K.



A strutting Eminem got booted in 24p video.



Peter Barton

PEOPLE

## A rocker at heart

There were two surprises at MTV's Video Music Awards bash last Thursday. One was when Michael Jackson bounded up on stage. He grabbed a spare "moon man" statuette and thanked MTV for declaring him "Artist of The Millennium." But he wasn't. Although MTV is contractually obligated to refer to Jacko as "The King of Pop," Britney Spears had called Jackson up only to wish him a happy birthday.

The other surprise came during a commercial break when an announcement was made thanking Peter Barton, "who has supported us since the beginning." The kids had no idea who Barton was, but the cable VIPs up in the balcony knew. Barton, a former senior executive of Liberty Media and cable operator Tele-Communications Inc., is suffering from cancer, and few thought he was well enough to travel. Once a championship skier, Barton looked frail but smiled as executives went up to greet him.

MTV Networks President Mark Rosenthal arranged Barton's trip, and Starz Chairman John Sie helped by supplying a private jet for Barton and his family. Barton, who is being inducted into the BROADCASTING & CABLE Hall of Fame in November, told the reporter writing his HOF profile that he was in a rock band in college: "In my heart and soul, I'm a musician."—J.M.H.



## Inch by inch on ownership

FCC Chairman Michael Powell is aiming to bring two of the media industry's most controversial and long-running public-policy fights down the home stretch. A massive rulemaking on broadcast-ownership limits is set to be teed off at the commission's Sept. 12 meeting. On the docket will be a call for suggested changes to rules limiting national broadcast ownership, crossownership of local radio and TV stations, TV duopolies, and dual TV-network ownership. Consolidated into that rulemaking will be previously launched proceedings on local broadcast/TV crossownership and local radio concentration.

Less certain is Powell's effort to settle disputes between broadcasters and the cable industry over must-carry rules in the digital age. The proceeding is highly controversial, and late-August vacations have bogged down commission discussions. Must-carry action may have to wait, sources say.—B.M.



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***Are YOU Ready?***

# Cable a tough sell to lenders

*Even with healthy cash-flow rates for MSOs, Bresnan struggles to finance his AT&T deal*

By John M. Higgins

The return of ex-cable entrepreneurs to the business is having mixed results. The biggest player, Bresnan Communications' Bill Bresnan, is facing a sour financial market and struggling to get loans for his \$735 million deal to buy systems from AT&T Broadband.

Ex-Simmons Communications CEO Steve Simmons won the bidding for a group of systems being sold by RCN Corp., buying the properties for \$245 million, or \$3,100 per sub. RCN executives had been hoping for more but badly need the cash to meet the terms of bank loans.

The return of the cable veterans is important because they're about the only ones willing to do cable deals. The slumping stock market has the big players—Cox, Cablevision, Charter and Comcast—touting how they're conserving their cash, not expanding. Anxiety over the Adelphia scandal, fears of other accounting games and some MSOs' debt levels have driven cable stocks down 75%-90% so far this year, even though all the MSOs are posting 12%-18% growth in operating cash flow. Some companies' bonds are trading for just 30-50 cents on the dollar.

But giant private equity funds are snooping for some fire-sale deals and need strong cable management to run properties after the deal. That's drawing cable veterans who sold their companies during the late 1990s gold rush back into the game.

But even fire-sale prices can be tough to complete. "It's not an easy task putting together a deal in this market," said Bresnan last week. "There's been fairly significant disruption in the debt markets."

Bresnan—one-time Teleprompter president who sold his last company to Charter for \$1.4 billion—said finance markets are



Bill Bresnan is trying to restructure his deal to purchase AT&T Broadband systems.

the toughest he has seen in perhaps 30 years.

Bresnan's deal was the first and the biggest. After 18 months of dancing, he snagged a deal in April for 320,000 AT&T Broadband subscribers in 41 smaller cities and towns throughout Colorado, Wyoming

and Montana. Investment banker Salomon Smith Barney was to cover the junk-bond portion with a short-term "bridge" loan, then organize the sale of long-term bonds to repay it.

But Salomon Smith Barney backed out, saying it can't sell bonds at any interest rate Bresnan would be willing to pay. "The whole debt market is a shambles," said another former cable executive.

So Bresnan is trying to restructure the deal. He is reportedly looking for AT&T Broadband—and its soon-to-be owner Comcast—to keep a piece of the venture so it qualifies for Comcast's programming discounts. That could increase the systems' operating cash flow by around 5% and possibly make lenders happier.

Simmons's RCN deal is simpler. Although RCN is primarily in the risky game of building systems in markets that have well-entrenched cable operators, the properties for sale are good old monopolies.

RCN CEO David McCourt had reportedly been hoping to raise \$4,000 per subscriber. But, with its stock trading for 50 cents and bonds as low as 20 cents on the

Still, 'this is a great time to get back into the business.'

—Steve Simmons, Patriot Communications

dollar, RCN is taking Simmons's offer. Simmons is backed by Spectrum Equity. The systems serve 80,000 subscribers in several New Jersey towns. But only 20% have been rebuilt so he expects to spend another \$550 per subscriber.

Still, "this is a great time to get back into the business," said Simmons, whose new company is Patriot Communications. ■





Hammer



Herman



McGinnis



McHale



Ryan

## 'Dearth of women' in top spots

*Annenberg study shows that the 'glass ceiling' still keeps men in power posts*

By Allison Romano

It's the same old story, say female executives in the television industry, but a recent study on women in the top corporate ranks at least gets people talking about the issue.

Released last week, the study by the University of Pennsylvania's Annenberg Public Policy Center says there "continues to be a dearth of women in the executive suites and corporate boardrooms of entertainment companies."

Susan Ness, the center's director of information and society, agrees: "Time alone won't rectify the problem."

Women account for just 14% of top executive spots and 13% of board members at 10 major entertainment companies—among them Walt Disney Co., Viacom, AOL Time Warner and USA Networks—according to information culled from *Forbes* rankings of the top 1,000 companies by revenue, 2001 annual reports and proxy statements, and media directories.

Representation was slightly higher at publishing companies, where women accounted for 22% of the top executive spots and 17% of board seats.

"Each generation has had a greater struggle than the [following one]," says Marcy McGinnis, senior vice president of news coverage for CBS News. Even so, "I don't think the struggle is over by any stretch."

So why the dearth of females in the upper corporate echelons? Female execs hesitate to assign blame to tired explanations like sexism or conflicts between work and family.

One corporate factor is consolidation, which has stripped some rungs out of the corporate ladder. With moguls like Barry Diller and Sumner Redstone controlling the bulk of entertainment outlets, women

more women in leadership positions, it will be difficult to make changes and make progress," she says. (Since Discovery is privately held, it was not included in the study.)

The Annenberg study recommends mentoring and career planning to help advance women; female execs agree. Also, men must be engaged in constant dialogue. "Women can't solve this themselves," says McHale.

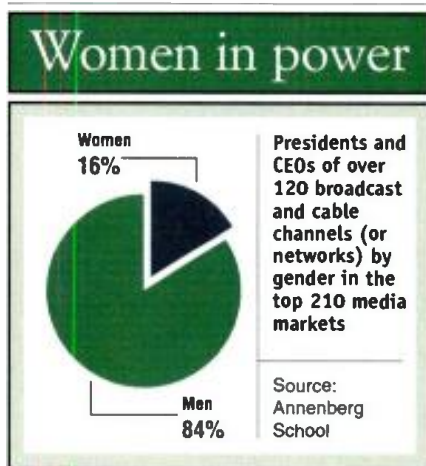
Women have become more visible at industry events. The study found that more women were featured speakers at recent media and telecommunications conferences, although many key roles still go to men.

One area in which women have charged ahead is national news, the study says. More than 30% of news execs at the seven broadcast and cable news outlets are female, compared with 20% in last year's study. At CBS News, two of the three SVPs under chief Andrew Heyward are women, McGinnis and prime time chief Betsy West. CNN boasts the only female news chief, Teya Ryan.

"Women in executive positions have to mentor other women," says Ryan, who counts PBS President Pat Mitchell (and former CNNer) as one of her mentors. "We can't ever take it for granted."

On the programming side, out of 120 broadcast and cable channels, women account for just 16% of top executives.

In cable, that intimate group includes Discovery's McHale, MTV Music Group President Judy McGrath, BET President and COO Debra Lee, Food Network President Judy Girard, Lifetime Chairman Carole Black, CNBC President Pamela Thomas Graham, Hallmark Channel Presi-



say there are chances to run divisions but not necessarily companies.

"[Men] are buyers and sellers and have a tremendous power base," notes Sci Fi Channel President Bonnie Hammer. "Woman are employed within or under that structure."

The classic "pipeline" explanation—there aren't enough qualified women to promote—is getting tired, says Discovery Communications President and COO Judith McHale. Certainly, there are qualified women who have worked in the industry more than 20 years. "But until you have





September 15, 9PM/8C

HBO

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dent and CEO Lana Corbi, Oxygen Media Chairman Geraldine Laybourne, Sci Fi Channel's Hammer and E! Entertainment Television President Mindy Herman.

Only PBS's Mitchell is at the helm of a broadcast network. At four of the broadcast networks, though, women—Gail Berman at Fox, Dawn Ostroff at UPN, Susan Lyne at ABC and Nancy Tellem at CBS—hold the top entertainment spots.

Broadcast TV has long been seen as more of a boys' club than cable. In the younger

cable industry, women found more management opportunities. "You went in at a lower level and a lower salary," says Sci Fi's Hammer, "but you could get more hands-on."

There is also a cadre of female GMs at cable nets, including the History Channel, TNN and VH1. Only one major MSO is headed by a woman, Insight Communications' President and COO Kim Kelly.

At the local level, the story is very similar. Women are about 20% of general managers of cable systems and slightly less at stations.

Women have made strides in station newsrooms. In the top 210 media markets, the study found, there were 823 female anchors and 450 news executive producers. In contrast, there were just 243 GMs.

Getting ahead is a tireless march, female execs agree. "It's not just doing a great job within your four walls. It's recognition within your industry that creates opportunities," says E! chief Herman. Without networking, she adds ruefully, "I could still be sitting in the legal department at Fox." ■

## August cool for cable originals

*High-profile projects get lackluster reception; even Anna Nicole is in decline*

By Allison Romano

While much of cable basks in a summer ratings glow, a few recent original programs didn't exactly warm up the audiences.

FX's original movie *RFK*, said to have cost about \$5 million, mustered a meager 1.4 rating for its Aug. 25 debut, surprising even network executives, who expected a Nielsen rating around the 2.0 level and gave the movie hefty promotional and marketing support. Although the film was well received by critics, FX was "disappointed we didn't get more out of it," a spokesperson said.

FX's younger viewers may not have warmed up to a biopic on Robert F. Kennedy. "To younger people, RFK is a historical figure," said MTV Networks research chief Betsy Frank. "It's going to have a limited audience."

FX gave *RFK* movie hefty promotional and marketing support, but the results fell between two other recent original efforts. March movie *Confessions of a Campus Bookie* earned a disappointing 1.2 rating, but last year's *Sins of the Father* earned a strong 2.9 rating.

On E!, viewers turned away from E!

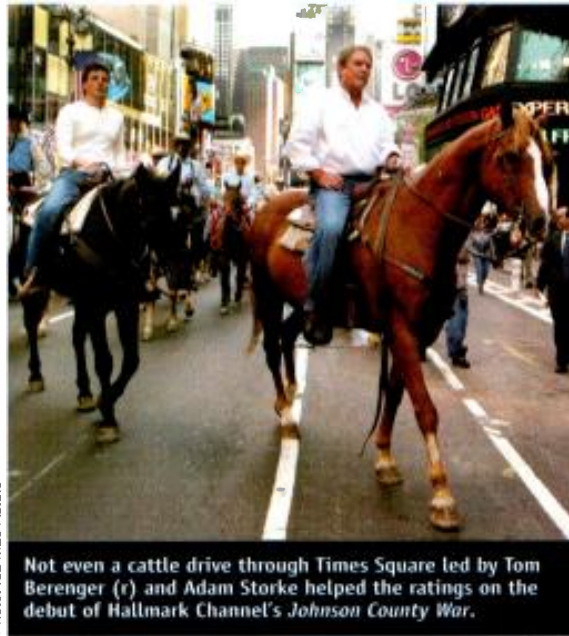


Photo: Ida Mae Astute

Not even a cattle drive through Times Square led by Tom Berenger (r) and Adam Storke helped the ratings on the debut of Hallmark Channel's *Johnson County War*.

Entertainment Television's raucous reality *Anna Nicole Show*. After nabbing a spectacular 4.1 rating at its debut, it dropped to a 1.8 for its fourth outing Aug. 25.

Focus groups could help *Anna*, says Frank. With cracks starting to appear, "I would put it in front of a target audience

and do some maintenance."

E! execs aren't worried, though. Even the best marketing campaign couldn't raise E!'s profile the way *Anna Nicole* has. Plus, its ratings more than double E!'s prime time average.

"This show has legs," E! President Mindy Herman maintains. "We're going to look it over after the first six weeks."

Upstart Hallmark Channel also relies on big originals to lure new viewers but tanked with Western *Johnson County War*. To hype it, the network sent cattle stampeding through Manhattan's

Times Square and offered stars Burt Reynolds and Tom Berenger for numerous TV appearances, including ABC's *Good Morning America*. Yet the four-hour special registered a 1.1 rating at its Aug. 24 debut, double its August prime time average but disappointing nonetheless. ■



E! execs aren't worried about *The Anna Nicole Show*. The best marketing campaign couldn't raise the net's profile the way it has.

# Spectrum bidding heats up

*C- and D-blocks draw broadcasters as well as wireless*

By Bill McConnell

**B**roadcasters and others with ambitions to launch new types of TV services were among the most prolific bidders through 10 rounds of a government spectrum auction last week.

The bidding covers spectrum now used for chs. 54, 59 and 55, the so-called C- and D-blocks of the 700 MHz spectrum that the federal government intends to reclaim from traditional broadcasters.

Broadcasters vying for a piece of it have been quiet about their business plans.

Although wireless companies were correctly predicted to be among the biggest players in the auction, companies with television interests have been big players, too. LIN Television and business partner Banks Broadcasting were high bidders for 21

licenses, accounting for total offers of \$3.3 million. Of those, nine covered licenses in Massachusetts, Rhode Island and Connecticut, and four were in Idaho.

Capital Broadcasting, owner of WRAL-DT Raleigh, N.C., held current top offers for 12 licenses in North Carolina.

Sinclair Broadcasting, one of the 128 parties qualified to bid, removed itself from contention long before the auction began.

Industry observers had speculated that broadcasters would want spectrum in markets where they already operate to alleviate pressure to move out as the digital transition progresses. Others, they said, may want to enter markets where crowded TV dials prevent another traditional station's launch.

"These frequencies are ideal for many conceivable uses," says Dale Hatfield,

director of the University of Colorado. "This is the sweet part of the spectrum."

Cable investor Paul Allen's Vulcan Spectrum has high offers of just over \$2 million each for Chicago and Seattle, as well as \$44,000 for Medford, Ore.

PGTV, led by WebTV founder Philip Goldman, was the leading bidder for Pittsburgh at \$880,000. He aims to launch a nationwide multichannel TV service to compete with cable and satellite.

Whether any of the high bids stands is an open question, and the auction is expected to resume next week. Among all bidders, Aloha Partners has been the leader with 26 high bids totaling \$20 million. In all, 740 licenses are for sale. Ch. 55 frequencies are being consolidated into six regional permits. The other two channels are being offered as 734 licenses for two-way service in metro and rural markets. ■

## Graham, Wasserman to be honored

*BROADCASTING & CABLE's Hall of Fame announces posthumous inductions*

**K**atharine Graham, of the Washington Post Co. and the Post-Newsweek Stations Group, and Lew Wasserman, of MCA and Universal Studios, will be inducted posthumously into the BROADCASTING & CABLE magazine's Hall of Fame.

Graham, who died July 17, 2001, at 84, became chief executive of *The Washington Post* in 1946 and built it into a diversified media corporation with newspaper, magazine, television, cable and educational-services businesses. She was regarded as one of the most powerful women in broadcasting. Under her command, the Post-Newsweek station group achieved a reputation as among the industry's finest.

Wasserman—regarded, along with MCA



Katharine Graham

Lew Wasserman

founder Jules Stein, as one of the most powerful men in Hollywood—joined what was then the Music Corporation of America as an agent in 1936 and, within 10 years, was named president. He built it into an entertainment powerhouse with a film studio, a TV studio and record label, as well as the-

aters and amusement parks. He died June 3 at 89.

Previously announced as 2002 honorees are Peter Barton, of Liberty Media; Carole Black, Lifetime Communications; Kelsey Grammer, NBC's *Frasier*; Eddy Hartenstein, DirecTV; Don Imus, *Imus in the Morning*; Robert Miron, Advance/Newhouse; Lowell (Bud) Paxson, Paxson

Communications; Bob Schieffer, CBS's *Face the Nation*; and Oprah Winfrey, *The Oprah Winfrey Show*.

The class of 2002 brings to 224 the number of honorees in the Hall of Fame, now in its 12th year. The induction will be Nov. 11 at New York's Marriott Marquis. ■

# Who will police political ads?

*Broadcasters don't want responsibility for campaign-finance compliance*

By Bill McConnell

This spring, Congress barred corporations and unions from buying broadcast and subscription-TV campaign ads close to an election. The restriction appears clear enough for paid ads supporting or attacking a candidate, but deciding what restrictions, if any, apply to "issue ads" that happen to mention candidates, to public-service announcements, and to Webcasts is proving tricky. And broadcasters fear that they may be deputized as campaign-finance cops.

Uncertainty over what exactly will be prohibited pushed the National Association of Broadcasters last week to call for a government declaration that TV and radio stations won't be the ones to decide whether political advertisements and other programming comply with the new campaign-finance law. Unless the exemption is spelled out, broadcasters worry that they could face criminal charges when prohibited programs are aired inadvertently.

"This could lead to a further chilling of protected political speech," the NAB said in a filing that coincided with two days of hearings on campaign-reform proposals floated by the Federal Election Commission.

Broadcasters did not testify at the hearings, which were stacked with political groups and government watchdogs, such as the National Republican Congressional Committee, Common Cause, the Campaign Finance Institute and the American Taxpayer Alliance.

FEC rules are needed to implement the campaign-finance reform enacted in March that prohibits corporations and labor unions from "electioneering communications" on behalf of national candidates 60 days before a general election and 30 days before a primary. The FEC is trying to define the types

of programming that are covered.

One of the biggest debates: whether the prohibition should apply only to paid advertisements or also to public-service announcements and issue ads that call on the audience to contact a particular lawmaker.

Broadcasters, who are challenging the law in court, and many buyers of ad time also insist that only paid advertising should fall under the restriction, even if the law is upheld. "Good-government" groups, on the other hand, say there should be no blanket exemption for non-paid programming.

are some problems here and the courts are going to carve this up to some extent."

FEC Chairman David Mason, a Republican who voiced opposition to reform legislation prior to his appointment to the commission, insists that the agency will craft rules that uphold the spirit of the law while acknowledging the difficulty in creating bright-line tests for permissible programming. "Electioneering communication is a new term," he said.

The new law exempts news coverage, commentary and editorials from the restric-

**Campaign cops**

For new campaign-finance rules, the FEC must decide:

- Whether "issue ads" or public-service ads are restricted
- What duties broadcasters have to police airwaves
- What the FCC's role should be
- What new ad disclaimers are needed
- What penalties violators should get

FEC Chairman David Mason insists agency rules will uphold the law's spirit though it's difficult to define the permissible.

"You could have corporations and unions paying high production costs for PSAs that cast candidates in a favorable light," said Campaign and Media Legal Center attorney Glen Shor in testimony before the commission.

FEC Vice Chairman Karl Sandstrom, a Democrat, hinted that he would favor more-specific exemptions to reduce the need for case-by-case rulings after a questionable program has aired. "We can't decide after the fact that someone has committed a felony."

The Campaign Finance Institute's Michael Malbin agreed, opining that as much specificity as possible is necessary if the law is to survive court challenges charging that the law violates corporate and union free-speech rights. "Everyone knows there

tions, but some broadcasters would like to see those protections strengthened. The Radio-Television News Directors Association asked the FCC to define news programming broadly but specifically to include debates, newscasts, news interviews and spot news.

The FCC also spelled out how it will comply with a provision of the statute requiring it to help build an FEC database of stations and cable systems that reach fewer than 50,000 people in a state or congressional district; such stations and systems are exempt from the restrictions.

Separately, the FEC also is revising required disclaimers for political communications and has proposed expanding the scope of prohibitions on misrepresentation and toughening penalties for violations. ■

Peter Barton's record in the cable programming business is legendary. For much of the 1990's, Barton was Liberty Media Corp.'s top executive and a key force behind the rise of many cable networks, including Fox SportsNet, QVC, Court TV, Starz/Encore, and the Learning Channel.

Those were exciting times for Barton, who served as Liberty's president and chief executive officer from its founding until 1997. He was constantly at the negotiating table, closing deals "every ten days," he told BROADCASTING & CABLE in 1996. "I have probably one of the coolest jobs in the Western World."

Barton's reputation as a consummate dealmaker grew as he racked up programming investments in more than 90 services valued at an estimated \$7.5 billion. Liberty was the programming arm of then top cable MSO, Tele-Communications Inc. Today, it is an independent media holding company with ownership stakes in more than 120 networks.

Barton joined TCI in 1982, fresh out of Harvard Business School. He was a natural, quickly rising to the rank of vice president of franchise acquisition, followed by a stint as president of Cable Value Network, now QVC. In 1988, he became TCI's senior vice president of programming, moving over to Liberty in 1991.

Since his departure, Barton's been busy with his own technology investment firm. He is also founder of the Denver-based Privacy Foundation, an organization dedicated to educating the public about the threats to individual privacy. He and wife, Laura, are responsible for the creation of Random Acts of Kindness, which offers anonymous financing to those in need.

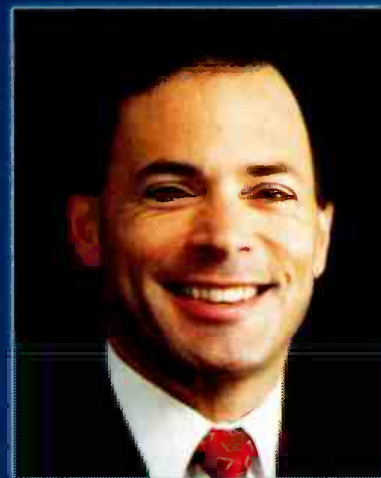
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ISSUE DATE: November 11, 2002  
SPACE CLOSING: Friday, Nov. 1  
MATERIALS CLOSING: Monday, Nov. 4



**PETER BARTON**

# *Fame*

**BROADCASTING CABLE'S**  
12<sup>TH</sup> ANNUAL  
**HALL  
OF  
FAME**

- Peter Barton**  
Carole Black  
Katherine Graham  
Kelsey Grammer  
Eddy Hartenstein  
Don Imus  
Robert Miron  
Bud Paxson  
Bob Schieffer  
Lou Wasserman  
Oprah Winfrey

## THE WEEK THAT WAS

## THE BIG STUFF

Local broadcast-TV saw second-quarter revenue grow a “healthy” 4.4% over year-ago figures, says the **Television Bureau of Advertising**. Stations benefited from strong spending by **General Motors** (up 292.1%), **Procter & Gamble** (up 78.8%), **SBC Communications** (up 57.7%) and **Ford** (up 21.7%). Other segments of the TV business didn't do so well: Revenue for network TV grew just 2.3%, and syndicated TV plunged 12.6%. ...

In a victory for journalists, a federal appeals court ruled last week against holding hundreds of deportation hearings in secret. “Democracies die behind closed doors,” wrote **Sixth U.S. Circuit Court of Appeals Judge Damon Keith**. The decision was the highest-level rebuke of the government's legal tactics post-9/11 and included many critical observations of the Bush Administration's alleged disdain for openness. ...

**KJRH(TV)** Tulsa, Okla., will not air paid advertising for most of Sept. 11. Instead, from 6 a.m. to 10 p.m., the station will air reports and PSAs from United Way's Day of Caring activities. ...

Meanwhile, **Nextel** will underwrite CBS's prime time repeat of its documentary **9/11**, which will air on the anniversary of the terror attack. Nextel also underwrote the show the first time it aired. There will be no commercial interruptions. ...

**Nielsen Media Research**



recalculated its numbers (as it does yearly) and announced last week that now there are 106.7 million households, up 1.2 million from a year ago. That means, in the upcoming season, a 1 rating is the equivalent of 1,067 million homes. ...

**American Idol's** performance last Wednesday—a 9.6 rating/16 share in Niensens, has **Fox** holding its breath to see how big the concluding episode will be this week. **CBS**, meanwhile, made a deal to resurrect the old **Star Search** for future use, but without the even older **Ed McMahon**.

## BASICALLY, CABLE

**USA Network** is developing three pilots for 2003, and they're not wasting words on titles. **Peacemakers** is a Western police drama; **Evil** concerns an investigator trying to solve big cases; **Crimes** centers on a woman with telepathic abilities. ...

**Oxygen** also is adding two comedies: **O2Be**, from **Comedy Central Daily Show**

vets **Lizz Winstead** and **Brian Unger**, and **Girls Behaving Badly**, a **Candid Camera**-like sketch comedy that includes former **MTV Real World** cast member **Melissa Howard**. ...

**National Geographic Channel** will debut six new series this fall, including **Dogs With Jobs**, about “working” canines, and **Phobias**, which is, um, about phobias. Likewise, **Taboos** is about no-nos in various cultures; **Nature's Nightmares** look at truly scary animals; **Built for the Kill** is about animals that are nasty predators. Finally, getting away from the animal theme, **Surviving West Point**, offers a behind-the-scenes look at one year at the military academy. ...

**WE: Women's Entertainment** bought two more **When I Was a Girl** specials from **Linda Ellerbee's Lucky Duck Productions**. They will be shown Sept. 22 and Sept. 29. ...

By the time you read this, **Law & Order** reruns will have left **A&E Networks** and become a programming staple on **TNT**. The two cable nets

have shared the series since last summer, but it switches to **TNT** on Labor Day. **TNT** will pay \$800,000 for the most recent episodes, \$250,000 for episodes **A&E** has already shown.

**A&E** switches to another **NBC** series in syndication, **Third Watch**, for which it will be paying \$700,000 per episode.

## NETWORKING

**ABC World News Tonight** anchor **Peter Jennings** is close to re-upping at the network for several more years, although he says “the i's aren't dotted and the t's aren't crossed” quite yet. According to reports, he will stay through 2006 at about \$10 million per year. ...

**Zenith** will sponsor **ABC's** high-definition prime time broadcasts—about 13 hours a week this season—and get an on-screen credit before each one.

**CBS**, meanwhile, has sponsorship deals with **Zenith** and **Samsung**.

## CORRECTIONS

The story “Restoring lost credibility” in the Aug. 26 edition misspelled **AP Broadcast Deputy Director and Managing Editor Brad Kalbfeld's** name.

Also in the same edition, a story called “A Chronology of Chaos” tracked the minute-by-minute 9/11 reporting efforts of seven news organizations, including the **Associated Press**. But the introduction to the story didn't list **AP**.



# Is sex at St. Pat's indecent?

*Under its vague guidelines, the FCC may have trouble fining shock jocks and Infinity*

By Bill McConnell

The FCC may have a devil of a time penalizing Infinity Radio's WNEW(FM) in New York over the outrageous sex stunt orchestrated by the station's recently fired shock jocks. But a slap on the wrist for the station may cause an even bigger headache for regulators.

First Amendment attorneys question whether WNEW's broadcast account of a couple allegedly having sex in New York's St. Patrick's Cathedral was graphic enough to result in a fine, much less a license revocation. But they acknowledge that intense public disgust with the episode may prompt Congress or the FCC itself to take a tougher look at the agency's indecency policies.

"Public reaction could prompt political pressure to delve into indecency regulation," said Kathleen Kirby, who represents broadcasters on free-speech issues for Washington law firm Wiley, Rein & Fielding.

Free-speech advocates and family-values groups, despite opposing views on the need for tougher government action to clean up the airwaves, agree that the FCC's enforcement policies are often contradictory and don't offer stations the bright-line rules necessary to determine when a broadcast will cross the line of legality.

Alone at the FCC, Democratic Commissioner Michael Copps has repeatedly criticized the shortcomings of FCC policies and has urged the commission to crack down more frequently on increasingly raunchy shock jocks, whose drive-time programs are filled with crass routines about sex.

"Congress passed laws limiting the broadcast of 'obscene, indecent or profane' language and charged the FCC with the enforcement of these laws," he complained after WNEW jocks Greg "Opie" Hughes and Anthony Cumia aired the cathedral sex coverage. "The FCC has a responsibility to ensure that the indecency laws of the United

States are being vigorously enforced."

One industry observer speculated the FCC, recognizing that grounds for an indecency sanction are vague, is focusing instead on whether Infinity officials were fulfilling their obligation as licensees to control what is broadcast over their station. A letter was sent to company executives to find who knew about the Hughes and Cumia-inspired contest encouraging sex in risky places that prompted the St. Patrick's incident.

Any sanction against Infinity for failure to

permissible broadcasts and those that would be forbidden was so great that stations would have no idea when they were near the boundary of acceptable behavior, much less crossing it. For instance, an *Oprah* episode featuring specifics on how to improve married sex life was deemed okay, but explicit bits by Howard Stern and "pandering" use of double entendre for sex acts was not.

In June, the FCC created more confusion by dismissing an indecency complaint filed against Entercom's WGR(AM) Buf-



Often-contradictory enforcement policies make it hard for stations to determine when shows like *Opie and Anthony* (left) cross the line of legality. Howard Stern (below) has often pushed the gray limits.

Photo: © 2001 Rathav Alansi / ZUMA Press

control its licensed station "would be like getting Al Capone for tax evasion," quipped First Amendment attorney Robert Corn-Revere. He predicted an FCC fine for failing to control the station would have a chilling effect on raunchy broadcasts. "[The FCC] would be trying to condition broadcasters' behavior."

FCC Chairman Michael Powell and other members of the commission have been entirely silent on the FCC's general policies since guidelines were issued in April 2001. Completed nearly seven years after a court ordered them, the guidelines were intended to let broadcasters know what types of speech would go too far.

Free-speech advocates, however, complained that the gulf between examples of

falo, N.Y., for a gag in which callers were asked to name National Hockey League players and officials they would like to "piss on." The FCC said the routine was not indecent because host Tom Bauerle's use of the phrase was akin to the slang terms for anger, "pissed at" and "pissed off," rather than sexual and excretory activities.

Broadcasters are forbidden from airing obscene programming at all times and must refrain from "indecent" content between 6 a.m. and 10 p.m., when children are most likely to be in the audience. Indecent programming "describes or depicts" sexual or excretory organs or activities in a way that is "patently offensive by contemporary community standards." ■



Photos: Oscar Williams

# Mays Makes Himself Clear

**The head of the biggest U.S. radio group responds to the company's critics**

**When the government removed limits** on station ownership six years ago, San Antonio-based Clear Channel began staking a Texas-size claim on radio real estate. Today, the company is the country's largest radio group and among the top five entertainment companies. It owns 1,240 radio stations, operates another 75 through LMAs, and syndicates programming to half the commercial stations in the country. It even has a stake in a potential competitor: satellite radio. Clear Channel also owns 36 TV stations, the country's largest billboard inventory and the biggest concert-promotion business.

All that and aggressive cross-promotion have led media-consolidation critics to label Clear Channel "Exhibit A" in their fight for tougher ownership limits. The company has been beaten up in the press and Congress and faces lawsuits and FCC hearings. In the meantime, its stock has taken a beating from investors questioning its multiplatform strategy and financial health.

Company President Mark Mays sat down with BROADCASTING & CABLE's Bill McConnell to answer some of the company's critics.

Why the stock tumble? Mays blames hedge funds shorting the stock but predicts the multiplatform strategy will pay off in the long run.

Dismissing charges that Clear Channel's tactics have turned radio into bland promoters of boardroom-concocted megastars, Mays insists solid ratings prove that big radio is giving listeners what they want.

**Following is an edited transcript of the Mays interview:**

**We do not use national playlists ... What we do tell people is they have to conduct some type of research of local listeners to determine what that playlist should be.**

**You began an aggressive acquisition strategy after Congress relaxed ownership rules in 1996. Now your stock trades around \$30 after peaking near \$100. Is combining big positions in radio, billboards and TV paying off?**

All four of our principal businesses—radio, outdoor, entertainment and television—are good businesses with big operating leverage. Once you drive revenues over their fixed costs, you are able to grow cash flow at pretty attractive margins. Plus, capital re-investment in those four businesses is less than, say, cable, which gives us more free cash flow.

**But your stock trades at significantly lower valuations now than pure radio players'.**

Radio has outperformed other businesses, but this is going to vary depending on which sector is having a good year. Radio over the next few years is projected to be the most robust. All, over the long term, will perform very, very well.

**Wall Street rumors predicting that Clear Channel will be the next big media company to restate its books have pounded the stock.**

There's no truth to those reports. We believe hedge funds that consider the media sector overvalued were promoting those rumors to short the stock and the other industry scandals have fueled investors' willingness to believe. Otherwise, I can't explain why our stock goes up or down. If I knew why, it would be a lot easier to fix.

We focus on the things we can control: our ability to grow revenues and cash flow. Our people have done a dang good job of that. I'm very proud of the effort they have put together for the first six months, and they're on track for another outstanding performance for the third quarter. Eventually, that will come through in the stock price. Do I think [that performance] is reflected in the stock price now? No.

**When you released second-quarter earnings in July, the company said it would not buy back stock to boost share prices. Over the next several weeks, \$10 million in stock was repurchased.**

The company did not buy back stock. It's a big distinction. The company is not in a position where it should be buying stock. We, as family members, did buy stock. It was cheap—like buying 50-cent dollars.

**Clear Channel has been criticized as "ruining radio" by instituting national playlists?**

We do not use national playlists. Playlists differ from market to market. If you look at KTKR(AM) in San Antonio, WKSI(AM) in Washington, and KIIS-FM in L.A. or Z-100 in New York, they're all Top 40 contemporary hit radio, but there's not a standardized playlist. What we do tell people is they have to conduct some type of research of local listeners to determine what that playlist should be. We don't want program directors saying, "I think I know what you guys want."

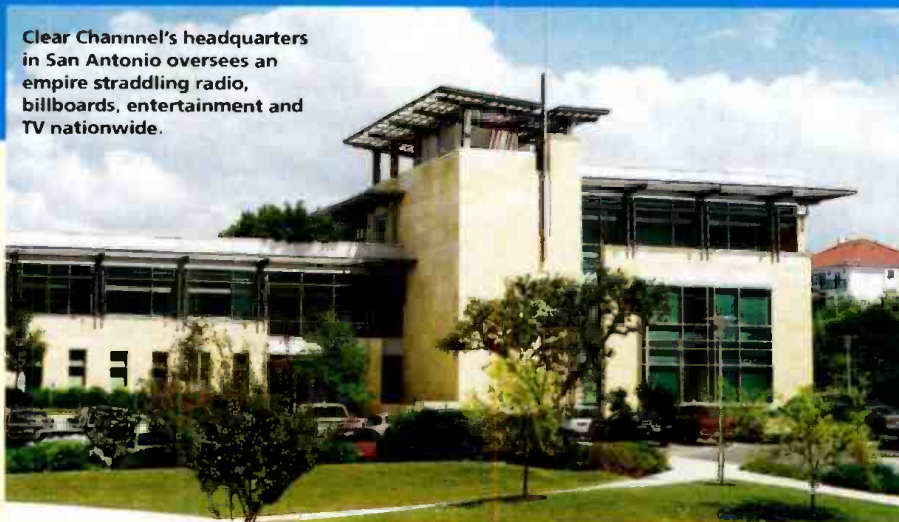
This is for all of radio, not just Clear Channel. The radio industry spends—I'm guessing—hundreds of million of dollars on research. Why? The ease with which someone can switch brands. If I don't like you today, I'm on to the next guy.

**To what extent does nationwide research go into the numbers?**

We don't do it on a national basis. We do it on a local basis. Program directors make the call as to what we put on the air. We have three research companies internally they can use, or they can go externally.

**Still, don't you think research-intensive**

Clear Channel's headquarters in San Antonio oversees an empire straddling radio, billboards, entertainment and TV nationwide.



## Clear Channel Worldwide

### FINANCIALS

2001 revenue:	\$7.9B
Operating cash flow:	\$2.1B
52-week high:	\$54.90
52-week low:	\$20.00

### PROPERTIES

Radio stations:	1,240
TV stations:	36
Billboards:	8,806
Other:	Concert, sports promotion, ad brokerage, theater

Source: company financials

**decisions contribute to homogeneous programming?**

Attacks on the “homogeneity of radio” drive me crazy. Radio is the least homogeneous of any major media. Look at print: A lot of headlines are similar in papers across the country. In cable, ESPN is the same in New York as it is in San Antonio. Radio is the only localized medium, and we don’t get credit for it.

**You moved radio division CEO Randy Michaels to the Internet division. Were you unhappy with some of the aggressive moves he had made with LMAs, raunchy shock jocks and Web sites featuring “bong brigades?”**

I won’t comment on those specifics. But we’re clearly looking to the future of the radio industry as a whole. As a leader in radio, we’re looking for collaborative ways to work with everybody in the industry. Bringing new advertisers to radio is our goal.

**What do you mean by collaboration?**

We want to work within the markets where we operate to make the radio great and to make the advertising and broadcast associations strong. Radio sometimes has a military sense of competition. There’s a winner and a loser. I don’t think that needs to be the case. There’s ability for everybody to move forward. If WBEB(FM) in Philly, a single station owned by Jerry Lee, is providing great programming and bringing more listeners to radio, maybe occasionally they’ll punch one of my buttons.

**Some competitors complain that you have bullied them by moving your syndicated shows from longtime stations to Clear Channel’s and even ordering your ad broker, Katz Media, not to do business with some stations.**

I don’t think moving programs hurts listeners or advertisers, but we’re not going to do that in too many circumstances. There are going to be circumstances where there’s not always a win-win. We will tend to preserve relationships on their long-term affiliated stations.

**Congressional critics have introduced legislation to stop some of Clear Channel’s practices; some of your station purchases are getting extra scrutiny at the FCC. No wonder you’re expanding the company’s political action committee and hiring a lobbyist.**

We’re going to open a Washington office because it’s important to have a presence there. We were three years past due expanding the PAC to broadcast assets. We just kind of held off, although we always had a PAC in the outdoor division.

**Sen. Russ Feingold has introduced a bill that would strip conglomerates owning radio stations and concert promoters of broadcast licenses if they discriminate against competitors and unaffiliated artists. It would also forbid stations from accepting record-company payments for playing their artists.**

A lot of this was the record industry trying

**Several stations have accused Clear Channel of violating local ownership limits by operating LMAs that are really front companies.**

We’ve done nothing that is not perfectly legal. There are going to be competitors and lawyers who grouse to obtain payoffs. We’re not going to play that game. What we do has been within the law. If the law changes, we’ll operate within the new law.

**Spanish Broadcasting has leveled additional charges including interfering with its public offering and efforts to buy Hispanic Broadcasting. It has even hired superlawyer David Boies.**

My lawyers say I can’t comment except to

AT A GLANCE



**Mark P. Mays**

- 39 years old
- Son of Clear Channel Chairman and CEO Lowry Mays; older brother of CFO Randall Mays
- Married, with five sons
- Previous experience: senior vice president, operations; vice president/treasurer, both Clear Channel; investment banker, Eppler, Guerin & Turner, St. Louis; radio sales, Capital Cities/ABC Radio Network
- MBA, Columbia University; BA, economics and math, Vanderbilt University

Photos: Oscar Williams

to come in and make their presence felt. I don’t think Washington is going to have much empathy for the record companies right now.

**Clear Channel has been fined for indecency violations by the FCC for antics of shock jocks, particularly Bubba the Love Sponge. How does their behavior go over with the GOP friends you’ve cultivated in Washington?**

Radio must clean up its own house; government regulation is never the solution. We count on the Clear Channel programming and on-air staff to distinguish reckless behavior from compelling programming.

**Does that mean you may fire Bubba?**

We have to give him the opportunity to censor himself. I think he’s capable of doing that. He’s been put on notice. There have been jocks put off the reservation because they departed twice.

say this is obviously a publicity stunt on their part.

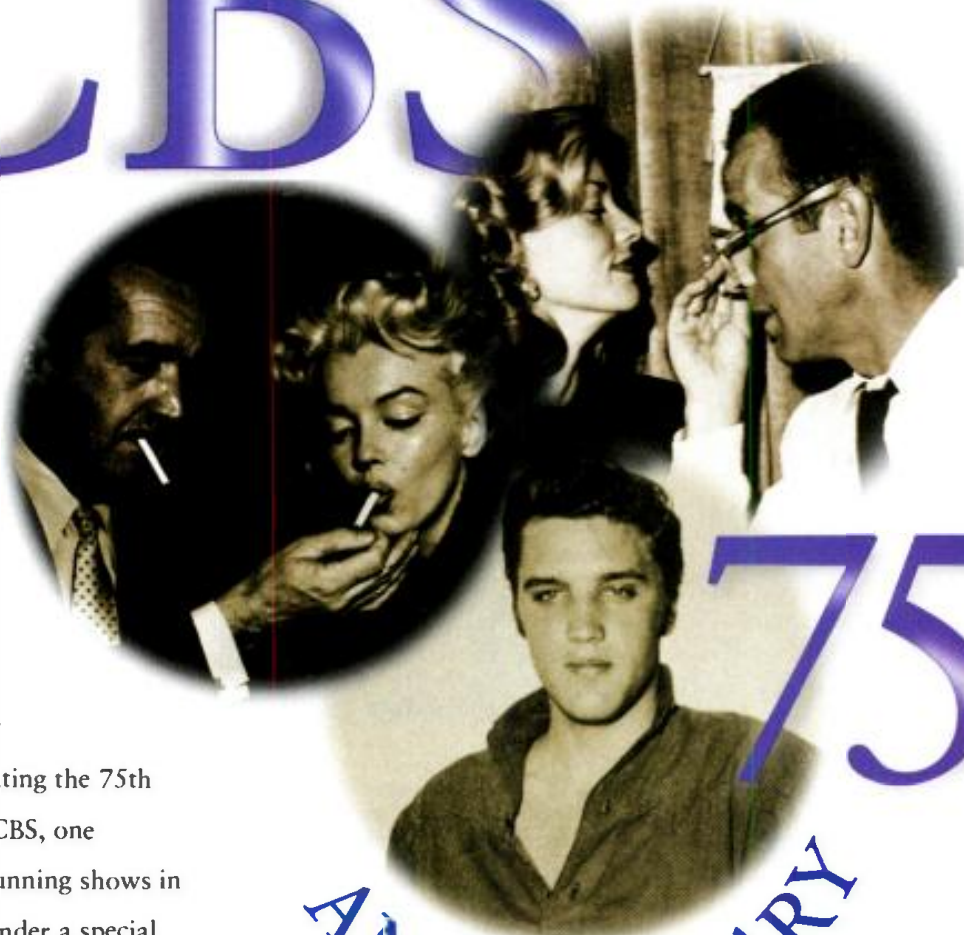
**The FCC has ordered some of your station purchases reviewed by an agency judge to determine whether they create local ad monopolies, although there’s no allegation of wrongdoing. Will you submit to the review or wait until the FCC finishes revising radio-ownership rules?**

It doesn’t do us any good to spend all that money to go before a judge just before new rules are set. We’d rather wait for the new rules. Then, if we don’t like them, we can fight them in court.

**What should Washington do?**

They will change ownership rules to be media ownership within the confines of an entire market instead of simply radio. Eventually, regulators will realize that radio is not a market to itself. As a consumer, I don’t

# CBS



# 75<sup>th</sup>

# ANNIVERSARY

Please join *Broadcasting & Cable* in celebrating the 75th anniversary of CBS, one of the longest-running shows in broadcasting. Under a special arrangement with CBS, *Broadcasting & Cable* will publish a photographic history of the network, drawing from CBS's archive of some 50 million photos. This exclusive supplement will include candid, behind-the-scenes shots of the people, places and events that made CBS a cultural and journalistic force in America—from its early radio days to its TV present. Most of the photos have never been published before. Be part of this truly special publication. Be part of broadcasting history.

**ISSUE DATE**  
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**If someone's doing a morning show in L.A. and does afternoons in Corpus Christi and he can spend time in both markets making appearances, it can be local, live and compelling.**

distinguish where I get my news. Today, it may be the newspaper, or it may be radio on the way in this morning or on TV later tonight.

**How big do you want Clear Channel to be?**

We're a little behind schedule [laughs]. We never decided to grow to 1,200 radio stations. Rather, we asked ourselves how we could serve customers. Obviously, adding properties in markets where we already operated made the most sense. Remember, we owned radio and outdoor in a bunch of markets before anybody jumped on that.

**Will you continue being a major acquirer of new stations?**

On a relative basis, acquisitions become less material. At 1,200 stations, any acquisition you do—even big acquisitions—are not as material as they once were. But we'll continue to look for acquisitions that make strategic sense.

**You've increased the use of "voice tracking," bringing a DJ recorded in one market into another. On-air talent in New York City, I understand, is actively protesting it. Isn't this an example of cost-cutting at the expense of localism?**

We ought to give our listeners what they want to hear. Ninety percent of the time that means a live, local DJ. Sometimes they enjoy talent from another market. Rush [Limbaugh] is an example. Rush doesn't sit in New York; he's in West Palm Beach [Fla.]. It also could be a DJ in L.A. doing a show in New York. It also may be a guy in San Antonio doing a country show for a station in Corpus Christi.

**So you don't see voice tracking as different from syndication?**

Voice tracking is very similar to syndication, but we can make it more localized. If someone's doing a morning show in L.A. and does afternoons in Corpus Christi and he can spend time in both markets making appearances, it can be local, live and com-

PELLING. In many markets, voice tracking allows us to boost the quality of on-air talent. That may not be true in New York, but it may very well be in Winchester, Va.

**But syndication doesn't raise such complaints.**

I understand why the talent doesn't like it. When we may pay a guy to do two shows, that means somebody doesn't have a job. But, if listeners don't like it, they can punch a button. We can see in Arbitron or our internal research and know well before anyone else if listeners complain.

**You've expanded your position in television recently. Do you aim to have the**

## TV GROUP REORGANIZED

Clear Channel is such a presence in radio that it's almost possible to forget it's a player in the television-station business, too. Having doubled its TV holdings last year with the acquisition of the 16-station Ackerley Group, Clear Channel has 37 stations in 27 markets. In BROADCASTING & CABLE's annual tabulation of TV stations published April 8, Clear Channel ranked 14 among the nation's top 25 TV station groups.

Last week, it reorganized its stations into five geographic clusters and put an executive in charge of each cluster:

- **Mark Faylor**—Monterey/Salinas, Santa Rosa and Eureka, Calif.; and Eugene, Ore.
- **Steve Kimatian**—Albany, Syracuse, Rochester, Binghamton, Elmira, Utica and Watertown, N.Y.
- **Don Perry**—San Antonio; Tulsa, Okla.; and Wichita, Kan.
- **Dave Reid**—Northwest Group (Bellingham, Wash./Vancouver, B.C.; and Fairbanks, Alaska)
- **Steve Spendlove**—Salt Lake City; and Bakersfield, Fresno, Santa Maria/Santa Barbara/San Luis Obispo, Calif.

The five will report to Clear Channel TV chief William G. Moll, who also directly oversees stations in Cincinnati; Jacksonville, Fla.; Harrisburg, Pa.; Mobile, Ala.; and Memphis, Tenn.

—Dan Trigoboff

**same kind of heft relative to other companies in TV that you have in radio?**

I'd never say never, but, right now, we're real comfortable with our position. We've bid for more TV stations than we've purchased. It's not lack of desire but getting proper returns.

**Are you saying TV stations are overpriced?**

Yes, from the standpoint of purchase price relative to growth rate. Also, the networks have an economic advantage. They can pay more and make it work because they are buying their own distribution system.

**Clear Channel is an investor in XM Radio. How big will satellite radio become?**

I think satellite radio is a great niche product. I'm not sure it's going to be a mass consumer market.

**Even given the growth of satellite TV?**

People are switching to DBS because it's cheaper than cable and you get more channels than broadcast TV. The choice in TV is between five broadcast stations in a market or 150 cable or satellite channels. In radio, you already have maybe 35 free broadcast stations in a market, and only by making the investment of \$12 a month can you go to 150. That appeals to audiophiles who like bluegrass or want Asian talk programming.

No question, satellite is a threat long term that radio has to take seriously. We're going to have to provide compelling product to get consumers to turn on radio and listen to programs.

**Given your ability to leverage capital expenses and still profit at lowered ad rates, can single-station owners or small groups survive in Clear Channel's world?**

Jerry Lee's WBEB(FM) is the top-rated station in Philly. Good radio provides what people want to hear. People who do that are going to do very well. This is not the death of mom-and-pop radio. ■

Please join us at our annual  
*Executive Women's Luncheon*

as we celebrate

*Female  
& Risk Takers*

Wednesday, September 25, 2002  
The Supper Club  
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Luncheon & Panel Discussion: Noon to 2 pm

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Please RSVP by Tuesday, September 10 to  
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Reservations and seating assignments  
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# StationBreak

BY DAN TRIGOB OFF

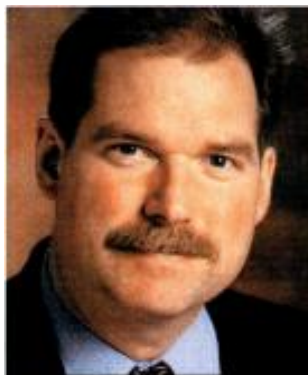
## WPRI-TV EXTENDS MORNING NEWS

LIN TV Corp.'s hometown station WPRI-TV Providence, R.I., will expand its local morning newscast, from 6-7 a.m. to 5-7 a.m., beginning Sept. 9. Its Fox duopoly sister station WNAC-TV went from a half-hour to an hour last month. News Director Gary Brown believes that the station raised its local profile with daily 4:30 p.m. reports on the trial of longtime Providence Mayor Buddy Cianci—arguably the biggest local trial since the Klaus von Bulow murder trial. Although the daily update did not do as well as the *People's Court* syndicated show it replaced, it helped boost ratings for the evening news that followed, Brown said.

The expanded newscasts have meant 10 new hires, including meteorologist Steve Cascione from WLNE(TV) New Bedford, Mass.—who will have to sit out a noncompete clause in his contract—and Pamela Watts, who comes from NPR station WRNI(FM) Providence and had been a popular anchor previously at WLNE(TV).

## WSBK-TV ADDS MORNING NEWS

WSBK-TV Boston will debut a 7 a.m. newscast Sept. 16. The Viacom-owned station promises “news you can use,” focusing on sports, traffic, business, weather and other news updates. The program will also scroll sports scores,



### Exchange reporter

WCNC-TV Charlotte, N.C., investigative reporter Stuart Watson will travel to Kuwait City, Kuwait, on a “fact-finding mission that will explore the ideas, thoughts and feelings of the Kuwaiti population,” the station says, and also as part of a journalist-exchange program that will see NBC's Los Angeles, Dallas, Philadelphia and Detroit affiliates sending reporters to Arab nations while reporters from those countries work in the American newsrooms.

weather info and stock updates at the bottom of the screen.

## KYW-TV GRABS WPVI-TV ANCHOR

Viacom's talent raiding continued last week, as CBS-owned KYW-TV Philadelphia snagged Marc Howard from ABC-owned WPVI-TV there to replace KYW-TV fixture Larry Kane as 11 p.m. anchor. That's two key positions at KYW-TV in a matter of days. General Manager Peter Dunn had come over only the week before from the NBC station group and quickly cut a deal with Howard, another

Philadelphia news heavyweight, who has been with the market's top-rated station since 1977. Howard's deal with WPVI-TV doesn't run out until January, although he has been off the air since the agreement surfaced.

## EX-ANCHOR CHARGES WTXF DISCRIMINATION

Also in Philadelphia, former WTXF(TV) anchor has sued the station, claiming that he was fired because of his race. Rich Noonan, who is white, says he was fired to make room for an anchor who is African-American. Noonan's complaint, first reported by the *Philadelphia Daily News*, says conversations with station management not only demonstrated unlawful considerations of race but also included ethnic slurs. The station calls the charges false and says it will vigorously defend against them.

## CLEAR CHANNEL NAMES REGIONAL VPS

After doubling in size last year with the acquisition of the Acklerley Group, Clear Channel has reorganized its TV-station division, appointing five regional vice presidents to oversee stations. Mark Faylor: Monterey/Salinas, Santa Rosa and Eureka, Calif.; and Eugene, Ore. Steve Kimatian: Albany, Syracuse, Rochester, Binghamton, Elmira, Utica and Watertown, N.Y. Don Perry: San Antonio; Tulsa, Okla.; and Wichita, Kan. Dave Reid: Northwest Group (Bellingham, Wash./Vancouver, B.C.;

Fairbanks, Alaska). Steve Spendlove: Salt Lake City; and Bakersfield, Fresno, and Santa Maria/Santa Barbara/San Luis Obispo, Calif. The five will report to Clear Channel TV President William Moll, who also directly oversees stations in Cincinnati; Jacksonville, Fla.; Harrisburg, Pa.; Mobile, Ala.; and Memphis, Tenn.

## KQED'S CONTENT CHIEF

KQED(TV) San Francisco promoted John Boland from executive vice president and chief operating officer of KQED Public Broadcasting to the newly created position of chief content officer of the station's several platforms. Beginning next month, KQED said, Boland will direct the production, acquisition, programming and delivery of content through television, radio, new media and educational services.

## DAVIS TO MANAGE RALEIGH, N.C., DUOP

Sinclair must have liked what it saw. The group owner of 62 TVs in 39 markets has tapped Neal Davis to run its Raleigh, N.C., weblet duopoly, WLFL(TV)/WRDC(TV) (they are WB and UPN affiliates, respectively). Davis had been GM of Nexstar's WMBD-TV Peoria, Ill., but had also been running Sinclair's Fox affiliate, WYZZ-TV Bloomington, Ill., under a seven-year LMA deal.

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



# Focus Honolulu

## THE MARKET

DMA rank	72
Population	69
TV homes	398,00
Income per capita	\$18,614
TV revenue rank	69
TV revenue	\$56,200,000

## COMMERCIAL TV STATIONS

Rank*	Ch.	Affil.	Owner
1	KHNL(TV)	13	NBC Raycom
2	KGMB(TV)	9	CBS Emmis
3	KHON-TV	2	Fox Emmis
4	KITV(TV)	4	ABC Hearst-Argyle
5	KFVE(TV)	5	WB Raycom
6	KIKU(TV)	20	Ind Intl Media
7	KBFD(TV)	32	Ind Allen Bcstg
8	KPXO(TV)	66	Pax Paxson

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

## CABLE/DBS

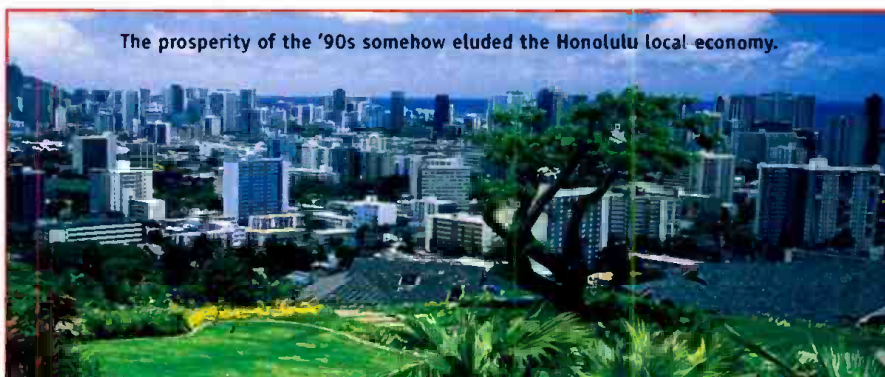
Cable subscribers (HH)	358,200
Cable penetration	90%
ADS subscribers (HH)**	15,920
ADS penetration	4%
DBS carriage of local TV?	Yes

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

## WHAT'S NO. 1

Syndicated show	Rating/Share***
Wheel of Fortune (KHON-TV)	13/27
Network show	
ER (KHNL)	16/28
Evening newscast	
KHON-TV	14/27
Late newscast	
KHON-TV	11/24

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



The prosperity of the '90s somehow eluded the Honolulu local economy.

Photo: HVCB/Chuck Painter

## No paradise for television

"If a guy's [minor league] home team was Hawaii and he was called up to the big leagues," wrote then-pitcher and later WABC-TV New York sportscaster Jim Bouton in his 1969 journal *Ball Four*, "he might well decide he didn't want to go."

Hawaii is still that beautiful, but the past decade was lousy for the local economy and not that great for local television. The tourism-based economy suffered from the drop in travel precipitated by the Gulf War and downturns in the Japanese economy. Then, as the market looked to be recovering, the U.S. economy started tanking, and 9/11 caused another drop in travel.

"It's paradise here," says Michael Rosenberg, general manager of Hearst-Argyle's KITV, "but there may be better places to enjoy the business of television."

Still, "this is ultimately what you'd like the Planet Earth to be," says John Fink, general manager of Raycom's KHNL(TV) and KFVE(TV). "The quality of life is unsurpassed, and it's the ultimate melting pot."

Advertising in the heavily cabled market is mostly local, and, when you buy Honolulu, you buy all of Hawaii.

KHNL's news won the February book, marking the first time in memory that local ratings weren't dominated by Emmis's KHON-TV. Although the perennial leader returned to form by May, KHNL managed to remain in second place. KFVE claims to offer more local sports than any U.S. station, with more than a hundred University of Hawaii contests.

Emmis also owns Fox affiliate KGMB(TV), the group having been granted repeated waivers while it waits either to sell the station or for some regulatory relief. Because both network affiliates offer local news, there has been some local opposition to the duopoly.

—Dan Trigoboff



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Source: NSI, WRAP Overnights, 8/19 - 8/23/02, 1p - 1:30p tp, HH rg. #1 court show vs. Divorce Court, Judge Joe Brown, Judge Judy, Judge Mathis, People's Court, Power of Attorney, Texas Justice. Lead-in = 1/4 hr tp, Year ago = August '01 Sweep



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# Changing Hands

## Compos

**WHTI-FM Alexandria, WHBU(AM) Anderson, WURK-FM Elwood, WHTY-FM Hartford City, and WXFN(AM), WERK-FM and WLBC-FM Muncie, all Ind.; WNKI-FM Corning, WWLZ(AM) and WPGI-FM Horseheads, WNGZ-FM Montour Falls (Elmira-Corning), WHDL(AM) and WPIG-FM Olean, and WGMF(AM) Watkins Glen (Elmira-Corning), all N.Y.; WCXR-FM Lewisburg, WBZD-FM Muncy, WZXR-FM South Williamsport, WSFT-FM Williamsport, WWPA(AM) and WILQ-FM Williamsport, all Pa.**

**Price:** \$42 million

**Buyer:** Backyard Broadcasting (Barry Drake, president/CEO); owns two other stations, neither in this market

**Seller:** Sabre Communications Inc. (Paul Rothfuss, president/COO)

**Facilities:** WHTI-FM: 96.7 MHz, 3 kW, ant. 351 ft.; WHBU(AM): 1240 kHz, 700 W; WURK-FM: 101.7 MHz, 3 kW, ant. 328 ft.; WHTY-FM: 93.5 MHz, 4 kW, ant. 407 ft.; WXFN(AM): 1340 kHz, 1 kW; WERK-FM: 104.9 MHz, 3 kW, ant. 328 ft.; WLBC-FM: 104.1 MHz, 41 kW, ant. 459 ft.; WNKI-FM: 106.1 MHz, 40 kW, ant. 532 ft.; WWLZ(AM): 820 kHz, 4 kW day/850 W night; WPGI-FM: 100.9 MHz, 4 kW, ant. 246 ft.; WNGZ-FM: 104.9 MHz, 1 kW, ant. 479 ft.; WHDL(AM): 1450 kHz, 1 kW; WPIG-FM: 95.7 MHz, 43 kW, ant. 742 ft.; WGMF(AM): 1490 kHz, 400 W; WCXR-FM: 103.7 MHz, 950 W, ant. 801 ft.; WBZD-FM: 93.3 MHz, 2 kW, ant. 1,221 ft.; WZXR-FM: 99.3 MHz, 410 W, ant. 1,237 ft.; WSFT-FM: 107.9

MHz, 360 W, ant. 1,289 ft.; WWPA(AM): 1340 kHz, 1 kW; WILQ-FM: 105.1 MHz, 9 kW, ant. 1,135 ft.

**Format:** WHTI-FM: Classic Hits; WHBU(AM): News/Talk/Sports; WURK-FM: Oldies; WHTY-FM: Classic Hits; WXFN(AM): Sports; WERK-FM: Oldies; WLBC-FM: AC; WNKI-FM: CHR; WWLZ(AM): News/Talk/Sports; WPGI-FM: Country; WNGZ-FM: Classic Rock; WHDL(AM): Oldies; WPIG-FM: Country; WGMF(AM): Country; WCXR-FM: Classic Rock; WBZD-FM: Oldies; WZXR-FM: Classic Rock; WSFT-FM: Soft AC; WWPA(AM): News; WILQ-FM: Country

**Broker:** Terry Greenwood of Patrick Communications  
**WDBL(AM) and -FM Springfield (Nashville), Tenn.**

**Price:** \$1.5 million

**Buyer:** Saga Communications Inc. (Edward K. Christian, president/CEO); owns 65 other stations, none in this market

**Seller:** Tuned In Broadcasting Inc. (Lester L. Turner, president/chairman/CEO)

**Facilities:** WDBL-FM: 94.3 MHz, 3 kW, ant. 325 ft.; WDBL(AM): 1590 kHz, 710 W day/30 W night

**Format:** WDBL-FM: AAA; WDBL(AM): Country

## FMs

**KABK-FM Augusta, Ark.**

**Price:** \$2.75 million

**Buyer:** Family Worship Center Church Inc. (Jimmy Swaggart, member); owns

13 other stations, none in this market  
**Seller:** Searcy Broadcasting Inc. (Ken Madden, owner)

**Facilities:** 97.7 MHz, 100 kW, ant. 620 ft.

**Format:** AC

**Broker:** Wally Tucker of MGMT Services Inc

**KTXC-FM Lamesa (Odessa-Midland), Texas**

**Price:** \$740,000; \$640,000 to be paid in cash at closing, the rest in the form of advertising time on the station or Midessa's TV and LPTV stations in Odessa over three years

**Buyer:** Midessa Broadcasting LP (Robert H. Drewery, vice president); no other radio stations

**Seller:** Graham Brothers Communications LLC (Roger Gearhart, president)

**Facilities:** 104.7 MHz, 100 kW, ant. 794 ft.

**Format:** Spanish

## AMs

**KURS(AM) San Diego**

**Price:** \$8.5 million

**Buyer:** Hi-Favor Broadcasting LLC (Roland Hinz, president); owns two other stations, none in this market

**Seller:** Pacific Spanish Network, (Jaime Bonilla, president)

**Facilities:** 1040 kHz, 370 W day/63 W night

**Format:** Spanish/Top 40/Sports

—Information provided by  
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# HDTV day for CBS Sports

*HD/SD truck will allow unified production of U.S. Open, later college football*

By Ken Kerschbaumer

**N**ext Saturday will be a landmark day in the history of HDTV: CBS Sports will transmit and produce broadcasts of both U.S. Open tennis and a college football game between the University of Miami and the University of Florida in high definition.

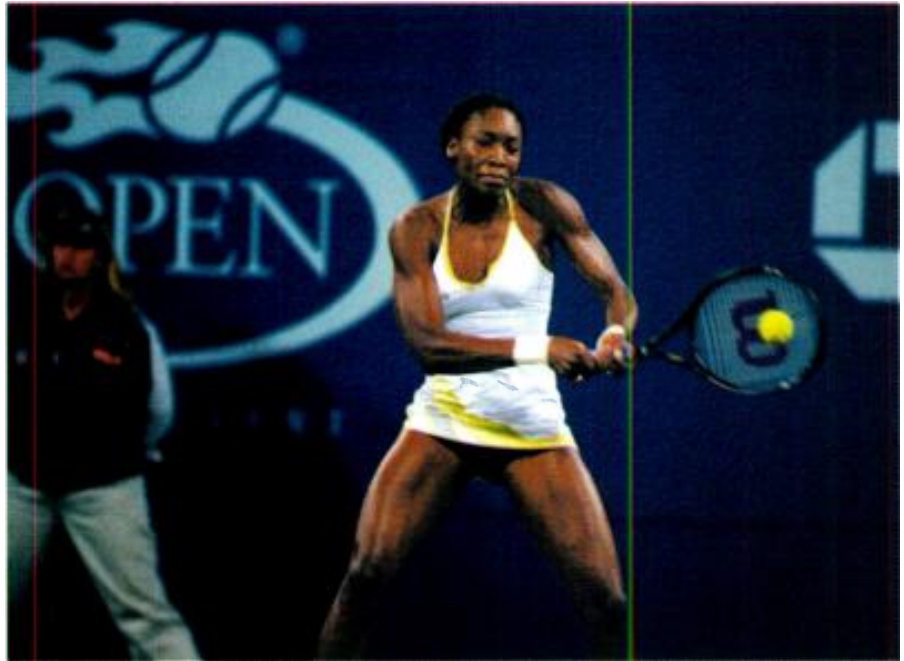
Last year, CBS gave the U.S. Open three days of HD coverage. This year, it's six days, because Core Digital's HD/SD truck is allowing the network to do a unified production instead of the dual production of last year.

"Last year, we had two separate trucks and two separate announce teams," says Ken Aagaard, CBS Sports vice president of technology. "The big difference is that it's all together: one crew, one announce team, one set of cameras and one set of tape machines."

With cameras and tape machines capable of dual-format operation, he says, the missing ingredient last year was a production switcher. But Sony introduced a production switcher that can switch the HD cameras and tape machines and output two feeds: one SD and the other 1080i.

"We need to do this [unified production] for a whole lot of reasons, besides financial," he says. The cost saving is roughly 50%, which has allowed the network to double the amount of HD coverage while keeping costs flat.

Graphics has always been a tricky area in



Venus Williams (above) is a favorite to play for the Ladies' Singles championship, which will be carried on Sept. 7, along with the U.S. Open Men's Semifinals, in high definition. On the same day, Verne Lundquist (l in photo right) and Todd Blackledge will cover the Miami-Florida NCAA football game, which will likewise be offered in hi-def.

HD/SD production, but graphics on both Pinnacle Deko and SGI platforms will be handled by a single operator.

In Florida, the HD production will be handled by a second truck that will do "shadow cuts" of the SD production. The technical director in the truck will listen to the producer and director and make switches that parallel the SD production. But the remainder of college games produced in HD this season will use the Core Digital truck being used at the U.S. Open.

The cost of HD productions has been a



sticking point with the transition to digital, but, for CBS, there is a return on investment. "HDTV puts us in a strong strategic position," says Aagaard. "As we go through this transition, we have a dual revenue stream." ■

**'HDTV puts us in a strong strategic position. As we go through this [digital] transition, we have a dual revenue stream.'**

—Ken Aagaard, CBS Sports

# Making Internet radio local

*Decisionmark, Capitol hit the road to keep stations streaming on the Web*

By Ken Kerschbaumer

This week, Decisionmark President and CEO Jack Perry is beginning a road show that he hopes will do for Internet audio streaming what he did for direct-to-home satellite four years ago: solve a problem. Air-to-Web, a new service from Decisionmark, is designed to give radio stations a local presence on the Internet—and only a local presence.

"This is an opportunity to bring radio broadcasters to the Web in a viable way as opposed to just taking signals and making them available on a global basis," says Perry. "If we bring back radio to the Internet and give it a localness, we think the recording industry will embrace that."

Perry won't be alone on the road. Sam Matheny, vice president and general manager of Capitol Broadcasting's DTVPlus, will represent WRAL(FM) Raleigh, N.C., which is pilot-testing the system.

"We have to trust what the recording industry has said up to this point," says Matheny. "And what they've said is they need a Webcasting system that is not just wide open to the world."

Matheny says his goal is to convince the industry that this product will allow stations like WRAL to reach their own market via the Internet. "We don't think we're pulling a large audience from outside markets so we'd like to be able to service our local market."

Nearly all commercial radio stations have fallen silent on the Internet—literally. Royalties set up under the Digital Millennium Copyright Act requiring payments of 0.07 cents per song per listener would result in fees higher than typical fees paid to songwriters and publishers.

The Air-to-Web technology essentially works by taking a potential listener's street address and then searching the skies to generate a list of the broadcast stations

(both TV and radio) that can be received with an antenna. When a potential listener tries to access a station's Web site, the system asks for his or her street address, determines its latitude and longitude, and calculates the exact dBu for each station that can be received there. After validating the address as within the station's service area, the system e-mails the listener an ID that is then used to access the stream.

WRAL built the frontend scripts and Web pages through which the listener sends information to the backend server system that does the validation. "From the testing we've done here," Matheny says, "it's a matter of seconds before verification is complete."

He believes everyone agrees that local radio stations have a valuable relationship with the recording industry. "We're not trying to do anything but serve our local markets like we always have, and we hope there is no objection to doing that." ■



Jack Perry thinks the recording industry will embrace a radio "localness" on the Internet.

## Home run for streaming

*MLB.com's live video Webcast is more than an experiment*

By Ken Kerschbaumer

After a couple of small streaming steps earlier this season, MLB.com took a giant leap last week with a live video and audio Webcast of a game between the New York Yankees and Texas Rangers. And the league hopes to expand the Webcasts next season in an effort to drive fan interest—particularly among the displaced faithful, those who live outside

their favorite team's television-coverage area.

According to MLB.com President and CEO Bob Bowman, 30,000 people watched the free Webcast. Current plans are for one or two games a week to be available via Webcast for the remainder of the season (barring a strike).

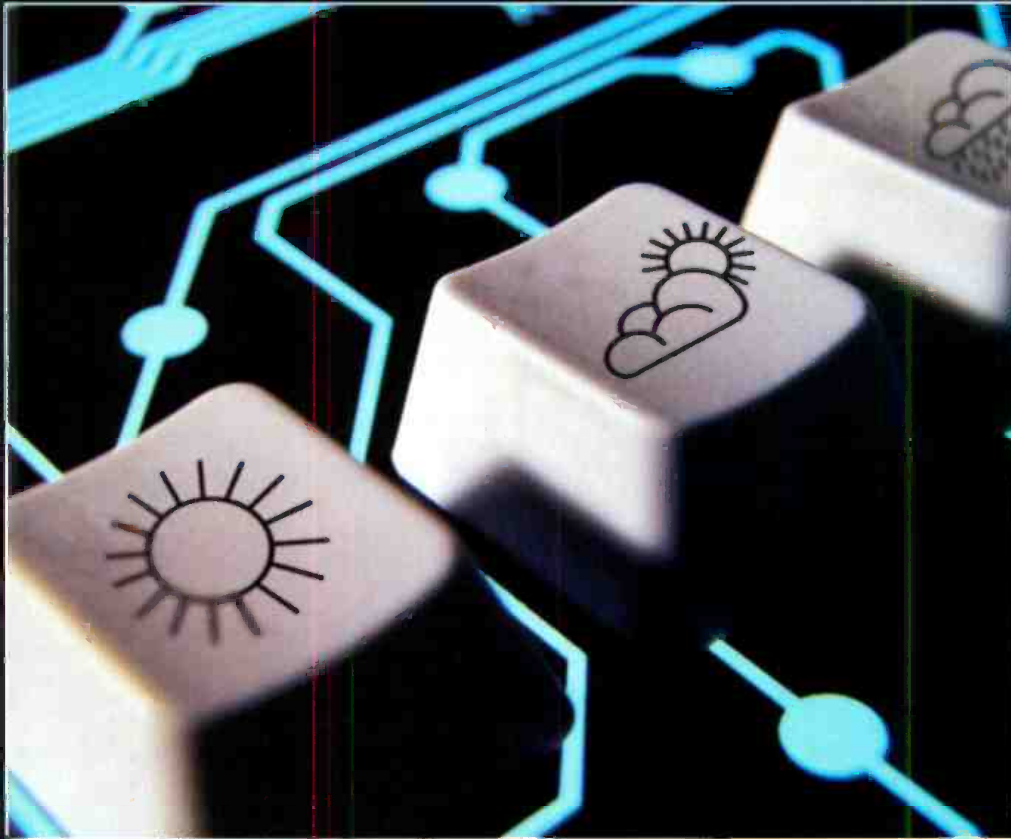
"We were pleasantly surprised by the numbers and the video quality," says Bowman.

A limiting factor on the audience was that it was available only to viewers outside the New York and Arlington, Texas, markets. A credit-card number was required to verify the viewer's address. More than 12,000 fans living in the New York and Arlington markets attempted to watch the Webcast but were denied.

Bowman says the league is respectful of the holders of local

and national TV rights and would stream a game into a local market only if the ballclubs gave the league approval. He believes that an argument can be successfully made with local broadcasters that streaming will add to their revenues and viewer base, not take away. The broadcast last Monday was of the YES Network and DirecTV feed, complete with advertisements.

"About 30,000 more pairs of eyes saw the ads," says Bowman. "You don't think YES is going to get more for their ads if there are 100,000 people watching a video stream of the broadcast?" ■



# NEWS TECHNOLOGY

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# WEATHER SYSTEMS

Solid news technology in the field and in the newsroom can mean the difference between getting the scoop and getting scooped. The Sept. 16 special report in *Broadcasting & Cable* will take a look at the latest developments and trends in news as well as an upclose look at the latest in weather systems technology.

ISSUE DATE  
**Sept. 16, 2002**

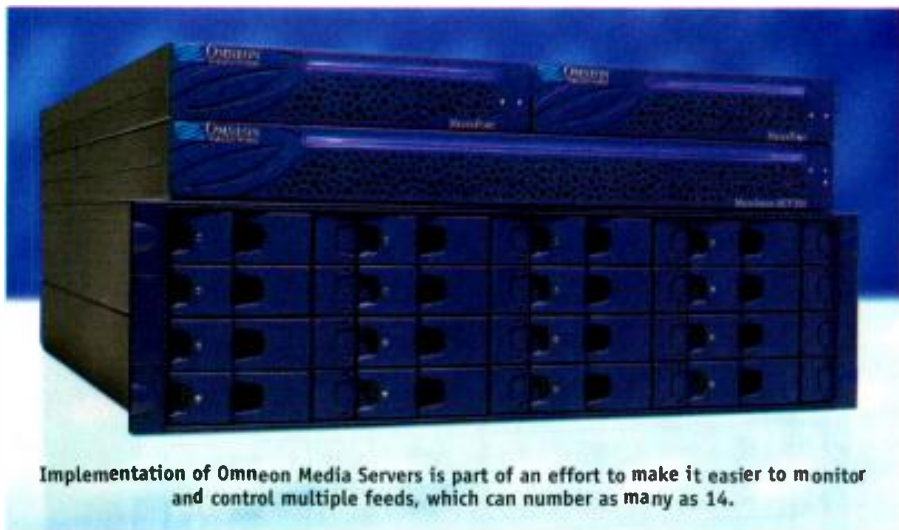
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Implementation of Omneon Media Servers is part of an effort to make it easier to monitor and control multiple feeds, which can number as many as 14.

# PBS taps Omneon

*Media Server finds its way into PBS stations, network ops*

By Ken Kerschbaumer

**P**BS, following the lead of one of its member stations, has chosen Omneon as video-server provider for its new technical operations center (TOC) in Alexandria, Va.

When Keith Massie, WHRO-TV Norfolk, Va., chief technology officer, decided that his station would take a leap with the Omneon Media Server, he had little more than faith that the decision was right. The subsequent PBS decision gives Massie and WHRO-TV a sense that their faith was well-placed.

John Tollefson, PBS Engineering and Technical Services vice president and chief technology officer, says the decision to go with Omneon was hard. PBS began evaluations of servers from 13 different manufacturers in January, and a technical analysis got that number down to five right after NAB.

"From a technical point of view, most of the 13 could provide the base needs," Tollefson says, "but the issue came down to what do we think is going to happen in the future, projecting our needs and where the [supplier] is going."

The main concern for both Massie and Tollefson was that Omneon is relatively new to the server market. But that could be an advantage, Tollefson says, because it doesn't have a lot of legacy servers or technologies to deal with.

The implementation of Omneon's servers at PBS is part of an effort to make it easier to monitor and control the feeds sent out by PBS, feeds that can sometimes number as many as 14. The problem with a tape-based environment is that, by the time a problem is noticed and fixed, it's often time to move on to the next program or interstitial.

"We want to move the technical checking upstream," says Tollefson, "so that, by the time content is on the server, you know it's perfect, and you just play it out."

PBS has already installed automatic monitoring systems, and a Harris automation system is in place for the digital streams.

The new facility will also have three ingest rooms, Tollefson says, adding that the servers and a nearline archive should be on line by first quarter 2003. "Tape or file transfers will be done by producers onto the server," he says, "and, once

approved, the files move onto the main servers."

The tricky part of the improvement is making sure it interfaces with human beings and the operations side.

"Something may seem perfectly logical from a technical point of view," Tollefson explains, "but the impact it has on the operators and how they have to do something or how the data comes into the TOC might be different."

Like PBS, WHRO-TV is dealing with multiple feeds, handling broadcasts for 12 separate channels: the station's analog and digital signals, six ITFS channels to local school districts, and channels fed to local cable companies. The station has used servers in the past, but the Omneon Media Server system will place all of the station's 12 feeds on servers.

"We had a lot of people running around a lot of tapes," Massie says of the VTR days. Those days will be gone in a matter of weeks. The new master-control operations should be completed by Newington, Va.-based Communication Engineering (CEI) by October.

The 9-TB Omneon server will be able to store 700 hours of video. HD content will be stored on Sencore-type servers that can handle an ASI stream. A 23-TB Sony Petasite as nearline storage will also be in the mix. The Omneon server will have eight record channels and 16 playout channels.

"What we'll have that we haven't had in the past is a more file-agnostic system," says WHRO-TV Chief Engineer Bob Boone, referring to the ASC VR30 servers and Sony VTC1000 servers that are also used at the station. "The Media Server will be able to ingest and play out multiple file formats to MPEG or whatever we need."

WHRO-TV will manage its primary channels through Miranda's Oxtel Series Imagestore master-control system, and each channel will be processed through an individual channel unit, says Boone. Miranda's Kaleido K2 video wall will be used to help with monitoring of the programs playing out. ■

### RESPONSIBILITY, TOO

Editor: If I may be forgiven a strained metaphor, perhaps the *Opie and Anthony* incident ("Mea culpa," Aug. 26) will turn out to be a blessing in disguise.

Surely, radio stations' proliferation and the ensuing competition have made the words *indecent* and *obscenity* more common in recent years.

Let's hope the resultant hemming and hawing about what is indecent and obscene will now go on hiatus—at least for a while. Let's hope, too, the *Opie and Anthony* episode will be the cold shower certain station managements needed to exercise the responsibility clause in their licenses and at least moderate the permissive climate in which programs like *Opie and Anthony* can thrive.

One does not have to be a communications lawyer to know the whining about First Amendment rights by some broadcasters is most often used as an umbrella for the reign of raunch.

BROADCASTING & CABLE is to be commended for its ongoing crusade to grant the "Fifth Estate" the same free-speech rights as the press. But isn't it, at last, time to form a compound noun for deliberations on the subject? Thus: rights and responsibility.

*Philip K. Eberly*  
former broadcaster and  
former oral historian  
Library of American Broadcasting at  
University of Maryland

### APOLOGY CALLED FOR

Editor: The word to describe this *Opie and Anthony* "promotional stunt" is *vulgar*. I am a poor, stumbling, staggering, faltering Catholic and son of the Roman Church. But this is clearly an outrageous insult: copulating in the best-known cathedral in America. It is an insult not only to Catholics but also to any God-fearing religion-practicing citizen of the republic and to every other right-thinking broadcaster.

Melvin Karmazin and Sumner Redstone should jump in their car and go right over to the Cardinal's residence on Madison Avenue (they can fight over who gets the best seat!) with the most profound, graceful, heartfelt, sincere *apology* they can summon up.

And I think they also should have a check—\$250,000 is a nice, round number. Here are the words: "Your Eminence, we can't find the *words* to apologize for this vulgar insult. However, we know of the *good* work you and Catholic Charities do. This cannot make up for the outrageous vulgarity, Your Eminence. But we want to try!"

Having said that, I'm afraid we have to stand with the vulgarians if the FCC wants to threaten their license. This is a First Amendment matter.

I remember—and Mel will confirm this—when we defended Howard Stern from censure by NAB (our own tribe). And I remember when Larry Taishoff, then publisher of BROADCASTING & CABLE, told me, "We've always had terrible examples to defend, O'Shaughnessy!" So perhaps it was ever thus. Mel has to be assured we will all stand with him this time as well, as repugnant and obnoxious as is this episode: the defilement of a cathedral.

*William O'Shaughnessy*  
chairman  
Whitney Broadcasting Corp.  
New Rochelle, N.Y.

### COOPERATIVE COMPETING?

Editor: Though compelling, Harry Jessell's proposal for creating a cooperative DTV multicasting arrangement among local broadcasters ("Sink or Swim," Aug. 5) appears to be wishful thinking. When it comes to content, local broadcasters are fiercely competitive. It is one thing for local broadcasters to share a DTV antenna because of economic and political necessity; it is quite another to extend this cooperation to content. Inevitably, issues of programming strategies and contributions among rival broadcasters will surface and jeopardize this kind of partnership. First and foremost, broadcasters compete based on content.

In addition, at a time when more than 85% of TV households subscribe to cable or satellite, what would broadcasters and consumers gain from broadcast-based multichannel operations, independent of cable or satellite service? Do broadcasters expect that consumers will step back into the antenna-mounting era?

However, subscription-based datacasting

channels, such as those proposed by Dotcast and iBlast, could attract viewers and generate some revenue for local stations if the price is right and the content is distinct from other sources. And DTV broadcasters could set aside a portion of their digital spectrum for high-speed wireless Internet service. One could envision the construction of 802.11b-type wireless networks to serve local communities and even national audiences.

In a truly technologically deterministic fashion, innovation is what will keep the broadcasting industry alive and well for decades to come.

*Michel Dupagne*  
associate professor  
School of Communication  
University of Miami

### BOOST CO-OP DTV BROADCAST

Editor: You are, of course, right in regard to your article, "Sink or Swim" (Aug. 5). Never has a more powerful, ubiquitous and flexible conduit been implemented with so little fruitful result.

Clear Channel Television has several initiatives utilizing the DTV bitstream outside of the traditional single-station advertising model. We were instigators of the Broadcasters Digital Cooperative, a group of DTV broadcasters dedicated to the idea of flexibly offering ad hoc and formal aggregation in local, regional and national networks. The BDC still exists and operates. Clear Channel has developed an Internet accelerator to enhance Internet service to users underserved by DSL or digital cable. This service is currently in our Cincinnati market and about to expand into two others. There are additional service offerings contracted for what will be national in nature.

In the end, though, if we don't win in the household, we will lose it all. The set-top box, with storage, conditional access and wireless interactivity are key to our survival. Let's roll.

The opinions expressed here are my own.  
*Michael D. DeClue*  
senior vice president and  
director of engineering  
Clear Channel Television and  
Clear Channel Wireless  
Tulsa, Okla.

# People

## Broadcast TV

**John L. Boland**, executive VP/COO, KQED(TV) San Francisco, named chief content officer.

**Tim Ermish**, VP/director, KSAZ-TV/KUTP(TV) and Fox Sports Net Arizona, Phoenix, named VP/GM, KSTU(TV) Salt Lake City.

**Rick Snyder**, VP, creative services, WBRC(TV) Birmingham, Ala., joins WRBW(TV) Orlando and WOGX(TV) Ocala, Fla., in the same capacity.

**Larry Jopek**, broadcast research consultant, Currie Jennings LLC, Tampa, Fla., named corporate support director, WEDU(TV) Tampa.

**Richard Kaelberer**, assistant director, technical operations, Pennsylvania Public Television Network, Hershey, promoted to director.

## Cable TV

**John DelViscio**, GM, Comcast Cablevision of New Jersey and Comcast Plainfields, promoted to VP/GM, Comcast Northern New Jersey.

At Time Warner Cable:

**Terence Rafferty**, VP, finance, New York, promoted to group VP, finance; **Darlene Stapleton**, director, business operations, Detroit system, named director, group operations, national division, Englewood, Colo.

## Programming

**Patricia Kiel**, senior VP, communications, Sony Music Entertainment, New York, named executive VP, corporate communications and media relations, NBC, New York.

**Russ Popick**, president, Juice Box Productions, Los Angeles, appointed senior VP, on-air promotions, The WB Network, Burbank, Calif.

At MSNBC, Secaucus, N.J.: **Cheryl Daly**, senior VP, communications, TNN: The National Network, New York, joins as senior VP, communications; **Paulette Song**, manager, corporate communications, MTV

Networks, New York, joins as director, media relations;

**Alana Russo**, account executive, Hill and Knowlton, New York, joins publicist.

**John Lindsay**, senior VP, Oregon Public Broadcasting, Portland, named executive VP, Carlton Productions, Princeton, N.J.

**Jo Holtz**, VP, research, Oxygen Media, New York, joins In Demand, New York, in the same capacity.

**Kathy McMahon**, director, affiliate sales, Comcast Sports-Net Mid-Atlantic, Bethesda, Md., named VP, marketing and affiliate relations.

At Nelvana, Los Angeles: **Irene Weibel**, VP, marketing,

## Obituaries

Veteran radio newsman and disc jockey, **Art Kevin**, who reported the 1968 assassination of Sen. Robert F. Kennedy live from Los Angeles's Ambassador Hotel to RKO network stations, passed away from lung cancer on Aug. 15 in Las Vegas. He was 67.

Kevin, born Art Ferraro in the Bronx, New York, got his first gig as a radio disc jockey in 1956 at WAVZ(AM) New Haven, Conn., where he also reported news obtained from the wire services. When the ocean liner Andrea Doria sank off the Massachusetts coast, Kevin took on the role of reporter for the first time, spurring his decision to be a newsman.

Kevin became the United Press International's first West Coast Bureau chief in 1959, when he helped develop the company's radio division.

After serving as the first news director at

KEZY-FM Anaheim, Calif., he went to work for KHJ(AM) Los Angeles in 1963. Initially, the station's reporter, Kevin eventually became the news director and public-affairs and national correspondent for RKO General Broadcasting, covering the campaigns of Richard Nixon and Nelson Rockefeller, among others. In 1972, he moved on to KMPC(AM) there, staying until 1978.

Kevin started his own radio station, KRRI-FM Boulder City, Nev., in 1982 and ran it until 1995.

He is survived by his wife, Jodi Lawrence; two sons; and a daughter.

**Ted Ashley**, the movie mogul credited with reinvigorating failing Warner Bros. in the 1970s, died Aug. 24 at New York Hospital. He was 80.

Starting as an office boy for the William Morris Agency in his late teens, Ashley be-

came a full-fledged agent at age 20. After several years with the agency, he formed his own firm, Ashley Famous, which became renowned for its packaging of such television shows as *Mission: Impossible* and *The Carol Burnett Show*.

Ashley Famous was bought in 1967 and fully acquired by Kinney Services Inc. in 1969, at which time Ashley was named chairman of the also newly acquired Warner Bros., a post he held off and on until 1981. Under his tenure, the studio churned out such blockbuster films as *Dirty Harry* and *The Exorcist*.

In 1982, Ashley was named vice chairman and member of the board of parent company Warner Communications Inc. He retired in 1988.

He is survived by his wife, Page; four daughters; a brother; and two grandchildren.



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

adds VP, educational development, to her responsibilities; **Christie Dreyfuss**, director, development, promoted to VP; **David Weibe**, creative executive, Nickelodeon Studios, joins as director, development; **Megan Zakarian**, development coordinator, promoted to director, educational development; **Amber Waznis**, assistant to President of International Distribution Topper Taylor, named sales executive.

At Brief Original Broadcasts, Littleton, Colo.: **Abby Aronsohn**, senior VP, business development, TviFusion, Denver, joins as VP, business development; **John McCoskey**, founder, Media Technologies, Castle Rock, Colo., joins as senior VP, technology.

**Scott Lewers**, manager, programming, scheduling and acquisitions, Lifetime Entertainment, New York, joins Oxygen Media, New York, as director, programming, scheduling and planning.

At CBS Research, New

York: **Marianne O'Leary**, manager, broadcast television research, named director, media research; **Kathy McClung**, supervisor, local market analysis, named manager, audience analysis; **John Butler**, supervisor, custom analysis, named manager.

**Will Baysinger**, writer/producer, programming, The Inspiration Networks, Charlotte, N.C., promoted to promotions producer.

**Media**

**Alan J. Bell**, president, broadcasting division, Freedom Communications, Irvine, Calif., named president/CEO.

**Journalism**

**Bonnie Optekman**, director, NBC News Productions Systems, New York, name VP.

**Mike McDonald**, VP, news, WDAF-TV Kansas City, Mo., retired on Aug. 6., after 22 years with the station.

**Robb Harleston**, anchor/reporter, WJXX-TV Jacksonville, Fla., named assignment desk editor,

C-SPAN, Washington.

**Emily Thompson**, 11 p.m. producer, WPBF(TV) West Palm Beach, Fla., promoted to executive producer, news.

**Stacy Case**, anchor/reporter, WCPO-TV Cincinnati, named correspondent, CBS Newspath, Charlotte, N.C.

**Dick Johnson**, anchor/general assignment reporter, WLS-TV Chicago, named morning news anchor, WMAQ-TV Chicago.

**Ken MacLeod**, morning anchor, WKMG-TV Orlando, Fla., named weekend anchor, WBZ-TV Boston.

**Jacque Smith**, weekend anchor, WJW(TV) Cleveland, promoted to co-anchor.

**Alita Haytayan**, weekday morning anchor, WFOR-TV Miami, named reporter, WBBM-TV Chicago.

**Advertising/Marketing/PR**

**Keith Hagan**, VP, publicity, Mammoth Records, New York, joins The Lippin Group, New York, as VP.

At Inter/Media, Encino, Calif.: **Anita Paul**, media

supervisor, Ground Zero Advertising, Los Angeles, joins as planning supervisor; **Mar Kanayama**, account manager, and **Erik Griffin**, associate account manager, both from Initiative Media, Los Angeles, join as media planners.

**Technology**

**David E. Rapley**, retired executive VP, engineering, VECO Corp., Englewood, Colo., named to board of directors, Liberty Media Corp., Englewood.

**Bill Humphrey**, president/COO, of NextLeft, Los Angeles, joins Liberty Livewire Media Group, Santa Monica, Calif., as president.

At Encoda, Denver: **Robin Adams**, co-founder, Drake Automation, Denver, named president, automation solutions division; **Robert Duncan**, senior VP, business solutions division, named president, media management solutions division.

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

# A youthful viewpoint

To keep up with his audience, Hilary likes to move quickly, take risks

Comedy Central chief Bill Hilary staunchly refuses to become a “gray executive”: someone, by his definition, who loses touch with pop culture and viewer tastes. “My biggest fear is becoming old and stale.” To stay youthful, Hilary, who once played keyboard in a rock band, tries to “move quickly, be edgy and take risks.”

Certainly, his outlook jibes with his Comedy Central audience: Next to MTV, Comedy boasts one of cable’s youngest. According to media-buying firm Magna Global, its median prime time viewer in the 2001-02 TV season was 33 years old.

*South Park* pushed Comedy Central into the limelight, but a collection of hip shows like *The Daily Show With Jon Stewart*, *Crank Yankers* and *The Man Show* fuel the channel. Under Hilary, Comedy Central is a mix of offbeat programs and traditional comedy, sketch shows and stand-up. “Sometimes, there is pressure on a cable channel to go broad,” he explains. “That would be a disaster for us.”

Of course, Hilary would welcome another *South Park*, a hit so big it graces magazine covers. He is inspired by MTV’s recent success with *The Osbournes* but notes, “MTV is not just about *The Osbournes*. They have a whole range of strong shows.”

It was acquiring MTV shows, such as *The Real World* and *Beavis & Butt-head*, in the early 1990s for Britain’s Channel 4 network that gave Hilary his first window into the American cable market. “MTV was incredibly cool,” he recalls.

He moved from buying youth-oriented shows to crafting mainstream programming for Granada Television. In 1994, he returned to the BBC. The BBC makes about 60% of

its own programming; the rest comes from independent producers. By 1998, Hilary was charged with finding that 40%.

Buying programming for the BBC, he says, “was where I learned to be a creative executive with business sensibility.”

He also became schooled in the differences in the American and British markets. Music and reality work well on both sides of the Atlantic. (Fox’s summer hit *American Idol*, for example, is based on Britain’s *Pop Idol*.) But comedy, perhaps Hilary’s favorite genre, is a different story. British audiences have welcomed American comedies like *Roseanne*, *Friends* and *The Golden Girls*. Yet most British imports flop in this country.

A rare exception: raucous



**Bill Hilary**  
Executive Vice President and General, Comedy Central

**B. Belfast, Ireland, July 8, 1958; graduated with degree and postgraduate degree in law, Queens University, Belfast, 1981; director producer of entertainment programs, BBC, Belfast, 1983-87; executive producer of network series, including *The Media Show*, BBC, London, 1991-92; commissioning editor, youth and entertainment programs, Channel 4, London, 1992-94; controller of arts and entertainment, Granada Studios, London, 1994-98; head of independent entertainment and comedy commissioning, BBC, 1998-99; head of independent commissioning, BBC, 1999-2000; current position since January 2000; m. Jacqueline; children: Ryan (18), Ross (14)**

*Absolutely Fabulous*, which he brought successfully to Comedy Central.

So what kind of comedy does it take to please his viewers? Definitely not the run-of-the-mill broadcast sitcom, Hilary says. “They want us to be the anti-network.

“Who would have thought you could do a reality show with puppets?” he adds, referring to one of Comedy’s latest additions, *Crank Yankers*, on which puppets make real prank calls. It’s not a show you’re likely to see on, say, ABC or CBS. The only network series he pines for is Fox’s *The Simpsons*.

Hilary believes Comedy Central should be a lab for both new and established talent. Hollywood stars like Bill Murray and Denis Leary have come to him with offbeat projects: Murray and his brothers in a show about golfing, Leary hosting reality series *Contest Searchlight*, a *Project Greenlight*-style search for a new comedian. The network will experiment this fall with its first original movie: *Porn N Chicken* is the tale of a secret fried-chicken-eating and porn-watching club at Yale University.

Hilary hopes someday to bring a British vehicle to his American cable channel: long-form comedy. It would be a one-hour, scripted show he describes as a comedy version of cable hits *The Shield* or *Monk*. “It’s incredibly hard to get right,” he admits. “The subtlety comes from the characters. It’s my dream to do that here.”

—Allison Romano

# Classifieds

## Television

### PRODUCERCAREERS

#### EXECUTIVE PRODUCER

WOKR-TV, Rochester NY's news leader, seeks creative, content oriented leader for its newscasts. EP will supervise producer and reporters and will be responsible for the overall content and look of our newscasts and special projects. Ideal candidates should have at least 5 years experience producing newscasts plus strong writing and decision-making skills. Please send cover letter, tape and resume to: Human Resources, WOKR-TV, 4225 W. Henrietta Rd., Rochester, NY, 14623. EOE.

#### PROMOTION PRODUCER

WAVE-TV in Louisville, Kentucky seeks experienced promotion producer to help promote local news in highly competitive metered market. If you have at least two years experience in television promotions with familiarity in all phases of promo production from concept and copywriting to directing talent, creating graphics and non-linear editing, send cover letter, non-returnable demo reel and resume to Personnel, WAVE-TV, P.O. Box 32970, Louisville, Kentucky 40232. EOE

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College degree in Journalism or related field required. Minimum three years experience as a Managing Editor or Assignment Manager at a commercial television station.

The ideal candidate must possess excellent news judgment, be a creative thinker, and problem solver and work well under pressure. Excellent verbal and written communication skills are a must.

Send resume and demo tape where applicable to:

Angela Rucker  
Human Resources Mgr.  
CBS Atlanta  
425 14th Street NW  
Atlanta, GA 30318  
or fax to 404/327-3075.

#### NEWS DIRECTOR:

Seeking A leader to grow news ratings for an NBC affiliate owned by a major Broadcast company in a Top 75 Market. Will be responsible for day-to-day operations, budgeting, and the hiring of news staff. Qualified candidates should have a minimum of two years newsroom management experience and at least four years general news experience. Send resume, news philosophy, and references to: kbparker@reedbusiness.com OR send to: #Box 0902, Broadcasting & Cable K. Parker, 275 Washington St., 4th Fl., Newton, MA 02458 EOE/MF/D/V. Resumes, philosophies, and references received by September 16, 2002 will be applied toward this position. We are an equal opportunity employer.

#### SUNDAY MORNING ANCHOR/REPORTER

ABC 7, Chicago's number one news organization, is looking for an anchor with the ability to connect with the audience. Excellent writing, reporting and research skills required. Candidates must have a minimum of 3 to 5 years experience in a top market. Direct tapes and resumes to Jennifer Graves, News Director, WLS-TV News, 190 N. State Street, Chicago, IL 60601. Absolutely no telephone calls or emails. EOE.

#### NEWS REPORTER / ANCHOR, UNIVISION 41

New York's leading Spanish-language news organization is looking for experience, aggressive, self-starting television journalists. Candidate must be proficient in Spanish and English and be able to write in a style that clearly communicates information, work efficiently and go LIVE at moments notice. One or two years on air experience preferred. No phone calls please. EOE. Send resume and tape to: News Director, Univision 41, WXTV, 500 Frank W. Burr Blvd., 6th Fl., Teaneck, NJ 07666

WTVC NewsChannel 9 in Chattanooga, TN is seeking the following:

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### CREATIVESERVICES

#### DIRECTOR OF CREATIVE SERVICES

WFTS, the ABC affiliate in Tampa, Florida (DMA 14) is currently looking for a Director of Creative Services. This position will be responsible for all marketing, promotional and design efforts of the station. The ideal candidate will possess creativity and innovation with a proven track record in audience growth. Five to Seven years management experience in a medium to large market required. WFTS is a Scripps Broadcasting Station. Qualified candidates please send resume to WFTS-TV; Human Resources; 4045 N. Himes Avenue; Tampa, FL 33607. No phone calls please! EOE/AA

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### EXECUTIVE CAREERS

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Candidates should have the ability to work collaboratively with all current and potential partners. The position requires the ability to work effectively with the WTVI staff, Board of Directors, and County government staff and elected officials. Maintaining good local corporate relationships is also critical to the success of the station.

WTVI is looking for a senior executive, preferably working in the broadcasting business. A minimum of seven years in a top executive position is required. Candidates must also have a minimum of a Bachelor's Degree, and a Master's Degree is encouraged. Candidates must have above average team-building skills. Applications should include: (1) a narrative letter describing how the candidate's ability and experience qualify him/her for the position, (2) the candidate's vision of public television over the next five years, and (3) a detailed but not excessively long resume. Candidates selected for interviews will be contacted, and professional references will be required at that time.

WTVI is an Equal Opportunity Employer. This position offers a competitive compensation package with excellent benefits. Applicants are encouraged to apply by October 31, 2002. All applications should be sent to: WTVI Search Committee, 3242 Commonwealth Avenue, Charlotte, NC 28205.

### MANAGEMENT CAREERS

#### PROGRAM MANAGER - TELEVISION BROADCAST

WGBH is currently seeking a Program Manager responsible for developing and implementing the monthly broadcast schedules for WGBH-TV (GBH 2) and WGBX-TV (GBH Select 44) and digital services. The Program Manager is also responsible for program acquisition for the local schedules and is the primary liaison with program syndicators and distributors. This position will report to the Director of Programming.

Three to five years related experience in public television program scheduling or an equivalent combination of experience is preferred. The ideal candidate will have: a bachelor's degree in communications or closely related field, or equivalent combination of experience and education; a thorough knowledge of audience research tools and methodologies; demonstrated ability in the application of audience research to television program scheduling; demonstrated ability to administer a budget; a thorough knowledge of public television national and regional organizations; a general knowledge of broadcast operations technology and procedures; demonstrated ability to work under the pressure of constant deadlines, and strong organizational skills.

Please email your resume with a cover letter to: [human\\_resources@wgbh.org](mailto:human_resources@wgbh.org) or send to: WGBH, Human Resources, 125 Western Avenue, Boston, MA 02134. WGBH is an equal opportunity employer.

#### ASSIGNMENT MANAGER

Seeking experienced, aggressive manager, someone who can effectively utilize the reporting and photography staff, develop contacts and find great stories. Requires superb news judgment with organizational and leadership skills. Send resume to: Human Resources Director, KLAS-TV, 3228 Channel 8 Drive, Las Vegas, NV 89109. KLAS-TV is an EOE.

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# Editorials

COMMITTED TO THE FIRST AMENDMENT

## Just say no

While searching for a picture of ousted WNEW(FM) jocks Greg Hughes and Anthony Cumia (a.k.a. Opie and Anthony), we came across the one that appears on page 17. Sorry about that. But we wanted to give those unfamiliar with their act a little of its flavor. Actually, the picture illustrates precisely the message they sent to New York's Roman Catholic community.

But we are not here today to pile on the duo for their unforgivable sin (we did that last week); we are here to show Chairman Michael Powell a way out of his dilemma. He's under political pressure to punish WNEW's owner, Infinity Broadcasting, yet the broadcast of a couple having sex in St. Patrick doesn't appear to have run afoul of the FCC's rather vague indecency code. To make Infinity do penance, some lawyers believe, the FCC may have to dig up some rather obscure regs that require owners to exercise control over their stations, which could create an ugly precedent for suppressing opinions.

So what's Powell to do? It's simple, but it will take some political courage. He should dust off one of those powerful First Amendment speeches he gave when he was a mere commissioner and use it as the basis for a statement or speech on the *Opie and Anthony* incident. He should remind all that people are sometimes going to say things in print or on the air that upset just about everyone and that, in a free society like ours, there is nothing the government can do (or ought to do) about it. Case closed.

## An ounce of prevention

Isn't it always the way? The congressmen and senators grab headlines by passing somewhat vague reform legislation and then leave it to the bureaucrats to figure out how to make the legislation work. We've seen this scenario played out over and over in the convoluted history of telecommunications law and regulation. The latest congressional untidiness is the Campaign Reform Act. While the lawmakers stretched their summer vacations, the civil servants of the Federal Election Commission last week worked in Washington's August humidity on implementing rules by holding public hearings and accepting comments.

The National Association of Broadcasters and the Radio-Television News Directors Association joined the debate (see story, page 14). The NAB wants to make sure that the broadcasters would not be responsible for determining whether a particular political spot was acceptable under the new rules. The RTNDA wants to make sure that *all* bona fide news programming—a sponsored candidate debate, for instance—is exempt from any restrictions. Both issues have the potential of causing much mischief. As every politician and lobbyist knows, the fundamental legal truth of our great republic is not the Constitution. It's the Law of Unintended Consequences.

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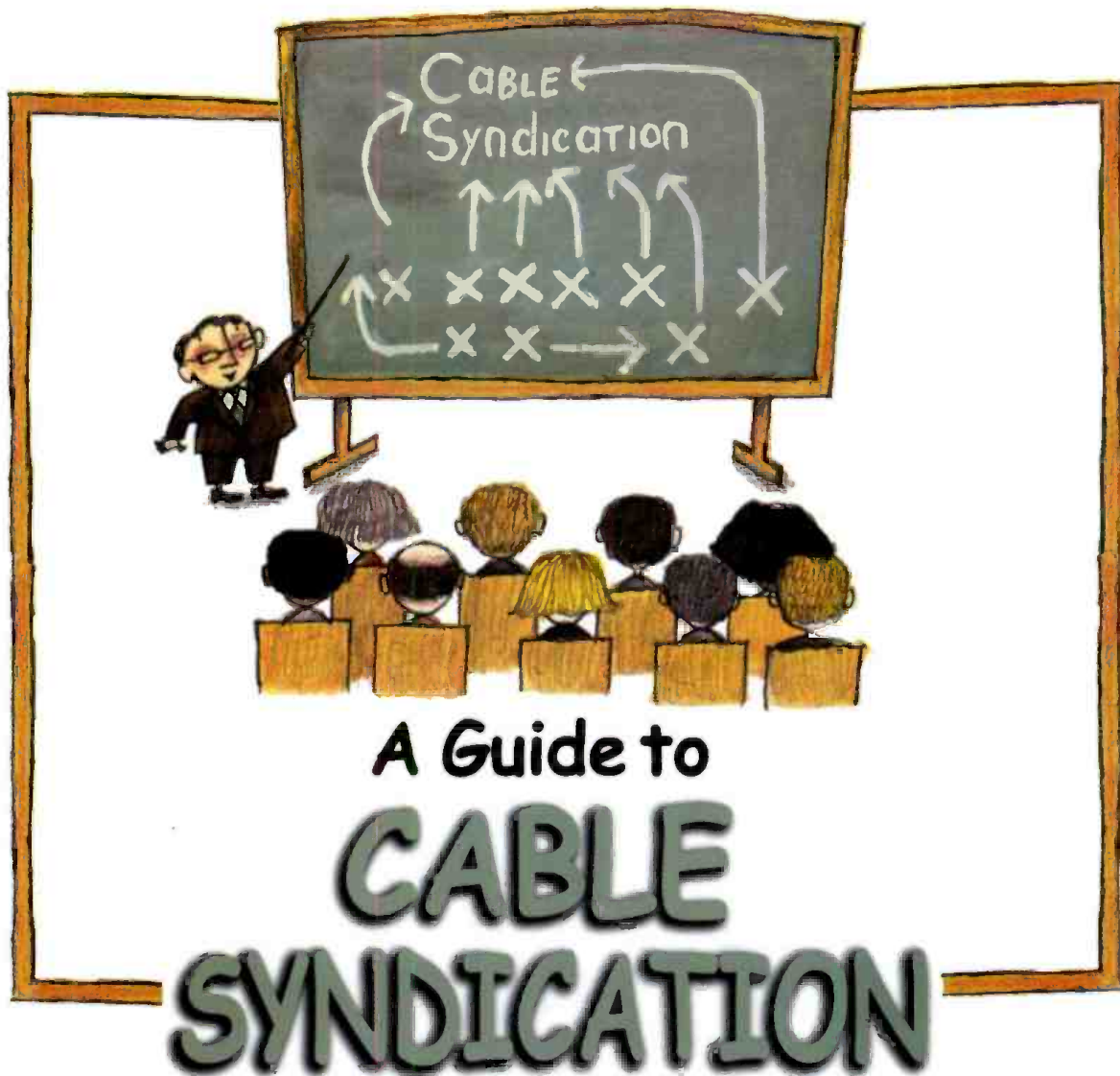
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