

# BROADCASTING CABLE

OCTOBER 8, 2001

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## WAR IS HELL

News crews in Afghan region face danger and squalid conditions; their networks will pay and pay

» PAGE 12

## SUITED TO REALITY

The boom in reality shows results in lawsuits and careful legal waivers

» PAGE 23

## OH NO! POLE WOES!

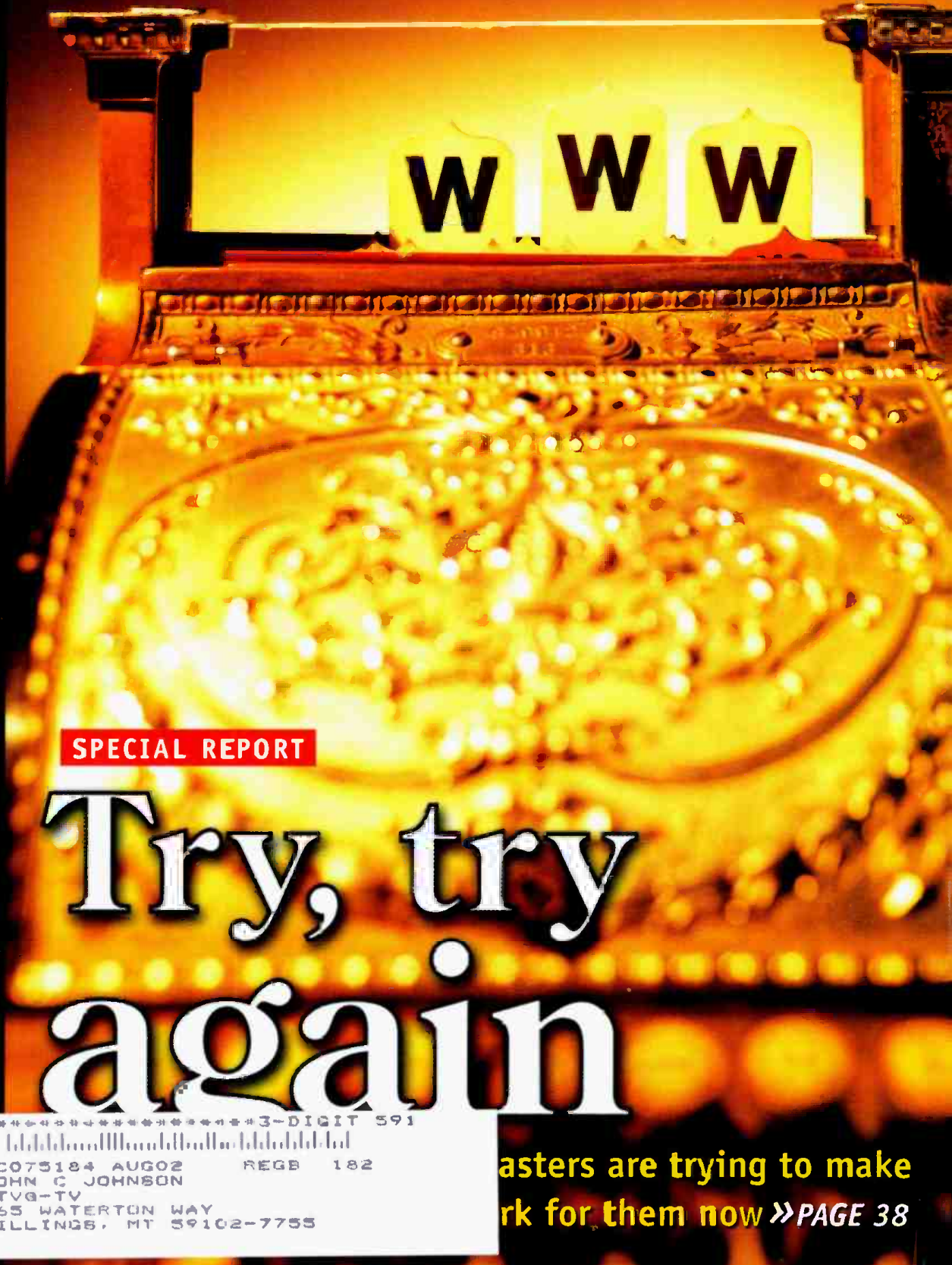
Supreme Court steps in to decide how cable's pole-attachment rules apply to the Internet era

» PAGE 32

## SOFTNESS & GRANITE

Trying to fix its teetering balance sheet, Granite Broadcasting opts to sell its Detroit station

» PAGE 34



**SPECIAL REPORT**

# Try, try again

asters are trying to make  
rk for them now »PAGE 38



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## KEYNOTES



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Fall 2001**

## Top of the Week October 8, 2001



### SPECIAL REPORT TV AND THE INTERNET

TV stations and networks find sponsorships and bundled sales are key to a successful TV/Internet relationship. » 38

Broadcast-technology manufacturers try a different tack in selling Internet products. » 46

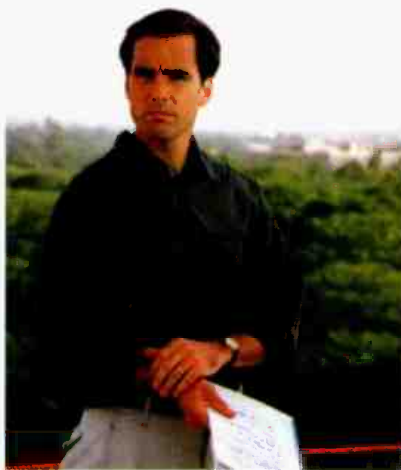
B&C Eye .....	5
Broadcast Ratings .....	28
Classifieds .....	49
Editorials .....	54
Fates & Fortunes .....	47
Fifth Estater .....	48
Focus .....	31
Open Mike .....	18
Station Break .....	30
Syndication Ratings .....	29
The Week That Was .....	20

### ACCENTUATE THE POSITIVE

Media execs brag about how their business is *not* dependent on ad sales. » 6

**CALMING FEARS** Charter Chairman Paul Allen allays investor concerns about changes in top management. » 8

**WEEK 2** Mixed results and some record ratings mark the new season. » 9



ABC's Bob Woodruff is one of 250 U.S. TV news people in the Central Asia.

### Programming

**St. Louis blues** Sinclair axes news operation at ABC affiliate KDNL-TV. » 22

**Tops on cable** Lifetime wins quarterly ratings race while news nets jump. » 22

**Legal liability** Reality TV breaks new ground, sparks wave of lawsuits. » 23

### Washington

**Pole cap** NCTA asks Supreme Court to preserve limit on attachment fees for cable Internet delivery. » 32

### Business

**Asset sale** To improve its balance sheet, Granite puts WDWB-TV up for sale. » 34

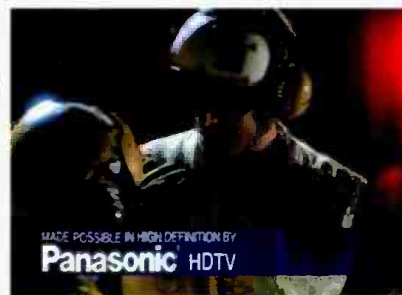


Buffy is a slayer. The former WB hit picks up steam in new UPN home.

**AT THE FRONT** It's costing the nets a half million dollars a day as an army of reporters waits in Central Asia. » 12

**IS ACCESS JUSTIFIED?** DBS says yes. Cable says not any more. » 16

**EXODUS** Eight major syndicators are opting for Las Vegas hotel space instead of NATPE booth space. » 18



CBS's JAG is one of the many shows being aired in high definition.

### Technology

**Lots of HDTV** If you can get it, there's 500 hours of programming a week. » 36



SYNDICATION

## Free Oprah!

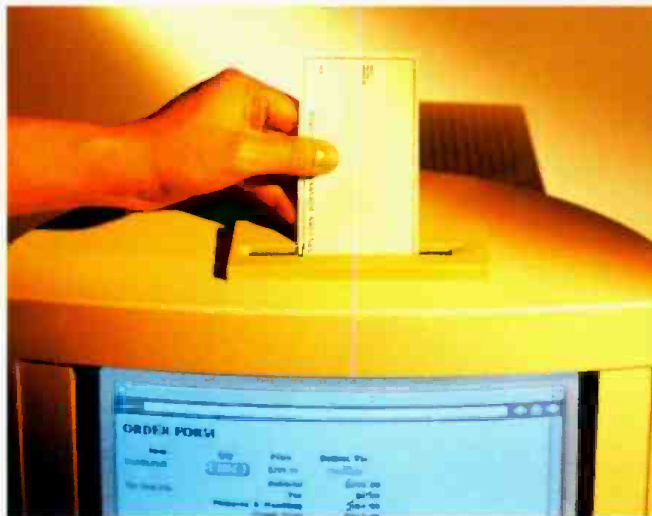
Oprah stations will be getting 45 more episodes of the top-rated talk show than their new contracts call for. The largesse was triggered when Oprah's studio was being converted to digital in August 2000 and the production of 10 episodes was pushed to 2001. The additional production got King World CEO Roger King thinking about giving his clients a little something extra, he says. Some stations had been upset that they were going to receive only 26 weeks of original productions per season, compared with the industry-standard 35 weeks, per Oprah's contract. King decided to give them another three weeks of originals, and Oprah agreed.

# BCEYE

ADVERTISING

## EDI by 2002

It has been a long battle—about 10 years—but TV stations may finally get an industrywide electronic billings system (or EDI, for “electronic data interchange”) sometime in 2002. After several meetings with invoice-software vendors last week, TVB Executive Vice President Abby Auerbach says a system will be implemented next year. Currently, there are more than a dozen non-compatible systems in the marketplace. Last week, 15 vendors, including major companies like Donovan Data Systems, Encoda and Mediaport, not only agreed to develop a single standard but said it could be done by year-end. “There’s still a lot of work to be done, but that was a major breakthrough,” said Auerbach, who oversees TVB’s EDI committee.



REALITY TV

## Test run

The producers of ABC's planned midseason reality series, *The Runner*, just completed a logistical test-run, literally, through greater Los Angeles. In the test of the series, which debuts in January, a so-called Runner set off with agents in hot pursuit, aided by clues placed all over the Los Angeles area, including a classified ad in the Palm Springs-based *Desert Post Weekly* that read, “You: Evasive runner. Me: Amtrak 776 Fullerton. Wait for me in the third car.” Eric Olson, an editor at the Gannett publication, said, “We didn’t really notice it until someone from ABC called to make sure the ad had run.” *Who Wants to Be a Millionaire?* producer Michael Davies and actors Matt Damon and Ben Affleck are involved in the production. ABC executives weren’t commenting on the test.

## Profit for nonprofits

Public TV's fight to add commercial services in the digital era could be decided at the FCC's meeting Oct. 11. Although sources tracking the issue say no decision has been reached on the controversial idea and the order could still be dropped, FCC sources insist the issue will likely remain on the agenda. Public-television groups say commercial services such as tuition-based university programs and subscription services

that could be offered via ancillary digital channels are necessary to pay for the DTV transition. Debate over the plan has split public broadcasters from their frequent ally, Media Access Project. MAP President Andrew Schwartzman says public broadcasters also are pushing for the right to carry ads, a change that would diminish Capitol Hill support for federal funding. “What they want is a blank check,” he says.

## Downside of reality

UPN and producers from Endemol Entertainment went to Fiji last week to tape a mid-season reality series and got caught up in a different kind of reality: a cyclone. No one was hurt, and production on the tentatively titled *Rebuild Your Life* will likely start this week as scheduled.

# Media executives' new boast

*Faced with increasingly gloomy ad-sales forecasts, they focus on recession-resistant subscription revenue streams*

By John Higgins and Steve McClellan

After years of bragging about how their networks and stations are ad-sales machines, backpedaling media moguls have a new boast: how little they depend on advertising for revenue.

Emphasizing any other source of revenue is clearly the new vogue among recession-battered media executives, whose gloomy ad forecasts became even more dismal after the Sept. 11 terrorist attacks. And a slew of top-media-company executives reaffirmed those forecasts at the Goldman Sachs-sponsored "Communicopia" media conference in New York last week.

The scary part: They all admitted they haven't a clue when the upturn will begin. The new buzz phrase for the ad outlook, heard repeatedly at last week's gathering, is "poor visibility."

Disney President Bob Iger cited what he

called a "key trend" that has been gaining momentum for the past year among advertisers. "Buying is short-term," he said. "For the last year, agencies and advertisers have shown a reluctance to commit long-term advertising budgets largely due to economic uncertainty." And most media mavens agree that, as he put it, "if anything, the events of Sept. 11 contributed greater uncertainty to an already uncertain market."

AOL Time Warner executives were the first to start trumpeting subscription revenue streams and downplaying ad revenue streams when, earlier this year, they started emphasizing their take from online, cable and magazine subscriptions. They contend that those are more recession-resistant than the ad sales at AOL and at Turner networks TNT, TBS Superstation and CNN, which they used to brag about.

AOL Time Warner Chairman Steve Case did it again last week at the Goldman Sachs conference, contending that only 25% of his company's revenues come from advertising: "We take some comfort in the fact that we are the most diversified company in media."

Barry Diller actually boasted that advertising make up a mere 14% of his USA

Networks Inc.'s revenues, particularly since his core cable networks generate license fees from cable operators. But look at what the USA Chairman counts under "transaction revenue": A third of the company's sales come from Home Shopping Network, and another 10% come from Internet travel agent Hotel Reservations Network—neither one a soothing business in a recession.



One bright note: Disney's Iger said 90% of the ads pulled on ABC in the third quarter have been reassigned to the fourth quarter.

Even Viacom President Mel Karmazin, who frequently and publicly reminds his sales people that he expects year-to-year sales gains regardless of business environment, reminded investors last week that only about half the company's revenue base is tied to advertising. Even so, most of his talk at last week's media conference addressed the advertising side of Viacom's business.

He also spent a good deal of time explaining why the company recently revised its earnings outlook for this year—downward by about \$500 million. The company lost about \$200 million in lost advertising and additional news

expense in the wake of the terrorist attacks. That reduced Viacom's cash flow for the third quarter to about \$1.3 billion, he said.

Karmazin said the best guess now for fourth-quarter earnings is about \$1.3 billion, or \$300 million less than previously forecast. If the projections hold—and they are the company's most "bearish" esti-

**'It's a tough environment with limited visibility, great volatility and recessionary pressures.'**

—Peter Chernin, News Corp.

**Two years down**

Goldman Sachs' new forecast sees first two-year downturn in TV ad spending in history

	Year-to-year change		
	2000	2001*	2002*
Broadcast TV	8.5%	-12.0%	-7.0%
Cable TV	13.7%	-5.0%	-2.0%
Radio	8.8%	-8.0%	-3.0%
Internet	80.2%	-13.0%	5.0%
Newspapers	6.3%	-10.2%	-6.6%
Magazines	7.5%	-12.0%	-6.0%
All U.S. media	8.3%	-9.0%	-4.0%

\*Estimate  
Source: Goldman Sachs

# UPN CONGRATULATES OUR 2001 EMMY AWARD WINNERS

## Outstanding Visual Effects for a Series

### STAR TREK: VOYAGER "Endgame"

Dan Curry, *Visual Effects Producer*  
Mitch Suskin, *Visual Effects Supervisor*  
Ron Moore, *Visual Effects Supervisor*  
Art Codron, *Visual Effects Coordinator*  
Steve Fong, *Visual Effects Composer*  
Eric Chauvin, *Matte Artist*  
Robert Bonchune, *CGI Supervisor*  
John Teska, *CGI Artist*  
Greg Rainoff, *Visual Effects Animator*

## Outstanding Music Composition for a Series (Dramatic Underscore)

### STAR TREK: VOYAGER "Endgame"

Jay Chattaway, *Composer*

## Individual Achievement in Animation

### GARY AND MIKE "Phish Ply"

Curt Enderle, *Art Director*

## Individual Achievement in Animation

### GARY AND MIKE "Furry Duffel"

Brad Schiff, *Animator*

## Outstanding Children's Program

### THE TEEN FILES: SURVIVING HIGH SCHOOL

Arnold Shapiro, *Executive Producer*  
Allison Grodner, *Supervising Producer-Writer-Director*  
Karen Haystead Duzy, *Producer*



# Charter urges calm

*Paul Allen points to new pacts with Barford, Kalkwarf to allay investor fears*

By John M. Higgins

Charter Communications' remaining senior executives scrambled to calm investors' fears about the company, saying operations are stable and will exceed goals for new product sales this year.

COO David Barford and CFO Kent Kalkwarf went to New York last week, holding a dinner for institutional investors and appearing at a conference to convince financial players that St. Louis-based Charter is in steady hands despite the abrupt exit of Kent two weeks ago.

Controlling shareholder and Chairman Paul Allen was so intent on exuding confidence that he announced that the executives had signed long-term employment agreements, signaling that, even if Charter's leader is gone, some of the best soldiers are staying.

The two executives' employment agreements call for four-year commitments, with

mates—that will bring total EBITDA for the year to about \$5.1 billion, approximately \$500 million lower than previously expected but slightly higher than last year's \$5 billion total.

News Corp. likewise downgraded its earnings expectations for fiscal 2002. The company now expects to see a cash-flow gain of about half the original estimate, or from the high single digits to the low double digits. News Corp. lost about \$100 million in lost advertising and added news expenses following the attacks, according to Chairman and COO Peter Chernin.

"We are now looking at a greatly altered advertising landscape," he told attendees at the Goldman Sachs conference. "It's a tough environment with limited visibility, great volatility and recessionary pressures."

Still, despite the gloomy near-term outlook, executives said it is only a matter of time before the ad market bounces back. No one seems to know how much time, though.

There are some signs of activity in the network scatter market. John Dooner, chairman of the Interpublic Group of Companies, the big ad-marketing holding company, said its media-buying arm Magna Global will spend more than \$200 million in scatter in the fourth quarter. He called that "a positive sign" in a down market.

Another bright note: Disney's Iger said 90% of the ads pulled on ABC in the third quarter have been reassigned to the fourth quarter.

And Viacom's Karmazin reported that CBS sold \$40 million in scatter advertising two weeks ago at prices above upfront rates, which CBS says were up 1%-2% overall. But uncertainty remains for the near term, he said, noting that it's likely the U.S. will retaliate in some way for the Sept. 11 attacks, which will also likely result in more commercial-free coverage by the networks, lost advertising and increased news costs.

What about next year? Sorry, poor visibility. But Karmazin offered this: The fourth quarter of next year is going to be "a great deal better than this fourth quarter." ■

raises from their current annual \$500,000 or so cash compensations plus a load of options (not cash, as had been reported earlier).

Barford declined to give much detail. But he did say they've locked in an exercise price for the load of options they're to get: \$11.99 per share. Charter's stock had been trading around \$18 the week before Kent's exit but dropped 40% before rebounding last week to around \$14. As recently as July, the stock traded for \$24.

As previously reported, the company named former Falcon Cable Chairman Marc Nathanson to an executive committee of Charter's board. Industry executives say his role is to give some additional management weight at the top of the company.

Although he won't have day-to-day say in the company's operations, Nathanson is to have a more direct role than the largely passive one he has held as vice chairman and director since Charter bought Falcon. Instead of being in St. Louis four times a year for board meetings, Los Angeles-based Nathanson "will be there once or twice a month."

The executive committee will oversee Kent's replacement, but Charter gave no further information on who that will be. Industry executives point to Liberty Media Senior Vice President Carl Vogel, who has, over the past decade, threaded through MSO Jones Intercable, DBS operator EchoStar, failed DBS service PrimeStar, briefly through flameout telephone company ICG, and largely dormant Liberty Satellite.

Barford and Kalkwarf weren't talking about Kent's replacement. "We'd like to do it as soon as possible," Barford offered but cautioned against anyone expecting a "rush to judgment."

Liberty Chairman Dobb Bennett, however, joked that, with the Vogel reports buzzing, "we think of ourselves as the General Electric of the industry, with people raiding us." ■

## In brief

### Charter Communications

No. 4 MSO St. Louis

Stock price 52-week range: \$10.49-\$24.45

Friday price: \$14.32

Homes passed: 10.3M

Basic subscribers: 6.4M

Basic penetration: 61.9%

Digital-ready homes: 8.8M

Digital subs: 1.6M

Digital penetration: 17%

High-speed Internet-ready homes: 5.69M

High-speed Internet subs: 419,300

Internet penetration: 7%

Major clusters: Los Angeles; St. Louis; Greenville/Spartanburg, S.C.; Madison, Wis.; Atlanta; Charlestown, W.Va.; Fort Worth, Texas





NBC's new comedy *Scrubs* attracted 15.4 million viewers and a 6.9/16 in adults 18-49.

## Top 10 shows

Week of Sept. 24-30  
Adults 18-49

Show (network)	Rating/share
1 Friends (NBC)	15.8/43
2 ER (NBC)	14.6/36
3 Will & Grace (NBC)	11.5/28
4 Inside Schwartz (NBC)	11.4/29
5 Just Shoot Me (NBC)	10.6/25
6 Frasier (NBC)	8.4/20
7 Everybody Loves Raymond (CBS)	8.4/19
8 CSI: Crime Scene Investigation (CBS)	7.8/19
9 Law & Order (NBC)	7.5/20
10 The Practice (ABC)	7.2/18

Source: Nielsen Media Research national figures

# New and improved

Here, there—and everywhere at UPN—fall premieres deliver

By Joe Schlosser

Week 2 of the 2001-02 season offered mixed results, but several veteran shows attracted record audiences, and UPN is off to a strong start.

The week featured strong debuts by a number of comedies—among them NBC's *Scrubs* and ABC's *According to Jim*, with Jim Belushi—but tepid turnouts for CBS's *Wolf Lake*, ABC's *Bob Patterson* and NBC's *Emeril*.

Several series opened their year with record ratings, including a special episode of *The West Wing*, which tackled America's new war on terrorism. More than 25 million viewers tuned in for the series' most watched and highest-rated episode ever. *Law & Order*, which followed, also attracted its largest audience ever (22.5 million viewers).

But the biggest story so far has to be at UPN, whose new *Star Trek* series *Enterprise* and former WB series *Buffy the Vampire Slayer* opened to some of the largest audiences in the net's seven-year history.

"I think it's a watershed year for UPN," says President Dean Valentine.

*Buffy* debuted last Tuesday with 7.7 mil-

lion viewers, the second-largest audience in the show's six-year-run. *Enterprise*, which drew 12.5 million in its debut, followed with 9.2 million viewers and strong demographic ratings. Adding the improved ratings for its African-American-targeted comedies on Mondays and *WWF Smackdown!* on Thursdays, UPN suddenly has a potent lineup.

According to COO Adam Ware, the network has already started to reach out to advertisers, stressing the ratings improvement. UPN sold about 65% of its ad inventory during the upfront, so there is still a good chunk of scatter spots left to be sold. "We are going in, saying, 'Hey, we've had a great start. We know it's early, but we just wanted to let you know about it, and we'll be back next week,'" he says.

At NBC, which won the first week in both total viewers (13.5 million) and adults 18-49 (5.6 rating/15 share), network executives were hyping the strong start for *Scrubs* on Tuesday night. With *Frasier* as its lead-in, the hospital comedy attracted 15.4 million viewers and a 6.9/16 in adults 18-49. ■

# AT&T's sale menu is à la carte

Armstrong says Comcast bid could lead to total sell-off

By John M. Higgins

AT&T Chairman Michael Armstrong acknowledged that he has talked to other companies about possibly selling his entire operation, not just the cable systems.

Speaking at Goldman Sachs' annual Communicopia conference in New York, Armstrong said AT&T would "seriously consider" any offer for the company if it's pro-competitive and benefits shareholders.

He emphasized that AT&T has not sought a merger but Comcast's \$58 billion bid for the cable unit drew proposals for the rest of AT&T's operation. "We thought the right course of action was to understand those inquiries and combinations."

Armstrong's willingness to sell could ease Comcast's attempts to buy the cable operations, because AT&T would have a plan for its troubled telephone units. Industry executives said Armstrong is

courting BellSouth most actively.

AT&T has tried to structure a cable deal. After taunting Comcast with plans to team up with AT&T, Walt Disney Co. President Bob Iger said last week that "an investment in pipe is highly unlikely. We don't need to buy into pipe to grow our businesses."

Comcast signed a confidentiality agreement to allow it to review AT&T Broadband's books. Asked how long negotiations might take, Armstrong replied, "Shorter than the Hughes-News Corp. process, I assure you." That started 18 months ago. ■

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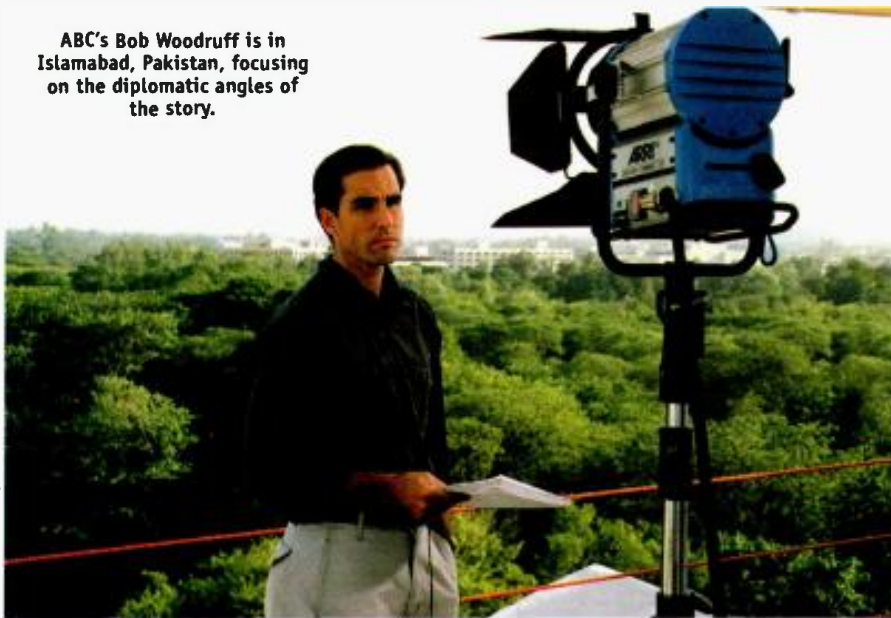
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ABC's Bob Woodruff is in Islamabad, Pakistan, focusing on the diplomatic angles of the story.

Photo: ABC / Tariq Aziz



## TV news' grim vigil

*Networks are paying a half million dollars a day to keep reporters in Central Asia in anticipation of U.S. attack*

By Allison Romano

**T**he Western TV reporters and producers in northern Afghanistan are learning that it can be costly and uncomfortable to wait for a war.

In the rugged countryside, there's no clean water, phone service, electricity or other comforts, although a CNN crew managed one luxury: It paid a local carpenter to build them beds.

"The local economy has gotten a boost from all the journalists," said CNN reporter Chris Burns, who shares a house with other reporters and producers.

Most reporters in northern Afghanistan are sleeping in tents and on tables and bathing in troughs. CBS News Senior Vice President of News Coverage Marcy McGinnis says her crews describe conditions as a "M\*A\*S\*H kind of setup," living in tents and coping with extreme hot and cold.

A small army of some 250 reporters, producers and technicians from the U.S.'s five major TV news organizations—CNN, ABC, CBS, NBC and Fox—is now in

northern Afghanistan, Pakistan and other Central Asian outposts, grimly waiting for U.S. retaliation for the Sept. 11 terrorist strikes in New York and Washington. Most believe the targets will be in Afghanistan, the hiding place of Osama bin Laden and his terrorist network.

The Taliban controls approximately 90% of the country. A crescent-shaped 10% in the north is held by the Northern Alliance, a loose collection of armed fighters that oppose the Taliban. The Northern Alliance is allowing Western journalists in the territory, whereas the Taliban refuses to grant them access.

All told, keeping the army in the field is costing at least \$500,000, according to executives for the news organizations.

"We're keeping ongoing daily accounting of what we're spending, but it's relatively early in the story to make a guess what this will cost us," said ABC News Senior Vice President Bob Murphy.

Fox News Channel has deployed 40 people so far, CBS counts more than 30,

and ABC has about 60 in place. Working together, NBC and MSNBC also have 60. CNN has 70 people on the story, including the sole TV reporter for a Western news organization in the Taliban-controlled portion of Afghanistan.

Wire services like Reuters and the Associated Press are also active, feeding video and information to the networks. The Associated Press's TV arm, APTN, has 14 bureaus in the region, including Afghan capital Kabul.

While reporters in northern Afghanistan brave the elements and risk being caught in Taliban attacks, correspondents in Islamabad, the Pakistani capital, describe their posting as much more comfortable. Most are ensconced at the Marriott there, converting some rooms into production suites. CNN alone is occupying 30 rooms, at a rate of about \$230 a night.

"We're in the lap of luxury in comparison," says CNN's Peter Humi, who is coordinating the network's operations in Islamabad. "There's still room service, and you can still get your laundry done."

The biggest expense so far, executives say, was the hasty deployment of crews and equipment in the days immediately after the terrorist attack when a retaliatory strike seemed imminent. ABC and CBS coughed up about \$50,000 each to charter a plane from London to Islamabad. Other American correspondents paid top dollar for last-minute tickets on commercial flights. Networks spent about \$50,000 to ship and assemble equipment.

Once deployed, TV crews in northern Afghanistan and parts of Pakistan have found the elements working against them. Sand and dust corrode their satellite, camera and sound equipment. Technicians and reporters say they carefully dismantle and clean the equipment every night to try to preserve it. Windstorms routinely knock out satellite and damage equipment, and maintenance takes away from potential broadcast time.

"One of the big unknown quantities is how long the equipment is going to last," says Fox News' John Stack.

Most news organizations are sharing satellite uplinks to defray some costs. "If it doesn't put you at a competitive disadvantage and allows you to be in many places, fine with me," says CBS's McGinnis.

CNN has one advantage over its rivals: Kamal Hyder. The Pakistani is the lone TV reporter for a Western news organization in Taliban-controlled Afghanistan. CNN's Jordan says Hyder's exact whereabouts are closely guarded. "He more easily blends in, and he knows the ropes," Jordan says. "Those two things together make it much more practical for him to be there."

Getting personnel and supplies into northern Afghanistan is a challenge. In the first few days after the Sept. 11 attacks, crews traveled overland from Pakistan. But since Pakistan sealed its borders, Western media and supplies now come down from the north, using Tajikistan or Uzbekistan as a gateway.

Traveling from the former Soviet republics to northern Afghanistan is daunt-

ing. By land, it takes three or four days over roads that resemble dried river beds. NBC's Tom Aspell traveled in a convoy that started out with 16 vehicles and ended with only two after a 200-mile trip that took four days.

The other option is traveling via Northern Alliance helicopters. It's quicker but a hair-raising experience. "You fly over the western edge of the Himalayas in an old, rickety helicopter, and then there's an hours-long drive down these washboard roads." CNN's Burns says via satellite phone from his post less than 30 miles from Taliban-controlled lands. Choppers also run the risk of being shot down by the Taliban.

Television crews in northern Afghanistan have to import their supplies from Uzbekistan and Tajikistan. Food, fuel and water come by the half-ton either by truck convoy or by Northern Alliance helicopters. ABC and CBS are sharing truck convoys from Tajikistan to lower trans-

portation costs.

Reporters and executives say conditions in Pakistan are safe, but worry that that could change. "The danger is not from potential Cruise missiles, bombs or gunfire," says ABC's Bob Woodruff. "If something happens, [the people will] turn on the nearest American they see."

Getting to the Afghan border from points within Pakistan is difficult. To travel to the border, reporters have to apply for permits, travel with armed Pakistani officers and go through numerous checkpoints. Between Afghanistan and Pakistan lies a 30-mile no-man's zone controlled by tribal chiefs and thieves. "They would love nothing more than to capture a Western journalist," says MSNBC's Ashleigh Banfield, stationed in Islamabad.

While Banfield and her fellow reporters await a war, they keep busy filing stories on refugee camps, diplomatic negotiations and the region's economic plight. The stories are compelling, Burns says. "I covered a wedding today. It shows you how humanity can be resilient." ■

REPORTING FROM . . .



# I WEAR A 'BAMA JERSEY.

I wear a 'Bama jersey when I'm raking leaves. I wear  
a 'Bama jersey when I'm playing hoops. I wear a 'Bama  
jersey when I go to O'Donnell's Pub. I wear a 'Bama  
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Sidelines

NFL Yearbooks

ESPN GamePlan

NFL Films Presents

ESPN Bowl Week

NFL 2Night

Heisman Award Presentation

ESPN Deportes

Rites of Autumn

NFL Match-Up

College Football Thursday

# Program access or excess?

*DBS fights to keep requirements; cable argues they are no longer justified*

By Bill McConnell

In 1992, when Congress ordered top cable networks to sell programming to DBS companies, the actual launch of the DBS industry was still two years away.

Thanks to the program-access rules, DBS providers DirecTV and EchoStar have since grown into the third- and eighth-largest pay-TV operators in the country and are snagging new customers at a pace that leaves cable operators in the dust.

But the program-access requirements are scheduled to expire a year from now, and the two industries are squaring off over the fate of the government's mandate. On Thursday, the FCC will launch a review of the program-access rules to decide whether measures once critical to incubating competition to cable are still needed.

The rules generally bar cable networks from striking exclusive deals with their affiliated cable operators and prohibit discriminatory pricing for DBS companies. That means "vertically integrated" companies such as AOL Time Warner and Comcast must make available to DBS such top-drawing fare as HBO, CNN and regional sports nets.

DBS providers say the rules are critical to competing with cable and, in fact, should be expanded.

"If we're going to have continued competition, the government needs to make sure we're not prohibited from airing top programs just because a cable operator has an ownership stake in a network," says David Goodfriend, EchoStar's Washington attorney.

Although the cable industry says networks have no reason to shun business from two of the country's top-10 multichannel providers, Goodfriend contends that corporate parents may decide that shielding



**EchoStar attorney David Goodfriend argues, "The government needs to make sure we're not prohibited from airing top programs just because a cable operator has an ownership stake in a network."**

local cable franchises from competition is a more important long-term goal.

"DBS is still very much the insurgent and lacks the market power as an industry" to force cable networks to come to the table, he says.

Comcast has been the most assertive MSO in the cable industry's attack on the FCC rules. Comcast attorneys told the FCC last month that the rules are unfair not only because of the phenomenal growth of satellite broadcasting but also because DBS programming offerings such as DirecTV's *NFL Sunday Game Ticket* are not available to competitors. The right to create distinct program offerings would spur more investment and creativity, they argued.

Cable-industry officials also note that, with AT&T spinning off of its Liberty

Media programming subsidiary, AOL Time Warner becomes the only vertically integrated company with control over a significant number of major cable networks.

"Competitive circumstances do not justify maintaining this restriction," wrote James Casserly, Comcast's outside counsel in Washington.

Comcast officials refused to comment last week.

The FCC has taken important steps beyond the program-access rules to ensure the viability of DBS, such as stripping landlords' and community associations' authority to ban DBS dishes. But the FCC's proposal will not take sides in the debate and will only ask for public input on their fate. Privately, however, few inside the agency predict the FCC will dump the rules.

The real controversy may be over a DBS proposal to expand the types of programming covered by the program-access requirements. Right now, only programming transmitted to a distributor via satellite falls under the rule.

This means that some local programming delivered via terrestrial lines is exempt.

DBS fought bitterly to win rights to terrestrially delivered regional sports nets delivered by Cablevision in New York City

and Comcast in Philadelphia only to be rejected by the FCC. The satellite broadcasters argued that cable operators abused the exemption solely to keep them from receiving a key local audience draw.

Comcast says, however, that terrestrial delivery is a "common, cost-effective and legitimate method of delivering local and regional programming." ■

**'Competitive circumstances do not justify maintaining this restriction.'**

—James Casserly, Comcast counsel



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# Off to the Venetian

*Syndicators continue to exit the NATPE exhibit floor*

By Susanne Ault

There's a rival market facing NATPE 2002: Las Vegas's Venetian Resort and Casino. Eight major syndicators have opted out of the convention exhibit floor, their regular NATPE stomping grounds, and virtually all plan to set up shop at the Venetian to save money in this rough economic climate.

NATPE organizers continue to cite floor stalwarts as proof that January's conference won't be a bust. But, last week, Studios USA and Twentieth Television, both previously committed to booth space, decided to leave for the Venetian and an undecided hotel location, respectively.

Moreover, insiders say, NBC Enterprises and Columbia TriStar Television, declared friends of the floor, are wavering on whether to stay or go. At press time, only a handful of major syndicators—Fremantle-Media, Tribune Entertainment, MGM and Lions Gate Entertainment—were insisting



Studios USA's Steve Rosenberg says today's tough times "make it imperative that we do everything possible to cut costs. We found it very difficult to justify the expense."

that they'll go about NATPE business as usual.

Today's tough times, aggravated by the recent tragedy, make it "imperative that we do everything possible to cut costs," explained Studios USA Domestic Television

President Steve Rosenberg. "We found it very difficult to justify the expense." That sentiment was echoed by executives at other studios heading to the Venetian, including Paramount Domestic Television, King World, Buena Vista, Warner Bros. Domestic Television, Carsey-Werner and Universal.

It's hard to say how much the defectors will save at the Venetian. Standard suites go for \$129 to \$399 a night, and luxury suites can cost as much as a \$1,000 a night. But many syndicators believe that it has to be less than the \$1 million-plus most spend to build their booths. Lions Gate, one of the few staying put, apparently did fine, though, spending less than \$100,000 on its booth last January.

But costs (and Italian geography) aside, as so many sign up for the Venetian, it's hard not to adopt a "do as the Romans do" attitude.

"It gets a little more complicated when no one else is there," says a source about one studio's recent uncertainty about exhibiting. The consolidation of the syndication business, the source adds, suggests that NATPE "needs to rework itself. The big booths and everything else have seen their time and gone." ■

## OPEN MIKE

### NATPE UNITED

Editor: In your article "Still gung ho on NATPE 2002" (Oct. 1), a quote was attributed to me that was interpreted by a few as a shot at the domestic distributors who will not be on the exhibition floor at the NATPE 2002 Conference. This was not my intent. I have been in the television industry for over 30 years and have watched it grow from modest beginnings to a global business. I have also experienced the growth of NATPE from a domestic organization to one serving the world's leading content producers and distributors.



The major studios and distributors have been a mainstay at NATPE.

The major domestic studios and independent distributors have consistently played a valuable role in NATPE's growth, and we are grateful for their past support.

My goal for NATPE is unification not divisiveness. Our mission is to provide an event that supports the industry and provides benefit to our global members and our

industry at large. The NATPE conference continues to serve as the foremost place in the world for the buying and selling of programming, and the American distributors play a vital role in this process. What I seek more than anything is to keep us together as one industry ... one industry supporting one another at a difficult economic time just as Americans all across the country are doing today. NATPE 2002 will be different in configuration but equal to, if not better than, previous conferences.

—Bruce Johansen, president, NATPE

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## THE WEEK THAT WAS

**FROM THE FRONT**

*The Baltimore Sun* last week reported that some **WBFF(TV)** news staffers were concerned that a strong pro-Bush commentary that Sinclair Broadcasting instructed its on-air staff to read following the terrorist attack hurt the news department's claims of objectivity.

Then General Manager **Bill Fanshawe** went on the offensive himself. He took a shot at the paper in an unusual on-air editorial that aired last week. "We question why *The Baltimore Sun* has appointed themselves as the media watchdog for the coverage of this tragic event." *Sun* TV reporter **David Folkenflik** called Fanshawe's editorial "misguided." ...

**Cable and DBS** companies will not be required to notify subscribers when complying with federal requests for subscribers' telephone and data records under antiterrorism legislation approved by the **House Energy and Commerce Committee** last week. The bill must still be approved by the full House and Senate. ...

**The Grass Valley Group** cut 70 jobs, or 10% of its 711 employees last week. The layoffs include personnel at GVG's U.S. facilities in Grass Valley, Calif., and Beaverton, Ore. GVG President **Tim Thorsteinson** said the World Trade Center tragedy was a major factor. The company usually does half its entire

year's business in September and October: "When those planes hit on Sept. 11, everything stopped." He said revenue for fiscal first quarter 2002, ended Sept. 30, was 12% below projections. ...

TV news representatives met with the **Federal Aviation Administration** on Friday trying to solve security concerns about news helicopters in the wake of the terrorist attacks. News choppers remain grounded in the top 30 markets, says **Radio-Television News Directors Association** chief **Barbara Cochran**. The FAA worries about ID verification and the unpredictability of flight patterns.

**A MEEKER LINK?**

Looking like he'll be *nearly* as feisty as **Anne Robinson**, relative unknown **George Gray** will host **NBC Enterprises'** upcoming syndicated version of *Weakest Link*.

NBC Enterprises chief **Ed Wilson** says the goal is to have



**George Gray** is host of upcoming syndicated version of *Weakest Link*.

the same feel as the network show but, since a strip is aired many times per week, "you need to be a bit more user-friendly." Apparently, NBC liked that Gray was mean, but not too mean. Gray hosts **TLC's *Junkyard Wars***.

**DIGITAL DOSSIER**

At press time, **NBC** announced it is finally bringing HDTV to its prime time lineup, beginning with *Crossing Jordan* tonight. Like ABC, NBC will pay for the costs. (See earlier story, page 36.)

Also, at presstime, it was learned that the **FCC** this week will announce its new **DTV Task Force**, which will seek ways to speed the transition to digital.

**CHUTES AND LADDERS**

Veteran **WLS-TV** Chicago anchorman **John Drury**, 74, will retire next May, reports the *Chicago Sun-Times*. ...

The **WB** is suing **Michael Ovitz's** troubled **Artists Television Group** over the failed production of reality show *Lost in the USA*. WB seeks just over \$1 million that the network had fronted. ...

In a retransmission dispute, **Albritton Communications** on Friday warned that **Cox Cable** could be subject to theft and copyright claims if it did not quit airing **Albritton's WJLA-TV** and **Albritton's News-channel 8** over **Cox's Fairfax County** system, serving 240,000. **Cox** told **Albritton** it

hadn't gotten sufficient warning and called **Albritton's** retrans deal offer "onerous."

**WASHINGTON WATCH**

Rejecting complaints of some city governments, the **FCC** last week said cable operators may pass the entire cost of local franchise fees to subscribers, including those on non-subscription revenues from home shopping, advertising and cable modems. **Pasadena, Calif.**, and several other municipal regulators argued that cable companies should absorb any portion of fees not directly related to revenue from traditional video programming subscriptions. ...

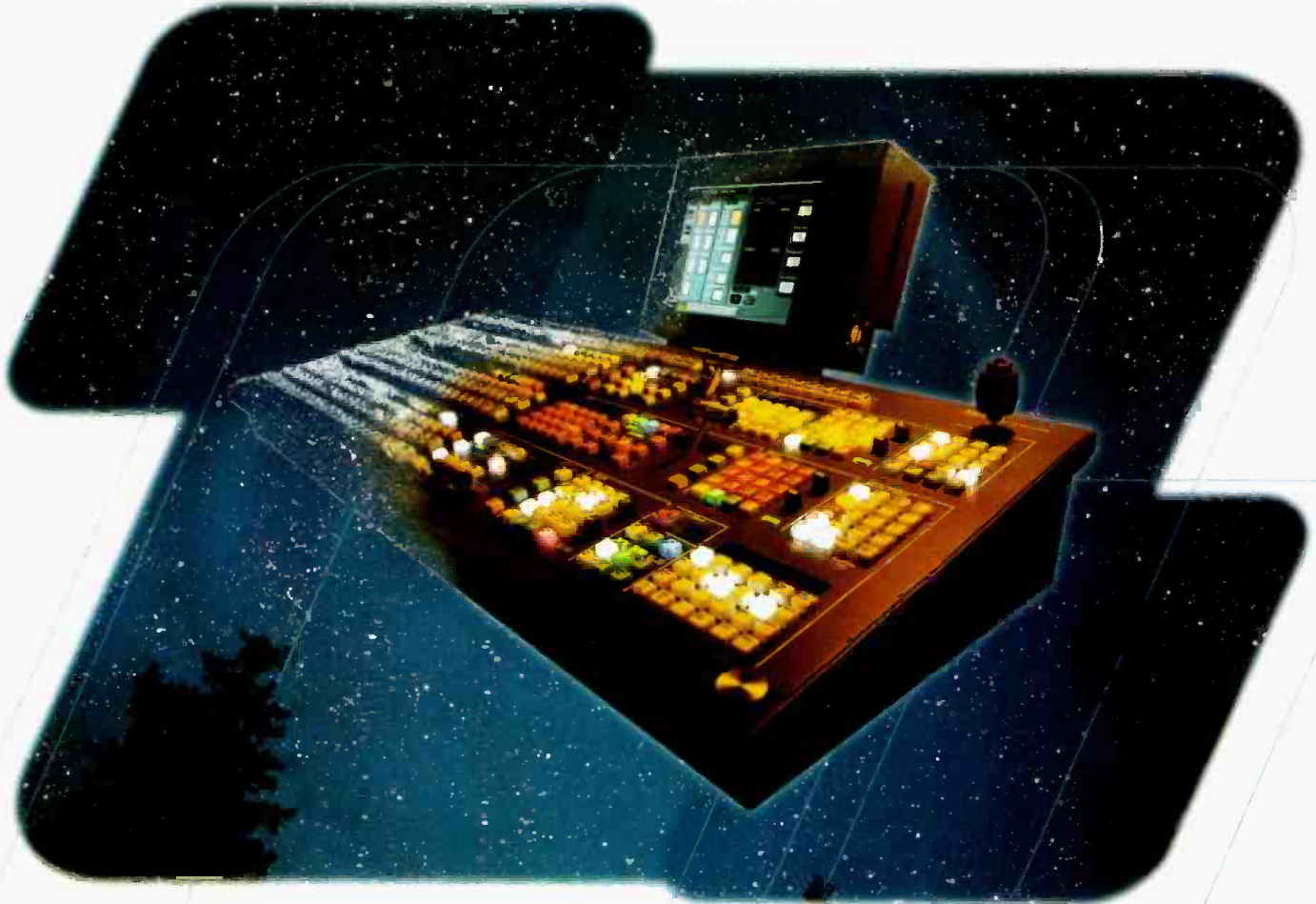
Petitions for **Supreme Court** review of a federal appeals court's scrapping of **FCC** equal-opportunity-recruiting requirements are due Oct. 17 after Justice and the **FCC** asked for more time. The request heartened **David Honig**, lawyer for 36 groups seeking a high court hearing.

**APPLAUD NOW**

**ABC's** daytime's 2000-01 season tied with **NBC** as the No. 1 network among females 18-49, the 25th consecutive season **ABC** has been on top. **CBS** was most-watched in daytime, with 5.1 million viewers. ...

Since re-branding, the **Hallmark Channel** has raised what was **Odyssey Channel's** household ratings by 50% and key female demos by more than 300% over last year.

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## Programming

# KDNL's St. Louis news blues

*Sinclair's ABC affiliate jettisons local news, axes 50 jobs in nation's 22nd-largest market*

By Dan Trigoboff

Only a few weeks ago, veteran St. Louis anchor Rick Edlund points out, KDNL-TV switched from *Family Feud* as its 5 p.m. news lead-in to *Just Shoot Me*. "That's highly prophetic," says the soon-to-be-out-of-work anchor.

Edlund, a longtime market presence who left a political job a year ago to return to St. Louis airwaves on the ABC affiliate, is not alone in his dismay or disappointment. Sinclair's decision to drop the station's long-troubled five-year-old news department will put nearly 50 people out of work.

The elimination of the news operation leaves KDNL-TV the only Big Four affiliate in a top-25 market without a newscast. St. Louis is ranked 22.

ABC says it regrets Sinclair's decision, and KDNL-TV staffers predict that theirs will not be the last Sinclair news department axed. Sinclair would not comment.

It was the third major news cutback for Sinclair in less than a year. In November, the group pulled the plug on the 3½-year-old news department at WTWC(TV) Tallahassee, Fla., firing nearly 40 people. Then late last year, the company cut about 10 jobs when it discontinued morning news on ABC affiliate WXLV-TV Winston-Salem, N.C.

The company points out, however, that it has launched or expanded news this year at its stations in Des Moines, Iowa, and Nashville, Tenn., and has expanded news operations in Syracuse, N.Y.; Columbus, Ohio; and Baltimore.

KDNL-TV General Manager Tom Tipton delivered the bad news on the last Friday in September after gathering about 30 people in the newsroom. He said the decision came after months of debate and could have gone the other way.

Station staffers, however, believe that the debate compromised the company's commitment to its news. The 5 o'clock edition was taken off and put back on again—partly due to ownership questions—never regaining its traction.

Regardless of the reason, UHF station KDNL-TV was never competitive with top-rated VHF NBC affiliate KSDK(TV) or CBS affiliate KMOV(TV). In both its 5 and 10 p.m. newscasts, the ABC affiliate garnered only a fraction of their ratings

and only a somewhat larger fraction of the ratings at KTVI(TV), the Fox-owned station. Ratings were about on par with KPLR-TV, which has been a strong performer for The WB.

News Director Jeff Allan, who has been in the job for three years, received more than 200 supportive phone and e-mails from news executives around the country offering assistance in placing some of the suddenly displaced. "This place is plastered with job notices," he says. ■

## Lifetime's quiet threeppeat

*Quarterly ratings win gets muted hype; cable news nets jump after Sept. 11*

By Allison Romano

Despite the tragedy of Sept. 11, Lifetime Television stayed ahead in the cable-network race for the third quarter, averaging a 2.1 rating in prime time, according to Turner Entertainment Research analysis of Nielsen numbers released last week.

Right behind were TBS, USA, Nickelodeon and Cartoon Network, which all tied for second with an average 1.7 rating.

It was the third straight quarter that Lifetime topped the cable Niensens, but, recently, news networks have made cable's biggest headlines.

The Sept. 11 attacks and ensuing coverage propelled CNN and Fox News into the top 10 for the first quarter this year.

Top-rated nets refrained from touting their accomplishments in sync with the

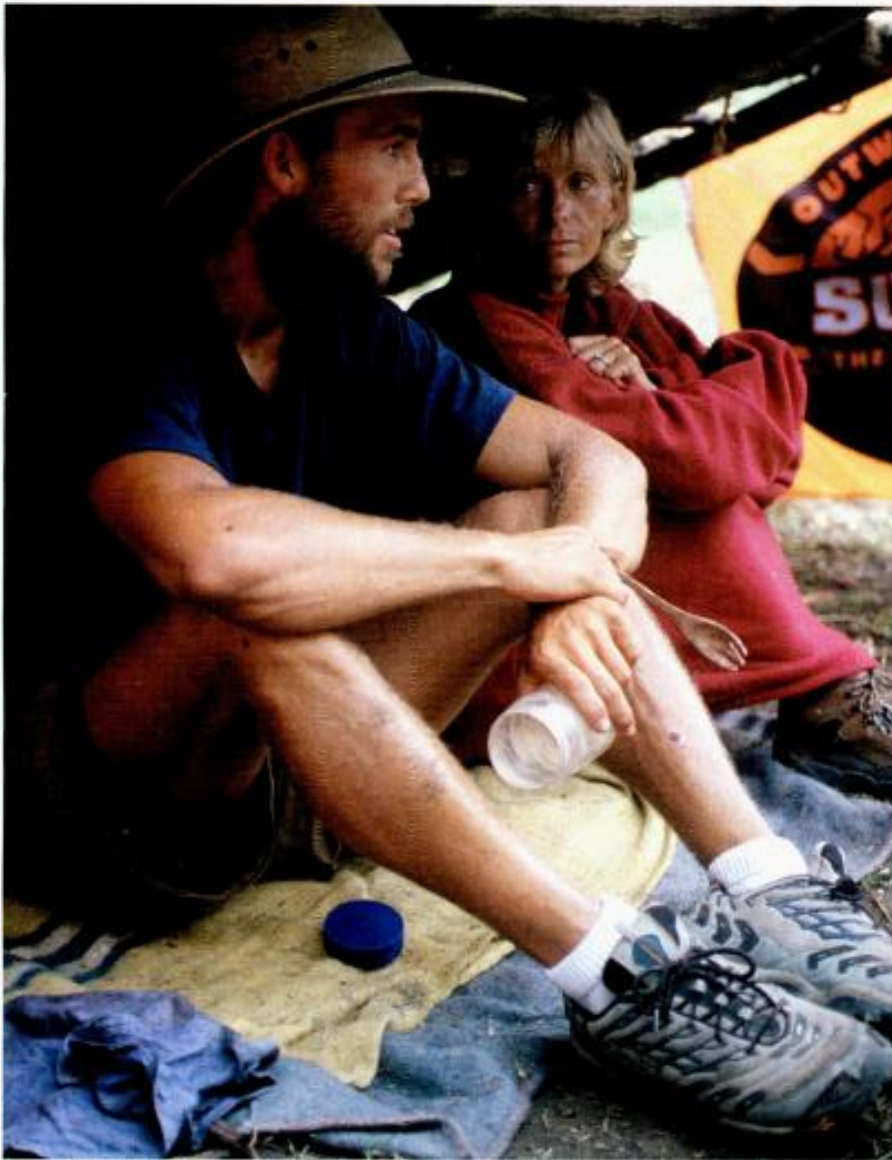
somber media climate since the attacks.

Lifetime's Sunday-night dramas and original movies routinely produced high ratings through July, August and September.

As expected, the biggest ratings growth came from the cable news nets. CNN averaged a 1.2 for the quarter, up 100% from the same period last year, while Fox News' ratings grew 120%, to a 1.1 average. MSNBC saw its ratings improve 75%, to a 0.7.

In September, CNN led all prime time cable nets, with a 2.0 average, while Fox News cracked the top 10, with a 1.5 average. MSNBC tied the Discovery Channel and bested MTV, with a 1.1 average. Lifetime finished second, with a 1.9 average.

Industry execs say CNN's breaking-news strength gave it a clear advantage early on, but Fox commentary and chatter have helped it narrow the gap. Entertainment networks dipped 5%-10% since the attacks, according to Lifetime's research guru, Tim Brooks, but those nets hope viewers are ready to escape the grimness. ■



*Survivor* is the target of the most publicized reality-TV lawsuit, filed by a contestant against producer Mark Burnett, his production company SEG Inc. and CBS.

# Facing legal realities

*Lawsuit potential challenges producers of 'unscripted' shows*

By Linda Moss

**D**iana Daly, a 22-year-old San Francisco woman, signed a release that permitted VH1 to tape her for its show *Bands on the Run*. But she didn't expect the camera crew to follow her into a bathroom stall, nor did she expect VH1 to use her image on billboards all over the country.

In Houston, Marietta Marich looked up at her TV set one night to see an image of the corpse of her son, who had overdosed in his Hollywood apartment. It aired as part of a now-defunct syndicated reality series, *LAPD: Life on the Beat*.

And plumber John Keating claimed he feared for his life when he was set up as part of a prank for an X-rated *Candid*

*Camera*-type show being produced for Home Box Office. He had been called to a Beverly Hills home by a married woman, who engages in a tryst with her "boyfriend." Keating is there when the jealous husband shows up. In the scene—in which all the other players were actors—Keating is angrily interrogated by the "husband" about what dalliance he had seen.

In all three cases, these private citizens took their cases to court, and sued, with varying results: Daly's action is pending, Marich lost her case, and Keating's suit was "resolved."

Reality shows are breaking new ground for television—and overstepping acceptable boundaries, according to some critics, including lawyers. In the process, the programming has raised new legal questions and sparked a wave of lawsuits. Even the Aborigines have gotten into the act, suing *Survivor: The Australian Outback* earlier this year.

The suits address such issues as privacy, the legality of waivers signed by show participants, liability, the use of hidden cameras, alleged rigging of shows, breach of contract and even copyright infringement.

Reality fallout has caught the attention of people like Steve Beverly, a professor at journalism at Union University in Jackson, Tenn., and a game-show historian. In August, he sent letters to the ranking members of the Senate subcommittee on communications, Ernest Hollings (D-S.C.) and Joseph Lieberman (D-Conn.), calling for hearings on some of the legal issues related to reality TV.

Beverly is seeking a probe of what he calls "risk shows," such as *Fear Factor*. He wants to know who is ultimately liable if a show contestant is injured or killed: the network, production company or individuals. And he wants to know to what degree waivers signed by show contestants absolve producers and networks of liability.

The kind of shows whose methods are being questioned are "unscripted dramas," such as CBS's *Survivor*, bold hidden-camera shows that seem aimed at embarrassing their subjects, such as HBO's *Taxicab Con-*

*fessions* and NBC's *Spy TV*; and what *Los Angeles Times* TV critic Howard Rosenberg describes as "edited-for-drama, camera-on-cops numbers."

Some broadcasters and producers are taking the litigation in stride. "In America, nothing breeds lawsuits like success," says CBS spokesman Chris Ender.

*Cops* creator and producer John Langley isn't concerned either: "If you're in broadcast, you're going to be sued by somebody, sooner or later. They're nuisance suits. My policy is very firm: I don't settle lawsuits, I fight them to the bitter end. As a consequence, I've never lost one."

The most publicized reality-TV suit to date has been *Survivor* contestant Stacey Stillman's action against producer Mark Burnett, his production company SEG Inc. and CBS. Filed in February, the suit alleges that Burnett rigged the show by persuading several *Survivor* contestants to vote Stillman off the island. CBS and Burnett deny any wrongdoing. SEG promptly filed a \$5 million countersuit, charging defamation and breach of contract, which Stillman denies. A judge has already ruled that she can't be sued for breach of contract but the defamation claim can proceed.

There have also been a handful of suits related to copyright infringement and reality shows. In Australia this summer, an indigenous-music company sued *Survivor: The Australian Outback's* producers over the use of local music in the show. And in April, CBS sued the Fox broadcast network and LMNO Productions over the Fox show *Boot Camp*, alleging that Fox had stolen the idea for its show from *Survivor*. Fox file a counter-complaint against CBS. That case was settled in September, with CBS dropping its suit.

Last fall, Fox Family Channel sued CBS, charging that the broadcast network had copied the concept for its *Amazing*



Lawyers question how much liability protection is afforded by waivers signed for "risk shows" like NBC's *Fear Factor*.

*Race* from one of the cable network's shows in development, *Race Around the World*. That suit is still pending.

Other reality-TV litigation involves hidden cameras, which Allen Funt started using with *Candid Camera* in 1948. Producers today, some lawyers charge, are using hidden cameras to depict their unsuspecting subjects in situations that are so embarrassing or compromising that they create emotional distress—and grounds for a suit.

Plumber Keating's suit against HBO, Time Warner Entertainment and World of Wonder Productions claimed he suffered emotional distress, fraud, intrusion and invasion of privacy. Filed in November 1999, it charged that WOW had been producing a show whose purpose was "to humiliate other human beings, a human experiment for entertainment, a nasty and perverted version of *Candid Camera*." Keating sought damages even though the

segment never aired on HBO.

According to Keating's attorney, privacy expert Neville Johnson, the "matter has been resolved," and he wouldn't comment further on it.

Hidden-camera shows, by their very nature, leave reality-show producers vulnerable, according to some lawyers.

"To me, there isn't much doubt that these set-ups are intended to inflict some kind of emotional response," say attorney John Walsh, who was initially involved in Food Lion's hidden-camera lawsuit against ABC. "Often, it could be distress, chagrin, being made to feel like you're a fool. If I was advising the people who are producing these programs, I'd say you've got to be careful about that."

Releases do protect producers, although to what extent remains questionable. And producers, in some cases, pay to get them. Veteran David Bell, who produced *LAPD: Life on the Beat*, says that practice isn't typical but it happens.

"If we had a segment that we felt was really strong and we had somebody balking at signing a release, we would offer them some money," Bell says. "I don't think we ever paid anybody more than 50 bucks. And typically, if we paid someone it was less than \$50. It was nothing. Some of these people just wanted 50 bucks. You have to understand that people the cops deal with are not exactly your high society."

David Goldberg, president of Endemol Entertainment USA Inc., which produces *Spy TV* and *Fear Factor*, says the waivers for *Fear Factor* do cover emotional distress, since contestants know they will be put under psychological distress: That's the show's concept.

As for *Spy TV*, Goldberg says he has never wanted to use a tape of someone but couldn't because he or she would not sign a release.

"We are not out to defame people," he says. "But we are in the business of creating



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Copyright infringement was the issue in CBS's lawsuit alleging that the Fox broadcast network and LMNO Productions had stolen the idea for *Boot Camp* from CBS's *Survivor*.

entertainment. And we do like to have as much license and flexibility as we possibly can. But it's not about ruining people's lives. With *Spy TV*, it comes down to all about having fun. If the experience was that people were absolutely outraged by what we were doing, we wouldn't have a television

show because no one would sign a release."

Jeff Gaspin, NBC executive vice president of alternative series, said the people caught in the summer hit *Spy TV* stings weren't reluctant or shy about signing releases to permit their segments to air. "Everybody wants to be on television.

Everybody wants their 15 minutes of fame, more so now than before, because some of these civilians are becoming pseudo-celebrities on these reality shows. The incentive is greater now than ever. Look at all the people from *Survivor* that have had afterlives on television."

That doesn't fly with Peter Funt, executive producer of today's *Candid Camera*, which airs on Pax TV. He considers *Spy TV* "mean-spirited" and not in keeping with the credo his father Allen instilled in that show.

"My dad established from the get-go that, while we consider ourselves students of human nature without a degree to support it, we're very sensitive to the idea of going too far or crossing the line or violating people's rights in any way," Funt says. "If you're not careful, you can injure people, and I don't mean physically, I mean emotionally or socially. And if we don't police ourselves carefully, then other powers—be it in government or networks—will step in and set rules for us."

*Candid Camera* has avoided potential problems by taping people in public

## Protecting the producers

Before becoming a contestant on the first *Survivor*, Stacey Stillman signed an applicant's agreement and waivers that were 83 pages, consisting of four separate contracts, according to her attorney, Donald Yates.

"The breadth of it was astonishing," he says. "She says she will not sue for any injury or even her death. And her relatives were required to sign similar agreements saying they would not sue if she was killed on the show."

The agreement, posted on journalist Peter Lance's The-stingray.net Web site, also contained a confidentiality clause. If contestants violated it, CBS and *Survivor*'s producers could claim damages of \$5 million and more, according to the pact.

Reality-TV producers and the networks have taken all kinds of precautions to protect themselves, to absolve themselves of liability for any mishaps on shows. "This is a new arena for the television industry," says Candysse Miller, executive director for the Insurance Information Network of California.

Typically, a producer takes out an insurance policy for 3% to 5% of a TV show's budget, according to Miller. For these new reality shows, she says, insurance premiums start at 5%.

In some cases, it costs as much as 50% more for insurance for a reality show than for a typical TV program, according to Wendy Diaz, executive underwriter for the entertainment division of Fireman's Fund

Insurance Co.

Network officials won't say what they shell out to insure reality shows. "Sometimes we have to get special insurance for these shows, more extensive accidental," says Jeff Gaspin, NBC's executive vice president of alternative series. "There are definitely many precautions that you take."

Those precautions include the waivers that contestants must sign. The releases for *Fear Factor* contestants protect the show in the event anyone is hurt physically or psychologically, according to David Goldberg, president of Endemol Entertainment USA Inc., which produced it for NBC.

But he says the stunts were safer than they may have looked. "We certainly create the illusion to the audience that

these people are in absolute peril, but, in reality, it's quite safe. Look, people can get hurt playing soccer on Saturday afternoon."

But the broad waivers that shows like *Survivor* require contestants to sign are open to question, according to some legal experts, particularly the portion regarding the death of a show participant.

"I don't think it's enforceable," says David Rubin, dean of the S.I. Newhouse School at Syracuse University, where he teaches First Amendment law. "It depends on the circumstances. But, believe me, the first time somebody dies in one of these shows, there will be a lawsuit, and it will be settled, too, and money will change hands. You don't waive your right to stay alive." —L.M.



Unlike pioneer *Candid Camera* (c), which taped only in public places, hidden-camera shows like *Band on the Run* (l) and *Taxicab Confession* create a hornet's nest of privacy issues, according to some legal experts.

places, according to Funt. But the courts have made varied rulings as to what constitutes a public place.

"With hidden cameras, the pivotal question is whether the camera is situated in a place where a person has 'a reasonable expectation of privacy,'" says Clay Calvert, an associate professor of communications and law at Penn State University. "That's always what this issue turns on."

The law regarding hidden cameras rests in part on "two-party consent laws." Roughly a dozen states have such laws, which state that one person can't legally do an audio recording of a second party without the second party's consent. That's why HBO's *Taxicab Confessions* is taped in one-party-consent states, such as New York and Nevada, where only one person has to know a taping is going on.

HBO doesn't air anyone on *Taxicab Confessions* unless he or she signs a waiver, an HBO spokesman said. At the end of each episode, the show actually depicts passengers, who sometimes have revealed intimate details about their sex lives, gleefully signing releases while still in the cab. A suit has never been filed against the show, according to the spokesman. But HBO does pick up the cost of the passengers' fares.

Lawyers believe that such hidden-camera shows create a hornet's nest in terms of privacy issues.

"I'm deeply concerned about a show like *Taxicab Confessions*," Johnson says. "What happens if, let's say, [a segment is] not aired but one person reveals things about somebody else who is not pictured,

confidential, private information? Well, that's terrible if that's occurred. Even if it's not broadcast, you've still induced somebody to reveal this information."

Privacy issues were at the heart of the suit filed by the Marich family against MGM and of the pending suit involving VH1's *Bands on the Run*.

In August, a jury in Los Angeles ruled against the Marich family, rejecting its claim that its privacy was invaded by MGM's *LAPD: Life on the Beat*. In an episode called "The Final Act," the program showed a police officer calling the

### Reality shows are breaking new ground for television —and overstepping acceptable boundaries, according to some critics.

Marich family to say that their 27-year-old son had died of overdose. The program, which aired in 1997, showed the son's slumped-over body.

Filed in August against Viacom Inc. and MTV Networks Inc., Daly's suit claims invasion of privacy, intrusion, libel and infliction of emotional distress. MTVN referred comments on the suit to VH1, and a VH1 spokeswoman said the network doesn't comment on litigation.

Daly lawyer Michael Lieberman claims that VH1 didn't have a valid consent from his client to use her image on *Bands on the*

*Run*. He charges that she was drunk, at a San Francisco bar, when she signed a consent form. Daly didn't bargain on a camera crew's following her into bathroom stall and taping her as she kissed a band member, according to Lieberman. And she was later shocked when VH1 used still photos of her in ads for the show on billboards and such magazines as *Rolling Stone*.

"She came to me very upset," Lieberman says. "She was very weirded out that they were running billboards with her picture all over the country and in magazines. All her friends were calling her. She wanted to know what the deal was."

The lawsuit also charges that VH1 falsely implied that Daly had sexual relations with a band member.

Lieberman says he contacted MTVN and was told that not only did it have a consent form from Daly but it didn't even need one to air film with her because *Bands on the Run* is a documentary.

The *Los Angeles Times'* Rosenberg, who teaches a TV journalism ethics class at the University of Southern California and championed the Marichs' case, says that, if you take Daly at her word, the fact that she was drinking must have been obvious.

"At that point, you say, 'You know this person is not really responsible to sign a waiver,'" he says. "Freedom of the press gives us in the media enormous latitude to do almost anything we want. At the same time, just because we can do something legally doesn't mean we should do something morally. To me, the law in some cases is the least tolerable behavior." ■

# Programming

## BroadcastWatch

COMPILED BY KENNETH RAY

SEPT. 24-30 Broadcast network prime time ratings according to Nielsen Media Research

Week 1	abc	CBS	NBC	FOX	PAX TV	UP/N	WB
	10.8/16	9.5/14	9.5/14	4.5/7	0.8/1	2.6/4	4.2/6
MONDAY	8:00 48. Who Wants to Be a Millionaire? 6.8/11	19. King/Queens 10.1/16 24. Yes, Dear 9.4/14	36. Weakest Link 8.0/12	72. Who Wants to Be Princess? 4.5/7	123. Encounters With the Unexplained 0.5/1	89. The Hughleys 2.4/4 85. One on One 2.8/4	63. 7th Heaven 5.2/8
	9:00 11. NFL Monday Night Football—Washington Redskins vs. Green Bay Packers 11.7/19	3. Ev Lvs Raymnd 14.4/20 27. The Ellen Show 9.2/13	25. Dateline NBC 9.3/13		116. Touched by an Angel 0.8/1	87. The Parkers 2.6/4 88. Girlfriends 2.5/4	83. Angel 3.2/5
	10:00	47. Family Law 6.9/11	15. Crossing Jordan* 11.2/18		103. Diagnosis Murder 1.2/2		
	10:30						
TUESDAY	8:00 36. Dharma & Greg 8.0/12	11.3/17 9. JAG 12.0/19	9.2/14 57. Emerit* 6.1/10 60. Three Sisters 5.5/8	5.3/8 49. That '70s Show 6.7/11 59. Undeclared* 5.9/9	1.0/2 120. Doc 0.7/1	1.5/2 97. UPN Movie Tuesday—Disturbing Behavior 1.5/2	1.9/3 90. Gilmore Girls 2.2/3 94. Dead Last 1.6/2
	9:00 31. Spin City 8.7/13	17. The Guardian* 10.5/15	8. Frasier 13.0/19	74. Love Cruise* 4.4/6	111. Mysterious Ways 1.0/2		
	9:30 27. Philly* 9.2/15	13. Judging Amy 11.4/18	30. Dateline NBC 8.9/14		103. Diagnosis Murder 1.2/2		
	10:00						
	10:30						
WEDNESDAY	8:00 36. My Wife & Kids 8.0/13	7.6/12 25. 60 Minutes II 9.3/15	9.3/15 76. Lost 4.1/7	5.1/8 61. That '70s Show 5.3/9 68. Grnded for Life 4.9/8	1.3/2 108. Candid Camera 1.1/2	7.0/11 44. Enterprise* 7.0/11	1.5/2 97. Flix Wednesday—The Indian in the Cupboard 1.5/2
	9:00 52. Drew Carey 4.8/8	58. Amazing Race* 6.0/9	21. West Wing 9.9/15	66. Love Cruise 5.0/8	99. Touched by an Angel 1.4/2		
	9:30 34. 20/20 8.3/13	65. Wolf Lake* 5.1/8	6. Law & Order 13.9/22		99. Diagnosis Murder 1.4/2		
	10:00						
	10:30						
THURSDAY	8:00 82. Whose Line Is It 3.4/6	6.4/10 27. CSI 9.2/15	15.9/25 1. Friends 19.5/31 5. Ins Schwartz* 14.1/22	2.7/4 86. Who Wants to Be Princess? 2.7/4	1.0/2 111. It's a Miracle 1.0/2 116. More True Stories Touched 0.8/1	3.9/6 79. WWF Smackdown! 3.9/6	1.9/3 91. Flix Thursday—The Craft 1.9/3
	8:30 75. Whose Line Is It 4.3/7	4. CSI 14.2/21	7. Will & Grace 13.1/20 9. Just Shoot Me 12.0/18				
	9:00 40. Who Wants to Be a Millionaire? 7.6/11		2. ER 18.3/29		103. Diagnosis Murder 1.2/2		
	9:30 40. Primetime Thursday 7.6/12	39. The Agency* 7.9/13					
	10:00						
	10:30						
FRIDAY	8:00 80. Mole II: The Next Betrayal* 3.7/7	5.1/9 103. The Ellen Show* 4.9/9 76. Danny* 4.1/7	9.9/18 31. Providence 8.7/16	3.9/7 70. Dark Angel 4.7/9	0.9/2 120. Weakest Link 0.7/1	1.8/3 92. UPN Movie Friday—Set It Off 1.8/3	1.6/3 94. Sabrina Down Under 1.6/3
	9:00 54. Thieves* 6.3/11	70. That's Life 4.7/8	21. Dateline NBC 9.9/17	84. Pasadena* 3.1/5	111. Encounters With the Unexplained 1.0/2		
	9:30 63. Once and Again 5.2/9	54. 48 Hours 6.3/11	16. Law & Order: Special Victims Unit 11.1/20		108. Diagnosis Murder 1.1/2		
	10:00						
	10:30						
SATURDAY	8:00 44. ABC Saturday Night Movie—Forrest Gump 7.0/13	7.0/13 56. Touched by an Angel 6.2/12	3.3/6 92. Inside Schwartz 1.8/4	4.7/9 76. Cops 4.1/8 72. Cops 4.5/8	0.9/2 122. Ponderosa 0.6/1		
	8:30	52. Citizen Baines* 6.4/12	81. NBC Saturday Night Movies—Twister 3.6/6	66. AMW: America Fights Back 5.0/9	111. Pax Saturday Night Movie—Sins of the Father 1.0/2		
	9:00	35. The District 8.1/14					
	9:30						
	10:00						
	10:30						
SUNDAY	7:00 51. Wonderful World of Disney—A Bug's Life 6.5/11	8.4/13 12. 60 Minutes 11.6/20 19. The Education of Max Bickford* 10.1/15	7.4/12 49. Dateline NBC 6.7/12 42. Weakest Link 7.3/11	5.3/8 61. Fox Movie Special—Jerry Maguire 5.3/8	1.1/2 116. Candid Camera 0.8/1 94. Doc 1.6/2		1.2/2 108. The Day It Changed 1.1/2 99. Steve Harvey 1.4/2 111. WB Sneak Peek 1.0/2 103. Nikki 1.2/2 103. For Your Love 1.2/2
	8:00						
	8:30						
	9:00 23. Alias* 9.5/14	43. CBS Sunday Movie—Three Blind Mice 7.2/11	31. Law & Order: Criminal Intent* 8.7/13		99. Ponderosa 1.4/2		
	9:30						
	10:00 13. The Practice 11.4/19		44. UC: Undercover* 7.0/11		116. Mysterious Ways 0.8/1		
	10:30						
WEEK	7.7/13	8.5/14	9.1/15	4.6/7	1.0/2	3.4/5	2.0/3
5-10	7.7/13	8.5/14	9.1/15	4.6/7	1.0/2	3.4/5	2.0/3

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

# SyndicationWatch

SEPT. 17-23 *Syndicated programming ratings according to Nielsen Media Research*

## TOP 25 SHOWS

Rank	Program	HH AA	HH GAA
1	Wheel of Fortune	8.0	8.0
2	Jeopardy	7.1	7.1
3	Oprah	6.1	6.2
4	Entertainment Tonight	6.0	6.1
5	Seinfeld	5.7	6.1
6	Friends	5.2	5.9
6	Seinfeld (wknd)	5.2	5.8
8	Judge Judy	5.1	7.3
9	Live With Regis and Kelly	4.2	4.2
10	Entertainment Tonight (Wknd)	3.9	3.9
11	Wheel of Fortune (wknd)	3.8	3.8
11	Frasier	3.8	3.8
13	Inside Edition	3.4	3.5
14	The X-Files	3.2	3.8
15	ER	3.1	3.3
15	Montel Williams	3.1	3.1
17	Judge Joe Brown	2.9	3.7
17	Access Hollywood	2.9	3.0
19	Maury	2.8	2.9
19	Extra	2.8	2.8
19	Rosie O'Donnell Show	2.8	2.8
22	Divorce Court	2.6	3.1
23	Drew Carey	2.5	2.7
23	Jerry Springer	2.5	2.7
23	Hollywood Squares	2.5	2.5

## TOP COURT SHOWS

Rank	Program	HH AA	HH GAA
1	Judge Judy	5.1	7.3
2	Judge Joe Brown	2.9	3.7
3	Divorce Court	2.5	3.1
4	Judge Mathis	2.1	3.5
5	People's Court	1.8	1.9

According to Nielsen Media Research Syndication Service Ranking Report Sept. 17-23, 2001

HH/AA = Average Audience Rating (households)

HH/GAA = Gross Aggregate Average

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

NA = Not Available

## Getting back to normal—almost

Many syndicated shows are settling back into normal schedules after weeks of preemption by news programming since Sept. 11. *Crossing Over With John Edward* hasn't been so lucky.

Beefed-up news coverage of the tragedy has bumped *Crossing Over* from its ratings-attractive afternoon slot in top market Los Angeles. Starting today, *Crossing Over* moves from its 4 p.m. home on KCAL-TV to 11 a.m., making room for an added news show. KCAL-TV has enjoyed ratings surges with its news-heavy lineups.

In New York, WCBS-TV, the only local station that didn't suffer transmission problems, expanded its news offerings. On Monday, after three weeks of preemption, *Crossing Over* will return to 3 p.m.

Besides ratings, though, KCAL-TV has had concerns that *Crossing Over* isn't a suitable news lead-

in. Programming chief Virginia Hunt explains that it might not be "comfortable" for some to watch Edward speak to the dead at this time. *Crossing Over* is "a very, very good vehicle," she says, adding, "But I don't think it's right to put it between news shows."

Affected by the attacks in an unexpectedly positive way are the magazine shows. "There's a hunger for news and information on this story," explains Charles Lachman, executive producer of *Inside Edition*, which, in the week following the attacks, jumped 15% over last year, to a 3.9 rating/9 share in the Nielsen weighted metered markets.

*Access Hollywood* has had plenty to talk about, says Barry Wallach, sales chief at distributor NBC Enterprises. Noting that its season-to-date household score (2.8) is its highest since 1996, he says, "There's just so much news now that impacts the entertainment industry. It's affecting movie releases and concert tours, and people are interested."

Magazine leader *Entertainment Tonight* is up 11% from last year, to 6.0/11 in the week after the attack.

—Susanne Ault



Some stations fear that viewers will be uncomfortable watching *Crossing Over With John Edward* at this time.

**CHICAGO'S GOT A NEW KING**

M-F 5:30PM

**KING OF THE HILL**

5.3/10 KING OF THE HILL WFLD-F

3.6/7 EVERYBODY LOVES RAYMOND WGN-W

2.7/5 RICKI LAKE WYPR-U

2.0/4 FAMILY FEUD WCIU

20th ANNIVERSARY

# StationBreak

BY DAN TRIGOBOFF

## FOX SWINGS AX

WFTC(TV) Minneapolis General Manager Steve Spendlove and News Director Jon Fischer were shown the door after the station, formerly owned by Clear Channel, changed to Fox ownership Oct. 1. A day later, Stu Swartz, longtime head of Fox-owned KMSB-TV there, was let go and replaced by Carol Rueppel, previously general manager at Fox O&O WITI-TV Milwaukee. Rueppel will also oversee local ad-sales and marketing efforts for Minneapolis's Fox Regional Sports Net. Swartz had been with the station 38 years, 19 as GM.

Fox acquired KMSB-TV in July, and insiders say the company hopes to move WFTC's programming and possibly its Fox affiliation from the UHF ch. 29 slot to KMSB's ch. 9, currently affiliated with UPN. Fox swapped its KMOL-TV San Antonio and KTVX-TV Salt Lake City to create the Minneapolis duopoly.

## SYNERGY SWAPS

At a time when programmers are trying to avoid references in entertainment programming to terrorism, war and fire, WRC-TV Washington had an additional concern: tornadoes. NBC, which owns the station, had scheduled the high-tech thriller *Twister* only a few days after a tornado killed two sisters in nearby Maryland.

The station scrapped the movie and didn't look far to fill the gap. It simulcast MSNBC news special 24

Hours at Ground Zero, and NBC-owned *Access Hollywood*. "Once the decision was made, we decided to look within NBC programming," said station spokeswoman Angela Owens. "We had not been using MSNBC on our air prior to Sept. 11. Since then, MSNBC has become familiar to our viewers."

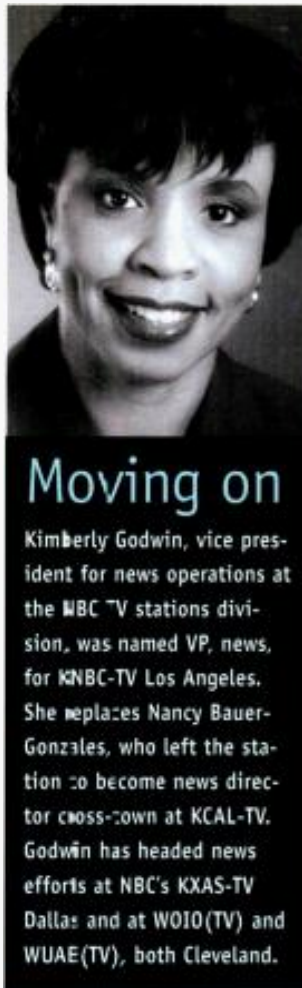
## MORE METERS

Nielsen launched two metered markets—Richmond, Va., and Dayton, Ohio—last week, bringing the number to 53, covering 68% of U.S. TV households.

To start, 300 homes in the Richmond-Petersburg area will be metered, providing overnight information on what is watched and when. Meters are frequently sought by the stations with the most to gain from new methods of reporting. Still, Don Richards, general manager at Richmond's top-rated WWBT(TV), said that, although "we didn't initiate bringing meters in, we've embraced them. I think it will substantiate our No. 1 position."

## SCRIPPS HAS A HART

Jim Hart, who had announced his retirement as head of Scripps Television in the spring, has been tapped by the company to step in at WPTV(TV) West Palm Beach, Fla., following the exit of Bob Jordan. Hart will serve as interim station head while the group searches for a replacement. Insiders say he'll try to improve morale and



employee relations.

Sources say that much of the staff became alienated from management in recent years and there was infighting among managers, a climate that may have created an opportunity for NABET: Technicians two weeks ago voted for representation. The station reportedly may be facing charges of sexual harassment and age discrimination from former employees.

## CITADEL OKS MAHER

After a week of negotiation with Bill Maher, Citadel

Communications put his show *Politically Incorrect* back on its stations last week.

Citadel took the show off nearly two weeks ago over remarks by Maher in which he disagreed with the characterization of the terrorists who crashed the planes in New York and Washington as cowards. Citadel had planned to put the show back on earlier but rejected a taped explanation/apology Maher had submitted, Citadel Chairman Phil Lombardo said, adding that Maher, in turn, rejected a suggested script provided by Citadel. Tapes received last week were accepted by the company. In a recent statement, Maher says his statements were "insensitive, ill-timed and, thus, inappropriate." He added that, "by doing what I have always done here, I may have unintentionally added to the national trauma, and I am sincerely sorry about it."

One viewer particularly pleased with the reinstatement was Maher fan Kris Moorman, of Ames, Iowa, an activist by profession. She phoned show, network and Citadel officials and spent 25 minutes making her case to Citadel President Ray Coles. "I told him he'd have a big fight on his hands if he didn't put the show back on. He said he'd have one no matter what he did."

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

# Focus Jackson

## THE MARKET

DMA rank	88
Population	858,000
TV homes	319,000
Income per capita	\$14,331
TV revenue rank	94
TV revenue	\$43,400,000

## COMMERCIAL TV STATIONS

Rank*	Ch.	Affil.	Owner
1	WLBT-TV	3 NBC	Cosmos Bcst.
2	WJTV	12 CBS	Media General
2	WAPT (tie)	16 ABC	Hearst-Argyle
4	WDBD	40 WB	Pegasus
5	WBXX	8 Ind.	The Box

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

## CABLE/DBS

Cable subscribers (HH)	506,220
Penetration	59%
ADS subscribers**	265,980
ADS penetration	31%
DBS carriage of local TV	No

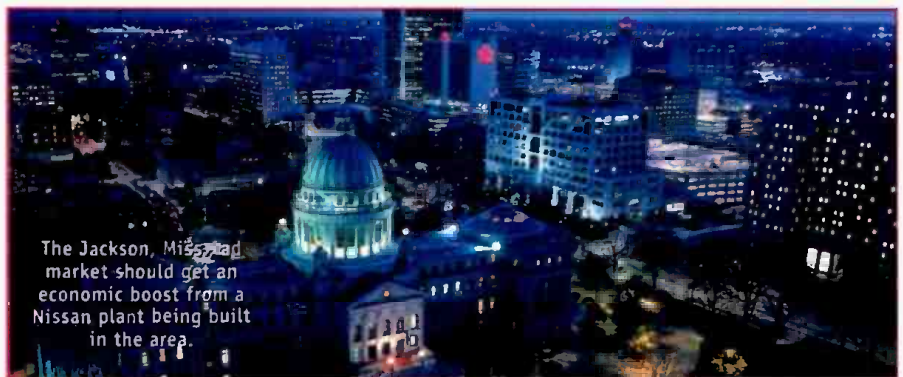
\*\*Alternative Delivery Systems, includes DBS and other non-cable services, according to Nielsen Media Research

## WHAT'S NO. 1

Syndicated show	Rating/Share***
Wheel of Fortune (WAPT-TV)	12/24
Network show	
ER (WLBT-TV)	16/26
6 p.m. newscast	
WLBT-TV	14/29
10 p.m. newscast	
WLBT-TV	15/29

\*\*\*May 2001, total households

Sources: Nielsen Media Research, BIA Research



The Jackson, Miss., market should get an economic boost from a Nissan plant being built in the area.

## Awaiting a shot in the arm

As the country braces for corporate layoffs in a sagging economy worsened by last month's terrorist attacks, Jackson, Miss., looks forward to the 2003 completion of a new Nissan plant, which will bring about 30,000 jobs to the area.

"That's a huge economic boom," says Dan Modisett, general manager of Jackson's top station, WLBT-TV. "Just like the rest of the country, our economy softened. But that's going to be a real positive for us." The additional jobs will strengthen other Jackson businesses, he hopes, and eventually be "a real catalyst" for the local ad market.

Still, people have the current financial climate on their minds. This week, former Fox station WDBD-TV begins broadcasting as a WB affiliate, which has upset some viewers looking forward to Fox's fall NFL coverage. General Manager Ted Rudolph says Jackson is a big New Orleans Saints town but notes that WB programming "will be what the advertisers want."

Sports fans won't be left in the lurch, he says, because many of Jackson's cable operators are committed to carrying the Fox Sports Net cable channel.

Ad-spending rates "have been off rather consistently from 8% to 10% over the last year," and he looks forward to the Nissan plant's giving Jackson "a nice shot in the arm." With last month's tragedy heavy on people's minds, though, "what 2002 has in store for us is anybody's guess," he says. "I think it's going to be a pretty tough year."

According to Modisett, WLBT-TV has "on the drawing board" the expansion of its news offerings, a reaction to the tragedy. Currently, the station leads Jackson with 42 half-hours of local news, but "there's no question" that news has become a top viewing priority. "The best thing for us to do is to take the events nationally and translate them into how they affect people locally. This is where local stations can shine."

—Susanne Ault



# SUPERIOR RESULTS!

At 2:30pm on WNYW in New York, JUDGE HATCHETT Shows Outstanding Growth vs. Prior Programming!

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



www.judgehatchett.com

Source: NSI WRAP Overnights, HH Rtg. M-F, Prior Prog=Magic Schoolbus, Different World, Wild Moments, Transformers (9/4-9/10/01), Hatchett=(9/24-9/28/01)



The Leader in Young Adult Programming.  
CTTD.COM

# Cable states its pole position

*NCTA asks high court to preserve pole-attachment cap for Internet service*

By Bill McConnell

Utilities could stall introduction of high-speed Internet service if they are allowed to boost the rates that operators pay to share their power poles. That was the message from government and cable-industry attorneys to the Supreme Court last week.

The justices are weighing whether Congress granted the FCC authority to cap pole-attachment rates when cable companies offer Internet service or whether the existing cap applies only to lines used to carry TV programming and telephony.

If the court bars the FCC from capping rates on lines used for both TV programming and cable Internet, franchises that continue to offer Internet service could be forced to pay several billion dollars in extra fees, according to rough projections of the cable industry. The decision also could create open-access requirements that would force cable companies to open their broadband platform to rival Internet providers.

The FCC and the cable industry argue that Congress intended the FCC to cap pole rates for various types of service, including Internet, to help speed the introduction of broadband and telecommunications services. "The only way to achieve both is to cover commingled attachments," Peter Keisler, attorney for the National Cable and Telecommunications Association, told the court in oral arguments Oct. 2.

The NCTA is appealing a decision handed down by the federal appeals court in Atlanta striking down FCC authority to cap poles rates when cable companies add Internet offerings.

Utility companies had challenged the FCC price controls, arguing that the commission has no authority over Internet busi-



**An appeals court struck down FCC authority to limit fees when cable delivers Internet.**

ness. Utility-industry attorney Thomas Steindler argued that pole rates were first capped in 1978 to protect "mom-and-pop" cable companies from monopoly prices charged by utility companies. Years of consolidation, he said, have eliminated most small cable companies while giant multiple-system operators, like AOL Time Warner, have gained sufficient market power to negotiate fair pole rates.

Since the lower court's ruling, several power companies have announced plans to raise monthly pole rates from roughly \$7 to \$38, a 500% increase. If the increases are permitted, monthly rates for subscribers could climb \$1.50 or more, NCTA said. The cable industry is desperate to preserve the government caps because operators want Internet revenue to offset declining growth in traditional cable-TV subscribership.

The cable industry wants the FCC to declare Internet service a "cable service," which would shield the business from government rules mandating carriage of multiple providers. Consumers Union wants the agency to say the services should be regulated like other "telecommunications" services, such as telephony, which would give the FCC power to impose less stringent caps but would lead to open-access requirements. Utilities say the business should be declared an "information service," which would eliminate the government's price-setting authority altogether.

Several justices voiced frustration that the FCC has failed to decide how cable-delivered Internet service should be regulated. The commission launched an inquiry into that question a year ago but does not appear close to ruling.

"What I don't understand is how the FCC can resolve this [cap] issue without deciding whether Internet service is telecommunications," said Justice Antonin Scalia. Similar comments by Justices Ruth Bader Ginsburg and David Souter generated speculation that the court will order the FCC to decide which regulatory framework cable Internet falls under before reaffirming its authority to set rates, although the justices frequently play devil's advocate to test the strength of arguments.

"At least three justices were incredulous that the FCC has not addressed this issue," said Cheryl Leanza, a Washington attorney who prepared "friend of the court" briefs for Consumers Union. NCTA general counsel Daniel Brenner, on the other hand, said the FCC has clear jurisdiction over cable Internet services and is under no obligation to settle the open-access question to protect its authority to set pole rates. ■

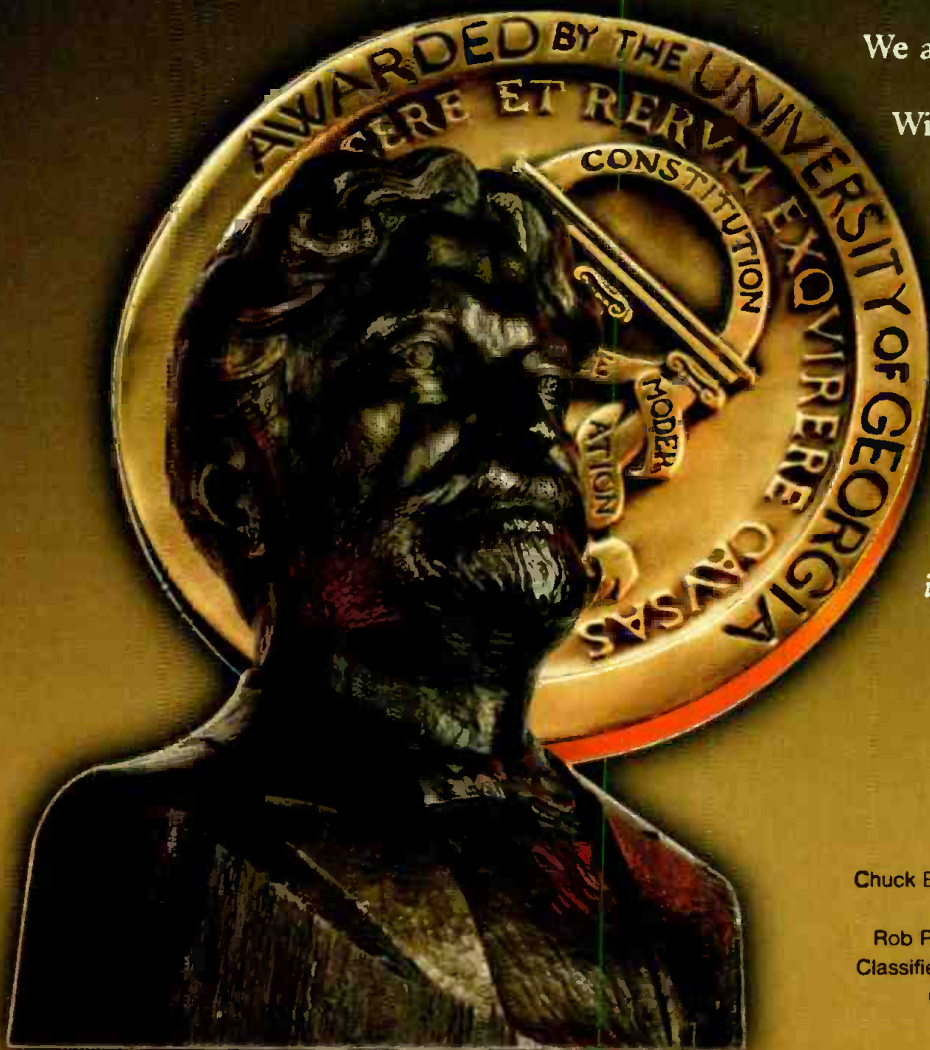


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# WDWB-TV goes on the block

*Granite seeks to improve a messy balance sheet by selling its Detroit station*

By Steve McClellan

**G**ranite Broadcasting put its WB affiliate WDWB-TV Detroit up for sale last week, succumbing to what ails many TV groups these days: mounting debt and decreasing cash flow.

"Like many broadcasters, Granite has some balance-sheet issues they have to deal with pretty quickly," said Credit Suisse First Boston broadcasting analyst Paul Sweeney.

According to Bob Kricheff, CSFB high-yield analyst for the media industry, Granite has a little more than \$400 million in bank and bond debt and another \$255 million in outstanding preferred stock. For the first half of the year, broadcast cash flow was off about 75% from 2000, \$5.3 million vs. \$22.5 million.

Granite, headed by Chairman and CEO Don Cornwell, is preparing to take over the NBC affiliation in the San Francisco market, for which it will pay NBC more than \$30 million a year for 10 years. Some on Wall Street say the company may try to sell additional stations to further improve its balance sheet and provide more resources for the market, where it has a duopoly of soon-to-be-NBC-affiliate KNTV(TV) and WB affiliate KW/WB (TV).

However, according to a well-placed source, the company has no intention of selling any other stations. In fact, the source said, it didn't want to sell Detroit, but its board decided that it had to address the messy balance sheet by selling an asset.

CSFB's Kricheff believes the company's lenders may have encouraged, if not demanded, that Granite reduce debt load by selling a station.

Granite officials declined to comment. But one source close to the company said, "I think the real question is, are they work-



**Granite's Cornwell has told Wall Street that the company's KNTV San Francisco may generate a record \$51 million in cash flow next year as an NBC affiliate.**

ing cooperatively with the banks in light of the capital structure? The answer is yes."

The source also stressed that the company has enough cash on hand—close to \$50 million though a refinancing completed in March—to meet payrolls and other basic expenses through year-end. It has also prepaid NBC the first annual installment on the affiliate contract, with the second not due until January 2003.

Making it to January is critical for Granite. Despite speculation that NBC might kill the San Francisco deal at the last minute, network sources confirm that the current plan is to let it go forward. According to the agreement, NBC can bow out if it buys an attributable interest in a station in the market other than Paxson's KKPX-TV (NBC owns one-third of Paxson, with an option to buy more next year). Killing the affiliate deal

would cost NBC a \$14.5 million break-up fee—peanuts compared with the hundreds of millions it would pay for an attributable stake in any worthwhile station.

Though saying it's "business as usual with Granite," an NBC source acknowledges that the network is watching Granite's financial situation "very closely."

Granite is moving ahead on the affiliate switch. As of August, it had sold 30% of the inventory at prices it expects KNTV to reap as an NBC affiliate in first quarter 2002. The company has told Wall Street it thinks the station will generate \$51 million in broadcast cash flow next year. Station revenues are projected to approach \$90 million as an NBC affiliate in 2002.

It's not the best time to put a station on the block. In fact, analysts said, the TV-station sales market is as bearish as it has been in years. But Granite, a source said, believes there will always be a market for a top-10-market station and is confident there will be multiple bidders.

**For the first half of the year, broadcast cash flow was down 75% compared with the year-ago period, to \$5.3 million from \$22.5 million.**

Sweeney agrees that WDWB-TV is valuable, if only because top-10 stations rarely come on the block. The bidder most speculated about is Tribune, the largest WB affiliate group. Kricheff said Granite's bondholders were maintaining their

positions last week, a sign he took to mean that "people are pleased they are going to start realizing some asset value." Granite bought the station in 1997 for \$175 million. What price will it bring? Hard to know, but Kricheff believes "they won't have to worry about a tax bill on it." ■

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## Technology

# Nets increase HDTV output

*If you can figure out how to receive it, there's now 500 hours of programming a week*

By Michael Grotticelli

**A**lthough most consumers still can't get it, national broadcast, cable and satellite networks are pumping out nearly 500 hours a week of sports and entertainment in HDTV.

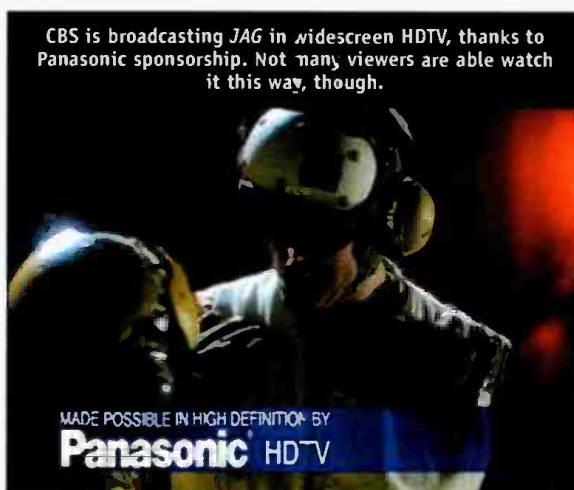
The latest contribution comes from Broadcast.com founder Mark Cuban. Last week, his HDNET began broadcasting via satellite (DirecTV) a 16-hour schedule of sports and entertainment each week.

With the start of the 2001-02 prime time season, ABC got into the HD game, broadcasting 15 hours a week of dramas, sitcoms and movies. CBS began its second HDTV season with about 24 hours, including a college football game each Saturday and a five-day-a-week soap, *The Young and the Restless*.

NBC airs *The Tonight Show With Jay Leno* five nights a week and an occasional movie in HD and is expected to increase output after it finishes upgrading its broadcast distribution system. PBS presents two or three HD documentaries every month.

Most of the programming continues to come from HBO and Showtime. Each of the pay networks offers 24-hour movie channels in HDTV.

But the HDTV programming is not easy



### Where's my HDTV?

Network	Hours per week	Programming
ABC	14.0	6 dramas, 8 sitcoms, 2 movies
CBS	24.5	11 dramas, 7 sitcoms, 1 football game, 1 soap opera (5 days)
NBC	5.0	1 late-night talk show (5 days)
PBS	0.75	2 or 3 documentaries per month
HBO	168.0	Movies, 24/7
Showtime	168.0	Movies, 24/7
HDNet	112.0	Sports and entertainment

to get. Most TV homes rely on cable for their television, and few cable systems carry any HDTV.

as they can.

Today, the best bet for HD-hungry consumers is satellite TV. DirecTV carries not

A few dozen ABC- and CBS-owned or -affiliated TV stations broadcast HDTV over their digital TV channels, but the digital signals do not propagate well, and only 150,000 homes have HD receivers able to pick up the signals.

All told, according to the National Association of Broadcasters, only 207 stations have their DTV stations up and running. The FCC requires all commercial stations to have their DTV station on air by next May, but most are not expected to make the deadline.

Cable operators are in no hurry to add bandwidth-guzzling HDTV signals of any kind to their systems. Most prefer to use their digital capacity to run as many standard-definition networks

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only HDNet but also the HBO and Showtime HD feeds. EchoStar's Dish Network also carries the HBO and Showtime services.

Although the price of the HD sets with broadcast receivers continues to drop, HD proponents believe sales would improve with better in-store sales training.

"Retailers have to be more proactive in displaying and selling HDTV. That's been the real problem in my book," said Clyde Chappell, at WFAA-TV Dallas, an ABC affiliate now broadcasting the ABC HD schedule. "I go into a lot of stores, and they don't know anything about HDTV."

Because local cable systems will not carry HD signals, said Chappell, he is working with local electronics stores to set up receive antennas so that they can get the over-the-air HD broadcasts. Most sales staffs prefer to use DVD movies to sell HD displays, he said.

Initially costing thousands of dollars more, digital sets with external tuner boxes able to receive HDTV in the familiar 4:3 aspect ratio are advertised in daily newspapers these days for about \$1,800. A 35-inch widescreen 16:9 HDTV with an integrated tuner can be had for about \$3,000.

CBS has managed to keep down its cost of transferring film-based dramas and sitcoms to HD by negotiating sponsorships with companies like Mitsubishi, Panasonic, Samsung, and Sears, Roebuck. "There aren't

enough HD receivers out at the moment so we're doing anything we can think of to stimulate that market," said CBS Television Executive Vice President Martin Franks. "We have to move HDTV from the current demonstration phase and turn it into a real business."

Samsung and Sears have committed to a full media plan of TV, print and in-store advertisements for CBS's HD college football schedule on Saturday afternoons that could reach \$10 million, according to Samsung spokesman Steve Panosian.

The agreement marks the first time a retailer, broadcaster and set manufacturer have jointly promoted HDTV. It also includes resources to develop an "HDTV Game Day" promotion and employee training.

There not much local HD production to entice consumers. Two years ago,

more than 100 TV stations banded together with the idea of sharing locally produced HD programs. Operated by NAPTE, the consortium hasn't produced much new in the last year or so, according to Chappell. "It gets expensive to produce HDTV shows. We're right in the middle of converting our station to full HDTV operation, so we don't have a lot of extra money laying around. We're grateful to ABC for offering the prime time lineup in HD. We think it will help sell sets." ■



**'We have to move HDTV from the demonstration phase and turn it into a real business.'**

—Marty Franks, CBS Television

## IN BRIEF

### PANASONIC HD MIGRATES TO USA

Panasonic Broadcast & Television Systems Co. is establishing a High Definition Business Development Center at its offices in Los Angeles as a design and support facility for HD and digital video networking products.

According to President Frank Defina, market research and engineering activities will shift from offices at parent Matsushita in Japan. A rotating team of product engineers from Japan will work at the center in an effort to stay closer to U.S. customers.

Changes at the U.S. division, Defina said, will move some sales staff to Secaucus, N.J., where Panasonic maintains a corporate headquarters.

### WEB NARROWCAST

Decisionmark Corp. has been awarded a patent for technology designed to address one of the sticky copyright issues that plague TV stations that want to stream their signals on the Internet.

According to Decisionmark, it will allow stations to stream signals only to those homes within their over-the-air market. That's important because stations hold only local copyrights to network and syndicated programming.

The technology is expected to be ready for market in two years.

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## TV AND THE INTERNET

## BEYOND BANNERS

*TV stations, networks find that sponsorships and bundled sales are key to successful TV/Internet relationship*



ABC.com, which will be relaunched with a new design, recently offered an online contest from Nokia that was tied into watching the premiere episode of *Alias*.

BY KEN KERSCHBAUMER

Television has experimented with the Internet over the past three years like a chef looking for just the right combination of flavors for a winning dish. Banners, sponsorships, streaming advertisements and pop-up windows have been taken from the Internet spice rack in an effort to drive Internet-related revenues.

The search for the perfect recipe has had more than its share of overbaked dishes. But it now appears that there is growing consensus on how to mix TV and Internet revenue models: sell bundled or convergence advertising packages that use the

reach of television to drive viewers to Web sites where the Internet can provide visitors an opportunity to get more information.

And, increasingly, that information isn't specifically related to the product. It means sponsorship of sections of a site where visitors can ask general questions of the sponsor related to its specialty (like doctors or lawyers) or, perhaps, get home-improvement ideas through a section based on house and home needs.

The goal, in short, is to create impressions that go beyond just attracting click-throughs.

"There are ways that you can have advertisers more incorporated into the con-

tent if you can draw on their expertise that is a good adjunct to what you're doing," says Jeff Meyer, senior vice president, Internet ad sales for Scripps Networks, which include Food TV, HGTV and DIY. "I think those deals work the best because the advertiser gets seen as an expert in that area and [the site] gets viewed by the users as a good resource."

Mark Zagorski, president of WorldNow, a company that develops Internet businesses with TV stations, believes the problem most advertisers and sellers had when they began to look to the Internet is that they looked to sell and buy advertising as if they were dealing with TV spots. The results were not pretty.

"You can always find the spot cheaper someplace else, and that's why the people that went after the Internet first never got it," he says. "They were selling units and banners. They didn't sell packages."

Christine Di Stadio, vice president of marketing and new media for The New York Times Broadcast Group, says that the competitive advantage of offering bundled advertising packages is that every television station has the ability to drive traffic on-air to online and back again all day.

"Some segments seem more applicable to Internet advertising, but, in general, we've discovered that a well-balanced marketing mix of multiple media is the most successful approach," she says. "We are now able to offer multimedia, local convergent business solutions in every business segment."

The Times Broadcast Group's partner on its Web sites is WorldNow. The New York-based company sets up Internet technical and sales operations for local stations in exchange for a split of Internet-related revenues or a licensing fee. It is currently working with more than 110 stations in 15 affiliated station groups, including Raycom Media and Liberty Media.

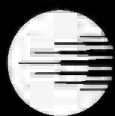
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## The other way

One company that is reverse-engineering the relationship between traditional media and new media is Studio One Networks. The company's core business is based on getting sponsorships (including Procter & Gamble, Nestlé and Time Warner) to sponsor Web sites geared toward a specific market (parenting, automotive, gamers). A key to the success, however, is creating a multi-platform environment, in which the online syndicated sites are supported with a presence off-line, on either television or radio.

Andrew Susman, president and CEO of Studio One, says that Bridgestone recently extended its contract for the next 16 months in a deal valued at \$500,000 to \$1 million. Along with sole sponsorship of the *Driving Today* Web content (which is syndicated to 18 sites), the company also sponsors *America on the Road*, a radio program hosted by Jack Nerad that can be heard on more than 350 CBS radio stations. And Nerad also appears on CBS's *The Early Show* offering automotive tips. There's a circle of promotion among all three.

"The deal was not done by going to Bridgestone with a bag of stuff," says Susman. "It was going to them with all available media options." —K.K.

Nick Ulmer, general sales manager at WAVE-TV Louisville, Ky., which also works with WorldNow, says his station will hit \$1 million in bundled sales this year, with nearly \$600,000 falling in the Internet column. He also says that the station has made nearly \$300,000 from online classified sales, something he never expected. For those advertisers that have a presence on the site beyond classifieds, the on-air exposure costs are often shared with other online advertisers.

"For example, we have a hospital, plastic surgeon and seven or eight categories where we run an advertising spot on TV that advertises the elements on the site," he says. "Inside that on-air spot, the three clients will get mentioned, and they split

the cost of that 30-second spot three ways."

Ulmer adds that a Lasik surgeon is the type of customer that previously would have trouble effectively marketing over television. But, with the use of TV spots and the Internet together, the surgeon can offer TV spots that drive traffic to see a five-minute video of the surgery on the site. "Potential clients can e-mail questions to the doctor, and he'll answer those questions," he explains. "It's very one-on-one."

Another company that helps TV stations with Internet-related sales and technical services is Internet Broadcasting Systems. IBS runs the Internet sites for 41 stations across the country, including Hearst-Argyle, Post-Newsweek and McGraw-Hill stations. And, like WorldNow, IBS is finding that the key is expanding the advertiser base, not just getting advertisers already on TV to spend additional monies on the Internet.

IBS CEO Tolman Geffs offers an example of a program that works in driving bundled revenues: "House and Home," a section on IBS sites that contains information on home improvements. "Local home-builders and mid-tier furniture stores constitute an ad category broadcasters typically

don't get," he notes. "It's a package that offers a deep online package with information as well as on-air spots to drive traffic to the site."

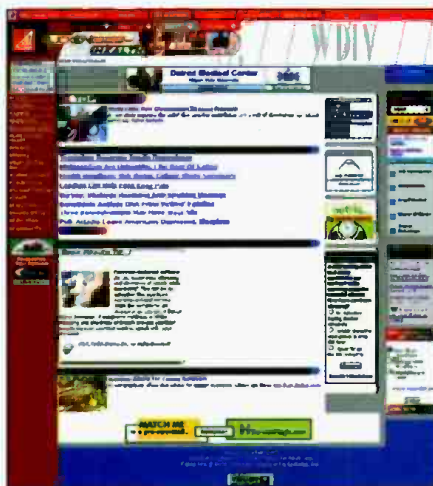
Geffs adds that the relationship between a TV station and its Web site is similar to that with an LMA station. "You can offer something distinctive that your competitors can't do," he says. "And while it isn't as strong as a good LMA, a good Web site has the same function."

One of the challenges of getting into sponsorships is making sure the content being offered meets the editorial standards of the rest of the site. "You need to make sure the information is up to the level of what you're used to doing and that the user won't find it self-serving," says Meyer. "The edit staff of the site would be very involved with any business deal to make sure they're comfortable with the information and how it's presented. So it's a very detailed process to make a deal like that work."

Both IBS and WorldNow are seeing revenue gains. According to Craig Smith, senior vice president, distribution and local revenue development, WorldNow pulled in \$12.2 million in local-market sales in 2000, and its top 20 stations are each on pace for \$500,000 in sales this year. Those



Mark Zagorski, executive vice president of WorldNow, believes some ad agencies don't understand convergence marketing.



WDIV(TV) Detroit's Web site offers health and travel information in sponsored editorial areas from Internet Broadcasting Systems (IBS).







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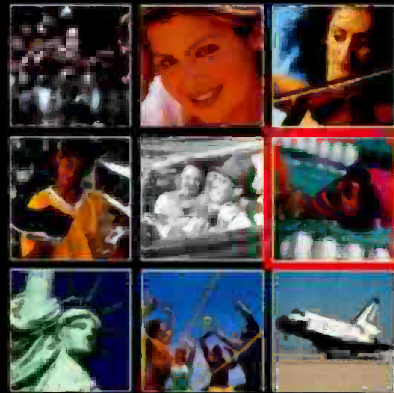
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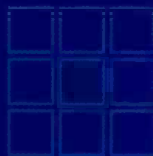


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## How healthy?

Broadcasters have two options when tackling the Internet: fly solo or sign on with WorldNow and IBS. The former has its own pitfalls, but so does the latter because it has been a tough time for Internet-related companies.

Both WorldNow and IBS claim to be in good shape, but, because they are privately held, obtaining exact numbers is tricky. Revenues are on the upswing for both. But what exactly lies behind curtain number one in the way of burn rates and capital remains a mystery.

The majority investors in IBS today are station groups Hearst-Argyle, the Post-Newsweek Division of Washington Post Co., and McGraw-Hill. "In a sense," says IBS CEO Tolman Geffs, "this is a consortium of broadcasters who have joined together to get into this business." The company's first investor, besides its founders, was St. Paul Venture Capital, which invested in IBS in 1998. The most recent round of financing, closed in July, brought the company \$12 million from all the major investors.

Approximately \$41 million has been invested in WorldNow to date: \$30 million by CEO Gary Gannaway and \$11 million by broadcast groups Liberty Media, LIN and Raycom Media. —K.K.

figures are a combination of TV and Internet revenues, but, because of the way WorldNow shares revenues (the station and WorldNow split both the TV and Internet revenues), the company has to make sure the online portion of the sale is equal in value to the TV portion. If not, the station could actually lose out on the deal. For example, if the TV station could sell the TV spot alone for \$15,000 but WorldNow sold a \$20,000 Internet/TV bundle, the station would lose \$5,000 vs. selling just the TV spot.

The approach taken by IBS is different, with the TV station taking the entire TV-related revenue while splitting the Internet portion, again, minus costs. Because the



KMBC-TV Kansas City, Mo., gives visitors a chance to check out a career center and a house and home center, and local advertisers a chance to reach those visitors.

company is privately held, Geffs can't specify the Internet-related revenues.

### AGENCY CHALLENGE

Finding out what the advertiser wants is one of the challenges in the move toward a bundled selling approach. Organizationally, very few sellers or buyers are set up to handle cross-platform deals. Melissa Gluck, senior analyst at Jupiter Media Metrix, says that sellers are probably a little more advanced than buyers in terms of being ready to sell bundled packages, and that is because they've either integrated their sales units or set up a separate unit.

"The problem the last few years is there has been too much competition between the television and Internet sales forces," she says. "I think the sellers have started to put in place organizations and structures to encourage cooperation. The problem is, the agencies aren't there yet."

This adds a level of difficulty for the seller. It not only has to convince the client of the concept but also has to work out the deal among hesitant agencies.

"The challenge of working with some traditional agencies is that they have yet to get the concept of true convergence marketing," says WorldNow's Zagorski. "They continue to be stuck in the old paradigm of only buying TV or radio or Internet spots because it's easy and they often get a fat commission without working too hard. But they miss the whole idea behind a sophisticated marketing package with multiple elements."

Andrew Susman, president and CEO of Studio One, points out, "It's easier to sell [crossplatform] by dealing with customers because they have one set of goals while the agencies

may have competitive sets of goals."

Gluck concurs, adding that a bundled buy is often at the request of the client. "What we're finding is that, in some cases, the interactive media and traditional media are in two separate agencies altogether," she says. "And when they do reside in the same agency they're still pretty separate."

Nonetheless, headway is being made with the agencies.

"The larger agencies' buying approach is still catching up," says Geffs. "We've had success at the local level and with smaller agencies, but we have had success with some larger agencies."

He says that a recent deal IBS signed with Volkswagen is proof that the market can be broken. "What we find we have to do is spend the time with the agency to educate them on what this can accomplish. Once we do that, they figure out a way to fit this into their budget."

At the network level, the approach is similar, albeit on a different scale. Dick



**The goal, in short, is to create impressions that go beyond creating clickthroughs.**



Glover, executive vice president of Internet and Digital Media for ABC, says that, like TV, the proposition to advertisers is that the site will bring in an audience. "The challenge is to provide that positive surprise so that, when a person gets what they want at the site, they add a page view."

A recent example of this effort involved the season premiere of *Alias*, which was sponsored by Nokia. In an online contest called the "Code Breaker Sweepstakes," secret codes were sent to viewers' phones. The only way to unscramble the clues was to visit the site and watch the program. Answers to the clues were found in the first episode of *Alias*.

Harry Lin, vice president, content, ABC.com, says the network also builds out specialized versions of its *Who Wants to Be a Millionaire?* interactive game for advertisers. "We built one for Chevy that they paid for. The interface looks like the dashboard of one of their cars, and the questions relate to their line of automobiles," he says. "It worked really well."

## HAPPY CUSTOMERS

Getting advertisers to spend money on the Internet is one thing; getting them to come back, another.

A major selling point of the Internet only a couple of years ago was that advertisers could find out how many people actually clicked on an advertisement. The concept of creating a brand was replaced with the concept of getting a response. The end result was misery for both advertiser and site owner as click rates fell, giving advertisers a sense that they were not getting the value they expected.

The key, Zagorski says, is not breaking the package into components. The totality of the package—Internet, TV, e-mail newsletters—is what lends it the credibility to sustain higher advertising rates. A station that breaks out the banners separately from the rest of the package immediately loses out on the negotiations.

"The package has a goal," he adds. "It has components, you don't separate them. That's the worst thing you can do to your-



**Nissan has stepped up as a sponsor of WCVB-TV Boston's Pro Football Challenge while the Boston Museum of Science sponsors the weather section.**

self because you commoditize your own business."

Glover agrees, adding that the current advertising climate is no reason to start slashing prices. "We've resisted very hard ever discounting the value of the Internet because we believe in it," he explains. "There has clearly been a constriction of media budgets across the board. The temptation is there to say there are fewer dollars so I'll discount dollars to drive volume. But we've resisted that because this product has a lot of value and an advertiser who spends their money here gets that value."

One of the tricky issues when it comes

to keeping advertisers happy is how do they measure success? The Internet medium is still too young to have well-developed ideas of what advertising is effective. "The effectiveness of an ad has more to do with just the size and shape," says Gluck. "Interactivity, placement and targeting are factors."

He says that, today, advertisers are leaning toward performance-based pricing as much as possible—that is, pricing based on clickthroughs and response. To date, this has been both the curse and the blessing of the Internet.

"For one thing, focusing on clickthrough is just about the worst thing you can do, because we haven't seen any correlation between clickthrough and conversion," she says. "Secondly, it doesn't take into account the branding potential of the medium."

Adds Di Stadio, "I think that the idea of clickthroughs in itself is flawed, and some advertisers are beginning to understand that, too. Consumers are too pattern-trained in their buying habits to make impulse purchases. When the consumer does decide to make the purchase, the brand that sticks in his or her mind will often be the product of choice."

With performance pricing out of the way, the Internet may become more like other media, where branding becomes a major focus. A number of studies have been done to show branding effectiveness with the Web, but Gluck says the problem is that those studies are based on single-exposure tests rather than frequency.

"The studies tend to claim that larger ads are remembered more," she says. "While that's logical, it hasn't been proven whether that leads to affinity or greater intent to purchase. And the issue for a company like Nike isn't awareness. They want deepening affinity."

One of the inherent advantages of a bundled package is reach. "We have to provide reach figures, but our reach is in many different ways," says Susman. "We're targeted to online, but we have the radio, we have TV. So there might be four or five different reach elements." ■

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## TV AND THE INTERNET

## WAITING FOR THE RUSH

*Broadcast-technology manufacturers that jumped on the Internet shift focus*

BY MICHAEL GROTTICELLI

**B**roadcast-technology companies have discovered that ambitious business plans based on selling Internet-related products have found slow going in broadcast, requiring the companies to retrench and attack the market from a different angle. Some have gone back to the drawing board; others are sticking with their original products but selling them to different customers from those they had initially envisioned.

At Chyron, for example, the difficulties in the market have caused the company to migrate from an Internet-services strategy that included Web-site hosting and distribution to one focusing on interactive content production, according to Vice President of Sales and Marketing Rich Hajdu. And it's working. Last week, the company announced a deal with PBS whereby Chyron's Lyric iTV product will be used to create interactive content for 13 episodes of *Life 360*.

Chyron's efforts to tap into the Internet market are indicative of many manufacturer forays. In 1999, the company introduced Clarinet, a streaming encoder for Real and Windows media players. A year later, predicting success as an online-service provider, it formed the Chyron Streaming Services division. That division closed its doors last April.

Now the company is refocusing its effort

on interactive television. Its graphics software is now available in a version designed to output graphics that incorporate HTML tags (\$7,995 for a basic configuration to \$84,000 for a full-featured Duet HD system). The company also has software to insert ITV hooks into character-generated graphics.

The broadcast business will come. Greg Lowitz, general manager of Pinnacle's Broadband Solutions division, says the challenge for broadcasters remains figuring out how to produce content once and distribute it to multiple media simultaneously.

The latest Internet system from Pinnacle is the StreamFactory X2 Pro, a Web encoder for just under \$20,000. It features analog and digital audio connections and support for all digital video formats.

E-StudioLive, formerly known as production-switcher manufacturer EchoLab, began marketing an all-in-one live Internet production system (which includes the Echolab digital production switcher) in 1999.

"Our initial approach was to sell to broadcasters, corporations and universities,

but the broadcast piece hasn't developed as quickly as we'd like," says Ken Swanton, chairman of the board at e-StudioLive.

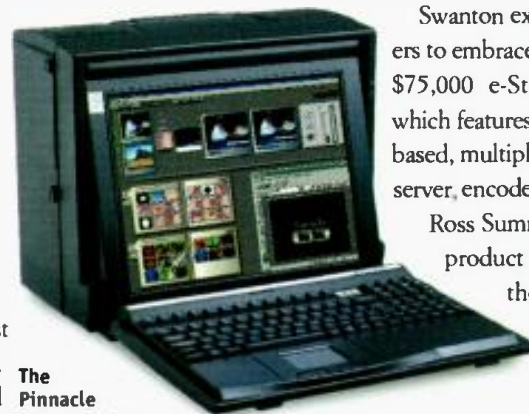
Swanton expects broadcasters to embrace systems like the \$75,000 e-StudioLive 7000, which features a Windows NT-based, multiple-input switcher, server, encoder, and DVE.

Ross Summers, director of product development for the Internet at Grass Valley Group, says that, although

the market for broadcast streaming is tough right now, the company's Web strategy has not changed drastically.

GVG points to its WebAble software as a way to streamline the process for getting content on the Web. It's designed for users of the GVG Profile XP media server, digital switchers and video router products and allows video and audio signals to be sent to air and over the Internet simultaneously.

The Web strategy at Parkervision, says President Richard Sisisky, is to automate the process and keep costs down. The company has introduced a new option for its PVTV automated live-news production system, called WEBstation for News, that will ship by April 2002. He says the module saves newsroom resources by automatically repurposing TV content for the Web. The product is now beta-testing at WAWS-TV, Clear Channel's Fox affiliate in Jacksonville, Fla. ■



The Pinnacle StreamFactory will be used by NY1 News to ready content for the Internet.

**The market continues to grow, but very methodically, not exponentially.**

—Rich Hajdu, Chyron

# People

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

### Broadcast TV

**John Howell III**, VP/GM, WPXI(TV) Pittsburgh/WJAC-TV Johnstown, Pa./WTOV-TV Steubenville, Ohio, will retire at year-end.

**Steve Sabato**, station manager, WFSB(TV) Hartford, Conn., named VP/GM, WNEM-TV Bay City, Mich.

**Shaun McDonald**, general sales manager, WDCA(TV) Washington, joins WNAB(TV) Nashville, Tenn., as VP/GM.

**Anita Helt**, manager, marketing and promotion, KPNX(TV) Mesa, Ariz., promoted to VP.

**Ann Madeo**, account executive, WYJB(FM) Albany, N.Y., joins WEWB(TV) Albany as regional sales manager.

**Jon Myers**, account executive, WBNS-TV Columbus, Ohio, promoted to local sales manager.

**Art Moran**, local sales manager, KVUE0-TV Austin, Texas, joins WSVN(TV) Miami in the same capacity.

**Stephen Castrianni**, senior promotion producer, WPHL-TV Philadelphia, named promotion manager.

### Cable TV

Promotions at Time Warner Cable, New York: **Mark Troller**, senior project manager, Doubleclick Inc., New York, joins as VP, systems operations, information, technology; **Davis Ho**, director, systems operations, E-Commerce & Trade Services Ltd., New York joins as direc-

tor, business technology; **Nancy Mazzei**, senior art director, Showtime Networks, New York, joins as creative director, creative services; **Larry Dixon**, supervisor, Brooklyn/Queens division, promoted to manager.

### Radio

**Ken Berry**, program director, KGO(AM) San Francisco, joins KIRO(AM)/KNWX(AM) Seattle as station manager.

**Jack White**, anchor, KGTV(TV) San Diego, also becomes host, *Sunday Brunch With Jack White*, KCQB(AM) San Diego.

### Programming

**Enrique R. Martinez**, senior VP/GM, Discovery Communications, Latin America/Iberia, promoted to executive VP/managing director.

Appointments at USA Cable, New York: **Scott Silverstein**, senior VP/general sales manager, advertising sales, Sci Fi Channel, promoted to USA Network in the same capacity; **David Safran**, senior VP, advertising sales, Burly Bear Network, New York, joins as senior VP/general sales manager, advertising sales, Sci Fi Channel; **Robert Kaminsky**, VP, business development, Arkwright, Fiskeville, R.I., joins as senior VP, advertising sales.

**Frank Sgrizzi**, sales manager, Turner Entertainment Sales, New York, promoted to VP/New York sales manager.

## Obituary

**M.J. Rifkin**, an award-winning television producer, died Sept. 4 at 88.

Maurice Rifkin began syndicating radio programs in the 1930s, then moved to television, where he worked on such series as *The Cisco Kid* and *Sea Hunt*. He was involved in production of *The Undersea World of Jacques Cousteau* and National Geographic specials. He won an Emmy for *A Storm in Summer* on *The Hallmark Hall of Fame* in 1970. He was received multiple Peabody Awards for service to the broadcasting industry.

He is survived by his wife, Tedde, and daughters Joan Sellers and Barbara Alter.

—Beatrice Williams-Rude

Appointments at MGM Worldwide Television Distribution, Santa Monica, Calif.: **Jeff Brooks**, VP, business development, Mondo Media, San Francisco, joins as VP, basic cable distribution; **Kim Sterton**, director, sales, promoted to VP, Western region, syndication sales.

**Jeff Grant**, research director, sales and marketing, Cartoon Network, New York, promoted to VP.

Promotions at Fox Sports, Los Angeles: **Steve Simpson**, local sales manager, Fox Sports Net, Fox Sports Net 2, to VP/GM; **Andrea Berry**, VP, field operations, Fox Sports Net, to senior VP, field operations, Fox Sports Television Group.

### Journalism

**Nancy Bauer Gonzales**, news director, KNBC(TV) Los Angeles, named VP/news director, KCAL(TV) Los Angeles.

**Renay San Miguel**, reporter, CBS *MarketWatch* and CBS *News*, New York, named technology specialty anchor/reporter, CNN Newsgroup/Headline News, Atlanta.

**Sue Mason**, news anchor, WDAF-TV Kansas City, Mo., leaves her post on Nov. 28.

**Molly Hughes**, primary anchor, WDTN(TV) Dayton, Ohio, named morning anchor, KCNC-TV Denver.

**Laura Evans**, reporter, WTTG(TV) Washington, promoted to weekend anchor.

**Judy Alley**, weekend reporter, WAGT-TV Augusta, Ga., joins KPNX-TV Mesa, Ariz., as weekend morning anchor/reporter.

**Karen Carlson**, weekend anchor/reporter, WREG-TV Memphis, Tenn., joins WWL-TV Orlando, Fla., in the same capacity.

—P. Llanor Alleyne  
palleyne@cabnews.com  
(212) 337-7141

THE FIFTH ESTATE R

# 'He is a re-run seller'

Retiring after 25 years, Greenblatt has sold hit shows in every genre

What Dan Greenblatt will always hold dear, as he retires from Warner Bros. Domestic Television Distribution, is a piece of artwork that his son Ian did at age 7. The picture, which has hung in several offices throughout his nearly 25 years in the syndication business, features a drawing of Greenblatt with the words "My father's name is Dan. He is a re-run seller. He likes to watch TV" written underneath.

It's true. Syndication sales and Dan Greenblatt are like kid-favorite peanut butter and jelly: You can't have one without the other. Most recently executive vice president and general sales manager at Warner Bros., Greenblatt closed deals that launched hit shows in every genre—from magazine *Entertainment Tonight* to off-net sitcom *The Simpsons* to talk series *The Rosie O'Donnell Show*.

Greenblatt didn't start out to be a syndication sales guy. His parents repeatedly asked him, "What is this television stuff? I plug it into a wall, and there's a picture on the box. What does that have to

do with being a dentist?"

Even after becoming a page at NBC in the mid 1960s and later landing key sales positions at Metromedia in the 1970s, Greenblatt dreamt of being the next Dwight Hemion, the 1960s and '70s producer of several Barbra Streisand, Burt Bacharach and Neil Diamond specials.

"Everybody who thought they were talented thought they could be him," remembers Greenblatt.

Eventually realizing "that this wasn't going to happen in my lifetime," he saw his future in sales. He realized that these activities were "paramount" to the success of the programming, equally as important as the shows' creative talent.

Greenblatt notes that *Entertainment Tonight*, one of the biggest syndication gems of all time, essentially got on the air because of good sales tactics.

"This was to be the first satellite-delivered show. That was a great idea, except that, with few exceptions, no one had satellite dishes," he explains, recalling his days pitching the show at Paramount. "Not only did we have to sell the idea of the show, but we would also have to sell the concept of satellite dishes. It was pretty chancy."

When the *ET* team got station managers to swallow their pitch, Greenblatt was hooked. Now he finds it hard to remember a time when he wasn't in sales. He can claim credit for



**Dan J. Greenblatt**  
Executive vice president/  
general sales manager,  
Warner Bros. Domestic  
Television Distribution

B. Jan. 17, 1945, Brooklyn, N.Y.; BA, Queens College, CUNY, 1969; page, NBC, 1965-70; sales management, Metromedia, 1970-80; vice president, Eastern sales/vice president of advertiser program sales, Paramount Pictures Television Distribution, 1980-83; president, Upscale TV Productions, 1984-87; senior vice president, Eastern sales, Twentieth Television, 1987-94; senior vice president/general sales manager, Warner Bros. Domestic Television Distribution, 1994-98; current position since 1999; m., Lynne, Oct. 18, 1987; sons Ian (28) and Lorryn Allyn (25)

many shows that became some of syndication's best stories. Paramount's *Geraldo* and later Warner Bros.' *Rosie* re-ener-

gized the talk genre. Warner Bros.' *Friends* continues to dominate off-net sitcoms. *ET*, Fox's *A Current Affair* and Warner Bros.' *Extra* are some of the longest-running news-magazines ever.

"I look forward to not having to compete with him," laughs Paul Franklin, whose big TV break was a sales job under Greenblatt at Twentieth Television. "I can tell you the guy is just flat-out brilliant."

Greenblatt is good at what he does, adds Franklin, who is now Twentieth's head of sales. Franklin ultimately moved into that spot "because of him. In many ways, he is a mentor of mine. He taught me a lot about what this business is and what makes it important."

Greenblatt is not going to miss syndication's widespread consolidation, in which it matters less that you have a strong product than that you have strong distribution resources.

"Maybe I'm not a gray beard. But I've seen [the industry] at its best, and I've seen it today. It was better before," says Greenblatt, who went through the recent merger of Time Warner, his company's parent, and America Online. "It's a good time to transition."

However, "I wouldn't discourage people from doing it," he adds. "There will always be a need for programming. The product will get distributed, and it will be an interesting business. It just won't be the same business."

—Susanne Ault



# Classifieds

## Television

### NEWS CAREERS

#### WEATHER ANCHOR/METEOROLOGIST

Weather Anchor / Meteorologist for an award winning Midwest station. Anchor and produce weather in one of the nation's leading small market television and radio stations. A community leader with committed local ownership and a great reputation. Previous on-air and weather reporting experience necessary. Ability to meet with the public in personal appearances a must. Applications will be accepted immediately through October 12, 2001. EOE M/F. Please send resumes to: Box 1008 Broadcasting & Cable, 275 Washington Street, Newton, MA 02458 Attn: K. Parker.

#### BUREAU REPORTER

WCTI, Eastern North Carolina's News Leader, has an immediate opening for a bureau reporter. Come live and work at the beach in our Carteret County Bureau. The person hired must have exceptional writing and communication skills, plus one year's reporting experience. We're looking for a team player who can work well on their own with an exceptional videographer. EOE. Send resume, cover letter and VHS tape to: Jeff Phillips, News Director, WCTI-TV, PO Box 12325, New Bern, NC 28561.

#### REPORTER

WRGB-TV, the CBS affiliate in Albany, NY is looking for a general assignment reporter. Must be a self-starter who can make contacts in the community and generate stories. Three years television reporting experience required. Send tape and resume to: Beau Duffy, News Director, WRGB-TV, 1400 Balltown Rd, Niskayuna, NY 12309. EOE.

### CREATIVE SERVICES

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David Hershey  
Director of Promotion and Marketing,  
WJLA/ABC-7  
3007 Tilden Street, NW, Washington, DC 20008

#### DIRECTOR OF CREATIVE SERVICES

ABC26 and WB38, Tribune Broadcasting's New Orleans duopoly, seeks one dedicated, dynamic individual to direct all aspects of the marketing, promotions and art departments for both stations. Responsible for the development and implementation of promotional, marketing and advertising strategies and budgets. Supervises creation of stations' style and image campaigns that are communicated using various media. Directs staff of creative professionals. Leadership, communication and negotiation skills are essential. Requires degree in advertising, marketing, communications or a related field or equivalent related experience. Only applicants with professional broadcast television experience will be considered. Prefer minimum 3 years experience as on-air writer/producer with prior supervisory experience. Send resume/cover letter to Keith Cibulski, WGNO/WNOL, 1400 Poydras St.-Ste. 745, New Orleans, LA, 70112; fax (504)569-0952; eMail KCibulski@tribune.com. EOE

#### NEWSWRITER/PRODUCER

New York owned and operated station seeks an experienced and creative Newscast Producer. Ideal candidate is an excellent writer and self-starter who has produced daily newscasts and worked on special projects. Familiarity with NewStar computer system a plus. Please send resume to: Bill Bouyer, WABC-TV, 7 Lincoln Square, New York, NY 10023. No telephone calls or faxes please. We are an Equal Opportunity Employer.

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Interested parties should submit their resume with a cover letter and salary history to Dave Polyard, Vice President Sales and Marketing, Autocue Systems, 841 Baxter Street #108, Charlotte, NC 28202 or email to [jobs@autocuesystems.com](mailto:jobs@autocuesystems.com). No phone calls please. Autocue Systems is an equal opportunity employer.

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Tribune Broadcasting's New Orleans duopoly is looking for an excellent leader with a vision/plan for the future for WGNO/ABC26. A positive can-do attitude with strong relationship building, motivating, negotiating, organizational, oral/written skills and a proven track record in new business development a must. Must be familiar with TvScan, Scarborough & CMR and have strong overall computer skills. Advertising/Marketing degree or equivalent related experience with minimum 3 years in TV sales. Send resume and cover letter to Keith Cibulski, WGNO/WNOL-TV, 1400 Poydras St.-Ste 745, New Orleans, LA, 70112; fax (504)569-0952; e-mail KCibulski@tribune.com. EOE.

## Classifieds

### Television

#### FINANCIAL CAREERS

## KCBS-TV IS SEEKING TO FILL THE FOLLOWING THREE POSITIONS:

**Credit and Collections Manager** – This position will provide credit analyses for all new advertisers and agencies, manage Accounts Receivable and perform the related accounting. This person will prepare monthly journal entries and account analyses. Additional requirements include proficiency in MS Excel, MS Word and experience with Oracle. Experience with BIAS, Enterprise or Columbine traffic systems a plus. Outstanding communication skills and minimum of five years experience in credit and collections is required with the most recent experience in media or entertainment. A Bachelor's degree is required and a minimum of two years supervisory experience is desirable.

**Accounting Manager** – This position is responsible for the accuracy and accounting of the general ledger. Regular tasks include the review of accounting controls and procedures, the preparation of monthly journal entries, film amortization schedules and the reconciliation and analysis of general ledger accounts. This position has strong participation in the monthly close and forecasts, assists in Fixed Asset management and performs special projects. Prior audit experience and Oracle are a plus. Must be proficient in Excel and Word. Outstanding communication and interpersonal skills and a Bachelor's degree in Accounting or Finance are required. Five years in accounting with recent experience in media or entertainment and three years supervisory experience is preferred. CPA certification is a plus.

**Assistant Controller** – This position is responsible for the daily operation of the business office and has primary responsibility for the monthly close. Responsibilities include managing the Accounts Payable and Accounts Receivable areas, variance analyses, preparation and posting of monthly journal entries, Fixed Asset System maintenance, Capital Expenditure reporting, film amortization schedules and various tax accounting. This manager coordinates Music License Fees, prepares market forecasts and E&Y reports, analyzes station operating expenses and the balance sheet as required. The Asst. Controller will also assist the Controller in the monthly forecast and annual operating budget and performs special projects as assigned. The ideal candidate will be a CPA with 8 years in accounting and 5 years in management with recent experience in media/entertainment. Excellent interpersonal and organization skills, and extensive MS Excel experience are required. Oracle experience is a plus.

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#### RESEARCH CAREERS

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## Classifieds

### Television

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To Apply: Send cover letter, curriculum vita, and list of references to R/TV Search Committee, Dept. of Communication Arts. Questions may be directed to Dr. Robert Brown, Chair, at [rbrown2@ashland.edu](mailto:rbrown2@ashland.edu). Additional information at [www.ashland.edu](http://www.ashland.edu).

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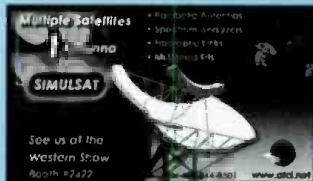
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# Editorials

COMMITTED TO THE FIRST AMENDMENT

## Rush hour

One can't expectorate these days without hitting a key cable issue.

The FCC will reconsider whether the program-access rules that have allowed the DBS industry to be fruitful and multiply should survive. The 1992 cable act allowed cable operators to raise their rates and start reaping the rewards of decades of capital expenditures, but it also required them to sell their programming to competitors. With the help of that law, two satellite-TV operators—DirecTV and EchoStar—have grown to be powerful rivals of cable. Program access did its job; it's time for it to fade into regulatory history.

At the Supreme Court, cable is squaring off against utilities over whether the cap on pole-attachment fees should apply to new services or be confined to traditional cable services. Removing the cap could mean millions, perhaps billions, in new levies on cable. Since a lower court threw out the caps, some utilities plan to increase the fee by a factor of five for cable operators offering Internet and other services. Congress ought to be filing an *amicus* brief in support of reinstating the caps and against what amounts to a strong disincentive to rolling out high-speed internet services.

Meanwhile, back at the FCC, the agency handed the industry a big win, ruling that operators may charge subscribers the entire franchise fee, not just the portion applying to traditional video service. They can also list the fee as a separate item on bills. It's about time cable operators were able to let customers know where that money is going and whose ear to bend about it. But the FCC asked for something, too. It wants cable operators to inform subscribers of their options if an adult channel they don't subscribe to is insufficiently scrambled. Some do already, some don't. We think they all should.

## Can we talk?

A couple more major syndicators have said they will exit the NATPE convention floor and set up at a Las Vegas hotel. The move is part of a trend that goes beyond TV. At businesses everywhere, bean counters are treating trade shows as a cuttable expense.

TV is in a recession. And as consolidated as it is, it may not need the huge exhibition halls for selling anymore. Nonetheless, a weakened NATPE isn't good. Broadcasters need gathering places, and NATPE, with its blend of behemoths and dreamers, domestic distributors and international entrepreneurs, is one of those. This should be the year broadcasters and programmers meet to discuss strategies for making-do with less and making programs that reflect, suddenly, a very different world.

Despite the urging of the president to get out and spend, it looks like broadcasters will sit home and save. We wish they would reconsider and come to Las Vegas, less lavishly, of course. Perhaps more than ever, the mass of media need to talk.

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