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Cable Operating Companies

NEWS

November 2011

ACA's Polka Applauds FCC's Historic Vote To Reform Universal Service Fund

**Commission Imposes Much Needed Fiscal Responsibility On Fund,
But Falls Short On Making Program Competitively Neutral**

ACA President and CEO Matthew M. Polka issued the following statement in response to the FCC's vote to reform the Universal Service Fund, setting the stage for the agency's direct support of broadband service in high cost areas for the first time in history:

"The American Cable Association applauds the Federal Communications Commission for taking truly historic action to modernize the USF program in an effort to ensure that all Americans, especially those located in rural areas that are more expensive to serve, have broadband Internet access and can participate on an equal basis in the transformative Internet-based economy.

"ACA is very pleased that Chairman Genachowski agreed with the independent cable operator community on the need to curb the size of the High Cost Fund by requiring it to operate under a

budget for the first time and for limiting financial support for telephone companies in areas where they face broadband competition from providers that do not receive any USF support. Reforming USF has been a marathon campaign to develop new policies that balance the needs of the American consumer and a wide range of industry stakeholders. ACA has nothing but high praise for all FCC Commissioners and their dedicated and professional staff members, who conducted a fair and open process leading up to this vote.

"At the same time, ACA is disappointed that the fund provides larger telephone carriers with a right of first refusal to provide broadband in high cost, unserved areas worth up to \$1.8 billion annually — twice the amount of support these carriers receive under the existing USF program today. More

than 500 smaller cable operators who are ACA members and were interested in having the same opportunity to participate in the Connect America Fund program know that consumers would have received better broadband services, such as higher speeds, if the FCC had opted for competitive bidding instead of the right of first refusal.

"In the months ahead, the FCC will commence a number of important rule-makings, such as the development of cost models that will largely determine the level of rural broadband support on a provider-by-provider basis, and the development of a competitive bidding process to serve areas rejected by mid-sized and larger telephone carriers. ACA will remain fully engaged, and our group plans to fully participate in these upcoming proceedings." □

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Free VOD Webinar for Independent Operators From HITS, ARRIS, Cass Cable and ICN

Video on Demand is being widely adopted by operators and subscribers throughout the industry. As the popularity grows, independent operators will face increased demand from their subscribers to add the service for the additional choices. HITS offers a centrally managed VOD solution specifically designed for independent operators. This service, *VOD in a Box*, has already been successfully implemented by several systems. Learn how to launch VOD from their experience and best practices in a free webinar hosted by *Independent Cable News*, HITS, ARRIS and Cass Cable TV, Inc.

The webinar will take place at 1:00pm EST on December 6, 2011. Register at www.comcastmediacenter.com/hits/vod-webinar-registration.aspx or call 1-866-275-4487 for more information. □



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ACA Chief Comments On NAB's Retransmission Consent Letter To FCC

On October 4, ACA chief Matt Polka issued the following statement:

"The notion that retransmission consent negotiations take place in a free market is a figment of NAB's creative imagination. In a truly free environment, TV stations would not benefit from a government-supported market allocation scheme that artificially limits supply; from network exclusivity rules that deny consumers access to stations whose programming they prefer to view; from mandatory carriage rules for stations that refuse to invest in local content; and from rules that force all cable customers to make local TV stations their first purchase.

"NAB's letter extolling the free market should be translated to say that broadcasters believe that bargaining in

good faith means they have every right to orchestrate a 'blackmail or blackout' retransmission consent strategy across the country with impunity, especially against independent cable operators who are routinely forced to pay discriminatory fees that distort competition among local pay-TV providers.

"With nearly 900 independent cable operators renegotiating carriage deals with hundreds of broadcasters between October 1 and December 31, 2011, the FCC should use the retransmission consent rulemaking that has been open since March as a first step to correct a seriously flawed system that allows TV stations to line their pockets at the expense of taxpayers who have richly rewarded station owners with use of free spectrum. It's not too late to act." □

ACA Reacts To LIN TV's Decision To End Six-Week Blackout Of Mediacom

American Cable Association President and CEO Matthew M. Polka issued the following statement in response to LIN TV's decision to cease its six-week blackout of Mediacom:

"Six weeks are a long time for consumers to be disconnected from what broadcasters, like LIN TV, call 'free TV.' LIN TV just proved that retransmission consent harms consumers. If the retransmission consent rules are not updated to reflect current market conditions, millions more will be harmed as price-gouging TV stations follow in LIN's path of 'blackmail or blackout' in the distribution of monopoly local TV signals.

"Decisive action by the Federal Communications Commission is needed soon because approximately 900 independent cable operators have to conclude retransmission consent agreements by Dec. 31, 2011, or face TV station blackouts on a massive scale, especially in smaller markets like Topeka, Kan., where one broadcaster just gained control of the retrans rights to the ABC, NBC, and FOX affiliates now carried by 10 ACA members in that market.

"In addition to repudiating blackouts, the FCC should use the pending retransmission consent rulemaking to outlaw separately owned TV stations in the same market from coordinating their negotiations for carriage fees, which is nothing but a crass price-fixing scheme aimed at small cable operators with no leverage to resist. The FCC also needs to clamp down on broadcasters that curtail cable operator access to out-of-market stations desired by their customers." □

ACA Wants Expert Group To Craft Outage Rules

ACA has called for creation of an industry working group to craft voluntary network outage reporting rules in lieu of mandates by the FCC, in response to concerns raised by many stakeholders that the FCC lacks authority to impose such requirements on broadband and interconnected VoIP providers.

"With FCC legal authority to act far from settled, the wisest course now is for the FCC to endorse the establishment of an industry working group that will allow companies that operate the sophis-

ticated networks at issue to have their subject-matter experts work through the many technical difficulties identified in the record of this proceeding," ACA chief Matt Polka said.

ACA stated its views in reply comments filed with the FCC on Oct. 7, endorsing the consensus position that the industry itself was better equipped to design and enforce network outage reporting standards that serve the needs of all providers, especially small companies that lack the financial resources to comply with regulations that tend to place disproportionate burdens on them.

The association pointed out that the FCC's proposed rules were inappropriate for broadband Internet networks. In its comments, ACA stressed that operators had deployed a variety of broadband networks and that different equipment and techniques are used for monitoring the health of each type of network. As a result, potential reporting requirements under FCC consideration would probably fail to be flexible enough to match the existing technical characteristics and capabilities of all the various broadband networks. □

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Contract Management Processes and Procedures for Smaller Cable Operators

By Jonathan P. Young

There is a contract catastrophe lurking in your file cabinets and desk drawers, on hard drives and stacked on the office floor. Your company has hundreds, perhaps thousands of contracts and agreements and if you don't know where they are or what's in them, your company is at risk!

The contracts and agreements specify the terms and conditions of your company's relationships with franchise authorities, programmers, vendors and customers. Expiration dates, fees and payments terms, customer service obligations, due dates, indemnification and insurance requirements are among the details hidden in these agreements. These details and numerous others should be monitored and addressed at the appropriate time. They cannot be ignored.

Compliance with the terms of any agreement is critical to all parties. Compliance assures each party the benefits and value of the agreement while limiting the risk. Failure to comply by any party can cost the business time, money and aggravation. Oversights

can affect system operations and company profitability, growth and value.

Unlike your systems, where operations and performance are tracked regularly, often little attention is paid to contracts and agreements after they are signed. While most companies track their most critical information like franchise expiration dates and programming fees, other important information may be overlooked. Problems, when they do arise, are often significant. Items like missed termination dates can result in thousands of dollars spent on unwanted or unneeded products and services; and rate increases that are not implemented lead to significant amounts of unrealized revenues. Of course forgotten obligations in a franchise agreement can create unnecessary conflict at the time of a renegotiation.

To avoid problems and improve operations, it is imperative that a company evaluate its contract management processes and procedures. We suggest that each company begin the process by considering the following questions.

- Where are the documents

located? Are they centralized in one location? Are there duplicate copies at the system or regional offices and at the corporate headquarters?

- Does the company have processes and procedures for the administration of contracts and agreements (scanning, storage, cataloging, reporting)?

- Is contract responsibility centralized in any way? Who has the ultimate responsibility for tracking and managing the company's contracts and agreements? Who can access them?

- Are controls in place so that contracts and agreements critical to the operations of the company are monitored? Are you using an automated contract management system? Is it the same one throughout the company?

- Can the contracts and agreements be accessed by management, legal, operations or others throughout the organization?

- Can managers generate timely and useful reports?

- Does the company measure and track contract compliance and performance? Do your current processes allow you to take advantage of all rebates and discounts in contracts with your vendors and programmers? Are you implementing permitted rate increases?

We have reviewed these questions with numerous telecommunications companies as well as others across a wide-range of industries. We have determined that many companies simply do not have an acceptable level of control over their contracts and agreements. If your company is one of them, you are wasting time and resources every time a new agreement

About the Author

Jonathan P. Young is a telecommunications and business attorney with more than 20 years of experience advising telecommunications and technology companies, insurance companies and trade associations. Young is the President and CEO of Jonathan Young & Associates Contract Management Services/Solutions.

JYA Contract Management provides practical, comprehensive and cost-effective contract management services and solutions for cable television and broadband providers. JYA also provides transactional due diligence services, M&A integration, and contract and compliance audits.

Prior to creating his contract management services company and private law practice, Young was Vice President of Legal Affairs for Tele-Media Corporation and is a past member of the Board of Directors of the American Cable Association. Jonathan can be reached at 412-586-7308 or jyoung@jyoungassoc.com.

is negotiated or when information is gathered for management, auditors or governmental authorities.

There are a number of steps your company can take to begin addressing the problem.

- Inventory your agreements. Check with every system and department including the executive offices, operations, purchasing, design and engineering, accounting, legal, programming, etc. and create a list of contracts with the name, location and format of each document.

- Review and evaluate your current processes. Determine who is responsible for tracking each category of agreement, i.e. franchises, programming and retransmission consent, leases, rights of way, pole attachments, etc.? Review the various formats (spreadsheets, access databases, hard copies) being used. Is it efficient and effective? Is it consistent throughout the organization? What happens if the owner of the spreadsheet leaves the company?

- Plan for a companywide review of the agreements. Consider an audit of the agreements currently in place throughout the organization. If the review seems overwhelming, begin with the mission critical documents and proceed to those with longer terms or less impact on day to day operations.

- Consider investing in a contract management system. There are systems on the market for companies of all sizes and budgets.

Evaluating your company's contract management process and implementing a contract management system will benefit your entire organization. Management will have a renewed confidence (need a better way of saying this) because steps have been taken to monitor agreements while eliminating surprises and risk exposure. The company is likely to see a significant reduction in the time and efforts required to negotiate new agreements; track current agreements and create reports. Contract files and databases can be consoli-

dated and the information within them made available throughout the organization, on a need to know basis. Compliance with the agreements will improve and unwanted automatic renewals can be virtually eliminated. Not only will there be benefits to the current operations, but the company can see additional benefits at the time of a sale or acquisition. A company preparing for sale can reduce the time it spends preparing documents for a potential buyer and addressing deficiencies in the agreements during the due diligence and closing process. For an acquiring company, the contract management system will be a useful tool as it integrates contracts and agreements from the acquired company.

Effective contract management benefits companies of all sizes, across all industries. The benefits are even more significant in a contract intensive industry like cable. The costs to the organizations will be outweighed by the overall benefits as discussed in this article. The time is now to take a hard look at your company's contract management!

Free Webinar—Monetizing VOD for Independent Operators

Join Independent Cable News, HITS, ARRIS and Cass Cable TV, Inc. to find out how you can monetize Video on Demand (VOD) and why it makes sense for your system.

When: Tuesday, December 6, 2011, 1:00pm EST
Cost: FREE
Register Online: www.comcastmediacenter.com/hits/vod-webinar-registration.aspx
Register by Phone: 866-275-4487

62% of all digital video subscribers now use VOD on a monthly basis. In addition, content providers are now able to measure and monetize VOD viewership. With the broad adoption of VOD and availability of revenue generating content, how can independent operators serving smaller markets capitalize on this important differentiation tool?

The Webinar will answer the following questions:

- Can my system make money with VOD?
- I want to move to TV Everywhere, why do I need VOD?
- Can a small system afford VOD?
- Do I need adult content to make VOD profitable?



Accountability Increases Ability

By Diane Ciotta

“Are you working hard or hardly working?” This question often gets a chuckle. Unfortunately, it’s less humorous as it has become increasingly more difficult to find hard-working help. Many employers are challenged daily by the frustration of lackadaisical attitudes of their personnel, which is seemingly contagious and complicated by the expense of constant turnover.

One corporation in particular was crippled with what could be called a stress-leave epidemic. It began when one sales executive complained to their Human Resources Department that they were under too much pressure to reach their sales goals and consequently their doctor recommended they take some time off for health reasons. The company policy granted six weeks, which coincidentally (and conveniently) started the week before Thanksgiving and ended just after the New Year. This person’s absence increased the responsibilities of the other team members to service that employee’s current customers, which in turn resulted in a domino effect of more so-called necessary stress-leave cases.

As if the impact of this cancerous situation wasn’t bad enough...every position was required to be held and in each case, entire commissions were paid to the original sales person! To add insult to injury, the first offender of this crisis invited all of their co-workers to a holiday party that admittedly was planned as a result of not working, as it provided time to prepare for such an affair.

The company’s policy could be considered problematic, but in legitimate situations and when not abused, the benefit opportunity is quite generous. It’s the misuse of plan that is extremely disturbing and the lack of conscience on the part of the abusers that is inexcusable.

The most puzzling factor in this scenario is that considering the current state of the economy and the unemployment rate at an all-time high, it would seem that people should be grateful to be employed and therefore perform above and beyond the call of duty to maximize their earnings and secure their position. Instead, the opposite is often true—many choose to hardly work and some even find ways to work the system and essentially not work at all.

Can accountability really be taught? Granted, a small child can certainly learn to take responsibility for their own actions through positive example and consistent discipline. On the other hand, a person of working age needs encouragement as opposed to training.

Effectively motivating employees to be more accountable stimulates an optimistic focus on both results and attitude. There are several ways to establish a comfortable, non-complacent environment, including:

1. *Focus on coaching vs. managing.* Too often management operates by means of intimidation rather than motivation. Just as customers are more inclined to buy from people they like, employees will typically work harder for a boss they respect more than fear. Coaching is the art of showing, not just telling. In addition to building better employer/employee relationships, learned skills encourage a more committed focus than just dictated tasks.

2. *Set challenging, yet attainable expectations.* Being stretched promotes growth but being overwhelmed causes anxiety. Finding a balance between requiring responsibilities that are progressive without being incredulous will enhance accountability and confidence.

3. *Provide incentives for productive activity in addition to end results.* Rewards given for reaching a goal or completing a duty are great, but there are benefits to recognizing effort as well as accomplishment. To acknowledge a positive action through incentives is a subliminal way of encourag-

ing productive behavior. Activity becomes habit and affirmative results increase conviction.

4. *Dedicate time in department meetings to recognize excellence.* Team meetings typically cover “housekeeping items” that could be easily communicated without a meeting. Instead, using this forum as an environment to edify activity rather than to cover mundane items offers an opportunity to recognize accomplishment in areas of attitude and activity. The impact is two-fold. To hear praise is terrific but to be praised in front of associates is awesome, while it subconsciously raises the expectation bar.

5. *Commit to replacing complacent behavior.* Neither party is doing the other a favor by hanging on to something that’s not a good fit. In many cases, a decision to terminate an inadequate performer results in a better outcome for both people where the terminated employee finds something more appropriate for their professional needs and the employer fills their position with someone more qualified for the requirements of the position. It’s a win-win situation.

There is no advantage in the association between an unfulfilled employee and/or a discontent employer. As the saying goes, ‘If it ain’t good for everybody it ain’t good for nobody!’ In an effort to gain a mutually beneficial working relationship, commit to being accountable, then encourage and expect accountability and take the necessary action when either is missing from the equation. The result will offer a return on investment for both parties. □

About the Author

Diane Ciotta is the founder of The Keynote Effect, where she presents a passionate message of accountability and encourages activities to conquer complacency. As a professional speaker with more than 20 years of sales training experience, she is also co-author of the book, “Pushing to the Front,” with Brian Tracy. For more information, please visit www.thekeynoteeffect.com, e-mail di@thekeynoteeffect.com or call 732-672-7942.





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Ray of Light: The Time Has Come to Drop Networks Mandating Rate Increases and More...

By Cliff Duncan, Owner, Duncan Cable

As the owner of Duncan Cable TV for 39 years, I have completed our necessary, annual, retail rate calculations. For the first time in my company's budgetary history, programming fee expense now represents over 50% of DCTV's retail monthly rate. (I should mention that no retransmission fees contribute to this 56% figure.) Am I upset about this fact? You bet I am! But some programmers aren't satisfied with just charging sky-high affiliate fees. Ohhhh no!!! They also want to saddle you with additional service carriage requirements when you try to acquire the HD simulcast feeds for services you are already carrying and paying for. Should we be outraged at this display of greedy behavior? You bet we should!

The way I see it, the best response we can take to those programmers who charge outrageous affiliate fees is to force them to compete against new and exciting services.

This is also true when responding to those programmers who demand ridiculous content carriage requirements when you are seeking simulcast HD feeds.


An example of a service, actually a suite of services, that I believe contains new, exciting, as well as fresh content is Byron Allen's, Entertainment Studios Networks. The six and soon to be seven channels that make up Entertainment Studios Networks' content, covers a broad range of subscriber interest: Cars.TV, Comedy.TV, ES.TV, Legacy.TV, MyDestination.TV, Recipe.TV and Pets.TV.

So let's take a stand against those over priced programmers who think you owe it to them to launch all their stuff, even if you don't want or need it. I'm convinced we can counter this behavior by supporting and subscribing to reasonably priced and termed services such as Entertainment Studios Networks and others like them. It is also my belief that a little wholesale programming competition from providers of fresh content will no doubt be appreciated by our valued cable television subscribers.


As we stand at the eve of retransmission consent negotiations, (if we can even call it negotiations), its financial consequences a short few months away, now is the time to develop our negotiation strategy. We must be prepared to replace unreasonable regional broadcasters with new, fresh content. From personal experience, I have complete faith in life and success in the wake of dropping unreasonable broadcasters. Years ago Duncan Cable dropped services like Lifetime, Comcast Sportsnet New England, ABC Channel 5 WCVB Boston and others as a result of their unreasonable financial demands. Contrary to warnings from these programmers that my company would face huge subscriber losses for dropping their respective service, Duncan Cable has not seen those subscriber losses they predicted nor has DCTV been negatively impacted financially by my decision to drop these services. Quite the contrary. Replacing Lifetime with Hallmark, Comcast Sports New England (home of the Boston Celtics) with NBA TV have actually resulted in far more positive than negative subscriber response.

Retransmission consent, and the demands programmers attempt to impose on cable company subscribers by electing this path for continued carriage of their channels on your system, must be carefully considered on a case by case basis. Keep in mind, programmers hate the thought of being dropped and you should not be afraid to do so if unreasonable demands are the only choices they give you. During the 39 years I've owned Duncan Cable TV, I've learned that we are the last line of defense our subscribers have from being fleeced by some content providers who at times seem to have no conscience when it comes their financial and carriage demands they wish to impose on our customers. I've also grown to understand that, dropping a service, then after thoughtful consideration replacing it with fresh content our customers will value, can increase our subscribers confidence in us as service providers.


(Continued on page 10)




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My Destination.TV offers the best in travel featuring fun, exciting, exotic must-see destinations around the world.



Pets.TV celebrates the pets we love and the people who love them. Pet News, Pet Care, Pet Health and Pet Lifestyles!



Recipe.TV features famous chefs, amazing recipes, wonderful food and delicious cuisine from around the world.

For more information on ESN, call Janice Arouh at 310-277-3500 or email janice@es.tv

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11/29	LSU at Houston	8:00	12/17	Villanova at Saint Joseph's	8:00
11/30	Pitt at Duquesne	7:00	12/23	Cal at UNLV	5:00
12/3	Georgia Tech at Tulane Arizona State at Tulsa	2:00 4:00	12/29	Georgia Tech at Fordham	8:00

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Aurora Networks Showcases at Cable-Tec Expo

Aurora Networks, Inc. will showcase its innovative transport technologies at SCTE Cable-Tec Expo 2011, taking place Nov. 15-17 at the Georgia World Congress Center in Atlanta, Ga. At the Expo, the company will unveil its latest next-generation multi-service access solution. This industry-first technology addresses the demand-growth, headend and hub space limitations and cost-reduction challenges operators face today. Also, the company will showcase its recently expanded end-to-end PON portfolio, including its first full display of the Trident7 technology derived from its recent acquisition. Aurora Networks' booth number at the show is 1668. To learn more about Aurora Networks' core cable solutions, call 408-235-7000 or visit www.Aurora.com.

GLDS Continues to Push Forward with Cloud-based Billing and Subscriber Management

Great Lakes Data Systems, Inc. has announced that its WinCable in the Cloud solution has been adopted by more than 80 operators worldwide. WinCable is GLDS' flagship, stand-alone subscriber management and billing system preferred by operators with 300 to 300,000 subscribers. WinCable in the Cloud lets service providers use WinCable virtually via the Internet, without the need for any hardware or infrastructure investment. It only requires a thin client installed on each operator's workstation and an Internet connection, allowing service providers instant access to the WinCable feature-rich, end-to-end billing and subscriber management system, anytime, anywhere. Remote workers can access WinCable from a simple browser. For more information, visit <http://www.glds.com>.

SubscriberWise President Confronts Fraudster

SubscriberWise, the credit reporting agency for the communications industry, has announced it has exposed an identity fraud leveraging its new identity management technology. "Only days after launching our new identity management solution, we were able to put the system to task after some discrepancies were identified with a service application," said David Howe, president of SubscriberWise. "During the routine service request, a prospective customer intent on committing application fraud contacted the call center and provided bogus information in an attempt to avoid his unpaid account and unreturned equipment. Immediately after submitting the identity information we were alerted to several serious Red Flags, including an alert indicating the SSN had been used in a prior death benefits claim."

For more information on SubscriberWise, contact David E. Howe, President, at 330-880-4848 x137

Original Series "Flashpoint" Captures ION Viewers

ION Television's new original series "Flashpoint" contributes to the network's highest-rated night of the season, according to Nielsen Media Research. The "Flashpoint" network premiere delivered 1.3 million total viewers, 949,000 households, and 589,000 viewers among A18-49. ION Television also ranked #9 among all cable networks for that night. "Flash-

point" is the nail-biting cop drama and an emotional journey into the tough, risk-filled lives of a group of police in the Strategic Response Unit.

Since its launch in 2008, ION's reach has grown to 99 million households and has become one of the top-15 TV rated U.S. networks. For more information, visit www.iontelevision.com.

EWTN Presents The Epic Series 'Catholicism'

EWTN premieres the six episodes of this lavishly-produced series that PBS didn't, airing "Catholicism" Wednesday, Nov. 16 through Saturday, Nov. 19. These six episodes have never before been seen on national television and will air exclusively on EWTN. Fr. Robert Barron and his film crew visited more than 50 locations in 16 countries during the two years it took to produce this multimillion dollar documentary of faith and history. Catholic Commentator George Weigel calls this "the most important media project in the history of the Catholic Church in America."

EWTN Global Catholic Network, in its 30th year, is available in over 160 million television households in more than 140 countries and territories, and is the largest religious media network in the world. □

(Commentary continued from page 8)

Keep in mind, once the contract expires you can explain in specific terms how a programmer's proposal would have impacted their service. When we explained to our customers that Comcast Sports New England wanted to raise our programming fees from \$46,809 to \$89,849 annually, they appreciated our standing up for them by saying thanks but no thanks. Our customers overwhelmingly appreciated adding NBA TV which actually broadcasts more basketball content than CSNE at a fraction of the cost of CSNE.

Our response to any regional broadcaster seeking per subscriber fees will be to drop them and in their place offer our subscribers fresh new content. Content such as the 6 services offered by Entertainment Studios TV represent precisely the fresh, new content we are seeking to provide our customers. I believe new services like ESTV can also help us to place downward pressure on those must have programmers who already charge outrageous affiliate fees.

These new services represent what I feel are one of our best ways to create more competition for viewers eyeballs. History tells me that diversifying our cable programming by adding new services will only strengthen our position when contract renewals come around. I see affordable, new services like Entertainment Studios Networks' as a ray of light in that dark place of contract renewal negotiations. □

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About the Author

Cliff Duncan is the owner/operator of Duncan Cable TV. A 1970 Graduate of R.E.T.S. Electronics school in Boston, Cliff started his company in 1972 providing 7 channels to 56 subscribers in Wilmington, Vermont. Today Duncan Cable TV is the oldest operating cable company in Vermont, and provides traditional cable television services and high speed Internet access to 2,700 and 1,100 subscribers respectively in Wilmington and Dover Vermont. Cliff and his wife of 40 years, Diana, have 5 children.



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