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## Report Information from ProQuest

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#### **Fox, Time Warner at odds**

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#### **Abstract:**

Television viewers in the New York City area missed 14 minutes of the Oscars broadcast last March due to an impasse between Cablevision Systems Corp., the cable operator, and ABC owner Walt Disney Co. More significantly, those same cable subscribers lost two weeks of Fox broadcasts in October.

#### **Full text:**

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Don't worry, cable subscribers -- House, American Idol and Fringe aren't going anywhere, though Fox First at 10 might.

As Time Warner Cable Inc. and the owner of Fox affiliate stations across upstate are locked in contract negotiations, a message has started appearing on the screen of some Fox programs warning viewers that the stations no longer would be part of the cable lineup if an agreement isn't reached by Jan. 1.

Maryland-based Sinclair Broadcast Group Inc., which owns WUHF (Channel 31) in Rochester as well as Fox affiliates in Buffalo and Syracuse, said it doubts the two sides are going to reach an agreement any time soon.

Time Warner Cable, the New York City-based company that is the dominant cable provider in the Rochester area and No. 2 nationally, blames Sinclair for the stalemate.

"Probably the biggest sticking point is Sinclair is asking for a huge fee increase" in what Time Warner Cable pays the company to carry its stations, said Time Warner Cable spokesman Matthew Tremblay.

For its part, Sinclair declined to give specifics but said the fee increase it is seeking amounts to less than 1 percent of the average Time Warner Cable bill.

Regardless of how the negotiations go, Time Warner Cable since early this year has had a retransmission agreement with Fox Broadcasting Co. allowing it to carry Fox's national programming regardless of the status of the local affiliate, Tremblay said.

Tremblay couldn't say what shows might appear on WUHF where programming such as the nightly

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local news and syndicated content appears now.

Sinclair jointly operates WUHF with Nexstar Broadcasting of Rochester LLC, the owner of WROC (Channel 8).

Cable subscribers are often caught in the middle of negotiations such as those now involving Sinclair and Time Warner Cable. Television viewers in the New York City area missed 14 minutes of the Oscars broadcast last March due to an impasse between Cablevision Systems Corp., the cable operator, and ABC owner Walt Disney Co. More significantly, those same cable subscribers lost two weeks of Fox broadcasts in October.

Broadcasters have taken a particularly hard line at contract negotiation time in the past couple of years, said Jaci Clement, executive director of the Long Island-based Fair Media Council, a nonprofit group that has advocated for greater government regulation of cable companies because of programming blackouts.

"Broadcasters have seen advertising revenues take a real hit, since consumers now use multi-platforms to get their news and information," Clement said. "So the concept now -- good or bad -- is that broadcasters can leverage their content in these retransmission agreements and make up for the shortfalls in traditional advertising."

The Cable Television Consumer Protection and Competition Act of 1992 essentially sets more stringent negotiation requirements cable operators must follow concerning payments to broadcasters than when they're negotiating royalty payments with programmers such as ESPN, said Fritz Messere, dean of the School of Communication, Media and the Arts at the State University College at Oswego.

U.S. Sen. John Kerry, D-Mass., has proposed that Congress rewrite the rules for the retransmission negotiation process, blocking programmers from yanking their shows during negotiations, even if a contract has expired, and giving the option of arbitration.

In the case of a blackout, consumers have no recourse, Clement said.

"It comes down to this -- cable is not regulated by the (Federal Communications Commission) as over-the-air broadcasters are, so technically cable is not accountable to anyone.

"Congress needs to step up and have the FCC regulate cable, in order to level the playing field and serve the public interest," Clement said. And when local communities' franchise agreements with cable companies are renewed, she said, "What needs to be included in those agreements is some level of consumer protection should blackouts occur. Right now, there's nothing in those agreements and that's the root of the problem."

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