

When Will the FOX-Cablevision War End?

Written by Maury Brown
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How long will this last?

Five full days into FOX blacking out content on several channels on Cablevision, and no end in sight over a carriage dispute, FOX has begun getting nasty after calls for binding arbitration have become more prominent.

Madison Square Garden Network (MSG), which is owned by Cablevision, jumped into the PR fray on Weds. saying in a statement, "We are perfectly willing to go to binding arbitration to resolve this dispute with Dish Network."

Charles Schueler, Cablevision's executive vice president of communications, ramped up the rhetoric on Weds. as well adding, "Both parties have a position, but only Cablevision has joined with more than 50 government leaders with a solution, binding arbitration under the direction of a neutral third party. By now it should be clear even to News Corp. that binding arbitration is the fastest and fairest way to return Fox programming to our customers."

With both holdings calling for binding arbitration, FOX played the "hypocritical" card.

"This is the first time MSG has ever suggested being open to binding arbitration with DISH Network or anyone else," FOX said in a statement. "This position is totally inconsistent with their own filings to the FCC and inconsistent with their own actions in denying hundreds of thousands of viewers access to Knicks, Rangers, Nets and Devils games." The News Corp broadcast company went on to say, "It is stunning to see how the Cablevision family will flip flop on any issue to achieve their transparent goal of making their own subscribers suffer long enough to

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force politicians to intervene.”

In a separate statement FOX sent a lengthy commentary/statement reading:

For several months, Fox has worked to reach an agreement with Cablevision based on the same fair terms already accepted by other providers in the market. Cablevision has refused to reach a deal.

Now that the deadline has passed and its subscribers are paying the price for Cablevision’s failure, the cable company is demanding government intervention. Specifically, they are calling for the FCC and politicians to step in and replace business-to-business negotiations with an arbitration process, while at the same time forcing Fox to allow Cablevision to carry our channels free-of-charge (a so-called “standstill”).

Not only is this demand totally without merit, it is also the height of hypocrisy since just three weeks ago the Cablevision family submitted a filing with the FCC arguing against using arbitration or stand stills to resolve disputes!

The filing was submitted as part of the Cablevision family’s ongoing dispute with DISH Network regarding the MSG and MSG Plus channels. □ In that circumstance, Cablevision is very much against any sort of government intervention.□ The fact that hundreds of thousands of NY-area viewers have lost access to games of the New York Knicks, New York Rangers, New York Islanders and New Jersey Devils does not seem to trouble them when they’re on the other side of the table.

In the filing, the Cablevision family argues that:

“The Commission may not compel MSG to involuntarily continue providing its programming to DISH without contravening the First Amendment.”

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"The public will not be well served by a precedent under which (distributors) need not negotiate in good faith, but can deliberately delay negotiations up to the brink of a programming pressure point, put forward a bad faith proposal and then rely on the FCC to provide a one-sided standstill remedy that allows the distributor to jettison key consideration for the right to carry that service."

The startling hypocrisy of Cablevision's position – demanding one set of rules for itself, the exact opposite set of rules for Fox - proves that it will say and do anything to protect its profits.

It is no accident that the Cablevision family is involved in more disputes than any company in the industry. In just the past 12 months, that has included: a dispute with AT&T in Los Angeles that led to the threatened loss of the AMC channel at the start of the Mad Men season; the loss of ABC7 in New York, including the opening of the Oscars Ceremony; the loss of Scripps Networks programming, including HGTV and Food Channel; the blocking of MSG HD and MSG Plus HD on Verizon FiOS, AT&T U-verse and DISH; denying all their distribution competitors access to News 12 on Long Island; and now the loss of Fox5 and My9. And of course, New York area viewers still remember the year-long dispute that led to the loss of a full season of Yankees games.

Cablevision is also denying non-Cablevision homes access to important and time-sensitive political news.□ As recently as yesterday, they denied other distributors the right to carry coverage of the New York gubernatorial debate held at Hofstra University on Long Island .

The fact is Cablevision does not operate, as other companies do, with their customers' best interests as their top priority. Instead, they repeatedly look for fights that cause enormous collateral damage. Unfortunately, this damage is directly affecting millions of subscribers who with each passing day are missing some of the best sports, entertainment and news programming available

After 5 days, there seems to be no end in sight. More details as they surface.

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