traditional customer base to enable their content to be consumed on different devices," he said. "Mobile is the focus. Android and iPad are the big focus."

The concerns have crystallized in the last year and a half, Waage said. "If tablets had come out a year and a half ago, you probably would have seen greater speed to market of full live TV" on tablet devices, she said. New distributors can still gain access to pay-TV programming, Waage said. "I don't think anybody is saying 'you can't acquire our content,'" she said. But working out rights deals has become more complicated, she said. Making matters more complex, the lines between broadband distribution and mobile distribution are increasingly blurred, she said. TV Networks then "have to go and make that distinction with each of their agreements with whoever produces the content," she said.

Cable operators need to make their services available on more devices or risk losing out the opportunity created by shifting consumer behavior and distribution methods, said John Prys, director of research at Todd Veredus Asset Management. And until programmers see enough money coming directly from new distributors such as Apple, they will be reluctant to jeopardize their agreement with the large pay-TV operators, he said. "The reason why the iPad hasn't gotten more video content is content providers don't see it as a real economic benefit to them," he said. "The largest installed base of any type of devices is going to be what drives the market for video. It's not who's got the coolest device, but who's got the largest installed base." For now, that's the traditional pay-TV industry with their set-top boxes connected to living-room TV sets, he said.

Every pay-TV operator is working on providing online video products to their existing customers, Baker said. "Widevine is working with every other major cable and satellite company in the U.S. on the same type of solution" that Dish introduced this week, he said. "Come the end of the year and the early part of this next, this type of content will be available on a wide variety of non-traditional platforms." — ***Josh Wein***

No Surprise

Renewal-Showing Proposal Brings More Carrier Opposition

Green Flag Wireless said the FCC should view as predictable comments from wireless carriers that don't want the commission to toughen its rules showings need for wireless license renewals. The opposition of incumbent carriers was expected, Green Flag said in reply comments. Meanwhile, wireless carriers and groups that represent them said in their replies that the record shows the FCC does not need to require more-detailed renewal showings (CD Aug 10 p3).

"We observe that most commenters, who currently hold wireless licenses, were naturally quite comfortable with the proposed renewal procedures which would insulate them from competitive challenge," Green Flag, joined by CWC License Holding and James McCotter, said in a filing.

The filing takes particular aim at Wireless Communications Service licensees, including some major industry players. "WCS licensees who had not provided any service during their license term are not entitled to a renewal at all," Green Flag said. "Joint Commenters recognize that application of the rules to the WCS licensees will work a forfeiture on some of them. But the Commission routinely and unceremoniously strips licensees of licenses when they fail to meet construction requirements. Usually this happens to small licensees rather than big companies like AT&T or Sprint or Nextwave — a circumstance that sometimes causes the public to wonder if there is one law that applies to big companies and another that applies to small ones."

T-Mobile said the record shows that the commission should reject the renewal showing and compliance demonstration outlined in the licensing notice of proposed rulemaking. "Commenters agree that the proposal would

The former defaulter rules "need timely action in advance of 2011 auctions," said a presentation Dish showed at the meeting. The meeting is considered an effort to clear up pending matters that hurt the process, said a satellite industry executive. The company already has significant holdings in the 700 MHz band, having paid about $712 million for 168 E-block spectrum licenses in 2008, covering most of the U.S. The company, along with DirecTV, last tried to get the agency to relax the former defaulter rules or give waivers to the rules prior to the 2008 700 MHz spectrum auction, public records show. Dish still hasn't said how it plans to use its E-block spectrum holdings, though there has been much speculation that a mobile video offering was in the works. Dish declined to comment.

There are several reasons that Dish could be going after the spectrum, said lawyer John Hane, who does some satellite law work at Pillsbury Winthrop. "D-block maybe is a valuable element," he said. "Maybe Dish is thinking of moving beyond video or possibly getting positioned in case [the spectrum] is cheap." For companies like Dish that rely on spectrum, the addition of fairly-priced spectrum is always a good thing, he said. The possibility of the FCC keeping the major spectrum holders like Verizon and AT&T from picking up the D-block could also keep the price down, said Hane. A Dish bid on the AWS spectrum is less likely as AWS takes more towers and is not particularly good for broadcast service or mobile video, he said.

The addition of the D-block license would give Dish enough 700 MHz spectrum to provide "40 channels or perhaps more," said Mark Aitkin, Sinclair Broadcast director of advanced technology and chairman of the Advanced Television System Committee's mobile DTV standards group. Such an offering would be far more than previous attempts at mobile TV, he said. The product could attract interest from the broadcast community, he said. "I could certainly envision broadcasters being very open to discussions about retransmissions in the mobile environment."

Former defaulter rules "have been applied too broadly" since they apply to a company's officers and directors "regardless of whether the officer/director has any role in or control over the applicant's day to day affairs," Dish said. The rules should only apply to applicants and "to individuals or entities that are in a position to affect whether such applicants meet their auction-related financial responsibilities," the company said. New former defaulter rules should also be tailored so that prior defaults three or more years old are excluded, the filing said. — ***Tim Warren***

Deals Can Happen

Programmers Are Increasingly Wary of Jeopardizing TV Everywhere Model, Executives Say

TV programmers are increasingly cautious about how they approach deals with new distribution partners and are being careful not to agree to anything that might run counter to the pay-TV industry's TV Everywhere plans, online and mobile video industry executives said. "Any new distribution outlet has become more challenging because of TV Everywhere," said Joanne Waage, vice president of strategic media partnership and programming at MobiTV: "What you see are major media companies looking at everything through the lens of TV Everywhere."

Programmers don't want to diminish the competitive capacity of their traditional partners, said Brian Baker, CEO of Widevine, which makes digital rights management and online video software used by many online distributors. "Those programmers ... are trying to be very careful not to damage the hundreds of millions of revenue they get from the big MSOs," he said. And the cable operators and other traditional pay-TV distributors are trying to quickly make their services available on more devices, he said. So the programmers are "all working with their