

A couple years ago CBS threatened to pull the plug on High Def programming if the FCC didn't push forward rules supporting the Broadcast Flag.

For those that don't know, the Broadcast Flag is basically a digital switch that over the air broadcasters, the major broadcast networks, can set to potentially prevent viewers from recording their broadcasts. If they don't want you copying their show to your Tivo/PVR hard drive, the switch could prevent it. Or they could set it so you could copy it one time, but not make any further copies.

When CBS made their threat, an argument could have been made that their content was needed to help speed up the adoption of HDTV. Back then, the HDTVs were more expensive, and if CBS stopped broadcasting in HD, it could have given potential buyers a reason not to buy a new HDTV.

Now the momentum has flipped. The HDTV cat is out of the bag. It's not that the majority of homes have high def sets, they don't and won't for a good 5 years. However, the number of people who do have HDTVs LOVE THEM. When you have millions and millions of consumers who have paid their hard earned money for a product they love, the only thing that would happen if a network broadcaster pulled the plug on their HD feeds is that there would be a switchboard meltdown at that broadcaster and the number of complaints the FCC would get would dwarf the Janet Jackson response.

That's on the national level.

On the local level, forget about it. Every affiliate of that broadcaster would go through living hell. There are still a lot of HD viewers that get their signal from over the air feeds. These are the most outspoken consumers who call and give grief to an affiliate when a show is upconverted rather than shown in true HD. If a show isn't shown at all in HD, the phones ring longer and the emails come quicker. If it's a major event, it's not surprising for the local station general manager to get threats of bodily harm. I can't even imagine the hell that Fox affiliates that didn't carry the SuperBowl went through from their viewers.

I'm telling you, there is no chance that the national network broadcasters pull back from HD. Their affiliates would revolt, side by side with their viewers in enough numbers, and with a loud enough voice, that the pain would last a long time.

But let's just say, for the sake of example that one of the network broadcasters did stop broadcasting in HD. They could do it in one of two ways. They could stop all of their broadcasting, which I don't think they are stupid enough to do, or they could separate their broadcasts. They could offer an HD feed to the cable and satellite distributors they already have HD deals with, and then offer only a low definition feed for over the air broadcasts.

The irony of the impact should make the FCC smile, if not blush.

By offering HD feeds only to cable and satellite, it would push viewers who had previously relied on antennas, but were buying a new HDTV (for those that don't know, you can buy a 27" HDTV ready set for under 300 dollars and falling now), or that already had an HDTV, towards signing up with an HD sat or cable provider for not just their HDTV, but also to support their analog TVs.

Anything that transitions TVs from receiving signal over the air, via antenna reception to utilizing a digital cable or satellite box, pushes the analog to digital transition one baby step closer.

So if one of the networks threatens to pull their HD signal because of the broadcast flag...call their bluff.

The same applies to the Movie Industry. MPAA has been quoted as saying that "without the flag, high value content would migrate to where it could be protected." Yeah right. Just like the music industry switched their content back from CDs to cassette tapes and LPs. I haven't seen a movement on the part of the music industry to switch from DVDs and their digital image back to VHS... "where it could be protected". The movie business complained about DVDs and threatened to not support them...until they started making more money from DVDs than theatrical release.

Protect the MPAA members from themselves and their lies. It's all BS. Call their bluff.

We don't need the broadcast flag. It accomplishes absolutely nothing other than to set a precedent that the content industry can intimidate the FCC.

That said, although the broadcast flag is bad for consumers in every possible way, it would be great for my content businesses. HDNet Films, 2929 Entertainment, Rysher Entertainment, The Dallas Mavericks, HDNet Productions, www.hd.net, every single content entity I have would benefit from the broadcast flag. Not because it would protect content, it wouldn't. Content doesn't need any special protections. There are enough laws on the books regarding theft that no special content laws are needed.

They all would benefit because we wouldn't use the broadcast flag. While the big networks would create confusion and anger with their customers, our businesses could be the knight in shining armour and provide content in exactly the means consumers want it, unencumbered and available to watch, where and how they like.

Before I sign off, and since I'm high on the soap box, since I've touched on the subject of the analog to digital transition, let me make one point there that I think is being overlooked.

The value of reclaiming the analog spectrum is not just in the 25 Billion dollars or more that could go into the government treasury from its sale, but also in the bandwidth that is freed up at cable MSOs. Most cable providers have nearly 80 analog channels chewing up their valuable bandwidth. AT approximately 38mbps PER CHANNEL, that's nearly 3 Gigabytes of bandwidth that can be freed up to be used for digital applications. Those applications could be not only HD channels, but just as importantly, bandwidth for broadband connections. Free up 3GBs and you could see the bandwidth available to your house expand to unheard of levels.

So the transition from analog to digital tv is not just about television, it's as much about expanding the broadband opportunities to every home passed by cable. That's good for all of us.