

Washington Telecom, Media & Tech Insider 2008 Awards

What a rotten year. With stock indexes moving in ways not seen since the Depression, the normal task of these Awards — adding a micro-measure of mirth to the joy that accompanies expectations of big bonuses — is supplanted by a more somber one: stemming the tide of self-doubt, discouragement, and despair. We are not sure we are up to it. But we offer this observation: as wrong as many on Wall Street were about the nature of the financial crisis, their batting average was in the same league as the political prognosticators. Take Rush Limbaugh, who in May predicted Barack Obama “will lose big.” Or National Review Editor Kathryn Jean Lopez, who predicted a year ago that Obama’s “15 minutes as a serious contender for the Presidency are about up.” Or the long line-up of Democratic talking heads discussing Hillary’s inevitability. Our point is not to make fun of those pundits who consistently struck out. Rather it is to point out the sunny upside — the pundits still have jobs. Indeed, Rush signed a new contract for \$400 million. True, other than in the Intrade electronic markets, we doubt anyone actually puts money on such pronouncements, but still, as we survey the difficult environment caused by, among other things, failure to foretell, it is nice to know that there is a world where bad analysis, bad arguments, and bad luck have no bad consequences as long as they are entertaining. So in that vein we’d like to honor those who made it possible — actually, inevitable — for us to laugh in the telecom/tech/media policy realm. Again, with apologies to the *Esquire* Dubious Achievement Awards, and with gratitude to our crack team of Hollywood ghost writers (who, just between us, wrote every one of the jokes you may find offensive), we humbly present our annual *WTM&T Insider Awards*.

Person of the Year

Joe the Plumber. Finds a karmically perfect way to convert his 15 minutes of fame from the presidential campaign by becoming a spokesman to sell a product with a short shelf life: DTV converter boxes.

CEO of the Year

Yahoo’s Jerry Yang. Turned down \$33 per share Microsoft offer. Stock now around \$13 (as of yesterday). Losing tons of money by just saying no makes the rest of us feel less awful about the many ways we lost money.

Mad Men of the Year

The FCC. Spends \$350,000 sponsoring a NASCAR entry to publicize DTV transition. Car crashes in 2 of 3 races. Massive criticism of payment and pictures of flaming car generate huge publicity that more than justifies expenditure.

Company of the Year

Google. Wins more market share, real winner in MicroGooHoo dance by blocking MicroHoo, wins some wireless openness in 700 MHz auction, bests broadcasters in White Spaces. Result: stock slides. 2008 in a nutshell.

Office Party of the Year

Broadcom. Former CEO Henry T. Nicholas III’s indictment for fraud includes allegations that he spiked the drinks of other executives with ecstasy. And the four FCC commissioners think Chairman Martin plays tough?

Financial Advisors of the Year

Roger Federer and Warren Buffett, for their October trading and investment advice. With the market melting down, the tennis star suggested putting money “in a mattress,” which worked out fairly well in the short term, while the Oracle of Omaha urged investors to “buy American” shares, which showed long-term faith in the country and its stocks (certainly a virtue in our book).

Forgettable Prediction(s) of the Year

Any prediction(s) that Stifel Nicolaus regulatory analysts got wrong.

SPECIAL STIMULUS AWARDS

For Creative Use of Policy Proceeding for Economic Stimulus

FCC Chairman Kevin Martin.
Starts sudden effort for big reform of long-running intercarrier compensation combined with USF. No vote, but generates huge lawyers’ fees just as economy requires Keynesian jolt. Like the National Recovery Act, Mr. Martin did his part.

For Creative Use of Telephone for Personal Economic Stimulus

Illinois Gov. Rod Blagojevich.

The Being There Award for almost appearing presidential

President Bush. Goes on “Deal or No Deal.” Explaining the difficulty of reaching a budget deal with Congress, asks host, “How’d you like to host a \$3 trillion ‘Deal or No Deal’?”

The Brotherly Love Award

AT&T, Verizon, & Qwest. The remaining Ma Bell offspring jointly form a service, Movearoo.com, making it easy for customers to switch their service after moving — as long as they stick to a phone company.

The Cain (and Abel) Award

Verizon. Announces it is overbuilding sibling AT&T U-verse territory in Dallas suburb with FiOS.

The Still, Small Voice Award

Preacher Joel Osteen. The religious broadcaster, who preaches in the 16,000-seat former home of the Houston Rockets, argues the FCC’s White Spaces proposal would hurt ability of pastors “to interact more closely with members of our congregation.”

The Donald Rumsfeld Award for understanding the difference between unknown knowns, and known unknowns

AT&T. Reportedly praises legislation that requires FCC to collect more data from others, while lobbying FCC to scale back data requirements on it.

The Monkey’s Paw Award for proving that what you think you want may not lead to what you really want

XM-Sirius. Obtains final FCC O.K. for merger. Next day, two stocks drop 12% and 16%. Sirius XM down another 93% since then (versus S&P 500 drop of 28%).

The Animal Farm Award

Facebook. Net neutrality supporter announces it will allow some developers greater access to Facebook features than others. Developers welcome news; one noting, “Everything was too equal.” Apparently all applications should be equal, but some should be more equal than others.

The Catch-22 Award

D.C. Circuit Court of Appeals. After OMB says it can’t review FCC emergency power order until court reviews it, the D.C. Circuit holds case in abeyance because OMB hadn’t reviewed it.

PRESIDENTIAL AWARDS**The Harry Truman Straight Talk Award**

Sen. Arlen Specter. Asked about propriety of voting on FISA/wiretap bill without knowing details, says, “We frequently vote on matters that we do not know about, but not when it is so blatant.”

The Sarah Palin Award for, uh, unintended straight talk

Dolly Parton. Her filing at the FCC on White Spaces begins, “I don’t know all the legalese concerning this issue...”

The Richard Nixon Award for self-incrimination

Google. Judge rules against company in discovery battle with Viacom over YouTube, based on Google employee’s writings in Google’s own public-policy blog.

The Bill Clinton Award for linguistic analysis

Cyren Call Chairman Morgan O’Brien. Tells Congress that those saying he “demanded” \$50 million lease payments are “lying.” Then says that when bidders asked the order of magnitude of possible lease payments, he replied, “\$50 million.” ... Look for Talmudic dis-courses on the meaning of “demand.”

The George W. Bush Award for artful dodging of dangerous objects

Microsoft CEO

Steve Ballmer, for not buying

Yahoo. His reflexes might not be as instant as the President’s, but still, when it counted, he knew to duck.

**The Dick Cheney Award for protecting us from us**

Microsoft. Developing software that reportedly allows remote monitoring of workers’ productivity, physical well being, and competence.

The Al Gore Award for environmental sensitivity

Free Press. Justifies its advocacy for enforcing an FCC Internet “policy statement” as a short-hand effort to “save words” (i.e., from having to detail a complicated argument about enforcing the Communications Act). Makes this argument in a 112-page filing.

The Country First (Más o Menos) Award

Unnamed Telephone Company. At least one company, which along with others argued carriers should not be sued for agreeing to controversial wiretapping, as they acted out of patriotic motives,. It cut off wiretapping when DOJ was late in its payment.

The Lather, Rinse and Repeat Award***The FCC's Efforts on Intercarrier Compensation.***

Causes commissioner to criticize agency inaction, saying, "Making absolutely no headway after four years and simply asking questions again is not the right approach for this commission." Comment made on February 10, ... 2005.

The Charlie Wilson Award for demonstrating "what's good for General Motors, or your company, is good for the USA"

AT&T. Having praised the public interest benefits of the mergers between SBC and PacBell, SNET, Ameritech, AT&T Wireless, the old AT&T, and BellSouth, company raises concerns about the dangers of Sprint-Clearwire joint venture.

The "What's Good for AT&T Is Good Enough for Us" Award

Google. After saying Microsoft's effort to do a deal with Yahoo was anti-competitive, Google attempts to do a deal with Yahoo.

The DNC Primary Award for going on longer than anyone imagined***The 700 MHz Auction.*****The Not Quite Eating Their Own Dog Food Award**

AT&T. Telecom giant that preaches virtues of connecting everyone through telecommunications, moves headquarters from San Antonio to Dallas to "gain better access to its customers and operations."

The Governor William Bradford Award for excellence in giving thanks

Sirius CEO Mel Karmazin. He cites National Association of Broadcasters' (NAB) massive opposition to satellite radio merger as evidence of competition DOJ needed to approve deal and reportedly says, "Thank goodness for it and hats off to the head of the NAB. We all owe him."

The Déjà-Vu All Over Again Award

NextWave. Yes, that NextWave struggles through bankruptcy liquidation of three foreign units.

The Pyrrhic Victory Award

Broadcast Television. Reportedly eclipses newspapers as the largest recipient of U.S. advertising dollars, position newspapers held since the 18th Century. Odds of broadcast television holding on for a couple centuries or even a couple decades? About the price of NextWave stock.

The Home Security Award

Dell. Burglarized Manhattan resident reports that thieves took his iPod and Mac PowerBook but didn't touch roommate's Dell sitting out in plain view.

HOORAY FOR HOLLYWOOD AWARDS**The Dirty Harry Regulation Award**

The Taliban. Order mobile phone providers to shut down daytime service in region of Afghanistan, as signals help track insurgent fighters.

**The Inspector Clouseau Regulation Award**

Pakistan. To stop anti-government stories, it shuts down television news. Citizens bypass by transmitting news with SMS messages, sending 700 million in a single day.

The There Will Be Blood Award

Sprint CEO Dan Hesse. In February, tells investors "we'll have a difficult 2008 ... the fourth-quarter results ... are disappointing. This turnaround will not happen for many quarters."

The There Will Be Blood, Director's Cut for Extended Violence, Award

The Tribune Company. Files for bankruptcy. A few days later, caught in Blagogate.

The Liz Taylor/Richard Burton Award for multiple marriages

Sprint and the Cable Industry. United in 1994 to create Sprint PCS, divorced a few years later, reunited for Pivot wireless JV, divorced within a year, they reunite to create new Clearwire. Triumph of hope over experience?

The Seth Rogen Award for outstanding slacking

The Texas Legislature. Controversial 2005 law streamlining franchising for telco video efforts required committee to monitor impact. Committee reportedly has yet to meet.

The Hear No Evil Awards for demonstrating that willful inattention conquers good IT

- **OMB.** Fails to issue required report on major IT acquisitions, reportedly because it did not want to embarrass agencies with problems.
- **Department of Commerce.** Eliminates survey of new foreign investments in U.S., reportedly when numbers undercut arguments for such investments.
- **The White House.** Rejects EPA's conclusions on greenhouse gases, reportedly telling EPA that the e-mail message containing the document would not be opened.

The Emily Litella “Never Mind” Award

- **AT&T.** Its public interest showing justifying the SBC-AT&T merger claimed it would allow the company to expand its nationwide CallVantage VoIP service. This year, it discreetly stopped accepting orders for the service.
- **Google.** Its CEO praises Verizon’s open wireless efforts. A few weeks later company files complaint charging Verizon with violating openness principles.

The Profile in Courage Award for independent thinking

Rupert Murdoch. Despite numerous editorials in the *WSJ*, a paper he owns, which argues that studies criticizing the U.S. position are in error, he reportedly calls U.S. broadband an “absolute disgrace.”

The Scott McClellan “Now he tells us...” Award

House Energy and Commerce Committee Majority Report. With just days left on FCC chairman’s tenure, panel’s Democrats issued report accusing Kevin Martin of many failures of leadership.

The Evelyn Wood Speed Reading Award

The FCC. It only takes a year to reject OrbitCom’s one-page forbearance petition.

The 8th Amendment Award for not cruel but kinda unusual punishment

DOJ. Approves XM-Sirius merger on grounds that companies’ failure to market interoperable radios (arguably required by FCC) makes it hard for consumers to switch and, therefore, the companies don’t really compete. No bad deed goes unrewarded. Doncha’ wish your Dad thought this way?

CREEPING SOCIALISM: IT’S NOT JUST ON WALL STREET

There are no atheists in foxholes and apparently there are no free marketeers in a financial crisis if it’s big enough. But it is not just on Wall Street that traditional forces of deregulation are suggesting that someone else should be subject to regulation. The Awards for discovering their inner Norman Thomas go to:

- **Verizon.** While seeking deregulation in its states, opposes Qwest’s efforts for deregulation in Montana.
- **The Rural Telecommunications Group.** Reconsiders elimination of spectrum caps, asking FCC to impose limits on Verizon and AT&T wireless.
- **Television broadcasters.** After ESPN buys rights to televise BCS college football bowl games, broadcasters, who fight all efforts to regulate how they sell their content to cable, lobby to force games to be provided to over-the-air broadcasters.

AWARDS FOR OUTSTANDING NEW TECHNOLOGIES

The Phi Beta Kappa: Cram. Applications provider lets users import practice tests on their iPhone. Leave no nerd behind.

The Bonnie and Clyde: Trapster. Service has motorists send signal when they see a cop, creating a network that alerts subscribers to speed traps.

The Mom: Pill Phone. Application sends reminders over cell phone reminding users to take their medicine.

The Evil Twin Brother of Cyrano De Bergerac: Slydial. Service skips ring, providing direct connection to voice mail, allowing boyfriend/girlfriend break-up calls and the like without risk of a real conversation.

The Hot Potato Award

NTIA Administrator. In February, NTIA Acting Administrator Meredith Baker announces she wants to leave. Would have resulted in third NTIA head in 15 months prior to DTV transition. Uproar results in Ms. Baker staying on.

The Rolling Stones Award for proving, truly, no one does want yesterday’s news

Google News. When old story on United Airlines declaring bankruptcy pops up on automated news service, UAL’s stock drops from \$12.50 to \$3 in 15 minutes.

The Joe the Plumber Award for being in touch with Mainstream America

Local TV Stations in Washington DC. Stations across Virginia aired a Senate debate, except in Northern Virginia, where viewers instead could follow current events with *Wheel of Fortune*, *Jeopardy*, *The Simpsons*, *Seinfeld*, *Access Hollywood*, and *Entertainment Today*.

The John Maynard Keynes Group Awards for fiscal stimulus

- **For Outstanding Contribution by an Industry: The Communications Industry.** It reportedly increased its lobbying expenditures almost 15% in the first half of 2008.
- **For Outstanding Contribution by a Family:** On trip to Vancouver, son reportedly uses AT&T Air Card for laptop 21 times to send emails & photos. Gets bill for \$19,730.
- **Award for Visionary Contribution: Second Life.** Opening up new avenues for law, and therefore legal fees, a Japanese woman is reportedly arrested for “killing” an avatar in the virtual world, creating huge legal imbroglio.

The WPA Award for fighting unemployment

Comcast. Hires people to warm seats — preventing net neutrality advocates from attending — at FCC hearing at Harvard.

The Nostradamus Award for seeing into the future

The Communications Industry. Reported campaign contributions in 2006 cycle: a 62/38 R/D ratio. In 1H08: 47/53.

The Jeanne Dixon Award for fanciful predictions

The FCC. In May it told a court not to impose a deadline on it in a dispute over ISP-bound traffic, as the agency planned to come out with a comprehensive intercarrier compensation order in six months. Needless to say ...

The Twilight Zone Award for serving mankind

The Motley Fool. Headlines story on Google's increasing market share with "Google Eats More Brains."

The Dr. Seuss Headline Award

The Wall Street Journal. "Falling Stocks, Banks in Talks, Verizon Takes a Blow from Cox."

The Salvador Dali Award for Surrealism in Headlines

CNET. "Corn Farmers take anti-Google fight to Washington."

The Long Range Planning Award

Staff of Chairman Martin. *Communications Daily* reports that he hadn't decided whether to attend the following week's cable show because "he hasn't figured out his schedule that far in advance."

The Potter Stewart Award for innovations in jurisprudence

The defense attorney who reportedly subpoenaed Google records in Pensacola, Florida, to show that community indecency standard is lower than prosecution claimed. "I know it when I see it" becomes "I know it when Google tells me."

LET'S PLAY BLUFF THE READER

On the NPR show "Wait, Wait, Don't Tell Me," the show's panelists describe three totally improbable news stories and ask a listener to guess which one is actually true. Here is our version: three utterly improbable news stories. Which one is true?

1. A Republican FCC chairman proposes a government-mandated free broadband service.
2. A Republican FCC chairman imposes open access requirements on a wireless carrier.
3. A Republican chairman imposes net neutrality regulations on an ostensibly unregulated Internet Access provider.

Answer. You're right! No matter which you choose. (We're in the mood to make sure everyone gets at least one thing right this year.)

The Perry Mason Award for great legal argumentation

The ACLU. Argues against new media ownership rules with reported claim that "Three titans, Comcast, AOL and Time Warner, own 40% of households with cable..." Curiously, cable industry brief does not point out the error.

The Lady Godiva Award for, uh, creative lobbying

Tania Derveaux. Young, beautiful Belgian woman promises to change the status of "every virgin who defends the Internet" by supporting net neutrality.

The Homer Simpson Couch Potato Award

British Men. Survey claims 47% would give up sex for six months in return for a 50-inch plasma TV.

The Hugh Hefner Award

Clear Channel. Argues that XM-Sirius merger must be subject to an indecency condition because, otherwise, merger would siphon off "popular, including 'edgy' content, with consequent loss of advertising revenue" to terrestrial radio.

NAME THAT AWARD!

Just like The New Yorker, which now devotes its back page to allowing readers to write captions for a cartoon, we want to let our readers enjoy Award giving. Send us your nomination for what award the following statement by Chairman Martin deserves:

Responding to a comment by a Comcast official on Mr. Martin's reaction to the BitTorrent situation, the chairman reportedly said that the official's comments "may be somewhat misleading. I actually didn't say that they (Comcast) were blocking downloads. I said they were blocking some uploads and that was degrading some downloads. And indeed I believe Comcast has — while they've talked about managing uploads, they've said that it may slow down some downloads, and I'm saying that slowing down downloads was degrading downloads and they're doing that by blocking uploads."

Nominations will be accepted through December 31. We plan to announce the winners in January.

The Prof. Roubini Award for saying what no one wanted to hear

Tim Robbins. Actor gives keynote at NAB in which he attacks broadcasters on numerous fronts. After the speech, NAB officials reportedly refused to disclose who invited Mr. Robbins.

The Commissioner Tate Award for creative solutions to child obesity

Michael Phelps. Winner of eight gold medals is skinny as a rail. On 12,000 calories a day.

**SIGN THAT THE
APOCALYPSE IS UPON US**

Intrade electronic trading market begins betting on 2012 presidential election a week before the 2008 election.

Well, that's it for now. With high hopes for next year, in which, at least the year-to-year comps won't be as depressing ... we hope, ... we wish you and your families a happy holiday season.

~ Rebecca, David, and Nicole

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STIFEL NICOLAUS

Hugo J. Warns, III, CFA
Director of Research (443) 224-1301

BUSINESS & CONSUMER SERVICES

Business Services

James J. Janesky (856) 661-3680
Adam D. Koser, CFA (856) 661-3690
Shlomo H. Rosenbaum (443) 224-1322

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Jerry R. Herman, CFA (216) 430-1734
Jason P. Anderson (216) 430-1754

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Daniel Stephen (314) 342-2128
Mark Swartzberg (973) 549-4376
Mark S. Astrachan (212) 247-4502
Donald Chen (212) 247-4639

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George A. Kelly (443) 224-1342

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David A. Schick (443) 224-1332
Lamont Williams, CFA (212) 247-4535

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Stanley S. Elliott (804) 727-6364

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Reed B. Meyer (703) 392-4330
Scott W. Devitt (703) 392-4844
Steve Rubis (703) 392-4033

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James Harlow, CFA (919) 645-5919

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Scott F. Robinson (443) 224-1343

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Cody G. Acree, CFA (214) 647-3516
Patrick Newton (214) 647-3528

Semiconductor Capital Equipment

Patrick J. Ho. (214) 647-3509

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Sanjiv Wadhvani (415) 273-2715

Telecom, Media & Tech Regulatory

Rebecca Arbogast (202) 778-1978
David Kaut (202) 778-4341

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Christopher C. King (443) 224-1329
Josh James (443) 224-1375
Melanie R. Lambert, CFA (443) 224-1362

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