

CABLE TV RULE TARGETS ADULTS-ONLY FLASH; FCC WANTS TIGHTER CONTROL OF PROGRAMMING SIGNALS

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Byline: By Rachel Melcer, Tribune Staff Writer.

Body

With a flash of lightning last month, pure Spice adult TV poured into the homes of nearly 9,000 TCI cable subscribers in the rural towns of Wilmington, Braidwood and Coal City.

The bolt destroyed the timer that would have prevented the pay-per-view Spice network from being broadcast over Channel 16 until after 10 p.m. That is when the channel, used for preview listings by day, would have been scrambled for adults-only nights.

Residents were shocked and upset. Sandee Dummitt, general manager of the local TCI office in Morris, immediately pulled the Spice network from all of the system's 13,600 homes. Now that "traps" are ordered to double-block the already scrambled Spice signal, subscribers don't have to worry that lightning will strike twice.

Though such incidents are rare, cable operators nationwide are struggling to control the audio signal and split-second visual flashes of pay-per-view programming that bleed through standard, single layer scrambling.

The Federal Communications Commission announced this week that on May 18, cable operators must either completely block the audio and video signal of pay-per-view, adults-only entertainment stations, or limit their broadcast to the so-called "safe harbor" hours of 10 p.m. to 6 a.m.

The new regulation comes as a relief to parents like Teresa and Roy Rayburn of Braidwood, whose 10-and 12-year-old children were home the night Spice suddenly appeared on their television set. Fortunately, Teresa said, the kids weren't watching at the time.

"All of a sudden, there was pornography in my living room at 7 o'clock at night. I'm angry. It's disgusting," she said.

Chicago-based Playboy Enterprises Inc. failed last month in a courtroom battle to have the regulation, written as Section 505 of the 1996 Telecommunications Act, put on hold. Now it will challenge the FCC on constitutional grounds, saying the law is unduly restrictive.

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Spice Entertainment Cos. of New York had considered joining the legal action. But company officials said this week they will comply with the regulation.

"I think (Section) 505 is unconstitutional and I hope that Playboy wins," said Dan Barsky, Spice senior vice president and general counsel. "But pursuing a litigation like that is expensive and one has to weigh that against the likelihood of success. It's a business decision like anything else."

Barsky says the law is too restrictive and ignores similarly explicit programming on premium cable movie channels like HBO and Cinemax. And customers, who can now pick up the phone any time and anonymously order adult entertainment, will either be limited to safe harbor viewing hours or have to call for workers to remove the trapping devices outside their homes.

Playboy's self-named and AdultTVision networks are available to 11 million cable subscribers nationwide--45 percent of whom can receive the programming 24 hours a day. If Section 505 is enacted, company officials expect to lose \$4 million to \$5 million in one year.

Spice Entertainment Cos. provides its Spice network to 14 million households--4 million of which also can receive the company's Adam & Eve channel. Barsky estimated the new regulation will cost his company up to \$2 million from May 18 through the end of 1997.

What does the regulation mean for Chicago area cable subscribers?

Jones Intercable Inc., which serves 250,000 households, will switch entirely to using safe harbor hours, according to Public Affairs Manager Dan Capasso.

So will Wedgewood Communications, which provides cable television to 8,000 subscribers in metropolitan Chicago high-rise apartment buildings.

Most TimeTime-Warner offices will take the safe harbor route, though some might decide to install costly blocking equipment, according to spokeswoman Michelle Broussard. The company serves 35,400 households in DuPage County and 65,600 in southwest Cook County.

And some TCI Cable of Chicago offices in the northwest suburbs will cut hours, said spokeswoman Terri Pfister. In Arlington Heights, new digital technology provides full, 24-hour blocking. Other offices will rely on the current level of video scrambling, add a complete audio distortion and remain on the air 24 hours a day.

Spice and FCC officials will sit down soon and exchange technological information, Barsky said. The company hopes to prove current video scrambling is enough to prevent children from seeing sexually explicit scenes.

And for parents who still are not satisfied, other FCC regulations require cable operators to provide free full-blocking traps.

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