

its private status and not reveal anything about its finances," he told us. "We know they're going broke. They've been charging us illegal fees. The whole industry is down, and Level 3 is in no different shape from other companies, Hunt said. He said HyperCube would rather fight out the case with groundless news releases than let the California Public Utility Commission or the FCC handle it. Level 3 is cash-flow positive and has been, Hunt said. "If we were in the trouble that HyperCube says we are, all of our vendors would be after us, but they aren't. Only HyperCube is, and they're the only one charging illegal fees." Hunt said he doesn't know the company's balance with HyperCube stands, but he added that they may be square in the late fall. -- MD

Telecom Notes

Small businesses suffered from FCC decisions that lacked proper Regulatory Flexibility Act analyses, said Teletruth and the New Networks Institute. In comments filed Monday at the commission, they asked it to open a rulemaking to revamp the FCC's "methodology, process, data collection and analysis" regarding the act. The commission hurt telecom, broadband, Internet, wireless and media competition by not taking the act's obligations "seriously" for more than a decade, the groups said. "It has cost America trillions of dollars in potential economic growth, harmed innovation and slowed America's technological edge, not to mention closing down thousands of competitors. It also resulted in higher prices, slower broadband speeds, and a lack of choice for customers." The groups cited several decisions they said violated the law, including a 2004 order on incumbent unbundling rules and a 2005 order that dropped a requirement that incumbents share wireline broadband Internet services. The groups also urged the FCC to open a rulemaking to investigate fraudulent small-entity discounts in wireless-spectrum auctions.

The Alliance for Telecommunications Industry Solutions said its Network Reliability Steering Committee released recommendations about planning for pandemics. Local governments should anticipate the possibility of high 911 call volumes, work with local media to tell the public not to call 911 for flu symptoms, and provide directions for where to seek appropriate medical help, ATIS said. To accommodate what's expected to be increased telework, employers should prepare by increasing available bandwidth and adopting policies for shared use of limited resources, it said. The committee considered how aspects of a pandemic would relate to vulnerabilities in each of eight parts of the information and communications technology infrastructure, the standards group said. NRSC also studied a pandemic's broader effects: Beyond the public communications network, a pandemic could affect connecting networks like 911 dispatch centers.

Broadcast

Sunflower Broadcasting got permission to move KWCH-TV Hutchison, Kan., to channel 19 from 12, an FCC Media Bureau order said. Sunflower wanted to move to the higher frequency because viewers complained of problems receiving the programming on channel 12 after the DTV transition. It also got permission to move KSCW, Wichita, from channel 19 to channel 12.

NBC Universal will distribute TV programming through Gas Station TV, under a strategic partnership, they said. The terms weren't disclosed.

Cable

Fox and others should "beware" of plans for ESPN local sports Web sites beyond those in Boston, where ESPNBoston.com starts Sept. 14 (CD Aug 31 p12), and Chicago, an analyst wrote Monday. Richard Greenfield of Pali Research noted that ESPN plans to add sites in large markets such as Dallas, Los Angeles and New York and