Pine needle basket classes in S. Tahoe

The Lake Tahoe Historical Society will host two pine needle basket classes taught by Audrey Frank.

One is April 21 and the other is May 19. Both are from 10am-3pm in South Lake Tahoe.

Reservations are required. Call the museum at (530) 541.5458, leave your name and number. You'll be given a list of what to bring.

The cost is $15 for members and $20 for non-members.

Ski report: Snow coming to mountaintops

Unsettled weather will be moving through Tahoe for the next few days. The snow level will be above 8,500 feet. Dress for changing conditions.

Wind could impact lifts this afternoon.

Here is the April 4 ski report.

– Curtis Fong

Snippets about Lake Tahoe



• The Fair Play wineries have a new website.

• America’s Most Beautiful Bike Ride on June 2 is almost sold out, with less than 200 spots left. For more information and to register, go online.

• Earth Day is officially April 22. Here are some regional events: April 20, 9am-4pm, Tahoe-Truckee Earth Day at Squaw Valley Village; April 21, 10am-6pm: Reno Earth Day at Idlewild Park; April 27, 10am-4pm, South Lake Tahoe Earth Day at Bijou Community Park .

• In accordance with the municipal NPDES Storm Water Permit for Runoff Discharges in the Lake Tahoe Hydrologic Unit, South Lake Tahoe, El Dorado County,and Placer County have submitted Pollutant Load Reduction Plans describing how their respective municipalities will reduce fine sediment particle and nutrient loading to Lake Tahoe to meet established requirements. The submitted plans include measures taken since the Lake Tahoe TMDL baseline was established in 2004 and extend until the end of the existing permit term in 2015. The plans are available for review on the Lahontan Water Board website.

Uphill climb to allow mountain bikes on PCT

By Jessie Marchesseau

You could walk or ride a horse the 2,650 miles from Mexico to Canada along the Pacific Crest Trail, but don’t try to ride your bike.

Prohibited since 1988, riding a bicycle on the Pacific Crest Trail could cost you as much as $5,000 and six months in jail, though tickets normally run between $50 and $150.

The Pacific Crest Trail Reassessment Initiative is trying to change that. Since 2010, the group has been working to get the U.S. Forest Service to reconsider the ban on bicycles. It contends that the trail was never meant to be a foot- and equestrian-only trail, but mountain biking, which began to gain popularity in the 1980s, simply did not exist when the trail was originally developed.



The junction of the Tahoe Rim Trail and Pacific Crest Trail at Meiss Meadow. Photo/Ben Fish

The PCT has been around since the 1930s and stretches through California, Oregon and Washington. In 1968, it was designated a National Scenic Trail by the National Trails System Act. It was not until 1988 that the PCT Advisory Council unanimously agreed to ban bicycles on the entire trail.

Bicycles are already prohibited in all National Wilderness Areas, and the PCT runs through more designated wilderness areas than any other National Scenic Trail. About 46 percent of it is in wilderness areas. This includes the Desolation and Granite Chief wilderness areas near the Lake Tahoe Basin. Of the nearly 50 miles of the PCT within the Lake Tahoe Basin Management Unit, 21.8 are in designated wilderness areas. It is the other 26.7 miles that the PCTRI is trying to gain access to, along with the rest of the non-wilderness portions of the PCT.

Part of that mileage is the Tahoe Rim Trail. As a multi-use trail, the Rim Trail allows bicycles on most non-wilderness sections, but it also shares part of its route with the PCT. As a result, the West Shore section of the Rim Trail is essentially a bicycle-free zone.

In the Lake Tahoe area, several popular mountain bike trails also intersect or run into the PCT. Having access to the trail, especially in the non-wilderness area between Meiss Meadow and Echo Lake, would allow riders to easily transition from one trail to another.

“As a local mountain biker in South Lake Tahoe, I can attest that having some sections open to bikes on the PCT in non-wilderness areas would greatly improve connectivity of some trails such as Hawley Grade, Round Lake, Sayles Canyon, Brian Meadow and Pony Express,” said Ben Fish, an avid South Shore mountain biker.

However, Beth Boyst, PCT program manager with the USFS, said that even opening small sections to allow access between

popular mountain bike trails is unlikely.

“When you start changing things a little bit, you get a slippery slope of changing the trail experience,” she told *Lake Tahoe News*.

This idea of “changing the trail experience” is a big part of why some people, hikers and USFS officials alike, are opposed to the idea of bicycles on the trail. Online forums reveal that some users believe mountain bikes would disturb the overall serenity of the trail. Others fear bicycles would frighten horses.

“This experience is about being able to commune with nature in a peaceful environment, away from the trappings of civilization,” said Mark Larabee, spokesman for the Pacific Crest Trail Association. “PCTA holds that trail experience in the highest regard.”

The PCTA is a nonprofit organization whose mission is to “protect, preserve and promote the Pacific Crest National Scenic Trail as an internationally significant resource for the enjoyment of hikers and equestrians, and for the value that wild and scenic lands provide to all people.” It is the USFS’s primary provider of trail maintenance for the trail. Last year, PCTA volunteers contributed more than 92,000 hours.

This is one area the PCTRI suggests that mountain bikers could benefit the trail. In 2011, International Mountain Bicycling Association-affiliated organizations across the U.S. collectively put in more than 700,000 volunteer hours maintaining public bicycle trails.

“They’re always struggling to find more volunteers and funding,” Jeff Barker, a PCTRI supporter and advocate, told *Lake Tahoe News*. “The mountain bike community could bring a lot of people and money to the cause. Bikers are a community that is enthusiastic about trail maintenance.”

Lake Tahoe has one of the largest networks of mountain bike trails in the state. The Tahoe Area Mountain Biking Association alone put in about 2,000 volunteer hours of trail maintenance in 2012.

“It is obviously a passionate issue for many and TAMBA is maintaining a neutral approach to it for now,” said TAMBA President Kevin Joell of the PCT initiative. “I can say that if sections are ever opened to bikes in our area, that we would be happy to assist with maintenance as we have on many other trails around the lake.”

However, it does not look like that will be any time soon. On Feb. 5, Randy Moore, Pacific Southwest regional forester for the USFS, issued a letter to the PCTRI stating that the Forest Service will not be pursuing a termination of the bicycle closure or any amendments to the PCT management plan.

There is more to it than just changing the rules, Boyst pointed out. Studies would have to be done to determine the ramifications of a different use and increased usage. Bicycle trails must take different erosion issues into consideration than footpaths, and the PCT was originally designed for foot and horse traffic.

Moore and Boyst insist the trail was always intended to be exclusively a footpath and equestrian trail. Supporters of the PCTRI insist it was intended for all non-motorized use, bicycles included. Both groups cite the National Trails System Act and the PCT Comprehensive Management Plan to support their respective positions.

So while the two sides continue to hash out the semantics of the governing documents, outdoorsmen can still enjoy the splendor of the Pacific Crest Trail … on foot or horseback.

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For more info, on the Pacific Crest Trail – go online.

For more info, on the Pacific Crest Trail Reassessment Initiative, go online.

State releases money for Kings Beach project

The massive Kings Beach face-lift is one step closer to happening now that the state has released money that had been tied up with the dissolution of Placer County's redevelopment agency.

That $10 million is part of the overall $45 million project along Highway 28.

Besides improving just more than 1 mile of road, this is a water quality project to reduce sediment from reaching Lake Tahoe. Sidewalks will be installed, two roundabouts will be put in and lanes will be reduced from four to three.

Some of the neighborhood streets will also receive upgrades.

The idea is when the project is done Kings Beach will be more friendly for those walking and biking.

Utility work for the Kings Beach Commercial Core Improvement Project started in March.

– Lake Tahoe News staff report

‘Not all of us are in fact a bad guy’

By Ted Long

This week’s session was the most interesting so far and the most troubling. Our instructor, Mike Roberts, is a longtime El Dorado County sheriff’s deputy who began his career in the jail at 19, then moved to deputy status at 21, gave us the patrol officer’s view of the job.

Mike is serious, hard working and in my view a dedicated officer. He is typical of what I call the “type”, not intended as a bad thing, just how it is when the job is handled and hiring year after year from and by the same general view.



Ted Long

Mike told us about the job, often mentioning the boredom and the struggle to continually respond to false alarms at homes and businesses, almost to the point where it is difficult to take them seriously.

He painted a clear picture of the possibility of danger, using examples of obvious bad guys, examples where there is going to be trouble. The traffic stops where the person has a gun, the domestic violence call where the officer is assaulted. In

other words, he made it very clear to us that this is a dangerous job, not for everyone. Mike expressed numerous times his willingness to shoot to kill and showed us videos that would justify that position.

I certainly agree, and acknowledged to him, that this is in fact a dangerous job and we all appreciate his and others willingness to take it on. However, on questioning about the potential for abuse, the over use of force and the fact that not all of us are in fact a “bad guy” he had little to offer. Please do not misunderstand me, I know my view has been impacted by my personal experience in handling several police misconduct cases and my concern about those in authority controlling the message, but I do think that the majority of us need to be aware of the potential abuse by those that have the power to lock us up or otherwise silence us. All I ask is that there is an effort, in the quest for safety, a recognition that we also need to be aware of the honest citizen, a courtesy if you will, that needs to be recognized. I am not sure how you maintain that, but I do know, if you are not looking, you don’t find much.

My conclusion, yes, this is a dangerous job, and appreciation of the service is more than warranted, however, we must remember ever society, good or bad, justifies its actions. Even the most extreme examples make this clear, like Nazi Germany. And I am sure King George at the founding of our nation told the English citizen that we were dangerous rebels, bent on disobeying the law. Efforts like this academy help with public input, public oversight, but I am not sure that is the intention?

Next week we will hear a presentation by a deputy district attorney on laws of arrest and search.

Ted Long is a South Lake Tahoe resident participating in the El Dorado County Sheriff’s Citizens Academy.

Opinion: LTUSD takes steps to be more safe

By Jim Tarwater

Although there is no absolute guarantee that something bad will never happen in our schools, it is important to understand the difference between the possibility of something happening and probability that it will affect you, our school community.

For years, schools have worked closely with law enforcement and other public agencies to ensure we are maintaining the safest learning environments possible. Campus visits have been conducted by law enforcement agencies so they become familiar with a school campus before an emergency and/or disaster occurs.



Jim Tarwater

Districts provide school maps and emergency contact information in an online forum which can be accessed by law enforcement prior to arriving on scene. Our goal continues to be to plan up front so that we are as effective as possible during an emergency.

Lake Tahoe Unified School District has retained the services

of a security consultant to develop a unique approach that goes above and beyond the status quo to reduce the probability of an incident of school violence in our community.

Safe schools require broad-based efforts on the part of the entire community, including educators, students, parents, and law enforcement agencies. Therefore, the district has reached out to all local law enforcement leaders in the Lake Tahoe Basin to identify and address key components for improving safety and security in our schools.

As part of these efforts, comprehensive school site visits involving local representatives of the South Lake Tahoe Police and Fire departments, California Highway Patrol, Lake Valley Fire Department, FBI, and El Dorado County Sheriff's Office have been taking place weekly over the past two months.

The focus of these gatherings has been to identify and prioritize facility systems, structures, and technology improvements that will elevate the level of safety and security and reduce the probability of a violent incident occurring in our schools.

Additional stakeholders include teachers, staff members, and students who have been playing an active role in this districtwide effort. These teams have also taken on responsibility for reviewing and improving each school's Safe Schools Plan and for scheduling interdepartmental (police, school, fire, and rescue) practice response exercises and staff training.

Open communication between home and school is critical to the safety and well-being of our students and your children. Let us know if you have a concern or question about school policies or your child's safety. Know if your child's friends have access to guns. Keep any guns in your house locked up and away from children of all ages.

Preventing school violence isn't something that should be left

to the schools, the police and the government when there is so much that we all can do together. See what you can do and start making schools safer today.

Jim Tarwater is superintendent of Lake Tahoe Unified School District.

USFS prescribed fires at both ends of lake

U.S. Forest Service fuels management crews will continue prescribed fire operations in multiple locations in the Lake Tahoe Basin on April 4.

Crews expect to burn approximately 10 acres in the South Lake Tahoe area near Mewuk Drive, and approximately 5 acres in the Tahoe City area near Bunker Drive. Both operations may continue through the week, weather and conditions permitting.

Residents and visitors can expect to see smoke from these prescribed fire project areas. The Forest Service strives to minimize the impacts of smoke on local communities. Smoke-sensitive residents should consider staying indoors and keeping doors, windows and outside vents closed.

To directly receive prescribed fire updates, send an email to pa_ltbmu@fs.fed.us.

Forest Service staff will post road signs around areas affected by prescribed fire, and update the local fire information line at (530) 543-2600, No. 6.

Dish Network owner not making friends

By Eriq Gardner, Hollywood Reporter

In 1980, a few months before Charlie Ergen co-founded the company that would become Dish Network, he and a gambling buddy strode into a Lake Tahoe casino with the intention of winning a fortune by counting cards. Ergen, then 27, had bought a book called “Playing Blackjack as a Business” and studied the cheat sheets.

Unfortunately for him, a security guard caught his pal lip-syncing numbers as the cards were dealt. The two were kicked out and subsequently banned from the casino.

More than three decades later, Ergen, now 60, again stands accused of cheating the house – but this time the house is nestled in the confines of executive suites from Burbank to Beverly Boulevard. And now, Ergen’s Englewood, Co.-based Dish Network, the nation’s third-largest satellite/cable TV provider, a public company that’s grown from a $60,000 startup to an empire with 14 million subscribers and $14 billion in annual revenue, is the entertainment industry’s Enemy No. 1. With increasing frequency, Ergen has engaged in ugly, high-stakes games of chicken with Hollywood.

In his brutal battle over ballooning carriage fees with AMC, he dropped The Walking Dead and Mad Men network from the Dish system for months. He also has spent years fighting with broadcasters over the practice of distantly retransmitting TV signals without a license and even was caught violating a promise to stop that he made under oath – all while Dish was named “America’s worst company to work for” by a watchdog

website. But all that was just preamble to the Hopper.

In January 2012, Dish introduced the proprietary DVR service that allows consumers to “AutoHop,” or watch the entire primetime lineup of the broadcast networks commercial-free without even having to fast-forward through ads. Immediately after its introduction, CBS, NBC, ABC and Fox filed lawsuits arguing that Dish, if allowed to continue offering the Hopper, will put them out of business. The networks want a judge to grant an injunction, and Fox is appealing the denial of a shutdown while making a renewed attempt to enjoin the Hopper — after Dish added mobile capabilities amid the legal challenge.

Ergen, who is married with five kids and has seen his personal net worth swell to an estimated $10.6 billion, making him 100th on the most recent Forbes list of richest people, expresses confidence that he will win the legal fight and says it is time that the broadcasters get on board.

“Some people are averse to change, but the advertising model is going to change with or without the Hopper,” he recently told analysts. “What we’re saying to the broadcasters is, ‘There’s a way for you not to put your head in the sand.'”

The broadcasters reject the assessment.

“Services [like Hopper] that undermine the economic fabric of our business aren’t just illegal, they potentially destroy our ability to give the public what it wants,” CBS chairman and CEO Leslie Moonves tells THR. Adds NBC Broadcasting chairman Ted Harbert, “I think this is an attack on our ecosystem.”

Not surprisingly, Hopper has become extremely popular. The year before Dish began offering the service for free to customers, the company lost 166,000 subscribers. Since then, Dish added back 89,000.

“We’re a little bit like an Indiana Jones movie,” a sanguine Ergen said about his company at the All Things Digital

conference Feb. 11. “We’re always in trouble. We always get out of it. We’re always going from alligators to guys with arrows to snakes. We want to win.” (Ergen declined comment for this piece.)

At a time when Big Four broadcast network ratings have hit historic lows, with Fox down 21 percent this season and NBC being beaten in the 18-to-49 demo by Univision during the February sweep, it’s hard enough to pitch advertisers on delivering eyeballs to ads – as the nets will do in May at the annual $10 billion upfront presentations. It’s even harder when a major satellite carrier is touting its ability to completely eliminate commercials from the viewer experience. Networks hope that if research agencies like Nielsen start placing emphasis on those who watch programming a week after an initial live telecast, it will help keep advertisers in line. But analyst Richard Greenfield asks: “C3 vs. C7? Who is kidding whom about watching commercials during DVR’d programming?”

Interestingly, such TV carriers as Time Warner Cable and DirecTV, though presumably in possession of the same technological capability, have not provided products that have triggered such industry venom. Maybe there’s a reason for that.

Ergen has presented Hopper as a consumer right while simultaneously telling analysts that programmers have “devalued” content by making TV shows available on Netflix and suing ESPN for, among other things, allowing streaming. CBS is trying to rescind its licensing contract with Dish by claiming that Ergen and his top lieutenants fraudulently hid their plans for the Hopper in contract meetings in 2011. And in February, Dish claimed CBS forced The Big Bang Theory actress Kaley Cuoco to delete a sponsored tweet endorsing Hopper, even though there was no evidence the actress was pressured. At a March event honoring Moonves, Cuoco announced, “I would like to take this opportunity to say one thing: Leslie, f– the Dish

Network.”

As Hollywood reluctantly enters the digital age, new players like Barry Diller’s Aereo TV service are challenging traditional revenue streams and squaring off against the networks in court. (Diller’s Aereo survived an initial legal challenge April 1 when an appeals court allowed it to stay in business at least until a trial.) Even among these threats, though, Dish represents perhaps the most aggressive and well-funded disrupter. And it’s controlled by a man who has the money and inclination to take the fight to its legal and, for Hollywood, very scary conclusion. Yes, he’s known by some within his organization to be a penny-pinching loudmouth (“They treat their employees like slaves,” says one online employee review).

But it’s one thing to scream at underlings and install a scanning device to police tardiness (yes, he really did that); it’s quite another to destroy evidence and mislead judges in a courtroom — Dish has been sanctioned for such behavior.

It’s all enough to ask: If Charlie Ergen is the most hated man in Hollywood, what should the industry do about him?

Ergen now is gearing up for a fight that could answer that question. In September, a licensing agreement expires between Dish and the Walt Disney Co. The coming talks between the companies represent the first major negotiation since the introduction of the Hopper. Disney hardly wishes to bless a tech product like the Hopper by renewing its deal with Dish. But it’s nearly impossible for a media company to walk away from the billions of dollars Ergen is paying for programming.

This friend-and-foe dilemma is the essential conundrum Dish presents. Six months before its deal with Disney was set to expire, Dish wasn’t at any negotiation table but rather in a courtroom, taking Disney’s ESPN unit to trial for allegedly offering Dish competitors better prices.

Naturally, Ergen has been hailed as a hero by consumer advocates who appreciate his willingness to toy with a TV model that has become sacred to Hollywood conglomerates.

“When it comes to trying out new things and keeping costs down in a competitive market, you need a first-mover like Dish,” says John Bergmayer at Public Knowledge, a not-for-profit rights organization.

Notes Vijay Jayant, an analyst who has been following Dish for years at ISI Group: “Charlie’s attitude is, ‘At some point, they’ll negotiate with me on my terms.’ He’s bluffing until he’s not.”

If Dish exhibits a special form of aggression, observers credit this to its billionaire founder and his company’s precarious position in the competitive video-distribution industry.

Ergen was born in Tennessee to a physicist father who is credited as coining the phrase “China syndrome” to describe the containment shortcomings of a nuclear reactor accident. After playing small forward on the state university’s basketball team, he earned a business degree from Wake Forest University in 1976, then worked as a financial analyst at Frito-Lay. Two years later, at 25, he stunned his family by “retiring” — or rather, he took advantage of the discounts his future wife, Cantey McAdam, got working as a flight attendant to travel the world. He also fiddled with becoming a professional poker and blackjack player.

Then, in 1980, his buddy Jim DeFranco told him about “a big satellite dish getting signals from outer space,” according to a Wake Forest commencement address Ergen gave in 2012. Together with DeFranco and McAdam, the three sank $60,000 of their personal savings into a suburban Denver startup called EchoStar.

An avid mountain climber who has scaled Mount Kilimanjaro and

Mount Everest, Ergen steadily has grown his business – now officially known as screaming-all-caps DISH – into one of the 200 largest corporations in the world, averaging about $1 billion in annual profits (Ergen controls 88 percent of voting power at the company). Dish thrived in large part by focusing on the hilly rural areas of the country, where cable TV lines did not run – and, of course, a willingness to brawl with anyone getting in the way.

Dish employees, adversaries and analysts say no one exploits the judicial system like Ergen does to gain a competitive advantage. A judge a decade ago noted that Ergen had violated a pledge made under penalty of perjury to stop distantly retransmitting local TV signals. An appeals court wrote in 2006 that there was "no indication that EchoStar was ever interested in complying with the [Satellite Home Viewer] Act," and added, "We seem to have discerned a 'pattern' and 'practice' of violating the Act in every way imaginable."

During the mid-2000s, when Ergen was fighting TiVo over who owned rights to DVR technology, not only did TiVo convince a court that Dish had violated a patent, but the judge in the case found it "distasteful" that Ergen's company would "engage in an ad campaign that touted its DVRs as 'better than TiVo' while continuing to infringe TiVo's patent." In 2009, Dish officially was sanctioned by the court. (The parties later settled.)

Perhaps most notoriously, there were the irate judges who officiated Dish's recent battle with Cablevision/AMC after Dish terminated a 15-year deal to carry the Voom networks, a suite of 21 little-watched HD channels such as Kung Fu HD and Film Fest HD. In the early days of the case, Dish was penalized for "bad faith" or "gross negligence" in the destruction of internal company emails. A visibly angry New York Supreme Court Judge Richard Lowe later threatened to launch an investigation unless Dish documents were turned over. The suit became so ugly that at one point, Dish

executive Carolyn Crawford hit the father of the opposing side's lawyer on her way out of the courtroom. She later apologized in open court.

In a sexual harassment case in Maryland in 2005, a judge wrote that "EchoStar [was] guilty of gross spoliation of evidence." In a 2012 trademark dispute, a judge said of Dish lawyers that he had never encountered "such divisiveness or contentiousness" in his 17 years on the bench.

"Most corporations have an institutional bias against litigation and see it as necessary evil," says one network insider. "But for Charlie, that's how he likes to run his company. You'll never see him suing in his home state, though. Their name is mud in Colorado. Judges are on to them."

In fact, when Dish filed suit in May 2012 in an attempt to beat broadcasters to court and have a judge declare the Hopper legal, it did so in New York.

Dish continues to be pugnacious at every turn. The Federal Trade Commission and Justice Department are jointly pursuing a lawsuit against the company for allegedly violating telemarketing sales rules by placing unwanted calls to millions of consumers. Dish also uses every opportunity it has to tout its Hopper as the tech product so great that the networks won't let anybody hear about it (even while telling judges that the Hopper is not so different from other DVRs).

Ambush spin is common at Dish. On industry news websites, employees regularly leave comments meant to slyly promote Dish services. One writer at AllThingsD was so fed up that in 2011, he penned a column titled, "Dear Dish Network: Your Spam Makes Me Sad. Please Stop." The press release issued by Dish in the Kaley Cuoco flap is another example. There was no source of the alleged CBS demand to delete her tweet, and CBS flatly denied it. Pushed to corroborate such an allegation, Dish spokesman John Hall will only say, "We were contacted by

someone close to the situation who told us that CBS asked her to remove the tweet."

Barbara Roehrig worked at EchoStar during the mid-'90s and was the company's first female senior executive. She remembers constantly sparring with Ergen, who sometimes would threaten to walk into a room and fire all the employees he called the "craziness pack."

"The modus operandi is yelling there, and it takes a toll," says Roehrig, adding that she still stays in touch with many in Dish's middle management who refuse to ascend to the company's executive ranks because of the emotional turmoil that it brings. "We've all been in the line of Charlie's ranting."

Dish was named "America's worst company to work for" by the website 24/7 Wall Street, based on scathing reviews on the job site Glassdoor.com. Employees have been subjected to "badge reports," where they are red-flagged for showing up minutes late. When they travel, staffers are asked to take red-eye flights, share hotel rooms and reimburse the company if they tip more than 15 percent. One field-service specialist tells THR, "In my office, you are not even allowed to use the restroom in the mornings before leaving on your route or in the evenings until you're off the clock." (A Dish rep says the company abandoned its badge reports in January and disputes that employees are forced to take red-eye flights and aren't allowed bathroom breaks.)

After Dish was hit with bad press, management attempted to intervene. Dish CEO Joe Clayton sent employees an email that stated in part, "If you are happy here at DISH and believe the company is moving in the right direction, log on to Glassdoor.com and provide feedback."

At Dish's Colorado headquarters, company leaders shoot down questions about whether Dish truly is the meanest of mean

companies.

“I think it is a challenging place to work,” admits Dave Shull, a Dish senior VP in charge of content acquisition deals. He says it’s common for meetings to get “animated” but embraces the company’s aggressive ethos. “You can always be a follower, a slave to competition and hope for the best,” says Shull. “Or you can lead the charge, try to expand market share and innovate. When you ski or ride horses, what happens when you sit back is that you lose control. We lean in.”

After several years of growth, Dish, like the rest of the cable and satellite industry, has been facing new challenges. In 2012, pay TV providers added only a few tens of thousands of subscribers, according to analyst estimates. And the overall trajectory isn’t good. In reaction, Dish has been aggressive in keeping customer bills lower than those of its rivals. Dish’s subscriber-related expenses increased to $7.25 billion in 2012, up 6 percent from the previous year, which the company attributes to rising programming costs. By comparison, DirecTV spent more than $13 billion on programming in 2012 (and another $2 billion on service), about a 12 percent increase. “I’d venture to guess that Dish’s programming increases are among the lowest in the business,” says Jayant.

Still, that might not be enough. Dish now competes with such Internet-based TV services as Netflix and Hulu (subscribing to both costs only about a third of the $49.99 for a basic Dish package) as well as web-and-TV combos offered by the likes of Time Warner Cable and Comcast.

Unlike its rivals, Dish has struggled to expand into businesses other than satellite TV service. In 2011, it completed an acquisition of Blockbuster but couldn’t leverage the brand into a viable Netflix competitor. Dish has been attempting to do more with its wireless spectrum assets, which it has paid roughly $3 billion to acquire, but has been

frustrated by FCC roadblocks. The company lately has been attempting to get a wireless network service off the ground, holding talks with Google and making an aggressive bid to acquire part of 4G network pioneer Clearwire Corp.

For now, though, Dish remains a “one-trick pony,” in the words of analyst Jayant. Unlike Comcast, it doesn’t create any programming itself; unlike Time Warner Cable or Verizon, it isn’t able to offer triple play of television/Internet/phone service. What it has is the Hopper, which leads one lawyer defending the networks to conclude, “Ergen would rather ask for forgiveness than permission.”

Some legal observers believe that Dish will succeed in court. In November, a federal judge declined to grant a preliminary injunction to stop the Hopper and said that Fox faces an uphill road in arguing that Dish has committed copyright infringement and breached its contracts with the network. The judge wasn’t totally convinced of the legality of Dish’s system, however, and some attorneys believe the broadcasters ultimately will prevail.

“I think a court is going to side with the networks because of the economics, though a new [legal] test might need to be fashioned because this doesn’t fit the usual standards,” says Bryan Sullivan at Early Sullivan.

As the lawsuit plays out, Dish’s ability to stay in the game might depend on the outcome of coming carriage negotiations. Ergen will be making a multibillion-dollar bet that Disney can’t afford to walk away from Dish’s 14 million subscribers, but if it signs a new deal, it will send a signal that broadcasters have been a tad hyperbolic when it comes to the threat they allege the Hopper to be.

If the offer is not right, Dish could head down a new path. It might stream Disney’s ABC anyway, without a contract but in partnership with a company like Diller’s Aereo, whose own

technology of capturing over-the-air TV signals and transmitting them privately online likely will be hashed out in a messy trial. (Dish and Aereo reportedly have held talks with each other recently.) Or Dish could abandon the quickly growing cost of licensing ESPN's live sports to further position the satellite distributor as the cheap alternative in the marketplace. But that's undoubtedly risky.

Analysts are getting a little edgy. On a recent earnings call, Dish's management was asked to address what's going to happen.

"We are a big customer of Disney's," answered Clayton. "I would not expect them to take it down with the AutoHop as the reason." Added Ergen, "Our checks are pretty big." Dish pays Disney roughly $1 billion a year for ESPN alone. But that's not quite enough to settle the analyst community. "I have no idea what is going to happen," admits Jayant.

As the recent Dish-ESPN lawsuit highlighted, thanks to "most favored nation" provisions (which guarantee that no rival will get a better deal), subscriber rates are intertwined throughout the TV industry. If Disney accepts less than market value from Dish, it likely will have to give discounts to other distributors, too. And walking away from Dish might not necessarily mean losing all 14 million pay TV consumers if some of them defect to rival services. A recent survey by Lazard Capital found that 41 percent to 48 percent of pay TV subscribers would cancel or switch their service if they lost a top broadcast network, and 35 percent would cancel if they lost ESPN. "If anything, content's leverage over distributors is strengthening," concludes analyst Barton Crockett.

The last time Disney and Dish made a deal, in 2005, the negotiations took a year. Now, there's just a few months until the license expires in September, and the very dealmakers who will be meeting with one another just sat uncomfortably side by side for three weeks in a courtroom.

Disney declines comment about whether it would look past the Hopper, whose legality likely will not be settled before the two sides need to make a deal. A Disney spokesperson says any renewal with Dish would “be consistent with established marketplace terms.” Dish’s Shull won’t say whether Ergen or his execs have met with Disney, but says he hopes that the two companies will be able to work out their differences.

Is Ergen about to get comeuppance for his nasty behavior? Or will broadcasters bow to what many believe is the inevitable evolution of the ad business? By year’s end, the outcome of the Disney-Dish negotiations could signal where the industry is headed.

“For some folks, it becomes personal,” says Shull. “For me, it’s business. There’s always some difference of opinion, but with billions of dollars at stake, greed usually wins out.”

S. Tahoe puts some teeth into dog ordinance

By Kathryn Reed

Less than four months after South Lake Tahoe’s less restrictive vicious dog ordinance became the law of the land, the council on Tuesday unanimously agreed to make tweaks to it.

No longer will a hearing officer resolve matters. All dog bite cases will be heard in Superior Court.

“We believe the hearings are too contentious for city staff to hear,” Michael Eng in the South Lake Tahoe City Attorney’s

Office told the council April 2. (Eng has been an intern for the last 15 months and April 3 is his last day with the city.) “People are passionate about their animals. I believe a formal court hearing is the proper venue.”



Dogs play at the South Lake Tahoe Dog Park. Photo/LTN file

Dog-on-dog attacks will be labeled as a vicious dog attack. Eng said the community and county were dismayed this had been changed.

While staff recommended the vicious dog designation be made after two unprovoked dog-on-dog attacks in a 24-month period, the council changed that to one attack in 24 months.

Karen Kuentz, president of Animal Coalition Tahoe and nine-year volunteer at the shelter in Meyers, told the council she would like vicious dogs to have to wear a muzzle off their property. The council did not agree to that.

The ordinance gives judges leeway in making decisions. For instance, with the county ordinance it treats all dog bites as equal. The city ordinance would allow a judge not to punish a dog and its owner if the bite were accidental; for instance if someone is playing tug-of-rope with a dog and the dog in play bites a person. If that person goes the hospital for a dog bite, animal control is called and it becomes a court case. The judge, per city ordinance, can see the gray area of the

case and not work in a black and white vacuum.

The city attorney will also no longer have authority in determining when a dog can be released to its owner. The reasoning is that person is no dog expert.

The passage of the original ordinance in November was in large part initiated by then Councilman Bruce Grego. According to an El Dorado County Animal Control officer, his office was not contacted by the city prior to last fall's passage of the ordinance or while it was being crafted.

There has been much contact in the last four months between the city and Animal Control.

Henry Brzezinski, who heads the county Animal Control, told the council, "This is a step in the right direction to deal with some of the issues we've encountered with the new ordinance. The dog on dog is quite important. Our mantra is public safety."

Brzezinski also believes the county dog ordinance is effective and didn't see a need for the city to loosen what was in place.