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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

In the Matter of	)	
	)	
Closed Captioning and Video Description of Video Programming	)	MM Docket No. 95-176
	)	

DOCKET FILE COPY ORIGINAL

COMMENTS OF THE WEATHER CHANNEL

Stanley Hunter

The Weather Channel
Executive Vice President - Programming
2600 Cumberland Parkway
Atlanta, GA 30339

March 15, 1996

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COMMENTS OF THE WEATHER CHANNEL

The Weather Channel respectfully files its comments on the Notice of Inquiry in the above-captioned proceeding.[1]

I. BECAUSE OF ITS UNIQUE NATURE, THE WEATHER CHANNEL SERVICE IS ALREADY ACCESSIBLE TO THE HEARING-IMPAIRED.

The Weather Channel has been in business for nearly 14 years providing local, regional, national, and international weather information including current conditions, forecasts, and important severe weather bulletins. Since 1989, The Weather Channel has served as a distributor of evacuation and emergency shelter information associated with natural disasters and weather-influenced technological hazards such as toxic chemical

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[1] In the Matter of Closed Captioning and Video Description of Video Programming, MM Docket No. 95-176 (released December 4, 1995).

spills and nuclear power plant emergencies. Emergency officials use the service to advise the public when it is safe to reenter evacuated regions. The American Red Cross, American Lung Association, U.S. Forest Service, Federal Emergency Management Association, and many others have cited the life-saving value of The Weather Channel programming. We take our public service role very seriously and are committed to providing essential weather-related information to all consumers.

The Weather Channel is a graphically intensive 24 hour weather information service. Our goal is to communicate weather forecasts and information in a manner that can easily be understood by consumers. We have two main programming components: 1) national product (which includes some regional information); and 2) local product (which also includes some regional information.) Pictorial examples of both our national and local products are attached to these comments. Because our presentation of information is highly visual, consumers can easily view our service without the audio and still clearly understand the content.

Our national product communicates with graphs, labels, and/or scales which in essence "caption" our entire product. In fact, the addition of closed captioning to our programming would block important information on our maps and graphics which would not be in the best interest of the consumers. Based upon our tracking of viewer complaints over the years, map blockage (even

by our on-air talent) has been one of our viewers' primary concerns.

Through the use of our proprietary technology, The Weather Star®, The Weather Channel delivers thousands of local forecasts simultaneously. We trigger a graphic device at each cable headend which is inserted into our national feed. This local product (which airs six times per hour) is 100% text and graphics which clearly depict the impact of the current and forecast local/regional weather on the viewer. The audio consists entirely of a music bed with no voice-over. Results from research conducted in December 1995 clearly showed that some consumers preferred no voice during the local forecast. In fact, some said they would turn our sound off if we added meteorological voice-overs.

The delivery of severe weather bulletins is of the utmost importance to The Weather Channel. Through the same technology which delivers the local product, severe weather bulletins containing potentially life-saving information are sent to viewers within seconds of the time they are issued and are scrolled in text form followed by an on-going crawl containing the severe weather information. There is no audio support for these essential messages. All viewers can easily read and understand the information.

Because of the unique nature of The Weather Channel programming, there is no reason to impose closed captioning requirements on our programming. In fact, as noted, carriage of

such captioning information would likely reduce the value of our programming to consumers by blocking graphical elements that are an integral part of our service.

II. THE COMMISSION SHOULD EXEMPT THE WEATHER CHANNEL FROM CLOSED CAPTIONING REQUIREMENTS BASED ON THE ECONOMIC BURDEN WHICH CLOSED CAPTIONING WOULD IMPOSE ON THE WEATHER CHANNEL.

A closed captioning requirement would impose a significant ongoing economic burden on The Weather Channel. At a minimum, the audio for The Weather Channel's national programming feed -- which contains primarily live ad-libbed content from the meteorological expertise of our on-air talent -- would have to be captioned in real-time by "steno-captioners." This is a unique skill different from a typical stenographer. According to Tom Apone, the Director of Operations of The Captioning Center, steno-captioners require an average annual salary of $50,000 (plus benefits). Based on our 24-hour, seven-day-a-week, operating schedule (assuming that a steno-captioner could do 4-5 hours live per shift), we would need 12 steno-captioners totaling $600,000 per year in salaries alone. Further, we would need two caption work stations ($1,000), two Personal Computer's ($4,000), captioning software ($12,000), keyboards ($3,000), EEG Smart encoders ($12,000) and monitors/headphones ($1,000) for a total of $33,000 in equipment. Training requirements would add related costs over a six month training period.

Perhaps the more significant impact of steno-captioning is the two second delay for the resulting data stream. Our network

uses an automated system for data dissemination which requires real time data. Although we are unsure as to the precise amount of the costs associated with the integration of delayed data into an automated real time system, such costs would be, in the best case scenario, substantial, thereby imposing an even greater economic burden on The Weather Channel.

Since the Telecommunications Act of 1996 authorizes the Commission to exempt from closed captioning requirements "programs, classes of programs, or services" based on such economic burdens,[2] The Weather Channel respectfully requests that the Commission exempt it from any closed captioning requirements which the Commission may adopt.

Such an exemption is especially warranted given that, as demonstrated above (and as depicted in the attached illustrations), the nature of The Weather Channel services ensures the availability of essential weather information to all viewers, including the hearing impaired, without the need for closed captioning.[3]

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2 See 1996 Act, § 305, adding new section 713(d) to the Communications Act of 1934, as amended. The House Report to the 1996 Act specified that such an exemption should be granted using the information collected during the instant Notice of Inquiry See House Report at 114.

3 The Weather Channel is sensitive to the needs of the hearing impaired. Though our special taped presentations are not the core of our on-air product (airing only 3 or 4 documentaries per year in their entirety with segments of these shows now running every Saturday and Sunday at noon), we have been using closed captioning for these programs since 1988.

CONCLUSION

The Weather Channel already ensures the availability of essential weather information to all viewers, including the hearing impaired, without the addition of closed captioning. In light of this capability and the economic burden that would be imposed on The Weather Channel by a closed captioning requirement, we respectfully request that the Commission invoke its authority under new section 703(d) of the Communications Act to exempt The Weather Channel from any closed captioning requirements that the Commission may adopt.

Respectfully submitted,

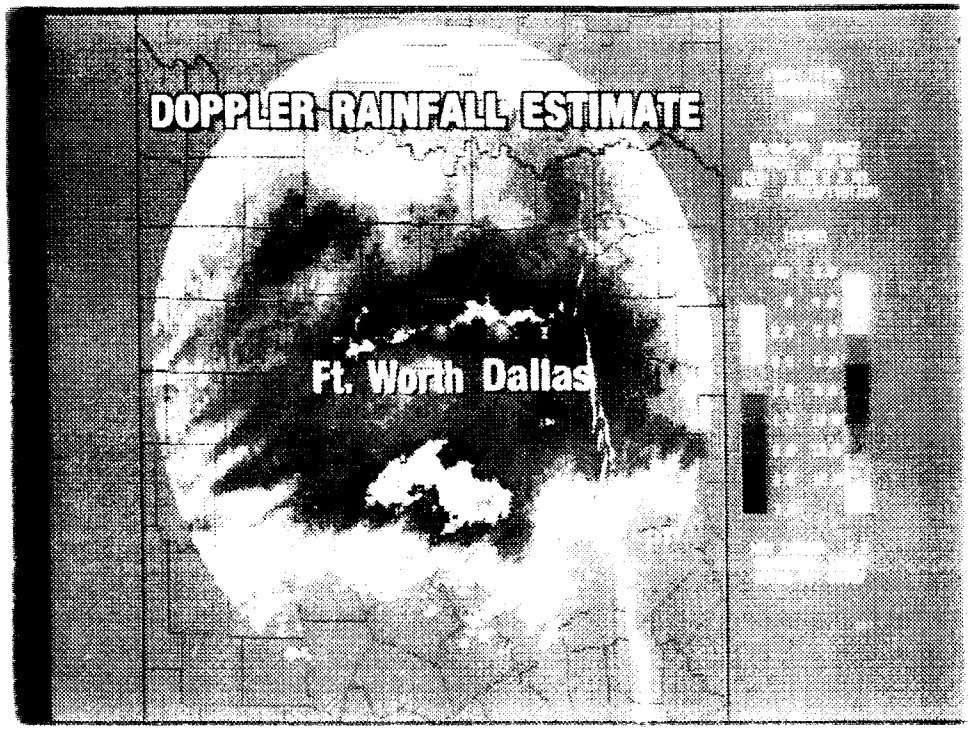
THE WEATHER CHANNEL

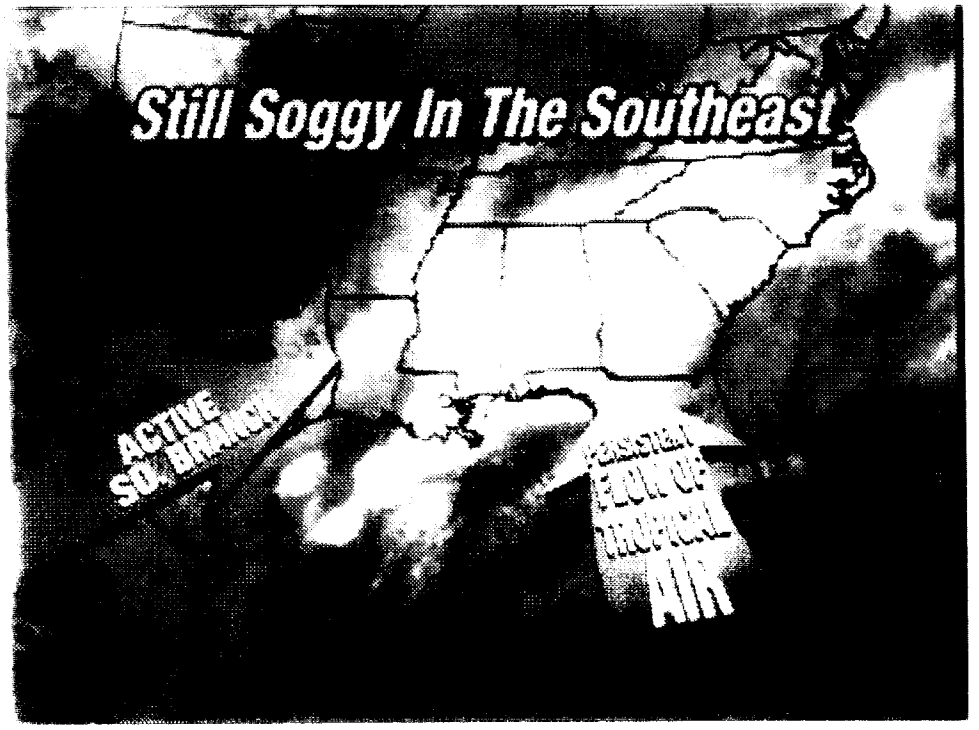
Stanley Hunter / FMB

Stanley Hunter

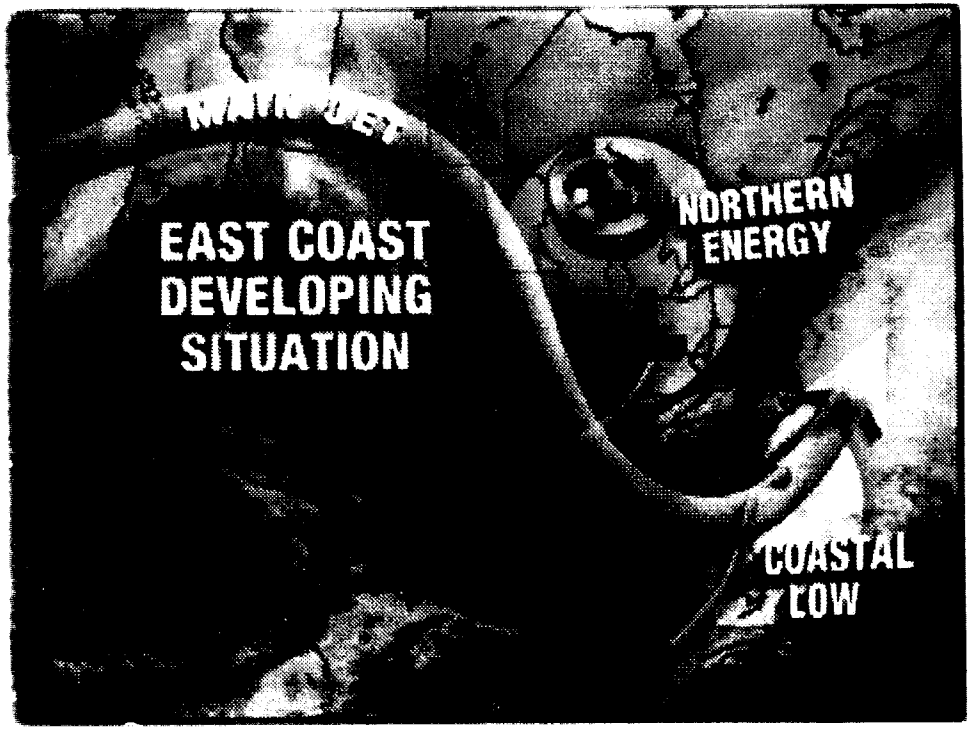
The Weather Channel
Executive Vice President - Programming
2600 Cumberland Parkway
Atlanta, GA 30339

March 15, 1996

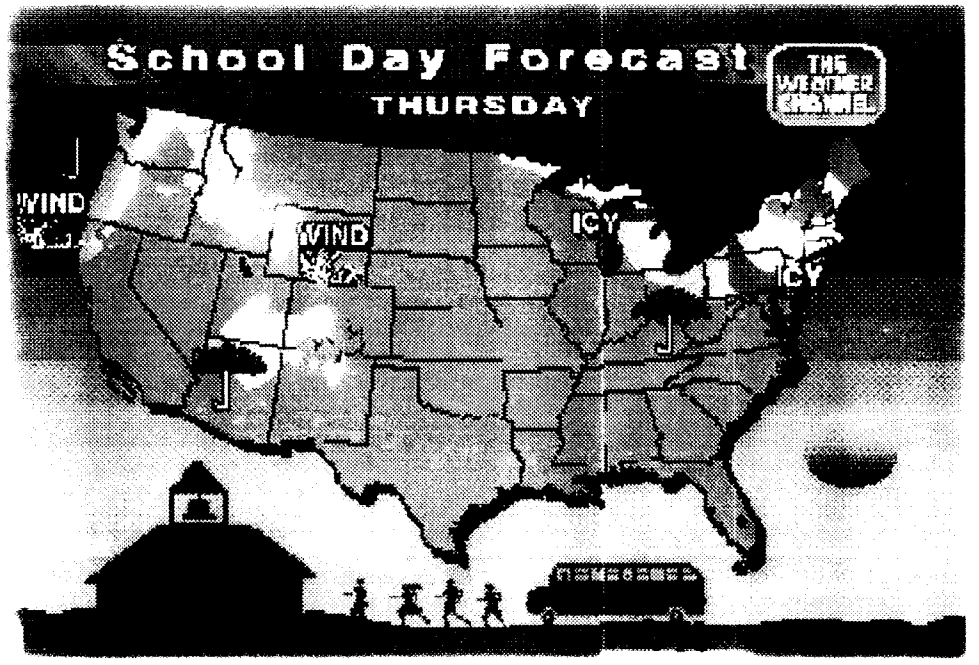

DOPPLER RAINFALL ESTIMATE
Ft. Worth Dallas

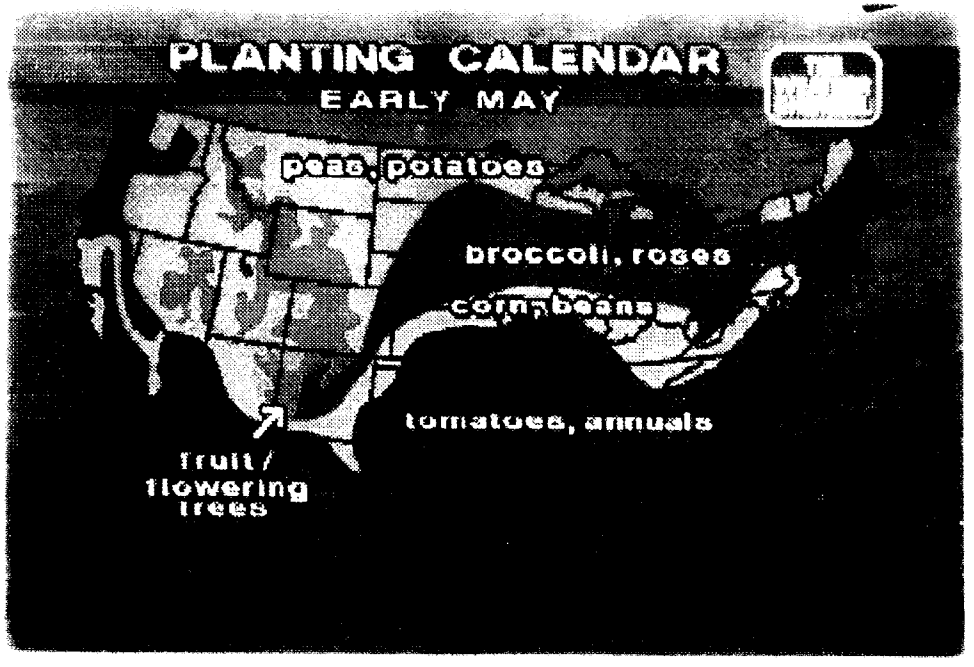

Still Soggy In The Southeast
ACTIVE SO. BRANCH
PASSING FLOW OF TROPICAL AIR

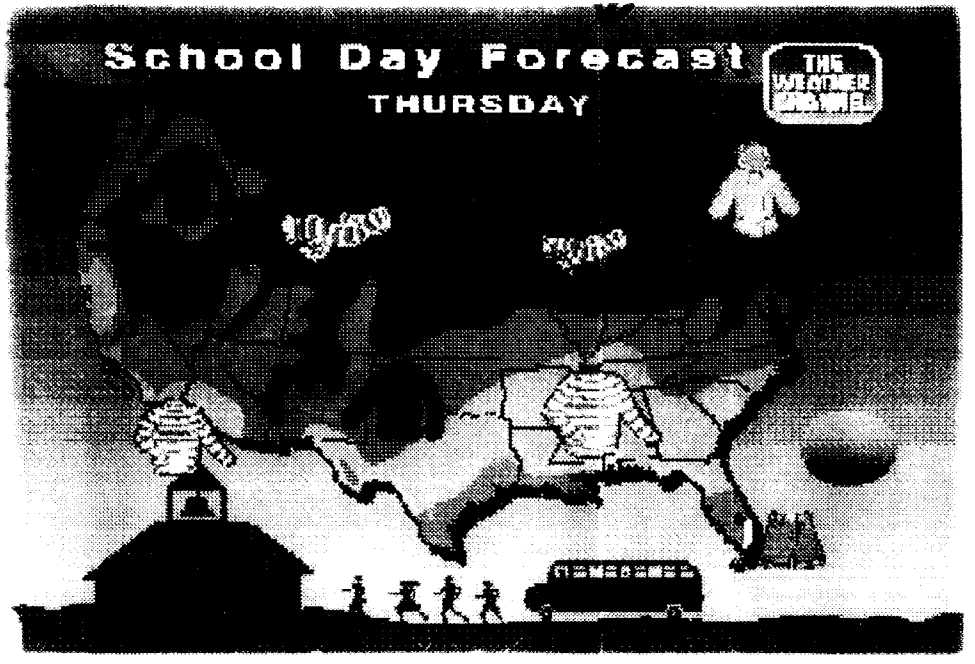

NORTHERN BRANCH
WARM
SOUTHERN BRANCH

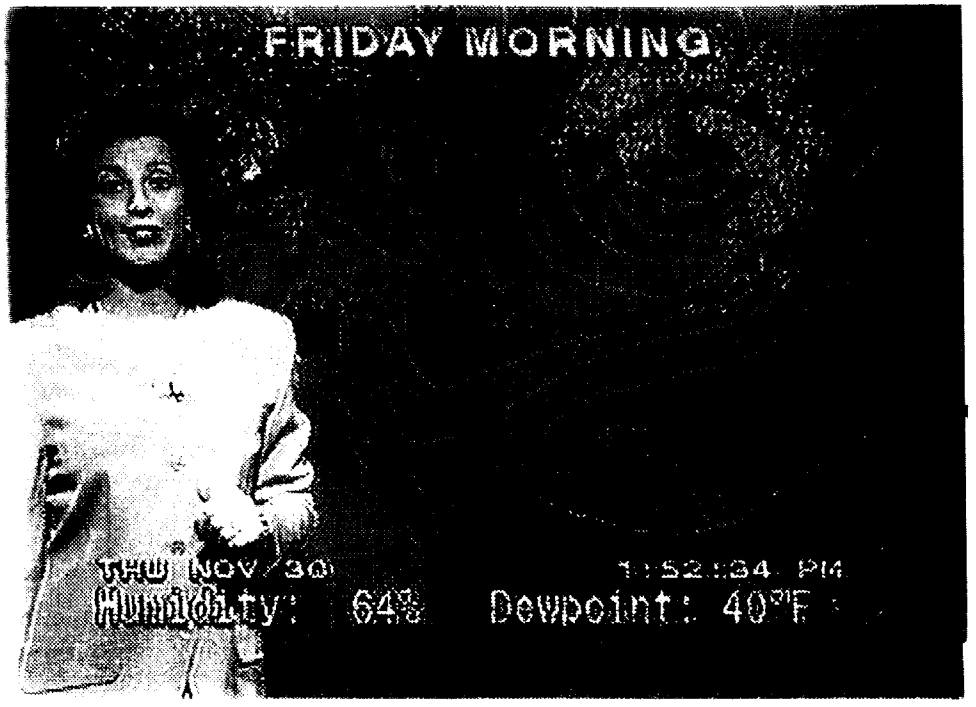

EAST COAST
DEVELOPING
SITUATION
NORTHERN
ENERGY
COASTAL
LOW

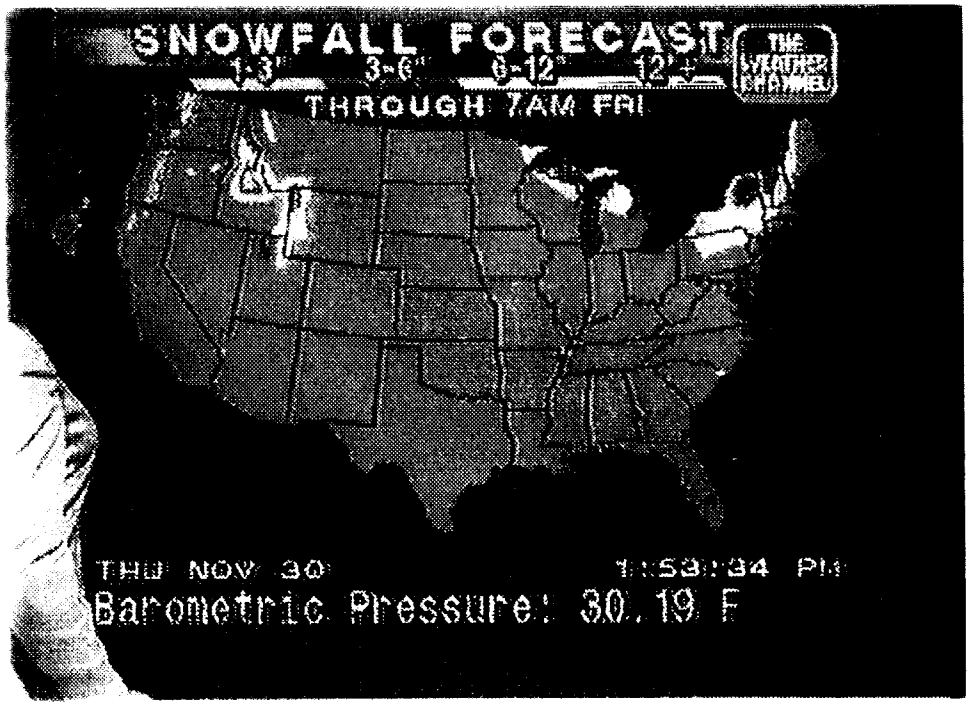

PLANTING CALENDAR
EARLY MAY
peas, potatoes
broccoli, roses
corn, beans
tomatoes, annuals
fruit/
flowering
trees

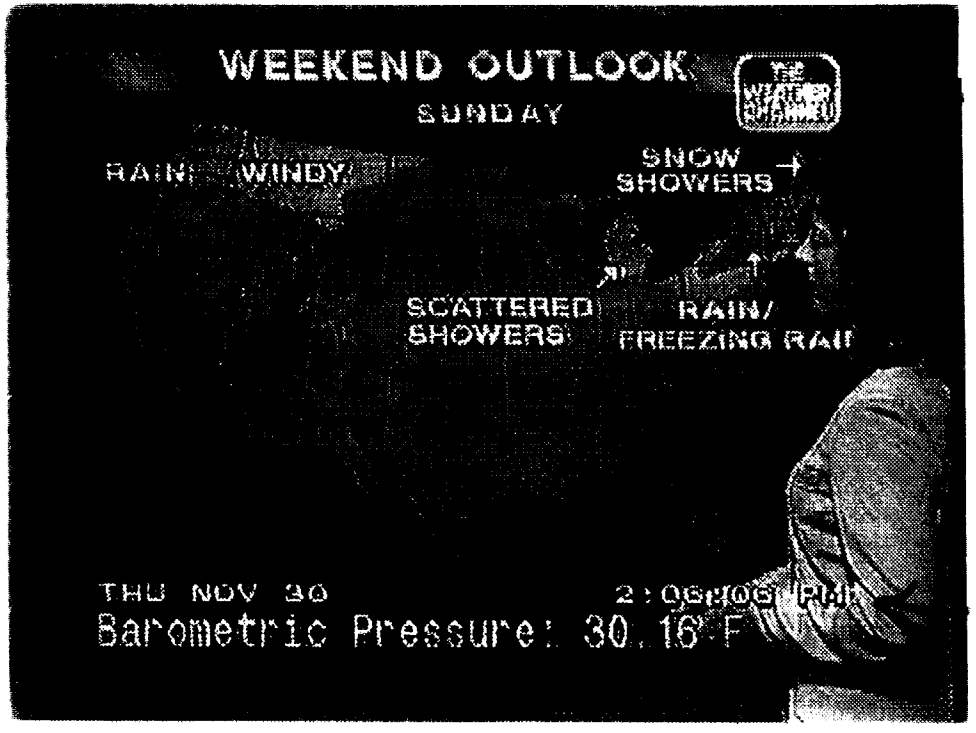

School Day Forecast
THURSDAY
THE WEATHER CHANNEL
WIND
WIND
ICY
ICY

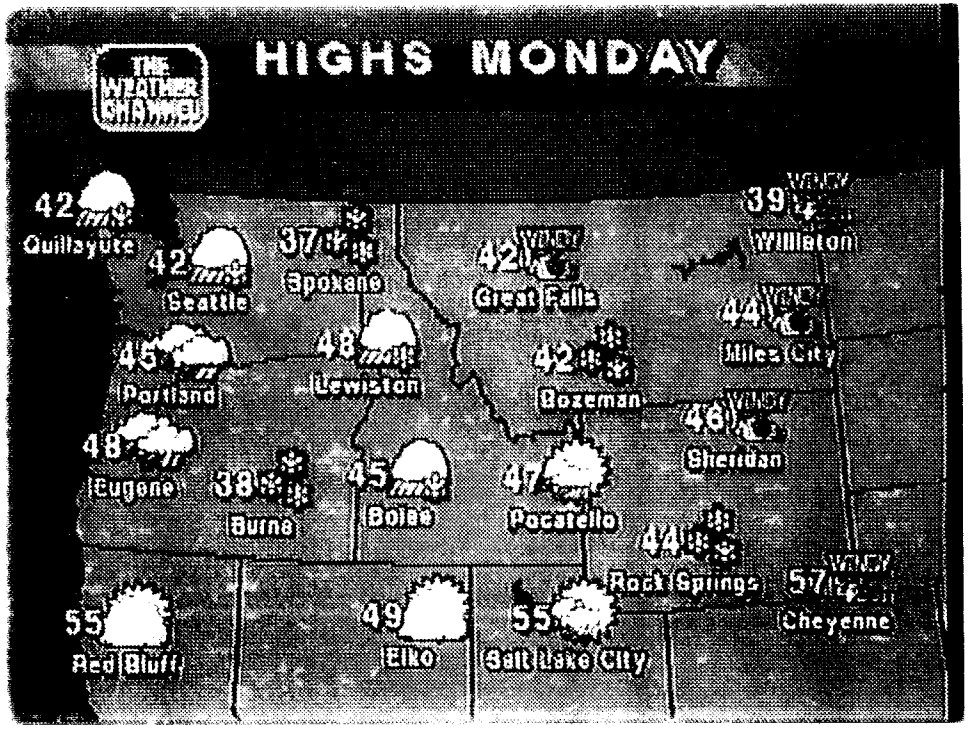

PLANTING CALENDAR
EARLY MAY
peas, potatoes
broccoli, roses
corn, beans
tomatoes, annuals
fruit/
flowering
trees

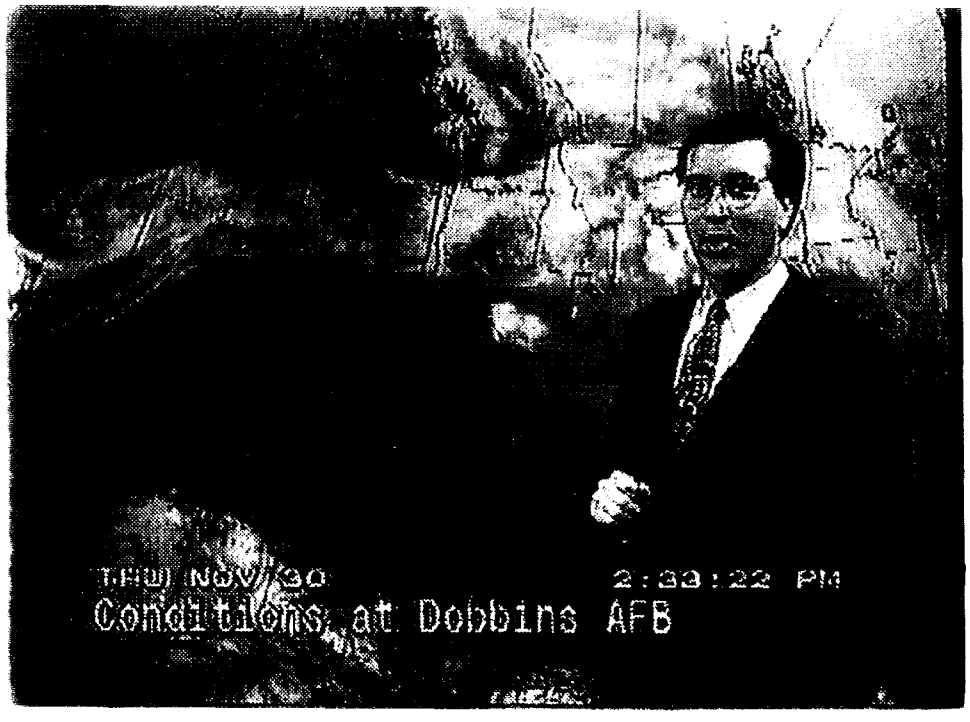

School Day Forecast
THURSDAY
THE WEATHER CHANNEL

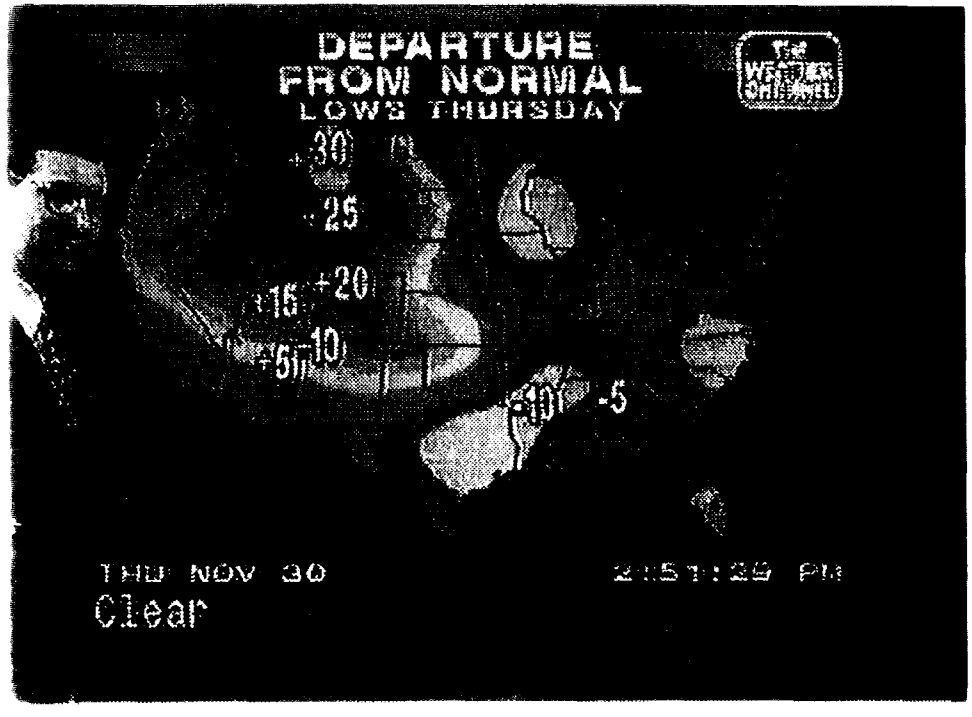

FRIDAY MORNING
THU NOV 30
1:52:34 PM
Humidity: 64%
Dewpoint: 40°F

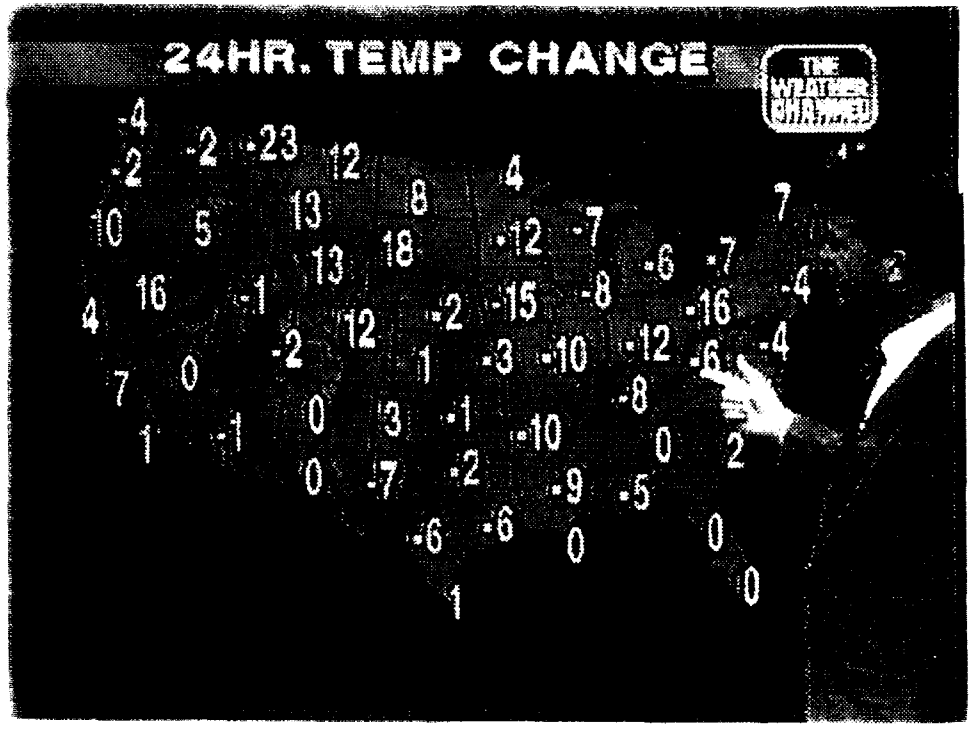

SNOWFALL FORECAST
1-3"
3-6"
6-12"
12"+
THE WEATHER CHANNEL
THROUGH 7AM FRI
THU NOV 30
1:53:34 PM
Barometric Pressure: 30.19 F


WEEKEND OUTLOOK
THE WEATHER CHANNEL
SUNDAY
RAIN
WINDY
SNOW SHOWERS
SCATTERED SHOWERS
RAIN/ FREEZING RAIN
THU NOV 30
2:06:06 PM
Barometric Pressure: 30.16 F

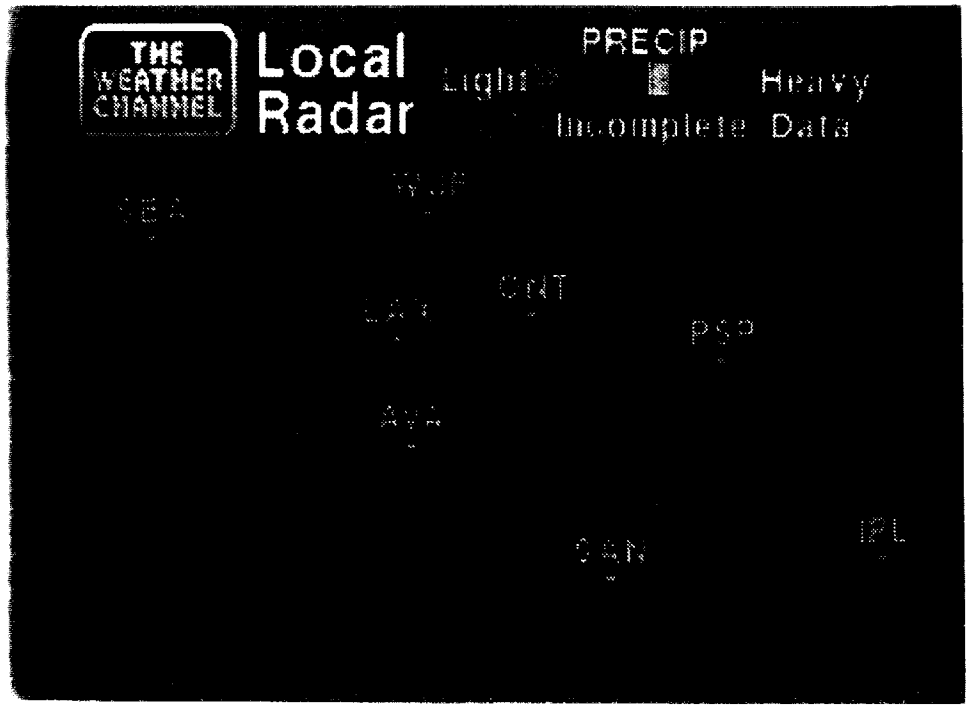

THE WEATHER CHANNEL
HIGHS MONDAY
42 Quillayute
42 Seattle
37 Spokane
42 Great Falls
39 Williston
44 Miles City
45 Portland
48 Lewiston
42 Bozeman
46 Sheridan
48 Eugene
38 Burns
45 Boise
47 Pocatello
44 Rock Springs
57 Cheyenne
55 Red Bluff
49 Elko
55 Salt Lake City

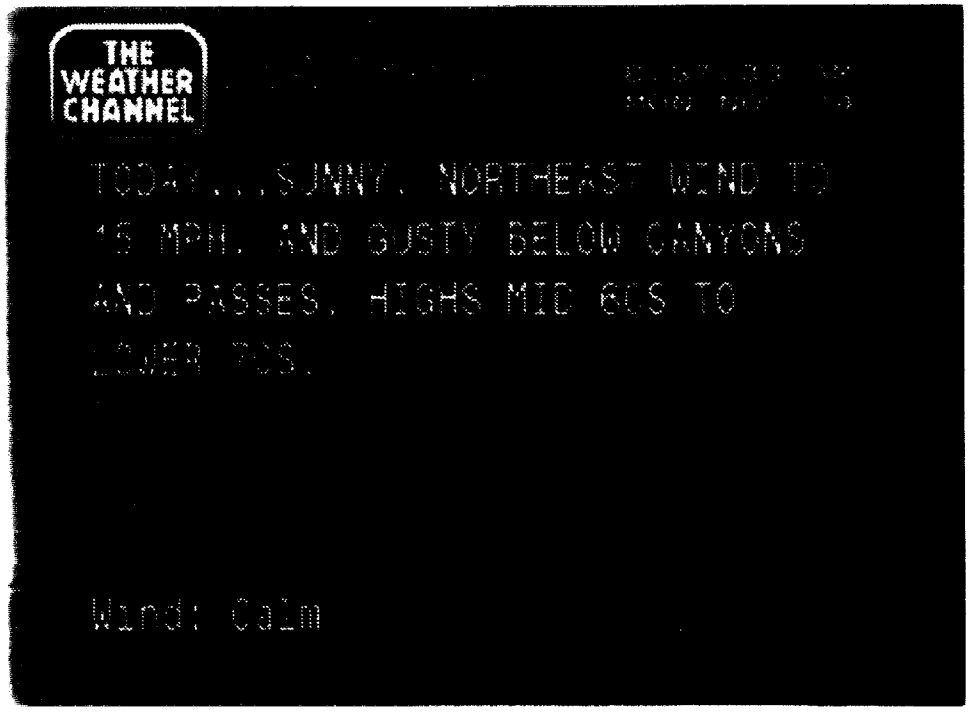

THU NOV 30
2:33:22 PM
Conditions at Dobbins AFB

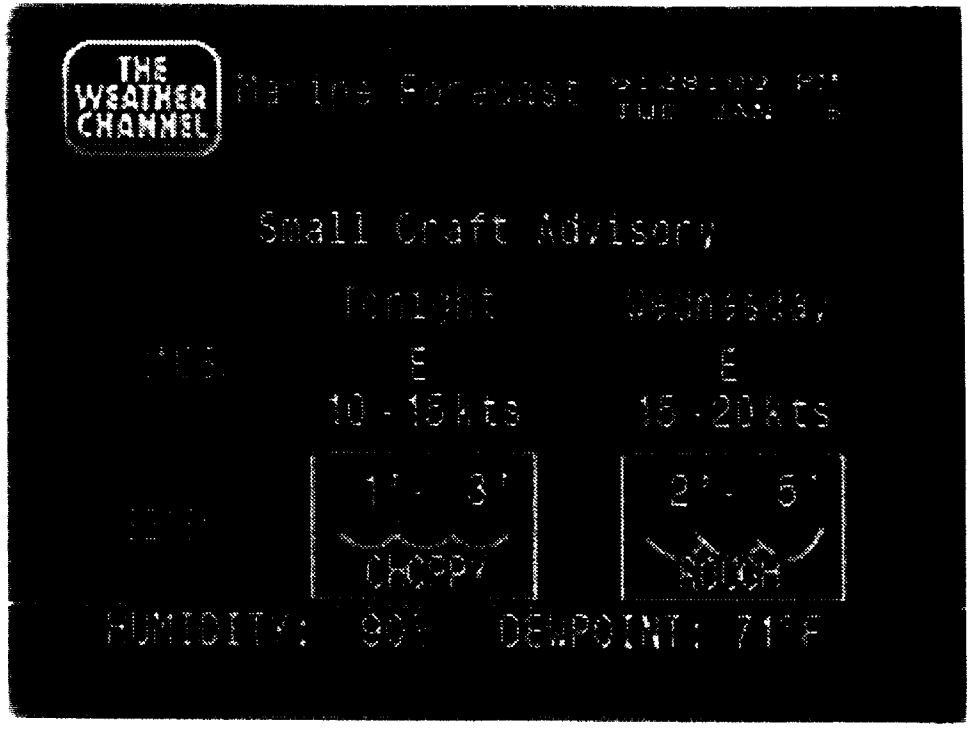

DEPARTURE
FROM NORMAL
LOWS THURSDAY
THE WEATHER CHANNEL
+30
+25
+20
+15
+10
+5
-5
THU NOV 30
2:51:29 PM
Clear


24HR. TEMP CHANGE
THE WEATHER CHANNEL


WEDNESDAY'S
JET STREAM


THE WEATHER CHANNEL
Local Radar
PRECIP
Light
Heavy
Incomplete Data
SBA
WJF
GRT
LAX
PSP
AVX
IPL
OGN


THE WEATHER CHANNEL
TODAY...SUNNY. NORTHEAST WIND TO
15 MPH. AND GUSTY BELOW CANYONS
AND PASSES. HIGHS MID 60S TO
LOWER 70S.
Wind: Calm


THE WEATHER CHANNEL
Marine Forecast
Small Craft Advisory
Tonight
Wednesday
E
10 - 15kts
E
15 - 20kts
CHOPPY
ROUGH
HUMIDITY: 95%
DEWPOINT: 71°F


THE WEATHER CHANNEL
Regional
Observations
Las Vegas
Bakersfield
Daggett
Flagstaff
Los Angeles
Palm Springs
Phoenix
San Diego
Yuma
Humidity: 28%
Dewpoint: 24°F

CONDITIONS AT HOBBY ARPT
MOSTLY CLOUDY
TEMP: 80°F HEAT INDEX: 85°F
HUMIDITY: 76% DEWPOINT: 72°F
BAROMETRIC PRESSURE: 29.91 R
WIND: SSE 13 MPH
VISIB: 15 MI. CEILING: 25000 FT.

WED NOV 2 5:27:10 PM
HUMIDITY: 76% DEWPOINT: 72°F

EXTENDED FORECAST

THURSDAY	FRIDAY	SATURDAY
PARTLY CLOUDY	WINDY	WINDY
LO: 42	LO: 46	LO: 40
HI: 58	HI: 60	HI: 65

TUE NOV 15 8:08:09 AM
BAROMETRIC PRESSURE: 30.07 IN.

YOUR NWS FORECAST

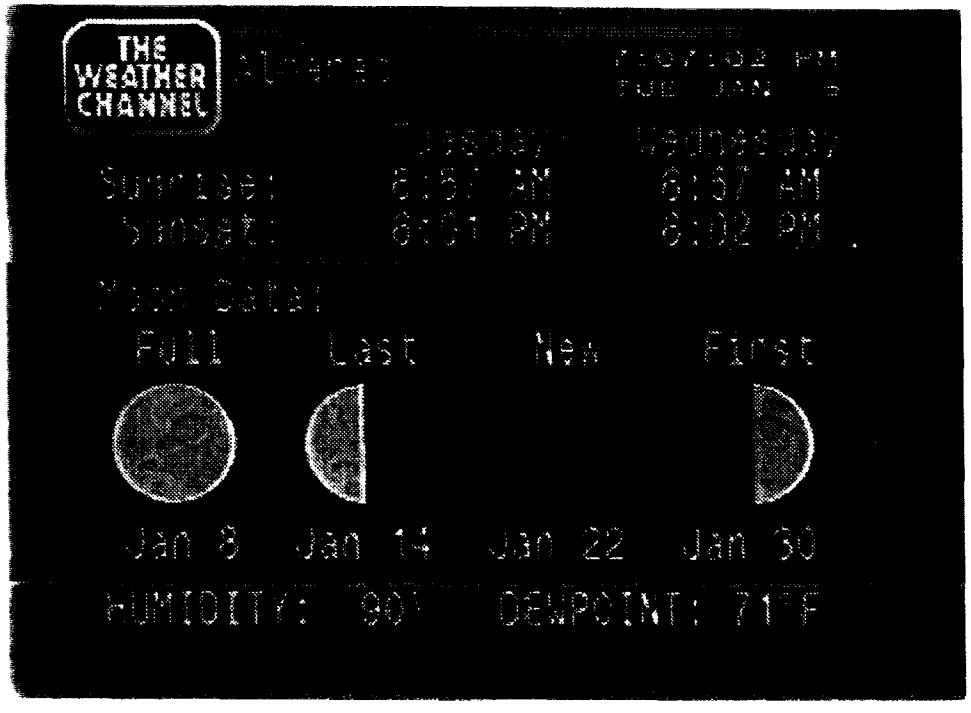
TODAY...MOSTLY SUNNY. SOUTHWEST AFTERNOON WIND TO 15 MPH. HIGHS 60S TO NEAR 70.

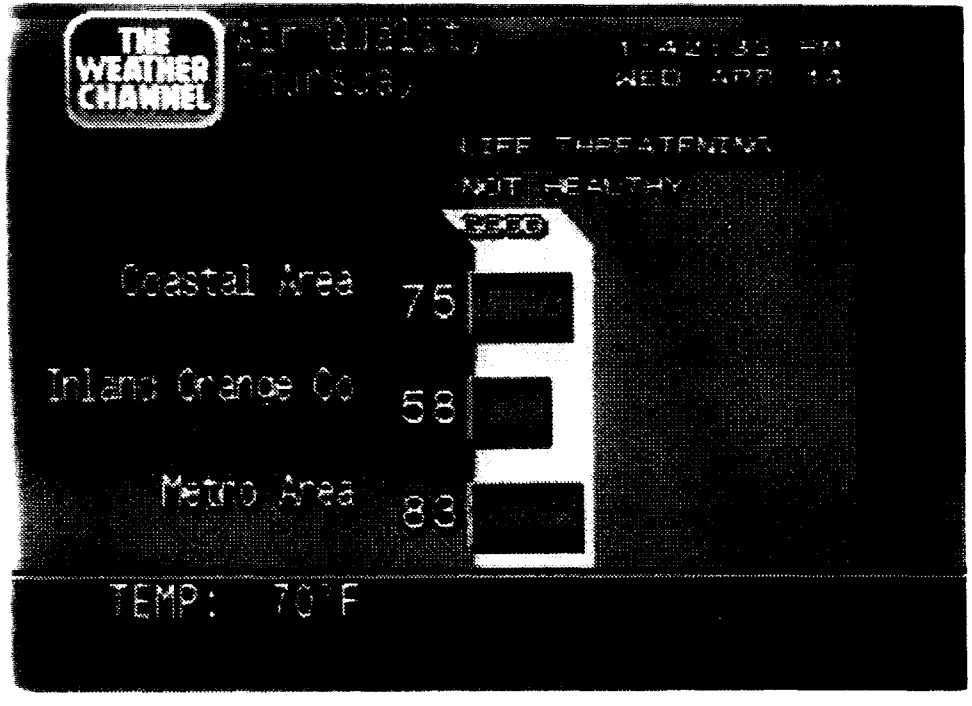
TUE NOV 15 7:45:21 AM
CLEAR

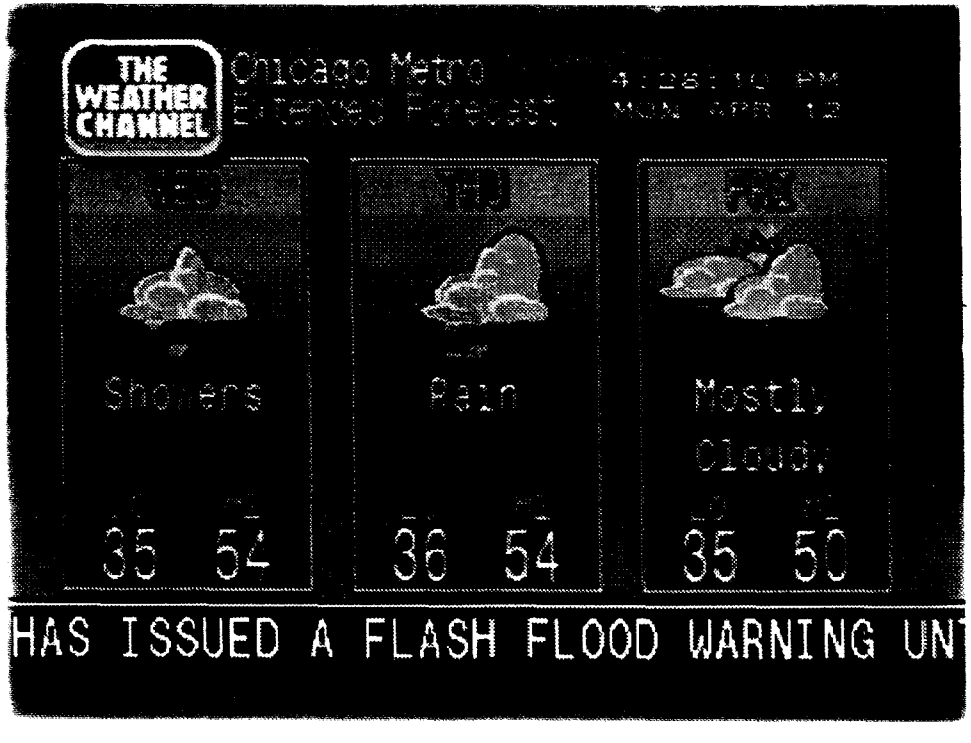
CONDITIONS ACROSS THE REGION

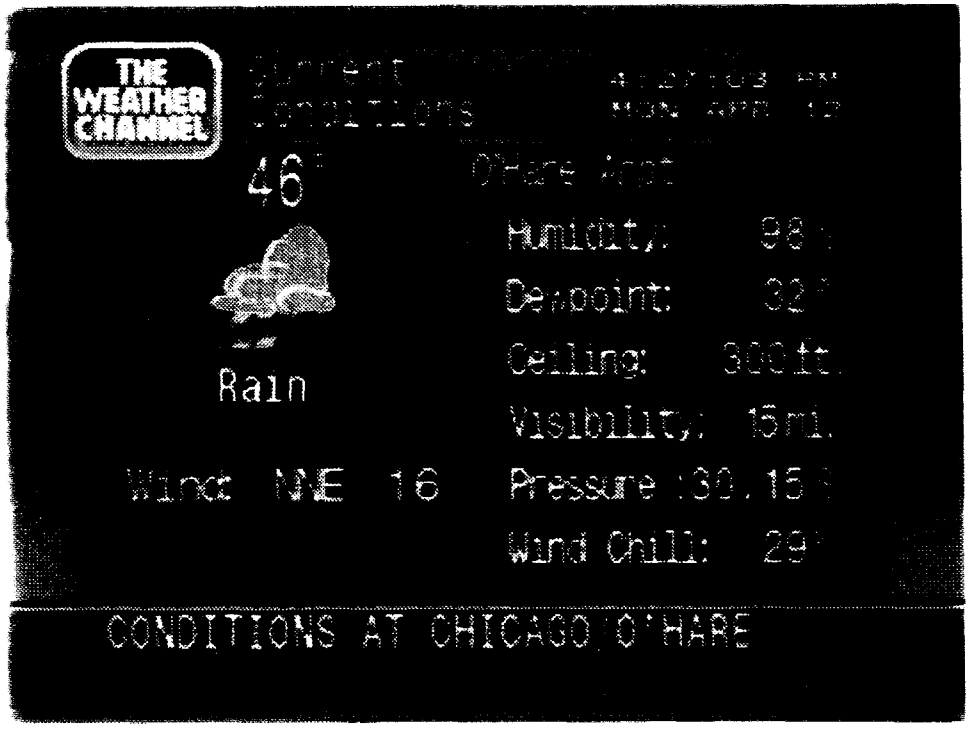
CITY	WEATHER	°F
LANCASTER	CLEAR	22
MIRAMAR	CLEAR	42
SAN DIEGO	CLEAR	46
SAN FRANCISCO	CLOUDY	51
SANTA BARBARA	CLEAR	37
SANTA MONICA	CLEAR	55
TORRANCE	CLEAR	47

TUE NOV 15 7:45:51 AM
TEMP: 44°F


THE WEATHER CHANNEL
Tuesday
Wednesday
Sunrise:
Sunset:
Moon Data:
Full
Last
New
First
Jan 8
Jan 14
Jan 22
Jan 30
HUMIDITY:
DEWPOINT:


THE WEATHER CHANNEL
Air Quality
Thursday
LIFE THREATENING
UNHEALTHY
Coastal Area
75
Inland Orange Co
58
Metro Area
83
TEMP:


THE WEATHER CHANNEL
Chicago Metro
Extended Forecast
WED
Showers
35
54
THU
Rain
36
54
FRI
Mostly Cloudy
35
50
HAS ISSUED A FLASH FLOOD WARNING UNT


THE WEATHER CHANNEL
Current
Conditions
46
Rain
Wind: NNE 16
O'Hare Intl
Humidity:
Dewpoint:
Ceiling:
Visibility:
Pressure:
Wind Chill:
CONDITIONS AT CHICAGO O'HARE