DOCKET FILE COPY ORIGINAL

RECEIVED

FEB 2 8 1997

Federal Communications Commission
Office of Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Closed Captioning and Video Description of Video Programming	)	
	)	MM Docket No. 95-176
Implementation of Section 305 of the Telecommunications Act of 1996	)	
	)	
Video Programming Accessibility	)	

February 28, 1997

Comments of
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION

The following are the comments of the National Collegiate Athletic Association (NCAA) in response to the proposed regulations of the Federal Communications Commission (FCC), MM Docket No. 95-176, FCC 97-4 (1997), relating to rules and implementation schedules for the closed captioning of video programming.

I. Introduction:

The NCAA is a tax-exempt, unincorporated association of approximately 1,150 colleges, universities, conferences and related organizations devoted to the regulation and promotion of intercollegiate athletics for male and female student-athletes. Institutional membership in the NCAA is segmented into three divisions, largely based on the size and nature of the institution's intercollegiate athletics program.[1]

---

[1] Each member of the NCAA is designated as a member of Division I, II or III for certain legislative and competitive purposes. Generally, the differences in classifications include sports sponsorship minimum criteria, football and basketball scheduling requirements, academic and eligibility requirements and financial aid limitations. In the sport of football, Division I is divided into Division I-A and Division I-AA. Division I-A members are required to meet minimum paid football attendance criteria.

No. of Copies rec'd 0+11
List ABCDE

Television has played an enormous role in the growth of sports, particularly in intercollegiate athletics. Televised college sports programming provides exposure for athletics teams at both large and small institutions, while serving as a valuable vehicle with which to communicate with alumni and to promote all facets of a university to a larger audience. Furthermore, college sports programming impacts youth by providing positive role models and emphasizing the important benefits of college and participation in athletics. As such, the NCAA recognizes the importance of continued access to this medium. Below, the NCAA offers comments on the FCC's proposed regulations as it relates to future broadcasts of NCAA championship events. In addition, the NCAA outlines some of its concerns regarding the impact of these regulations on our diverse membership, consisting of over 900 Division I, II and III higher education institutions.[2]

II. NCAA Championship Programming on Major Broadcast and National Cable Television Networks and Selected Regional Cable Television Networks.

The NCAA sponsors 81 collegiate national championships in 22 sports. Currently, complete or partial televised coverage of NCAA championships is provided in 17 sports. This programming consists of approximately 318 broadcast hours and is carried on CBS, ESPN and selected regional cable networks. The NCAA produces 66 hours of this programming, which includes the broadcasts of seven national championships. It is important to note that the NCAA oversees only the broadcasts of NCAA championship events. Agreements for the production and broadcast of regular season college athletics events are

[2] Presently, there are 305 institutions in Division I, 246 institutions in Division II, and 351 institutions in Division III.

administered by NCAA colleges, universities and affiliated athletic conferences and are not in the purview of the NCAA.

As the copyright holder and, at times, the program producer, the NCAA is committed to ensuring that all NCAA televised national championships are real time closed captioned to assist viewers with hearing disabilities. The proposed regulations acknowledge the closed captioning of regional coverage of the 1995 and 1996 NCAA Men's Basketball tournament as a notable exception in the area of regional sports broadcasts.[3] This year, coverage of the entire 1997 NCAA Division I Men's Basketball Tournament and the quarterfinal rounds and the Final Four of the Division I Women's Basketball Tournament, on CBS and ESPN respectively, will include real time closed captioning.

The NCAA recognizes that broadcasts of NCAA championship events reach a national audience and are, in most cases, supported by a large production budget. Currently, the NCAA and its broadcast partners already caption approximately 44 percent of the total telecast hours of NCAA championships. The NCAA will work with its broadcast partners to ensure that the remaining NCAA championships are closed captioned and that this is achieved well before the end of the proposed phase-in period.

III. Local and Regional Broadcasts of College Sports Programming.

The addition of Section 713(d)(1) to the Communications Act of 1934 provides for an exemption of video programming where the requirement to close caption programming would be economically burdensome. In paragraph 84 of the proposed regulations, the Commission seeks comments on the types of sports programming that would fall into

[3] MM Docket No. 95-176, at paragraph 13.

this category. The NCAA is concerned that a large number of its member institutions and conferences may be economically burdened by the additional costs of closed captioning local and regional college sports programming.

Most NCAA institutions do not receive any significant broadcast rights fees from telecasts of their sports teams. The vast majority of institutions have limited television exposure opportunities. However, these opportunities, even if limited to one or several telecasts (to small audiences), are vital to the individual institutions and their conferences. In many cases, no broadcast rights fees are paid by the television entity and the institution or conference funds all, or a large portion, of the production costs associated with the broadcast of the game. The NCAA is concerned that the added expense of real time closed captioning may make it prohibitive for some institutions and conferences to afford to underwrite future broadcasts of college sports.

A. Local College Sports Programming.

The Commission has acknowledged, in paragraph 84 of the proposed regulations, that closed captioning of locally produced college sports programming may be economically burdensome. Most NCAA member institutions face a significant economic burden in financing the production costs of local broadcasts. While local college sports telecasts frequently do not attract large audiences, local television does provide a unique opportunity for the team and its university to reach alumni groups and the community at-large. Frequently, institutions are responsible for production costs that range from $3,000 to $18,000 (depending on the nature of the contest and size of the production staff needed). This places severe constraints on many Division I, II and III colleges and universities who are already

operating under extremely tight budgets. This is significant when considering that even the average Division I-A athletics department budget operates at a deficit of 237,000.[4] According to WGBH Educational Foundation, the cost of providing live closed captioning ranges from $300 - $1,200 per hour.[5] Given the fiscal realities of most college athletics department budgets, the added costs of closed captioning would likely reduce the amount of local college sports programming aired on local television. Under this scenario, everyone may lose, including those who have hearing disabilities.

In addition, paragraph 24 of the proposed regulations indicates that real time captioning resources may be limited and that only 100 - 500 real time captioners exist nationwide. The NCAA is concerned that the costs for these services may escalate even higher in the short term, and that institutions in remote locations may have trouble securing the services of real time captioners.

The economic burden of providing real time closed captioning also significantly impacts those universities and colleges who receive no broadcast rights fees but whose local broadcast station produces one or more games for a small viewing audience. A Division I institution located in the Boston area provides a typical example. This past year, the local broadcast station agreed to produce and telecast six Division I-AA football games featuring the institution's team. These were the only football games of the institution that received television exposure. The local broadcast station's production costs were valued at

---

[4] NCAA and Fulks , Revenues and Expenses of Division I and II Intercollegiate Athletic Programs (1995), at 10. The average is based on total revenues and expenses, excluding any institutional support. In addition, the average Division II athletics department operates at an $842,000 deficit when institutional support is excluded from the budget.
[5] *see* WGBH Response to Notice of Inquiry, at paragraph 83.

$3,000 a game. Each telecasts was broadcast to 120,000 households, with only a small audience tuning in to the institution's games. If $300-$1,200 an hour for closed captioning are added to the local broadcast station's production costs, its production budget may need to be increased by as much as 120 percent for the upcoming season. Based on these additional costs, there is a very real concern that the local broadcast station will eventually discontinue its telecasts of these games. In such cases, universities may not be able to subsidize the additional costs of closed captioning, often times, resulting in the loss of college sports programming.

Requiring real time closed captioning for certain local college sports broadcasts may have other unintended consequences. Institutions are trying to promote and increase awareness of their women's teams. Some of the impetus behind these efforts is the result of increased compliance with the federal law that assures gender equity in college athletics.[6] Recently, increased national television exposure has significantly attributed to the rise in the popularity of women's college basketball. The Women's Division I Final Four has been sold out for five consecutive years. Although women's basketball is the most popular women's team sport, local television broadcasts are still viewed by small audiences. Television, however, will undoubtedly play a vital role in the future growth of women's basketball. As seen in college football and men's basketball, an increase in television coverage has contributed to a rise in both sports' popularity. So despite low ratings for local broadcasts of women's basketball, institutions frequently absorb $3,000 - $18,000 a game in production costs in order

---

[6] *See* Education Amendments of 1972, Pub. L. No. 92-318, Title IX, 86 Stat. 373-75 (1972), as amended, 20 U.S.C. sections 1681-88 (1990).

to televise and promote the sport. These costs are significant as only a very small number of NCAA member institutions have a women's basketball program where revenues exceed expenses.[7] If an exemption is not granted for this class of college sports programming, the benefits of local television coverage may not be realized as local broadcast stations and university athletics departments struggle to absorb the additional costs of closed captioning.

B. Regional College Sports Programming.

The NCAA is also concerned that the proposed closed captioning requirements may have a significant economic impact on many regional college sports programming. One such area of concern is college sports broadcasts on regional cable networks (e.g., SportsChannel Chicago and New England Sports Network). It is important to note that most of these broadcasts are viewed by small audiences and the associated production costs are paid, in part or in whole, by the participating institutions or their affiliated athletic conference. Most conferences (including several Division I-A conferences) receive no broadcast rights fees for any sports programming broadcasts. As a result, many conferences actually pay $15,000 - $18,000 in production costs to televise football and men's and women's basketball on regional cable networks. While these games are not viewed by large audiences, the importance of appearing on a regional cable network is significant. Not only does it provide the conference and the participating teams with exposure (including satellite feeds into major markets and potential news coverage on nationally televised sports news networks) but it provides alumni and fans, who could not otherwise attend the games, with the rare opportunity to view the contests from their own homes. The reality for

---

[7] *See* supra note 4.

most institutions and conferences is that if they want to appear on television they have to pay for it. Given the production costs associated with a three hour football broadcast, an additional $900 - $3,600 in closed captioning costs could easily pose an economic burden on these types of broadcasts.

The impact of requiring closed captioning for regional broadcasts of college sports programming would also have additional far-reaching effects. There are smaller athletic programs (Division II and Division III institutions) who go through extraordinary efforts to cover the production costs so that a single athletics contest may be shown annually on television. In these cases, institutions utilize regional cable networks and use the broadcast as a way to promote the university, build alumni support and recruit students, not just athletes, to the institution. One such institution is located in the New England area. The athletic department at this Division III institution does not have a budget large enough to fund the $8,500 in production costs associated with its only telecast. Instead, the costs are divided among the athletics department, the admissions office, the development office and alumni relations. The regional cable network provides an unscrambled signal to a satellite and the institution widely publicizes the satellite coordinates throughout the country to its alumni. Alumni organizations hold dozens of receptions across the country featuring the game as the main event. In addition, the telecast enables the institution to broadcast 3 minutes of promotional video during the course of the game. The importance of this telecast to the institution is evident. It is clear that this annual event might be in jeopardy if the institution's production costs were to increase by 10 - 25 percent as a result of the closed captioning requirements.

IV. Conclusion.

As previously stated, the NCAA is committed to ensuring that those with hearing disabilities have complete access to future NCAA championship telecasts. The NCAA assures the Commission that it will work with its broadcasting partners to provide closed captioning for all its national championship telecasts, and will implement captioning well in advance of the sunshine date of the proposed phase-in periods.

While the NCAA shares the Commission's concerns related to the availability of closed captioned college sports programming, there are many examples of local and regional broadcasts where the cost of captioning would appear to be economically burdensome.

The NCAA appreciates this opportunity to comment on the proposed regulations. Furthermore, the NCAA would like to offer its assistance should the Commission need further information or consultation in this area.

Respectfully Submitted,
NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION

Cedric Dempsey

Cedric W. Dempsey, Executive Director

National Collegiate Athletic Association
One Dupont Circle, N.W., Suite 400
Washington, D.C. 20036
(202) 293-3050

cwd:dd