DOCKET FILE COPY ORIGINAL

MCC-12 CITY CHANNEL

City of Madison

FCC MAIL ROOM

MAR 5 1997

RECEIVED

Federal Communications Commission
Office of the Secretary
1919 M Street NW
Room 222
Washington, D. C. 20554
Attention: Mr. John Adams
Ms. Alexis Johns

February 26, 1997

Dear Mr. Adams and Ms. Johns,

In the Matter of Implementation of Section 305 of the Telecommunications Act of 1996, NPRM on Closed Captioning and Video Description of Video Programming, Video Programming Accessibility (MM Docket No. 95-176), and Section 713, Video Programming Accessibility, in the Communications Act of 1934:

Here are my comments:

As the Station Manager of the Madison City Channel, the Government Access Station for the City of Madison, I strongly urge that Government Access Channels (the "G" in the Public, Educational, and Government Access lineup) be exempt from any requirements under this act to provide Closed-Captioning services for their programming, whether locally produced or obtained from outside sources. This exemption would clearly fall under Section 713 (d) (1) as being economically burdensome to our class of programming providers.

Much of the NPRM discussing this issue talks about what broadcasters and cable companies are currently providing and expect the provide in the future in this area. Here, a clear distinction needs to be made. Broadcasters and cable programming providers have the opportunity to simply pass along the costs of implementing Closed-Captioning directly to their audiences through either slight increases in their advertising rate structures, or, in the case of cable companies, through their annual rate increases.

Access channels, however, have no such mechanisms for absorbing the costs involved in providing Closed-Captioning. We operate from a basically "fixed" pot of money determined through negotiations with cable franchisees every fifteen years (!), and therefore do not have the opportunity to pass costs along to anyone. If we add a service, chances are pretty good that another service will have to be dropped. This comment, of course, doesn't even address the growing uncertainty over the very future of franchise fees used to fund our operations given the climate created by passage of the 1996 bill.

As managers of these facilities, therefore, we're constantly faced with a fixed amount of operating money and the responsibility to consider various needs and various constituencies with an eye, often, to "the greater good".

No. of Copies rec'd 0+10
List ABCDE

THE MADISON CITY CHANNEL
Madison Municipal Building, Room 210 215 Martin Luther King, Jr. Blvd. Madison, WI 53710-0002 Phone: 608.266.6501 Fax: 608.267.0124

This leads me to another point: In many cases it's difficult if not impossible to obtain any meaningful data as to the positive effect of Closed-Captioning on our community. In short, we would have no idea, unless we were to conduct some very expensive research (at the expense of, for example, in that year, replacing a pair of badly antiquated cameras), just how many people we're impacting. There's just no way of knowing if Closed-Captioning any or all of our programming would be remotely cost-effective.

Let me illustrate the points I've made with what has happened here in Madison in the last few years. In 1993, my predecessor as Station Manager was able to obtain an increase in our annual funding through the City's Operating Budget of $6,000 to provide American Sign Language (ASL) coverage of one meeting of the many we cover. This was our Common (City) Council, who meets twice a month for approximately 3 hours per meeting. We had to hire two interpreters at $25 per hour to cover each meeting, since the labor-intensive nature of ASL in such a context required them to "switch off" frequently to avoid developing Carpel-Tunnel Syndrome. Three points:

•That $6,000 just about equaled our entire production budget for the coverage of that meeting. In other words, our Director and camera crew, etc., cost us just about what it cost to provide ASL coverage to a completely unknown number of people.

•Further, after I assumed the position of manager here, I tried to start a dialogue with Madison's hearing-impaired community. The City has a "Physical Disabilities Commission", and guess what? One of the first things they told me was that a very small percentage of hearing-impaired people can even understand ASL. And, after being scathingly berated by this group, I considered that I supposed that that made sense, since for example people who are losing their hearing as a result of aging are unlikely to bother to learn ASL, and also that the significant non-English-speaking segment of our population wouldn't be helped by it either (or by Closed-Captioning, by the way).

•In an attempt to get this group to take some "ownership" in this issue, I asked them how many Madisonians would be positively impacted if we were able to provide Closed-Captioning. They didn't know, and have in over a year been unable to provide me with any hard data on how many people Closed-Captioning would reach.

It was discouraging to say the least to hear the above news, as that $6,000 which for all I know affected no one in our community could certainly have been used to provide coverage of another important City meeting. The "tyranny of the majority"? The "greater good"? Characterize it how you will, but these "balancing acts" are decisions that need to be made. Mandating Closed-Captioning would force a cutback on the amount of programming and coverage we provide to all residents of Madison, and I don't think that that serves anyone's interest.

At any rate, we have attempted to "get ahead of the curve" on this issue. This year we in fact did make the switchover to Closed-Captioning for this one meeting only. This was a decision made in conjunction with our outgoing Mayor, who made it clear that he would safely steer the funds (both capital and of course operating outlays) through our budget process for Closed-Captioning, It was also clearly understood as well that a request for the same amount of funding to add, for example, new meeting coverage would not be successful.

Generally speaking, each year that I've been the Manager here (since 1994) the City starts off its budget process by asking agencies to submit budgets that meet the previous year's bottom line, and then put requests in for any additional funds as supplemental requests. In a fiscal environment that makes it difficult for our City to keep an adequate number of cops on the street

and make sure that garbage gets picked up on time, it really was an extraordinary effort to get this money through for 1997, and, again, a mandate to provide these services on all our programming regardless of the timetable of how it would be phased in would result in a severe cutback in the amount of programming we could produce and carry.

As reference points, we budgeted some $12,000 in capital outlays for the encoder and other equipment we needed to start Closed-Captioning. We also budgeted $15,600 for our annual operating costs outlays. This number is based on a rate of $150 per hour for live Closed-Captioning with a service based in Sheboygan, Wisconsin (Wisconsin Captioning Company); $125 per on-air hour plus an estimated additional $25 per hour for the dedicated 800 phone line needed to carry our audio feed to Sheboygan and then her signal back to our production setup. $15,600 is, of course, over twice what we spend to cover this meeting for the (presumed) 98+% of our audience who do not require Closed-Captioning.

One of the points I'm trying to make here is that we have indeed attempted to meet the needs of the hearing-impaired community without being required to or even being asked to by anyone. This, again, with an absolute dearth of input or hard data from or about the community we're trying to serve. We believe, nonetheless, that this is a worthy goal. For the 1998 budget process I will most likely submit a supplemental request to add Closed-Captioning to another of the City meetings we cover. However, with a new Mayor and a number of new Council members being elected this April, I have no idea if the political climate will support this additional request, or if it will even be politically wise for me to make the request. I'll have to see, and perhaps bide my time for a year or so.

The bottom line, I suppose, is that I strongly feel that the most the F. C. C. should do in this instance is encourage our channels to set goals and timetables for themselves - not mandate them.

Further, I do think it would be important to be clear on what types of programming we, in the real world I've described to you, should even attempt to Close-Caption. I've only talked about the meetings we cover. We also produce other (training, outreach, etc.) videos for City agencies as well as other public affairs programs (interview shows, basically).

At most, for the foreseeable future, it would be the meeting coverage that I would attempt to Close-Caption. For one thing, most of our public affairs programs are not live, and transcripts could be made available upon request (this might be a good place to note that in the nearly nine years I've been with this organization we've never received a single request from a hearing-impaired person for us to make any kind of special arrangements for them for any of our programming. This is, I realize, more anecdotal than true data; but it's worth mentioning nonetheless). Also, many of the videos we produce are Closed-Captioned; the client agency includes the cost of sending the master out to a vendor to have that added in their production budget. Meetings - the actual coverage of the deliberations and decisions of Madison's elected officials - are, of course, the "meat and potatoes" of what we do.

We consider ourselves Madison's version of CSpan in that sense, and we will therefore continue as possible on a voluntary basis to pursue funding for Closed-Captioning of that aspect of our programming, and again I will close by asking that the Commission relieve Government Access as a class from any Closed-Captioning requirements under the "economically burdensome" clause of Section 713 (d) (1).

Thank you for your attention in this matter; please feel free to contact me with any questions or comments at 608-266-4839 or <bclark@ci.madison.wi.us>.

Sincerely,

Brad Clark
Station Manager
Madison City Channel/
Cable TV Coordinator
City of Madison, WI