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July 12, 2000

Notice of Ex Parte Communication

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

JUL 12 2000

Re: MM Docket No. 99-339

Dear Ms. Salas:

Yesterday, Karen Fullum, Jack Goodman, Kelly Williams and the undersigned met with David Goodfriend of Commissioner Ness' office, and Paul Jackson and McLean Sieverding of Commissioner Powell's office, to discuss various issues relating to the Commission's proposal to require broadcasters and other multichannel video programming distributors to provide video description services. We made the following points:

■ Section 713(f) of the Communications Act should be construed as authorizing the Commission only to conduct a study and issue a report with regard to video description. An examination of this section's text, legislative history and structure shows that Congress did not intend the Commission to mandate the provision of video description services. We also pointed out that construing Section 713(f) as authorizing only a study and report on video description avoided the constitutional concerns associated with forced speech.

■ We argued that the Commission has underestimated the technical difficulties and costs of providing described programming in an analog environment. In particular, we pointed out that the origination centers and distribution systems of the networks, as well as the studios and plants of local television stations, were generally not designed to support the three channels of audio needed to provide video description. To implement video description, networks and their affiliates would therefore be required to undertake extensive engineering upgrades, as documented in our comments and in a recent survey of the top-four network affiliated stations in the 50 largest television markets. We contended that the Commission should not require broadcasters to spend substantial monies on their soon-to-be obsolete analog systems.

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■ We also expressed concern that, although the ATSC digital television system provides for multiple audio services, there is no assurance that receiver manufacturers will actually implement this feature so that all digital televisions will fully support multiple audio channels. We accordingly emphasized the importance of insuring the production of digital television receivers that will be able to support video description.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,


Jerianne Timmerman

cc: David Goodfriend
Paul Jackson
McLean Sieverding