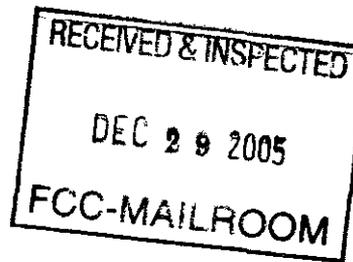


CCB-CC-0123
Longworth
P R O D U C T I O N S

Commissioner's Secretary
Office of the Secretary
Federal Communications Commission
attn: CGB Room 3-B431



Fed Ex address:
9300 East Hampton Drive
Capitol Heights, MD 20743

Memo to: Commissioner, or attention Ms. Amelia Brown
from: Jim Longworth
date: December 28, 2005
re: PETITION for Exemption (47 C.F.R. 79.1 (d))
From Close Captioning based on Undue Burden

Dear Ms. Brown,

Thank you for your consideration and guidance in the matter of captioning compliance on *Triad Today*. Attached is my petition for exemption, including background information and justification. Also included is a copy of the Congressional record for May 26, 2005 which recognizes *Triad Today* for its unique and outstanding service to the community. A press clipping accompanies the attachment.

Please note my question on page four regarding definition of "Repeat Value". Should you agree with my interpretation, then there would seem to be little or no reason to apply for an exemption. However, I am submitting the required information in the event that my petition is still applicable.

I hope that you and the Commissioner will call me if you have any questions regarding this petition, and I look forward to your ultimate determination in this matter.

Thank you,

A handwritten signature in black ink, appearing to be "Jim Longworth".

Longworth

PRODUCTIONS

Petition for Exemption

Petitioner: Longworth Productions

Type: Sole Proprietorship, producer of public service programs

Contact: Jim Longworth

304 Carlisle Park Drive

Kernersville, NC 27284

Phone: 336 993-1954

Fax: 336 992-1934

Email: tvcreators2@aol.com

Program: *Triad Today*

Stations: WXLV abc45 and WUPN 48

DMA: Greensboro- High Point - Winston-Salem NC

I. Background

Triad Today is a thirty minute public affairs/public service program broadcast weekly on WXLV abc45 and on WUPN48 in the Greensboro- High Point - Winston-Salem television market. It is the *only* program of its kind broadcast on a commercial television station in all of Piedmont North Carolina.

Triad Today was developed, and is produced by Longworth Productions. The program premiered in October of 2003 and has aired continuously ever since.

Each week, *Triad Today* presents vital information on a wide variety of topics, including health and medicine, education, public safety and crime prevention, economic development, cultural events, and many more.

This year *Triad Today* was recognized by Congress (see copy of Congressional record, May 26, 2005) for its outstanding use of television to serve the public good. *Triad Today* also received the Spectrum of Democracy Award for our commitment to public service. More importantly, *Triad Today* has been a champion of the disabled and disenfranchised populations, by presenting countless segments with such organizations as the Second Harvest Food Bank, the Salvation Army, and the Red Cross.

The Commission should note that the stations on which *Triad Today* appears are owned by the same company, and both stations (WXLV and WUPN) are the lowest rated affiliates in the market. That is why it is important for *Triad Today* to continue to be broadcast by both stations each week in order for us to reach the maximum number of viewers possible with our public service and community oriented information. And, that is why we seek this exemption.

Station management has interpreted the FCC regulation in such a way as to suggest that airing *Triad Today* on WUPN after it has aired on WXLV constitutes a repeat broadcast. Longworth Productions contends that *Triad Today* is exempt because (a) it is non scripted, and, (b) because we reach two entirely different audiences with our two broadcasts each week on two different TV stations, thus the program is NOT repeated.

If you determine that airing a program on two different TV stations does not constitute a repeat, then I would not be required to purchase expensive Speech Recognition equipment, which would place an undue financial burden on me. If, however, you determine that airing a public service show one time on one station, and one time on another station, where both stations share the same ownership DOES constitute a repeat, then I must file for an exemption based on the "Undue Burden" provision.

II. Justification for Exemption

Triad Today is a live-to-tape public service program, and it is non scripted. As such, a sophisticated and expensive Speech Recognition system would be required to transcribe ad lib spoken conversations for closed captioning.

We have consulted with CPC of Rockville, Maryland, and Dr. Som has informed me that even if Longworth Productions had the financial resources to purchase a SR system (which start at \$8,000), there is no system on the market which could identify more than one spoken voice at a time on a non scripted discussion program. These systems can only be trained to recognize one voice, which means that after purchasing an expensive system that cannot work *during* production, we would have to assign a post production crew to record the host voice re-creating/recording all of the speaking parts from all of the studio guests. The process would tie up studio/editing facilities for 3-5 hours, and such time is not available to me or my company, nor would I be able to engage in such post production without paying as much as \$500 in additional studio fees.

Longworth Productions can only afford to purchase one hour of studio time per week (on Wednesday afternoon) to produce the program which then airs on Friday morning on *both* stations . There is no budget allocated for additional production, special effects, location taping, or purchase of specialized equipment.

In addition, the stations on which *Triad Today* airs have experienced severe cutbacks in 2005, including twenty-five lay-offs in the News Department alone. Longworth Productions was informed on December 20 by station manager Ron Inman that WXLV/WUPN would not be able to purchase the Speech Recognition system required for closed captioning of *Triad Today*, and that, without such a system, our public service program could not be broadcast on both TV stations.

Longworth Productions is a sole proprietorship with limited resources and cannot afford to purchase any closed captioning devices currently available.

For two years now, *Triad Today* has been a break-even proposition for my company in which a limited number of rotating organizations have helped to cover our production costs. Were Longworth Productions required to purchase the necessary closed captioning equipment, we would be forced to shut down production of *Triad Today*. Under that scenario, we would, in effect, be throwing out the baby with the bath water, because once *Triad Today* leaves the air, the viewers in this market would have access to no other public service/public affairs programming.

Moreover, it is very difficult to raise private sector funds to help underwrite the costs of a Speech Recognition system. This is due to the loss of thousands of jobs in our area and to the strain on various foundations and organizations who might otherwise have donated funds for captioning. Also, sadly, television advertisers in our market tend to only support highly rated news and entertainment programs, as opposed to public service programs designed to serve the needs of the community.

Unfortunately, even more traditional means of compliance are not practical. For example, hiring a court reporter to transcribe every program, then giving her disc to a captioning company would cost money that is not budgeted or available to Longworth Productions, not to mention that the lengthy process and turn-around time required would prevent us from meeting broadcast deadlines.

And, again, *Triad Today* is a non scripted program which means that the existing closed captioning system now owned by WXLV and WUPN (which was used for scripted news and commercials) would not suffice.

It is for the aforementioned reasons that Longworth Productions seeks an exemption from closed captioning of *Triad Today*.

III. Summary

If an exemption is not granted, *Triad Today* would be limited to only one showing per week on just one TV station, and, therefore, we would not be able to reach a wider, more diverse population with multiple broadcasts. Nor would we be allowed to repeat special episodes of interest to the community. Specifically, our broadcast on WXLV reaches mainly an older demographic, which includes the disabled and shut-ins. Meanwhile, our broadcast on WUPN reaches mainly an audience comprised of minorities and low income populations.

As was mentioned previously, both WXLV and WUPN are owned by one company, who has informed Longworth Productions that airing *Triad Today* on both TV stations would constitute a “repeat” of our program, thus the need for captioning of an otherwise exempt, non scripted, public service program.

Longworth Productions is seeking an exemption because of the undue financial burden I would face if required to purchase a Speech Recognition system. If the exemption is granted, *Triad Today* can continue to offer vital information to a diverse audience on both WXLV and WUPN each week.

At present, we augment our non scripted discussions by displaying full screen and lower third supers (graphics) so that all viewers (including the hearing impaired) can read about where to go or who to call to avail themselves of various community services. If granted an exemption, I would continue to display such information on screen for the benefit of the community.

Your consideration in this matter is greatly appreciated.

James Longworth
President, Longworth Communications
Producer / Host, *Triad Today*



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

House of Representatives

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No. 72

RECOGNIZING TRIAD TODAY

MS. FOXX. Mr. Speaker, I rise today to recognize and congratulate *Triad Today* for being awarded the Spectrum of Democracy Award for Responsible Election Coverage by the North Carolina Center for Voter Education. The program is aired in the Fifth Congressional District on Sinclair Broadcasting's WXLV/WUPN station covering the Winston-Salem/Greensboro/High Point metropolitan area.

Triad Today was created October of 2003 by veteran television broadcaster, author, and columnist Jim Longworth. It is the Piedmont Triad's only local television talk show. Its guests have included United States Senators and Congressmen, mayors and even sports celebrities like Richard Petty. But most of the time, *Triad Today*, serves the community by disseminating important information about the issues that matter most to the community – issues like healthcare, public safety and government.

But it was another kind public service for which *Triad Today* was recently recognized. During the 2004 election cycle, Jim Longworth distributed free blocks of air time on his show to scores of Congressional and Gubernatorial candidates. His action helped raised citizen awareness of candidates and issues and encouraged more people to participate in the political process. For this, Mr. Longworth and *Triad Today* were awarded the Spectrum of Democracy Award.

Mr. Speaker, the press has a responsibility to fulfill its role as the fourth estate – that is to serve as a guardian of democracy and defender of the public interest. I am pleased to congratulate *Triad Today* for its outstanding commitment to keeping the community informed.

WINSTON-SALEM JOURNAL

FRIDAY, JUNE 3, 2005

TV Tidbits

Foxx lauds local TV host in Congress for public-affairs program

When Jim Longworth started his local public-affairs program in October 2003, some people told him that such shows were relics.

"We stuck to it and tried to make it into an old-fashioned public-service talk show," Longworth said. "I commented to one person one time that it's so old it's new."



JIM LONGWORTH

The show, *Triad Today*, is shown Friday mornings on WXLV (at 6:30 a.m.) and WUPN (at 7:30 a.m.). The series examines economic development, health care, arts, public safety and other topics of local interest. In its more than a year and a half on the air, the show has included such diverse guests as mayors, senators, Richard Petty, Darryl Hunt and community activists.



Tim Clodfelter

Award from the North Carolina Center for Voter Education for its coverage of the 2004 elections.

"There were only four entities awarded this," Longworth said, "One was UNC-TV, and the others were WRAL in Raleigh, WNCN in Raleigh and Longworth Productions.... It was a really unusual thing for a company, rather than a TV station, to win an award for this kind of thing."

In 2004, *Triad Today* offered every

Last week, U.S. Rep. Virginia Foxx, R-5th, made a brief speech on the floor of the U.S. House of Representatives praising *Triad Today*.

Foxx's commendation came as a result of *Triad Today* receiving the "Spectrum of Democracy"

congressional or gubernatorial candidate six to seven minutes of airtime. Candidates from around the state took up the offer and traveled to Winston-Salem to tape appearances. As the election season progressed, the show also held several debates, including one between Foxx and her Democratic rival for the 5th Congressional District seat, Jim Harrell Jr.

Foxx is scheduled to appear on *Triad Today* this morning to speak with Longworth and present him with a copy of the Congressional Record including her praise of his show.

In addition to applauding *Triad Today*, during her speech in the House Foxx spoke about broadcasters' responsibility to public service. That subject is near to Longworth's heart. He has long been a crusader for the importance of public-affairs programs that deal with local needs.

He referred to a speech by Newton

Minow to the National Association of Broadcasters in 1961. Minow, then a commissioner of the Federal Communications Commission, spoke about the fact that the public owns the airwaves, and that it is the responsibility of broadcasters to give back public-service time.

"Somewhere along the lines, in the deregulation of the 1980s, broadcasters started slipping through the cracks on their requirements on public service," Longworth said. "Now you're hard-pressed to find TV stations that even have a public-affairs director, much less public-affairs programming."

"*Triad Today* is still the only weekly public-affairs program in this market."

One of the fundamental problems, in Longworth's opinion, is that in most markets (including the Triad), TV stations are owned by conglomerates based elsewhere.

"Too many stations are in too few

hands of ownership, and people are making decisions about what's good for the community when they don't know anything about the community," he said.

Longworth said he has offered to work with Foxx's staff to develop legislation that would require broadcasters to produce local public-affairs programs.

"Public-affairs programs can be profitable. They just have to be sold like a news program," Longworth said. "There is no excuse for not doing local public affairs. There are reasons, but there are no excuses."

Longworth, a former weather reporter and producer at WFMY, is the author of two books about the TV industry. He is also a former columnist for the *Winston-Salem Journal*.

■ Tim Clodfelter can be reached at 727-7371 or at tclodfelter@wsjournal.com