

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

In the Matter of )  
 )  
Implementation of ) MM Docket No. 99-339  
Video Description of )  
Video Programming )  
 )

To: The Commission

**REPLY COMMENTS OF  
NARRATIVE TELEVISION NETWORK**

Date: March 23, 2000

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## **Introduction**

Since 1988, the Emmy Award-winning Narrative Television Network (NTN) has been a leader in providing accessible programming for blind and visually impaired people, through broadcast and cable networks, as well as syndicators, program producers, and via the Internet. NTN was founded and is operated by blind and visually impaired people who personally have experienced the frustration and isolation that goes with not being able to access movies and television programming. Based upon NTN's experience since 1988, and the expertise we have in the industry, we wish to take this opportunity to address several issues and clarify several points raised by commenters in the FCC's *Notice of Proposed Rule Making*.

## **Production and Programming Schedules**

In its comments dated February 23, 2000, The Motion Picture Association of America states, "Video description production would push programs' release dates back substantially, making the transition to compliance with the rule a very difficult one, as providers scramble to provide new programming while adhering to the new regulations." This is quite simply not the case. The Narrative Television Network has well over a decade of experience in narrating and delivering accessible programming to producers, as well as broadcast and cable networks, on time and on budget. We have streamlined the narrating process to a point where it is no more time consuming than closed captioning. The narration process can be performed simultaneous to captioning, therefore creating no delays or encumbrances to programmers or networks.

## **Technical Feasibility and Spanish Translations**

Several associations representing broadcasters, the cable industry, and motion picture producers have raised two mutually exclusive arguments. They assert that video

description is not technically feasible while at the same time maintaining that serving the needs of blind and visually impaired people would interrupt their current or proposed services to the Spanish-speaking population. If delivering an additional channel of audio via the Secondary Audio Programming (SAP) channel were not readily achievable, the industry would not be concerned about the potential conflict with Spanish language translations. It is obvious that SAP delivery *is* feasible. The nature of programming to be narrated will eliminate the vast majority of conflicts with those utilizing the SAP channel for Spanish language translations, as Spanish translations are predominantly used for news/talk programming, and narration for the visually impaired is predominantly used for movies, comedies, dramas, etc.

### **Jurisdiction**

Several groups have asserted that the FCC may not have jurisdiction in this matter. Nothing that Congress did in mandating captioning in any way limited the FCC's jurisdiction within the realm of video description. It is clear that Congress' intent was for the FCC to study the matter and proceed within the normal scope of power already given to the FCC.

### **Copyright and Forced Speech**

It has been argued that requiring broadcasters or networks to narrate their programming would be a form of forced speech, or copyright infringement. Examples were cited stating that closed captioning is merely a transcribed version of the spoken word, while narration calls for an interpretation. Captioning clearly calls for interpretations of sound. Subjective decisions are made with respect to what was a sound, who made the sound, what does the sound signify, and was an individual sound important enough to include in the closed captioning or not. Captioners regularly make subjective decisions as they identify a person's tone of voice along with the captioning.

For example, when a captioner feels that a character's tone of voice was sarcastic, therefore changing the message, the word "sarcastic" or "sarcastically" may be included in the closed captioning.

Furthermore, those being regulated by the FCC, as well as copyright holders, would have total control over the final form of any narration. It is important to remember that the SAP channel would only be available on-demand, not requiring anyone to listen who doesn't wish to.

### **Support Within the Visually Impaired Community**

For twelve years, the Narrative Television Network has successfully delivered accessible programming to blind and visually impaired people via broadcast and cable television. The support among visually impaired individuals and the organizations that serve them has been overwhelmingly positive. NTN will yield to The National Television Video Access Coalition and other consumer-based organizations to express their support. While not every visually impaired person or association would agree on how to make television accessible, it is readily apparent that the need for accessibility is critical in the lives of millions of blind and visually impaired Americans and their families.

### **Conclusion**

The Narrative Television Network is an organization founded, owned, and operated by blind and visually impaired people who personally have experienced the educational, socialization, and entertainment deprivation that exists when television programming is not accessible. NTN has more experience, over a longer period of time, producing more hours of a broader spectrum of accessible programming, distributed to more people via a wider variety of methods and systems, than virtually anyone in the field of video description. NTN has already bridged the technical, legal, and practical

barriers that are being argued by some in the communications industry as reasons not to create accessibility for the blind community.

NTN applauds those in the broadcast, cable, and satellite industry, as well as program producers and syndicators, who have made pioneering efforts on a voluntary basis to bring the field of accessibility for visually impaired people to this point. Now it becomes readily apparent that in order to move forward and bring the field of video description into a practical reality in the lives of millions of visually impaired Americans, the FCC must take this vital step.

Respectfully submitted,

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By:



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