

**2009 Review of Television Access Services
Response from MTVNE, Comedy Central and Nickelodeon
November 2009**

MTV Networks, owned by Viacom, comprises MTV, Comedy Central and Nickelodeon channels, which together account for 32 Ofcom licences. 17 of these licences are for channels distributed in the UK, and 15 are for channels targeted at non-UK audiences. MTVNE's channels are distributed variously on cable, satellite and cable networks, and also have a significant presence online and via mobile telephony.

This response represents the collective view of the Viacom owned Ofcom licensed channels.

Ofcom invites comments on our conclusion that the existing method for determining access service provision remains fit for purpose.

We are content that the existing method remains fit for purpose.

Options for future provision of audio description

Q1. Which of the three options do consultees favour, and why?

While we recognise the need expressed in the Directive to increase accessibility, such demands need to be reasonable, proportionate and based on identified and proven need. We therefore oppose any increase at this time in the audio description targets (Option 1) for two reasons.

First, we believe that this increase is an unnecessary financial burden to place on businesses at this time while advertising revenues are decreasing and there is little evidence that the situation is likely to change in the near future. While it may be the case that some channels already exceed the current 10% target, as Ofcom has recognised, others have not and would face additional costs in doing so at a time when they can least afford it.

Second, it appears to us from the audio description research provided in parallel to the consultation that viewers are largely content with the existing level of provision of audio description and that any increase is an aspiration rather than a need. Ofcom's own research has found that audio-description usage has remained stable over time (and indeed fallen between Surveys 2 and 3), and can only speculate as to why this should be the case. It is also important to note that MTVNE has detected no demand from its own audiences for additional audio description.

If there is a proven demand for additional audio description, which has yet to be identified, then we believe this should be shouldered primarily by the BBC and other PSBs with public service privileges (Option 3).

Option 3 is most likely to deliver viewer benefit at this time for two reasons. First, the evidence set out in the consultation suggests that it is older viewers who are the largest consumers of these services and therefore better served by the PSBs as opposed to niche thematic channels, many of which are aimed at much younger audiences, including those from MTV, Nickelodeon and Comedy Central. Second, niche thematic channels would have a marginal impact on the overall usage of audio description if they were to be required to increase their level of provision as opposed to the broader reach of PSBs.

Q2. Do consultees have any further suggestions for future access service provision? If so please provide the rationale for these suggestions

We do not have further suggestions at this time.

Television services targeting areas outside the UK

We invite comments on Ofcom's decision to re-examine the current exemption of non UK facing licensees from providing access service provision.

Any compulsory increase in access service provision on non-UK channels will impose very significant capital, staff and production costs on those businesses which have so far developed their operations absent of such requirements.

The consultation makes clear that Ofcom is minded to impose a compulsory regime if it judges that broadcasters are not providing an 'acceptable level' of voluntary provision. In this context, we would welcome further clarification from Ofcom on the meaning of 'acceptable level'. In the absence of further clarification, it will be impossible for licensees to judge how they are meeting the challenge that Ofcom has set.

If Ofcom wants to encourage licensees to provide access services on their non-UK channels, then it needs to be clear what its expectations are. The absence of such a clarification is likely to create significant uncertainty for licensees, and to deter them from investing on a voluntary basis.