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Dear Peter,

Signing on television – proposed changes

I am writing in response to Ofcom's consultation on the provision of access to signing by low-audience channels. This consultation is of particular relevance to Discovery, given that the six of our channels which are currently subject to the signing obligations all have less than a 1% audience share, and are therefore directly impacted by Ofcom's proposals.

As you know, Discovery recognises the concerns of the deaf and hard of hearing community that access services remain relevant to their needs, and has already given its support in principle to the scheme whereby the resources spent by all broadcasters on sign-interpreted programming are pooled together and put towards the costs of sign-presented programming in a signed-zone on the Community Channel.

The Community Channel signed-zone appears to be the most credible and widely supported solution to the problems identified in the consultation; and the proposal for an initial £20,000 contribution per channel per year is reasonable and proportionate. As previously noted, however, it is important that licensees are given clarity on the financial contributions that they will be required to make to the scheme going forward, and mechanisms are put in place to cap future increases in order to provide planning certainty.

Discovery Channel
Animal Planet
Discovery HD
Discovery Real Time
Discovery Real Time Extra
Discovery Travel & Living
Discovery Home & Health
Discovery Turbo
Discovery Civilisation
Discovery Science
Discovery Geschichte
Discovery Historia
DMAX

Furthermore, and before proceeding further with this proposal, Ofcom should consult on the appropriate management and operational structure of the signed zone, including the role of broadcasters which are contributing to the running costs. A key principle to be taken into account should be that those contributing to the scheme should have a significant role in how it is run.

Discovery does, however, have some very significant concerns over the proposal to impose sign-presented programming licence obligations on low-audience channels.

This is an issue that we have been discussing for more than a year, having met initially on 11th June last year to discuss whether Discovery would prefer to allocate the resources earmarked for interpreted signing to the production of sign-presented programming. At that time, and in my letter to you dated 19th July 2006, I explained why the production of sign-presented programmes on Discovery's channels is an unworkable proposition.

One of the main reasons was the cost of *appropriate* original productions. We estimated at the time that the cost of a relatively inexpensive, studio-based half-hour programme would be approximately £80,000, rising to 5 or even 10 times this amount for the most expensive forms of production, including on-location filming. It is, therefore, difficult to understand how the Community Channel has reached its own estimate of £30,000 for a half-hour programme (Section A5.23 of the consultation), and why Ofcom has chosen to use this estimate to inform its regulatory impact assessment rather than those produced by broadcasters with an intimate knowledge of their own business costs.

While it might cost the Community Channel £30,000 to produce specific, low-value productions for the signed-zone, it is an altogether different proposition for Discovery's own channels which carry high quality production values which we and our customers would not wish to compromise. Furthermore, a low-budget studio-based sign-presented programme would be a very uneasy fit with other programming, and would be likely to draw criticism from all viewers, including those that it was intended to serve.

While licensees could, under the current proposals, avoid these obligations by making a contribution to the Community Channel signed zone, Discovery believes that it is wrong in principle, and against the principles of good regulation, to impose an unworkable and onerous obligation on licensees the main effect of which is likely to be to persuade all broadcasters to contribute

to a voluntary fund.

Ofcom's proposed approach also runs counter to the objectives set out in your letter to me of 8th March 2007, in which you indicated that Ofcom was looking to establish a '*consensus on an alternative arrangement which was acceptable to broadcasters*', and acknowledged that '*informal consultations with broadcasters about the possibility of using the same resources devoted to sign-interpreted programmes to make a small number of sign-presented programmes on their channels revealed little support...*'.

Discovery believes instead that a more appropriate and consensual solution, reflecting the views and business realities of the broadcasting community as well as the needs of the deaf and hard of hearing viewers, would be to give low-audience licensees the option of continuing to provide sign-interpreted programming in accordance with current targets, or the option of being exempted from this requirement by making a contribution to the Community Channel signing-zone.

I look forward to discussing these points with you further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Jenner', with a stylized, cursive script.

Philip Jenner
Director, International Public Policy and Government Affairs