

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of Implementing the Requirement of S.F. 1064 to Enter into Grant Agreements with Television Stations to Make Live Local News Programming Accessible to Deaf, Hard-of-Hearing, and Deaf-Blind Persons

ISSUE DATE: August 18, 2005

DOCKET NO. P-999/CI-05-1207

ORDER AUTHORIZING BUDGET TRANSFER

PROCEDURAL HISTORY

On July 20, 2005, the Commissioner of the Department of Human Services (the Commissioner) filed a request for \$268,000 from the Telecommunications Access Minnesota (TAM) fund to implement legislation requiring him to establish and operate an accessible electronic information service to make live local news programming accessible to deaf, hard-of-hearing, and deaf-blind persons through real-time captioning.

The Commission has oversight authority over the TAM budget under Minn. Stat. § 237.52.

On July 22, 2005, the Commission issued a notice soliciting comments on the request and stating that the Commission would take up the request at its August 11, 2005, meeting. No comments were received.

The request came before the Commission on August 11, 2005.

FINDINGS AND CONCLUSIONS

I. Background

Senate File 1064, 84th Legislative Session (2005-2006), which was signed into law on May 24, 2005, amends Minn. Stat. §§ 237.52, 248, and 256C. With regard to Minn. Stat. § 256C, the amendment requires the Minnesota Department of Human Services to enter into grant

agreements with television stations to make live local news programming accessible to deaf, hard-of-hearing, and deaf-blind persons through real-time captioning.¹

The grant agreements referred to must provide for 1) real-time captioning services for broadcasting that is not emergency broadcasting subject to Code of Federal Regulations, title 47, section 79.2; 2) real-time captioning services for commercial broadcasters in areas of Minnesota where commercial broadcasters are not subject to the live programming closed-captioning requirements of Code of Federal Regulations, title 47, section 71.1(e)(3), and 3) real-time captioning for large-market noncommercial broadcasters who produce live news programming.²

II. The Commissioner's Request

The Commissioner explained that he will fulfill the new statutory requirement to make local news programming accessible by contracting with television stations in four smaller markets (Rochester/Austin, Mankato, Duluth, Alexandria) to provide one hour of live news captioning per day. In addition, the Commissioner will contract for two hours per week of live news programming from a large-market noncommercial television station. The service period will be July 29, 2005 to June 30, 2006. The Commissioner will publish a Request for Proposals (RFP) to solicit competitive bids from television stations to provide the required captioning services.

The Commissioner requested that the Commission authorize the transfer of \$268,000 from the TAM account to implement this proposal, noting that the new statute (Senate File 1064) authorizes a budget of \$300,000 for this purpose. The Commissioner provided an annual budget for the real-time captioning service demonstrating how the figure of \$268,000 was calculated.

III. Commission Analysis and Action

A. Analysis

The Commission has jurisdiction to review for reasonableness budgets submitted to implement various accessible services, including budgets for the real-time captioning service at issue in this docket. The Commission is authorized to modify the budget to the extent that it is unreasonable.³

The service is to be funded from the budget of the Telecommunications Access Minnesota (TAM) program, unless that budget is inadequate to fully fund both the TAM program and additional programs that were created by the May 24 legislation.

¹ This requirement is codified as Minn. Stat. § 256C.30 (a). For the purposes of this requirement, "real-time captioning" means a method of captioning in which captions are simultaneously prepared and transmitted at the time of origination by specially trained real-time captioners. See Minn. Stat. § 256C.23 (c).

² These requirements are codified as Minn. Stat. § 256C.23 (b).

³ Minn. Stat. § 237.52, subd. 2.

The Commissioner of Commerce, who administers the TAM account, has reported in a recent proceeding that he considers the TAM fund balance adequate to fund both the TAM service, and the new services created by the new legislation, for the foreseeable future.⁴ In addition, the Commissioner of Commerce, having received a copy of the Commissioner of Human Services' proposal in this docket, has not objected that he considers the fund balance inadequate to fund both the TAM service and the service proposed by the Commissioner of Human Services.

B. Commission Action

The Commission finds that the budget proposal filed by the Commissioner of Human Services complies with the new statute and that there are adequate funds in the TAM account to fund both the TAM program and the new programs that statute creates. Accordingly, the funding request will be approved.

ORDER

1. The Commission hereby approves the proposal to transfer \$268,000 from the Telecommunications Access Minnesota (TAM) budget to the Department of Human Services to implement captioning services for the period of July 29, 2005 to June 30, 2006, as discussed further in the text of this Order.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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⁴ See *In the Matter of DOC/TAM's FY 2006 Proposed Budget and Surcharge Recommendation*, P-999/CI-05-624, Order Approving the Proposed Budget and Decreasing the Surcharge (June 15, 2005).