

## We Broadcast the Community!™



**Community Telecast, Inc.**  
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402-934-1100

*Community Telecast, Inc. (CTI22), [IRS 501 (c)(3)] has been the only broadcast cable television company in the metro Omaha area and within 18 states to focus on the community. For our general operations we receive NO tax support from the federal government, State of Nebraska, or local government. We are supported only through membership fees and donations.*

September 26, 2012

**Addie Donald-Hardrick III**  
CTAC  
City of Omaha

Hello, Mr. Hardrick:

<b>Copy To: Council Members</b>	Garry Gerandt - District 4
Pete Festersen - District 1	Jean Stothert - District 5
Ben Gray - District 2	Franklin Thompson - District 6
Chris Jerram - District 3	Thomas Mulligan - District 7
<b>Copy To: Mayor Jim Suttle</b>	

Yesterday, from 1:00 PM to approximately 4:00 PM, I responded to your questions and perceptions about CTI22. To ensure an accurate accounting of CTI22's responses to your questions, I've detailed key points of our discussion below.

1. **BROADCAST STANDARDS:** Contrary to on-going inaccurate or misleading information about our broadcast operations, with few exceptions (and I'll detail these below at #7) CTI22 does NOT determine what we broadcast or when. *That's not our call.* The citizens of Omaha determine what and when we broadcast their content. **CTI22 releases broadcast time on a first-come, first-served basis – period.** CTI22 responds to requests from any citizen, organization or business in Omaha, and does NOT discriminate in any way toward making broadcast time “accessible” to the citizens of Omaha. Clearly, if at any time CTI22 engaged in any discriminatory practice to exclude “certain” programs or individuals for whatever reason, the public backwash and political acrimony from such controversial practice would violate the very purpose of “community access,” and result in legal action against CTI22. So, with regard to our *egalitarian* content and broadcast procedures, it's just this simple, **“We Broadcast the Community!”** For example:

- “DJ Howie’s Karaoke Throwdown,” is not “our” content, it’s content from a citizen of Omaha.
- As contracted by the “The River City Theatre Organ Society,” CTI22 filmed and broadcast concerts supporting the preservation, promotion and presentation of Wurlitzer Theatre Pipe Organ at the Rose Theatre. This is RCTOS content, and not a unilateral decision to broadcast by CTI22.
- CTI22 broadcasts “Democracy Now!” because Cox refused (for whatever reason) to make the same-day broadcast of this daily news program available to citizens of Omaha on Channel 109.

CTI22 can literally provide hundreds of such examples demonstrating that, *contrary to the statement you received from Cox*, CTI22 does not “do its own thing – the citizens of Omaha make that call. It’s the citizens of Omaha who are “doing their thing, and not CTI22. **Given an adequate budget, staff, and technical resources, CTI22 would definitely produce original, proprietary content considerably different, and yes, better than much of content we receive from or broadcast for the citizens of Omaha.**

2. **COMMUNITY ACCESS:** Given the aforementioned, that program content on Cox Channel 22 is defined by the citizens of Omaha and not CTI22, if the City of Omaha elects to establish criteria to intentionally exclude or discriminate in the character and scope of content and the corresponding expression of “Free Speech” (First Amendment) rights broadcast on Cox Channel 22, *that’s not our issue*, that’s a public relations issue for the City of Omaha. Again, CTI22 is *egalitarian* in our broadcast practices; however, as I informed you today, the City of Omaha should anticipate the following:

- When CTI22 terminates a “Black” program, we get complaints our purpose was to increase Latino content.
- When CTI22 terminates a “Latino” program, we get complaints our purpose was to increase Black content.
- When CTI22 terminates a Muslim program, we get complaints our purposes was to increase Christian content.
- CTI22 is attacked because “certain” political elites in the Latino, Black or White community don’t like critical (Free Speech) comments made by their political elite peers who routinely or occasionally broadcast on “proprietary” producer-based programs broadcast by CTI22 on Cox Channel 22.

CTI22 terminates programs in compliance with our Broadcast Agreements, which never has anything to do with Title VII issues, VETS 100, ADA or violation of any civil liberties. CTI22 has absolutely no problem following direction from the City of Omaha regarding the broadcast of content on Cox Channel 22. If the City of Omaha directs CTI22 to intentionally exclude or discriminate in the character and scope of content broadcast on Cox Channel 22, of course we can do that, because again, *that’s not our issue*, it’s the City’s issue, because CTI22 did not define the rules. In this regard, the City of Omaha needs to tell the citizens of Omaha what the rules are. By the way, CTI22 would also like to know!

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3. **SCHEDULING:** Likewise, rescheduling currently contracted programs by “burying” them in late-night hours or elsewhere will likely be perceived as an attempt to deny, restrict, or circumvent access to First Amendment rights. This is not a new issue in the management of public access by local municipal governments, which is why many local governments (like Lincoln, Nebraska) do not allow citizens to have their own programs. Nevertheless, CTI22 has never engaged in discriminatory conduct, and accordingly, these are not CTI22 issues. Therefore, allegations of inequitable or disparate treatment will be directed to the City of Omaha. Again, *that’s not our issue*; it’s the City’s issue, because CTI22 did not define the rules.
4. **CONTENT:** Of course, in compliance with direction from the City of Omaha, if the City of Omaha doesn’t want certain “citizen” content on Cox Channel 22 it’s always had the option to define such.

- As I stated today, although it clearly has been the practice of some individuals to complain about some, but not all, “citizen” content broadcast by CTI22 on Cox Channel 22, at no point has any member of the Omaha City Council directed CTI22 to broadcast PSAs or 30-minute or 60-minute programs that specifically convey to the “citizens” of Omaha what kind of content they’d like to see broadcast by CTI22 on Cox Channel 22. **Why is that?**
- Likewise, members of CTAC, either individually or as a group, could have taken the initiative to inform citizens of Omaha what kind of content they’d like to see broadcast by CTI22 on Cox Channel 22, but never did so. **Why is that?**
- Since 2008, as published on the CTI22 web site since August 10, 2009 (<http://www.cti22.org/letters.htm>), CTI22 has openly provided Omaha City Council members and other elected officials with an opportunity to tell their constituents exactly what they can or should do to support and evolve the PEGs and, in particular, how they might shape content broadcast by CTI22 on Cox Channel 22. Unfortunately, no member of the Omaha City Council uses CTI22 to strategically and consistently coalesce their electorate to advance **Why is that?**
- Frankly, it would have been helpful if City Council members engaged the business community to work with CTI22 to showcase their businesses, and thereby ignite revenue streams throughout the greater Omaha business community. As of today’s date, no current members of the Omaha City Council have taken any initiative to consistently and actively promote community access via CTI22 on Cox Channel 22. **Why is that?**

**FACT:** Attachment “A,” “Addendum “A,” executed on August 23, 1983 between the City of Omaha and Cox established: (e) *Further, Cox and the City agree that the success of public access is largely dependent upon the [promotion of public access, including its availability.*

*As I briefly showed you today, listed below are just a few businesses or organizations in metro Omaha that have refused to work with CTI22 to broadcast content on Cox Channel 22. Frequently, three key issues have prompted their refusal:*

1. *The City of Omaha functions as an absentee landlord over the PEGs, and the City doesn’t support CTI22 or the PEGs by showcasing any of its own governmental functions (except the City Council meetings) or departments; so why should they!*
2. *Cox Communication has publically and consistently stated it doesn’t support the PEGs, and has specifically “branded” CTI22 as its “minority affairs” channel, and they don’t want to be associated with such branding (which continues to linger), particularly after the passage of ballot Initiative 424 on November 4, 2008, which eliminated the application of Affirmative Action for all state, county, and local government jobs in Nebraska.*

<i>Empowerment Network</i>	<i>Omaha Beef Football</i>
<i>Skate City</i>	<i>Film Streams</i>
<i>Omaha Blues Society</i>	<i>Nebraska Writers Collective</i>
<i>Greater Omaha Chamber</i>	<i>KFAB</i>
<i>Christ Child Society of Omaha</i>	<i>Douglas County</i>
<i>Omaha Royals</i>	<i>Susan G. Komen Race for the Cure</i>
<i>Barnes &amp; Noble</i>	<i>Hope Center for Kids</i>
<i>Borders</i>	<i>Creighton University School of Law</i>
<i>LiveWell Omaha</i>	<i>Omaha Summer Arts Festival</i>
<i>Keno King</i>	<i>Interdenominational Ministerial Alliance</i>
<i>Horsemen’s Park</i>	<i>KETV, KMPT, KPTM, WOWT</i>
<i>Omaha Performing Arts</i>	<i>Septemberfest</i>
<i>Omaha Roller Girls</i>	<i>Midlands Business Journal</i>

- **FACT:** In the last four-(4) years alone, CTI22 has broadcast both more content and a greater variety of content than in the entire history of Cox Channel 22 in Omaha; but instead of being championed for this accomplishment (such as exclusive content from the People's Republic of China), CTI22 is assailed for broadcasting First Amendment (Free Speech) content for which CTI22 is prohibited from censoring, editing, banning, etc.

5. **LOCATION:** Put simply, the clear majority of Omaha citizens are being denied access to the public accommodation provided by Channel 22 as long as the fiber optic head is located at the Omaha O.I.C. building. CTI22 seeks to broadcast content all citizens of Omaha, and not just those who live in North Omaha, who are primarily African-Americans. To include a greater scope of content (as targeted in #4 above), there's an immediate need to relocate the fiber optic head to an area that is more accessible to the majority of citizens in Omaha. CTI22 proposed the Center Mall primarily because, as a former Cox location, hopefully, the cost to relocate would be less. However, as clearly stated in my email below, CTI22 is open to relocate to any location in the midtown Omaha area that is mutually convenience to all (citizens, Cox, City of Omaha) and that is not cost prohibitive. Please note the following:

From: cti22 <cti22@earthlink.net>  
Subject: Second Request  
Date: December 14, 2010 3:07:09 AM CST  
To: John (CCI-Central Region) Barrett <John.Barrett@cox.com>  
Cc: Gail.Graeve@cox.com

Hello, John:

This is a brief follow-up to our recent request:

1. What is the total cost to refit (install) fiber optics to a designated location within the Center Mall to enable CTI22 to broadcast from this location?
2. What other locations in the midtown area [in particular, within zip codes 68131, 68132, 68105, and 68106] are currently wired to enable CTI22 to broadcast from these locations? What is the refit/install cost particular to each targeted site?
3. What is the status of your research to explain how the occasional broadcast of CTI22's audio and video is not synchronized?
4. Given that Cox has an established practice of broadcasting announcements for other community access channels, what specifically is required for Cox to broadcast original PSAs produced by CTI22 (American Red Cross, United Way, Salvation Army, Open Door Mission, Douglas County Health Department, etc.) within the Cox network?
5. Can you provide a map [such as Cox's digital rebuild map of metro Omaha] that shows: (a) Cox's entire broadcast boundaries throughout metro Omaha; and (2) an insert or overlay that shows the limits of CTI22's broadcast within Cox's broadcast boundaries?

Most respectfully, there is no need to play phone tag; your prompt and detailed response via email is requested.

Trip Reynolds, CTI22  
General Manager  
Community Telecast, Inc.  
402-934-1100  
[www.cti22.org](http://www.cti22.org)  
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- 6: **AGREEMENTS:** As I stated during our meeting, there are oral and/or written Agreements beyond the scope of the Franchise Agreement between the City of Omaha and Cox. For example, CTI22 did not always broadcast the community calendar, but at a CTAC meeting, CTI22 and Cox and the City of Omaha (CTAC) agreed for CTI22 to broadcast the Community Calendar because Cox refused to continue to do so. Per this Agreement, this responsibility was placed on CTI22 and without equipment, staff, or compensation. This Agreement is clearly separate from the Franchise Agreement. Likewise, please note the following:

*On Dec 14, 2011, at 9:35 AM, Mumgaard, Thomas (Law) wrote:  
Mr. Reynolds:*

*I'm afraid you misunderstand the City's view of the relationships between CTI, Cox, and the City.*

*CTI's compensation for providing the information CTAC requests is access to the cable television system as a dedicated channel consortium. No monetary compensation is due CTI. CTI has no independent right to show programming on channel 22 to the exclusion of all other persons. CTI has the use of that channel because the City*

*makes Cox provide that channel to CTI.*

*If CTI doesn't want to, or can't, provide the information that the City, through CTAC, directs, then access to the cable television system via the dedicated channel can be removed. CTI then can show its programming like any other citizen on channel 109, sharing time with the other channel users. If CTI won't, or can't, satisfy its obligations the City can stop recognizing CTI as a consortium and can direct Cox to use channel 22 for some other programming. The City controls who uses that channel, not CTI or Cox.*

*Whether Cox believes the 2000 agreement with CTI is binding or not is of no concern to the City. That agreement states the obligations that the City expects to be carried out by everyone involved.*

*If inequities or substandard service exist, the City will work with CTI to correct them. But they do not absolve CTI of its obligations.*

*Thanks for your views. I hope this clarifies the City's view. Again, I encourage you to work cooperatively with Cox to provide the information CTAC desires.*

*Tom Mumgaard*

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From: cti22 <cti22@earthlink.net>  
Subject: Re: CTAC Report due dates  
Date: December 14, 2011 6:28:00 PM CST  
To: Mumgaard, Thomas (Law) <Tom.Mumgaard@ci.omaha.ne.us>

Hello, Mr. Mumgaard:

Most respectfully, I have made absolutely no attempt to "understand" the City's view of the relationships between CTI22, Cox and the City. It would be inappropriate and presumptuous for CTI22 to convey or represent the City's or Cox's position or role within such a relationship. More importantly, again, CTI22 is bringing to your attention the **inequities** exacted upon CTI22, which exist due to the ambiguity and disagreement shared by Cox and the City regarding the 2000 Agreement.

It is not analogous to state "CTI's compensation for providing the information CTAC requests is access to the cable television system as a dedicated channel consortium," because Cox is using the fact that CTI22 is prohibited from acquiring any compensatory gain from the cable television system to make commercial gain and profit from CTI22's payments to Cox. **Put even more directly, are you stating that, without regard to the expense born by CTI22, CTI22 must freely and without reimbursement provide Cox with any aspect of our proprietary work product if it is somehow referenced to "written Programming Reports for the purpose of Cox fulfilling its monthly franchise reporting obligations"?** If CTAC directs Cox (for whatever reason) to include with each Programming Report a copy of all broadcast programs aired on CTI22, is it the City's official response that CTI22 provide such materials? How does CTI22 respond to this directive when CTI22 has never had enough revenue or staff time to respond to such requests. Your response, please.

As defined by the Franchise Agreement, CTI22's access to the cable television system exists entirely as a non-commercial, non-profit entity to provide broadcast content from and/or for the citizens of Omaha, which is exactly what CTI22 does, despite Cox's ongoing effort to: (1) label CTI22 as a "minorities only" channel; (2) prohibit the broadcast of any PSAs about CTI22 throughout the cable television system that it operates solely at the City's discretion and pleasure; or (3) its very public actions to significantly reduce or eliminate its role and interaction with the PEG channels. To state that "CTI has no independent right to show programming on channel 22 to the exclusion of all other persons," is completely out of context in this discussion because CTI22 has and will continue to broadcast any content (except for profanity, pornography and commercial advertisements) from or for the citizens of Omaha.

Cox's management of the cable television system is analogous to a contractor who builds a toll road, and CTI22 is just one of many taxi cars (like USA, ABC, NBC, CBS, HBO, Showtime, etc.) that drive on this state or city owned toll road. As with all of the other taxis on the toll road, CTI22 also provides services, but we are required to provide our "taxi services" for free or at little cost, as we all watch the contractor (Cox) do everything it can to keep the public unaware of CTI22's taxi service, or telling the public it should not support the existence of CTI22's taxi service (without regard to the legality, can you say, gag order?). And this is not an inequity upon CTI22? Cox can and has acted inequitably with CTI22 because CTI22 does not have the clout or financial backing of the Knowledge Network; but do "we" really need a Knowledge Network particularly when there's the Discovery Channel, the History Channel, etc. Maybe Cox is right, and the City (the citizens of Omaha) should completely abandon the concept of a cable television system based on a "home rule city" perspective.

**You state, "If inequities or substandard service exist, the City will work with CTI to correct them." Clearly, CTI22 is requesting the City do exact that, because inequities or substandard service (i.e., 11 hours of service interruption) do exist.**

In your email of Dec 13, 2011, at 5:00 PM, you "encourage(d) (CTI22) to reach agreement (with Cox) on how this can be done, recognizing the reasonable time constraints (we) both experience." However, in your email of Dec 14, 2011, at 9:35 AM, you essentially enjoin CTI22 from addressing the inequities that have yet to be dealt with by the City or Cox. Again, the 2000 Agreement does not establish that CTI22 should provide such reporting to Cox without compensation, or other resources, for generating this proprietary and unfunded work product; likewise, **the Agreement does not establish that Cox should profit from the operation of Community Telecast, Inc., as it delivers non-commercial, non-profit services to and for the citizens of Omaha.**

**You state, "If inequities or substandard service exist, the City will work with CTI to correct them." How do you propose to do so?**

Have a great day!

Trip Reynolds, CTI22  
President/CEO  
Community Telecast, Inc.  
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CTI22 is **public-accessible** to all of Omaha!

**7: CTI22 CONTENT:** There are limited situations where it can be accurately stated that CTI22 "does its own thing." In this regard, CTI22 can be very specific. The very purpose of community access is to give a voice to people who don't traditionally have access through major commercial media. In this regard, if CTI22 doesn't broadcast certain content, clearly no one will. For example:

1. Creating and broadcasting announcements on the Community Calendar to promote fund raising for cancer victims, for persons who lost their homes as a result of fire, announcements to promote health awareness, etc.
2. Creating and broadcasting, at no cost, promotional spots to encourage voting.
3. Creating and broadcasting, at no cost, promotional spots for any non-profit entity.
4. Creating and broadcasting, at no cost, 30-minute, 60-minute, and 90-minute programs to showcase and promote Omaha businesses and non-profit organizations [Omaha Business Showcase, Golden Gloves Boxing, Omaha Roller Girls, Nebraska Ballroom Dancing Championship, Heartland Bodybuilding Championship, etc.].
5. Creating and broadcasting, at no cost, 30-minute and 60-minute programs to encourage reading [Book Club].

CTI22 produces considerably more original content, every week, than any other PEG channel. It's disappointing that critics of CTI22 either ignore or don't care to discover the significant "good deeds" broadcast by CTI22, but instead elects to focus on a few "talking head" programs. And in this regard, consistent with our *egalitarian* content and broadcast procedures, CTI22 has and will always make time available for dissenting opinions. Unfortunately, some people would rather misdirect their complaints and inappropriately attack CTI22, instead of securing time on Channel 22 to correctly deal with their angst by engaging in the vibrant practice of Free Speech.

It's also disappointing, given the number of documents and complaints CTI22 has sent to the Omaha City Council, which should have been made available to CTAC, that no one, absolutely no one, has taken the time to respond to any our requests for feedback, or to direct CTI22 to the appropriate person(s) to deal with the effective management of Channel 22. **Why is that?**

***(e) Further, Cox and the City agree that the success of public access is largely dependent upon the promotion of public access, including its availability.***

***Really?***

In closing, this just happened at 1:27 PM. I just received a phone call from Linda Slocum. She a singer, and she's asked for CTI22 to come to CenturyLink tomorrow to film her performing from 5:00 PM to 6:00 PM. Remember, it's "community access" and she wants the "community" to see her perform on Channel 22. I responded, although it's a last minute notice, CTI22 will try to be there. And we will.

In summary, CTI22 does not "do its own thing." **We Broadcast the Community!™**

Trip Reynolds  
President/CEO

**CTI22 is public-accessible to all of Omaha!**