

We Broadcast the Community!™



Community Telecast, Inc.
 P. O. Box 11558
 Omaha, Nebraska 68111
 CTIOmaha@aol.com
 Communitytelecast.com
 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, local government, or revenue based on Franchise Fees from the cable provider. We are supported only through membership fees and donations.

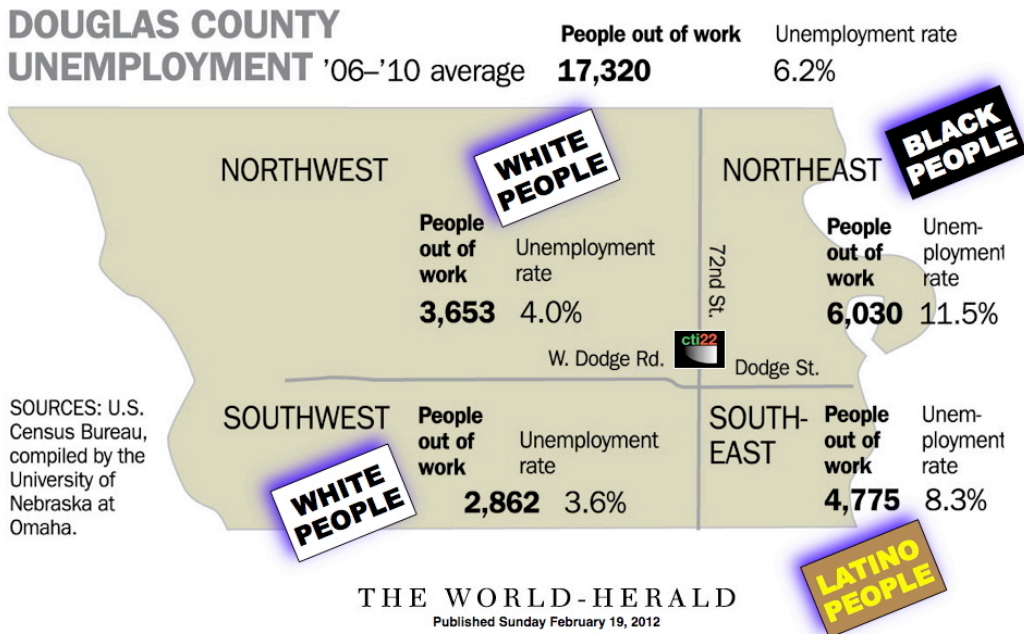
May 7, 2012

Nebraska Equal Opportunity Commission
 State Office Building
 1313 Farnam-on-the-Mall, 3rd Floor
 Omaha, NE 68102-1836

RE: COMPLAINT – DENIAL OF PUBLIC ACCOMMODATIONS: Cox Communications and the City of Omaha are discriminating against White people and Latino people by refusing, denying or withholding equal access to the facilities and services of Community Telecast, Inc.

BACKGROUND - As currently drafted, and presented to the Omaha City Council on Tuesday, May 1, 2012, the proposed Franchise Agreement will commit Cox and the City of Omaha to maintain fiber return lines at specific locations, therefore negating the City's responsibility to negotiate the Franchise Agreement to " . . . **promote the public interest.**" **Notably, for more than two-(2) years** CTI22 has requested Cox and the City of Omaha (via Deputy City Attorney Thomas Mumgaard) to respond to our immediate need to relocate – at CTI22's expense - to a facility that is more convenient and racially acceptable to our entire broadcast audience, and to our current and potential clients. **The proposed Agreement blatantly ignores our request.** Our current location is not acceptable:

1. The O.O.I.C. facility does not meet our operational needs;
2. The O.O.I.C. facility is poorly managed (note the enclosed DVD), and CTI22 is currently suing OOIC in this regard;
3. The City of Omaha Planning Department cited (April 20, 2011) the entire O.O.I.C. facility in violation of the Omaha Municipal Code;
4. As validated by ongoing feedback CTI22 receives from current and prospective program producers and guests, the O.O.I.C. facility is not convenient to White people - who also **fear** coming into or doing business within the urban blight of North Omaha, and Latinos living in South Omaha also find our facility particularly inconvenient. As represented by the OWH graph below, CTI22 is seeking a location "centrally" located for the greater convenience of all citizens.



HISTORY

1. On November 4, 2008, Nebraska's citizens (**86.1% who are predominately White, 2010 US Census**), passed ballot Initiative 424, which eliminated the application of Affirmative Action for all state, county, and local government jobs in Nebraska. CTI22 has never restricted its content to minorities, and CTI22 wears many broadcast "handles," which includes broadcasting **more public service announcements promoting metro Omaha community-based organizations, events, and businesses; more original programming involving elected officials; more original, Omaha-based ethnic programming for White citizens; and more original, Omaha-based religious programming than all Omaha televisions combined.** However, the aforementioned "handles" were ignored, and Cox unilaterally (and negatively) "branded" CTI22 as its "minority Affairs" channel. Given that CTI22 broadcasts on community access, which is ultimately governed by the City of Omaha, which pursuant to passage of Ballot Initiative 424 cannot conduct its business affairs with any application or appearance of "Affirmative Action," in early 2009, CTI22 orally requested Cox discontinue all references to CTI22 as its "minority affairs" channel. CTI22 received no feedback from Cox.
2. CTI22 repeatedly asked Cox via face-to-face meetings (December 29, 2009), emails (throughout 2010), and written correspondence (April 21, 2010) for nearly a year, that all references [<http://ww2.cox.com/residential/omaha/tv/channel-lineup.cox>] to CTI22 as "Cox's" minority affairs channel be deleted; and in compliance with Cox's existing template for "branding" **the clear majority of its channel roster**, that only the CTI22 logo and the printed name of the station (with a link to our web site) be presented. Instead, **Cox continued to promote misleading information about CTI22 for nearly a year until CTI22 threatened to go "public" and raise awareness of Cox's business practices beyond its comfort zone.** Cox finally made the change via email of July 21, 2010. Cox unilaterally circumvented local, state and federal laws to define CTI22's legal business name, image, branding, logo, etc.

INCORRECT	CORRECT
	

3. Even after being directed by CTI22 to stop providing erroneous and misleading information about CTI22 as its "minority affairs" *only* channel, Cox continued to post legacy "branding" online, which caused CTI22 business harm by continuing to limit our access to capture and broadcast even greater content for citizens of Omaha (**73.1% who are predominately White, 2010 US Census**), and limited our access to potential revenue streams to support our broadcast operations [unlike the Knowledge Network, or Channel 109, or PBS, at CTI22 we receive absolutely *NO tax support from the federal government, State of Nebraska, or the City of Omaha. We are supported only through membership fees and donations*]. Cox has never championed or promoted CTI22, or the PEG concept in Omaha, and provided as little information as possible to citizens of Omaha (**73.1% who are predominately White, 2010 US Census**), about their legal right, their civic right to have access to community/public access. *CTI22 can validate Cox provides as little information as possible to citizens of Omaha (73.1% who are predominately White, 2010 US Census) about community access, while also using racially-based misinformation to impede public accommodation of CTI22:*
 - a. CTI22 had a booth at the 2010 "Big O! Show" and there we contacted all 349 of 351 vendors (excluding Cox and KETV-TV), and 85% were not aware of the existence of CTI22 or community access television in Omaha; of those who were aware of CTI22, all said they "thought" CTI22 was a "minority affairs" channel only; and all said they were "uncomfortable" or "uncertain" about doing business with CTI22 because the channel is located in "North Omaha." See attached "Big O!" letter from Dr. Everett S. Reynolds to Attorney Thomas Mumgaard.
 - b. Cox consistently, openly, subtly, and subliminally plays the "race card" in its dealings with CTI22. We must ignore Cox Enterprises' (the corporate parent) token partnerships with major national diversity organizations, or that Cox is listed as #20 on DiversityInc's list of Top 50 Companies for Diversity, *because in the absence of any legal requirement* its clearly not in Cox's business interest to provide any financial or non-financial support to a minority-operated community access television, CTI22, in Omaha, Nebraska:
 1. CTI22 has requested, both orally and in writing (copy provided upon request), but Cox has refused to participate in a broadcast program that celebrates its so-called accomplishments as a "top company for diversity."
 2. CTI22 has requested, both orally and in writing (copy provided upon request), but Cox has refused to broadcast throughout its Omaha-based broadcast system any PSAs produced by CTI22 that showcase citizens of Omaha (**73.1% who are predominately White, 2010 US Census**), in "community events." In 2008, CTI22 asked Cox to air a PSA for a 5K Walk/Run to encourage minorities to become healthy and fit, but Cox refused. Cox uses its "token" participation as a member of the National Urban League to strategically champion diversity at the "local level" in Omaha almost exclusively to the Omaha branch of the Urban League and/or its ethnic-based business partners, and Cinco de Mayo, which primarily functions as a pay-per-view (revenue) event for Cox.

3. CTI22 has requested, both orally and in writing (copy provided upon request), but Cox has refused to participate in any effort to inform our broadcast audience on the impact of MUD's (Metropolitan Utilities District) right-of-way changes on Cox's fiber optic lines, and in particular, impact on service delivery, cost, etc.
4. There are three-(3) distinct categories that define CTI22's broadcast relationships:

1 – NO WAY	2 – NO WAY	3 - YES
<p>Organizations or businesses who refuse to establish a broadcast relationship because CTI22 is not supported through Franchise fees or by philanthropy from “elite level” non-minority businesses (Cox, Qwest, Peter Kiewit, etc.) or individuals / organizations (Richard Holland, Sokolof Family, Weitz Family, Sherwood Foundation, etc.)</p> <p>When asked to explain CTI22's current “business model,” the following question is asked directly or indirectly: <i>Since the City of Omaha, Cox, and none of our current sponsors or benefactors don't already support you, why should we?</i></p>	<p>Organizations or businesses that refuse to establish a broadcast relationship because CTI22's broadcast content and operations are only for “minorities.”</p> <p>When asked to explain CTI22's current “business model,” the following question is asked directly or indirectly: <i>Since you (CTI22) restrict your broadcast content to minorities, why should we broadcast on CTI22?</i></p> <p>Given that the clear majority of citizens in Nebraska (who are White) voted to eliminate the existence of Affirmative Action in the state in 2008, instead of posting <u>only our logo and name</u>, Cox intentionally continued to “black list” CTI22 as the n _ _ _ _ _ channel, which is how some non-minorities refer to CTI22.</p>	<p>Individuals, organizations or businesses that establish a broadcast relationship because, in compliance with the “idea” of creating public, educational, and governmental (PEG) channels to provide ordinary people with the opportunity to create content particular to their immediate communities, CTI22 has and will continue to broadcast content for and from citizens of the greater Omaha community.</p>
<p>In this regard, Omaha Performing Arts; Film Streams; Rose Theater; Attendees at the “Big O! Show;” major non-profit organizations; and many others have elected not to support CTI22.</p>	<p>In this regard, Omaha Performing Arts; 50+ Magazine; Film Streams; Attendees at the “Big O! Show;” Skate City; Greater Omaha Chamber; Omaha Royals/Storm Chasers; Omaha Beef; 100+ non-profit organizations in the “Omaha Book of Lists,” etc., non-minority (White) churches throughout metro Omaha, etc., and many others have elected not to support CTI22.</p>	<p>In this regard, when citizens (Malik Jihad, Mort Sullivan, etc.), elected officials (Congressman Lee Terry) organizations (Open Door Mission), and businesses (Prouty Place, Omaha Blue Waves Martial Arts) are informed that anyone can have broadcast time on CTI22 they frequently elect to do so.</p>

EXAMPLE 1: I met with OPA and conveyed CTI22's plan to prompt citizens of Omaha to attend local theater and “live” music concerts by allocating 24-hours of our broadcast schedule each week to support, to showcase the performing arts in metro Omaha. OPA's response [Mar 10, 2011, at 4:23 PM, Rosalee Roberts], “Thank you for continuing to look at “possible promotional opportunities for “cultural programming.” CTI22 repeatedly informed OPA our objective was to dedicate 24-hours of our weekly broadcast schedule to specifically inform, showcase and promote “the performing arts” - but not culture - to greater Omaha. CTI22 easily broadcasts more original Omaha-based “cultural programs” than all other metro Omaha television stations combined, we have no need to give additional focus on “culture,” which is frequently used by many non-minorities as a substitute word for “minority.”

EXAMPLE 2: In 2009, to expand the broadcast base for our exclusive program, “Omaha Business Showcase,” I met with executives at the Greater Omaha Chamber solely to discuss promoting “Omaha” businesses. Again, “Omaha businesses.” On at least five-(5) occasions during our 60+ minute meeting I had to repeatedly tell the Chamber's “leadership” that CTI22 was NOT there to promote business development in North Omaha or minority

businesses. Additionally, I had to tell the Chamber to ignore the erroneous information conveyed by Cox about CTI22.

Most importantly, the City of Omaha (see attached email trail from Deputy City Attorney Mumgaard) “. . . has not and will not take any steps to address perceived inequities in the current system (resulting from Cox’s failure to perform*),” and the proposed Agreement only emboldens an environment of unfair competition and prevents CTI22 and other PEGs from flourishing to meet the broadcast needs of the citizens of Omaha.

In summary, Cox Communications and the City of Omaha propose to physically “lock” Community Telecast, Inc. into a facility and location that does not and will not provide egalitarian “public accommodation” access to the clear majority of White citizens who live and work in northwest and southwest Omaha, or to the clear majority of Latino citizens who live in south Omaha. As Omaha’s only independently operated and minority-managed television station, CTI22 is excluded from the same “privilege” held by Omaha’s White owned and controlled commercial television stations, which are located in Omaha’s central business district (CBD) or in west Omaha; and their access to the marketplace to develop and secure revenue from for-profit and non-profit businesses is not restricted by Cox or the City of Omaha.

- **Recommendation 1:** Cox Communications and the City of Omaha should be prohibited from executing an Agreement that does not provide egalitarian “public accommodation” access to the very *community access television station* (CTI22) that is charged to broadcast content from or for all citizens of Omaha.
- **Recommendation 2:** Language in the proposed Agreement be changed to: EXHIBIT B: Dedicated Fiber Return Lines. 4. CTI – 22 facility location, **TO-BE-DETERMINED**.
- **Recommendation 3:** Assignment of fines or penalties against Cox and the City of Omaha for blatant acts of racially-based discrimination, and for acts of negligent management that embolden an environment of unfair competition and prevent CTI22 from flourishing to meet the broadcast needs of the citizens of Omaha.

Sincerely,

Trip Reynolds
President/CEO

- Enclosed:
1. Copy of email trail to/from Deputy City Attorney Thomas Mumgaard
 2. Copy of DVD, “The Roof Leaks” in the CTI22 studio at the O.O.I.C. Building
 3. Copy of “Notice of Violation” from the City of Omaha Planning Department
 4. Copy of “Big O!” Letter from Dr. Everett S. Reynolds to Attorney Thomas Mumgaard
 5. Copy of Complaint – Cox failure to perform – July 22, 2011

CTI22 is public-accessible to all of Omaha!

DID YOU KNOW? As reported in April 2010 to the Omaha City Council [<http://www.cti22.org/franchise.htm>], at any given time CTI22’s broadcast audience ranges from 13% to 20% of Cox subscribers! CTI22 broadcasts more of the following content than all other metro area TV stations combined: public service announcements promoting metro Omaha community-based organizations, events, and businesses; more original programming involving elected officials; more original, Omaha-based programming for African-American, Latino, Native American, Asian, and other ethnic groups; and more original, Omaha-based religious programming.