

Application for Exemption Under section 55 of the Disability Discrimination
Act

*Closed Captioning on Subscription Television
June 2009*

ASTRA

Level 1, 55 Pyrmont Bridge Road, Pyrmont NSW 2009
Tel + 61 2 9776 2685
Fax + 61 2 9776 2683
Email: debra.richards@astra.org.au



Contents:

• Executive Summary	page 3
• Application	page 6
• Undertakings	page 14
1. Undertakings by Platforms	14
2. Undertakings by Channel Providers	15
3. Excluded Programming	16
4. Reporting	17
5. Review	17

Executive Summary

In May 2004, the Australian Subscription Television and Radio Association (“**ASTRA**”), on behalf of the subscription television industry (“**the Applicants**”), applied for exemption from the effect of section 24 of the Disability Discrimination Act 1992 (“**DDA**”) in respect of the supply and broadcasting of programming where that programming is supplied or broadcast without closed captioning (“**the Submission**”). The Applicants committed to a rollout plan in relation to the captioning of programming offered by subscription television providers which commenced in October 2004 and is due to expire in October 2009.

As indicated in ASTRA’s annual Closed Captioning Progress Reports to the Human Rights and Equal Opportunity Commission (“**the Commission**”), the most recent of which was submitted 30 May 2008, the Applicants have far exceeded their minimum obligations for providing closed captions. Current captioning levels are summarised below:

CHANNEL	CURRENT CHANNEL CAPTIONING COMMITMENTS	AVERAGE CAPTIONING ACHIEVED
20 Phase 1 Channels (Commenced October 2004)	25%	44%
20 Phase 2 Channels (Commenced October 2006)	15%	23%

The Applicants have focused their efforts in captioning on more popular programming and peak viewing times. Consequently, the Applicants have succeeded in delivering more captioning to deaf and hearing impaired subscribers in terms of viewership than is indicated in the above target percentages which are based on 24 hour schedules and all applicable programming.

The Applicants have also provided closed captioning on additional Channels which are on top of the 40 Channels provided as part of their undertakings. A summary of currently available enabled Channels delivering closed captioning is provided in Annexure 1.

In summary, ASTRA’s members have embraced the closed captioning obligations, in many cases far exceeding the required levels. Closed captioning launched on the relevant subscription television services in October 2004 and the amount of hours captioned reflects this commitment. With 41,258 hours in 2004/05; 55,048 hours in 2005/06; more than 69,805 hours in 2006/07; 102,954 in 2007/2008; and as at May 2009, with six months remaining of the current year, over 58,685 hours have been captioned. These totals do not include the number of hours of subtitling

provided on World Movies or the closed captioning available on the +2 Channels across each of the platforms which provides even more opportunity for access.

In addition to providing a greater volume of captioned programming to deaf and hearing impaired subscribers, the Applicants continue to look at ways to improve the overall quality of services provided to deaf and hearing impaired viewers by ensuring that, as far as practicable, the majority of minimum captioning targets are provided during peak viewing hours and on the more popular programs of each of the enabled Channels.

The Applicants have improved access to subscription television for deaf and hearing impaired viewers by:

- identifying closed captioned programs in all relevant listings, including magazines, electronic program guides and on air;
- enabling the recording of closed captioned programs;
- providing the ability to search for, and remote record closed captioned programs via online TV Guides;
- FOXTEL's electronic program guide ("EPG") provides the ability to search by 'closed captioned programs' along with other genres;
- FOXTEL's service includes a digital help Channel that provides captioning assistance and is itself captioned.

ASTRA continues to provide the Applicants with feedback on the priorities of deaf and hearing impaired subscribers. In response to the expressed interest in pre and post sporting event commentary, the Applicants propose to expand captioning to include an Australian sports Channel. Similarly, in response to feedback from the deaf and hearing impaired community, the Applicants will enable an Australian news Channel. Due to the "live" nature of this programming, ASTRA submits that it is reasonable to maintain a constant target of captioning on these two Channels. The Applicants will provide these 2 Channels in addition to 10 new Channels (see Undertakings section) to be enabled within the 5 year period commencing October 2009.

It is on the basis of the Applicants' proven commitment to improving access to television for the deaf and hearing impaired viewers that ASTRA seeks a further exemption on behalf of the Applicants until 20 October 2014. ASTRA submits that by accepting the Applicants' proposed undertakings within this application (see Undertakings section) the Applicants will continue to improve access to deaf and hearing impaired subscription television subscribers in a manner that is financially feasible in what continues to be a challenging environment for the Applicants.

Summary of undertakings:

- Continue to provide closed captioned programming that may be viewed by all subscribers to digital subscription television services.
- Continue to increase the percentage of closed captioned programming on a minimum of 40 Channels at a rate of 5% of scheduled hours or SOV per year. Details of the minimum Channel commitments for captioning are presented in the Undertakings schedule attached.
- Use reasonable endeavours to enable an additional 10 Channels for captioning over the course of the next five years. The new Channels will commit to reaching a minimum annual captioning target of 5% of scheduled hours or 15% of SOV in the first year. The Applicants propose to increase captioning targets by an additional 5% each year.
- Use reasonable endeavours to enable at least one Australian news broadcasting Channel with a captioning target of 5% of schedule or 15% of SOV.
- Use reasonable endeavours to enable at least one Australian sports broadcasting Channel with a captioning target of 5% of scheduled hours or 15% of SOV.
- ASTRA, on behalf of its members, will continue to report annually on compliance with these targets.
- Before the conclusion of the 5-year period covered by this application, ASTRA will review compliance with the plan and prepare a further plan. In accordance with ASTRA Codes of Practice (clause 2.4), ASTRA will consult with organisations representing deaf and hearing impaired Australians and organisations specialising in providing closed captioning.
- In accordance with clause 2.4 of ASTRA's Codes of Practice, where closed captioning is made available it will be clearly identified in the relevant Digital Guide, EPG, magazine and on air with a 'CC' identifier and ASTRA members will use reasonable endeavours to identify captioned programs in other published program guides.

Application by Australian Subscription Television and Radio Association [ASTRA] on behalf of its members Disability Discrimination Act 1992 – Section 55- Application for Exemption

TO: The Human Rights and Equal Opportunity Commission (“the Commission”)

This application is made under section 55 of the Disability Discrimination Act 1992 (Cth.) (“the Act”) for an exemption from s 24(1) of the Act in respect of the supply and broadcasting of subscription television programming where that programming is supplied or broadcast without closed captioning.

Definitions

Except for the following definitions, terms have their generally accepted meanings:

- **Additional Enabled Channels** means Channels enabled for closed captioning over and above the required 40 Channels as part of the undertakings of the Submission.
- **Channel** means a continuous stream of programming.
- **Channel Provider** means a provider of a Channel for subscription television.
- **Digital STU** means a digital cable set-top-unit or upgraded digital satellite set-top-unit.
- **Enabling** means providing distribution infrastructure to facilitate the provision of captioning on a Channel.
- **Free to Air Networks (FTAs)** means Australia’s free to air terrestrial television networks (such as ABC, SBS, Seven Network, Nine Network, Network Ten).
- **Industry** means the subscription television industry.
- **Long-form Programming** means programming more than 10mins in duration.
- **Phase 1 Channels** means the 20 Channels committed to a minimum captioning target of 25% over five years from 2004.
- **Phase 2 Channel** means 20 Channels committed to a minimum captioning target of 15% over three years from 2006.
- **Short-form Programming** means programming that is less than 10 minutes in duration.
- **Share of Viewing (SOV)** means the total number of subscribers that viewed captioned programming on the Channel divided by the total numbers of viewers for the Channel. By way of example, if a Channel were to caption their most popular program which represents 5% of scheduled hours, this may for example, represent a much higher share of total viewing.
- **Subscription television provider/operator or Platform** means the holder of subscription television broadcast licenses under the Broadcast Services Act 1992 (Cth.).
- **Territory** means Australia.

1. Name of applicants

The Australian Subscription Television and Radio Association (ASTRA) and each of its members as listed below:

Aurora Television Limited (non-profit organisation)

AUSTAR United Communications

Australian Christian Channel (non-profit organisation)

Australian News Channel Pty Ltd

BBC

Bloomberg LP

Comcast Entertainment Group

Discovery Networks

Disney Channel (Australia) Pty Ltd

ESPN Inc.

Eurosport Société Anonyme

FOXTEL Management Pty Ltd on behalf of the FOXTEL partnership and
FOXTEL Cable Television Pty Ltd

FTV Programmgesellschaft MBH France

Greek language Channel. Distributed in Australia by Overlook BV

Interfine Holdings

MTV Networks

National Geographic Channel Australia Pty Ltd

NBC Universal

News Corporation

NGC-UK Partnership

Nickelodeon Australia

Overlook BV (RAI / Antenna)

Premier Media Group Pty Ltd

Singtel Optus

Telstra Media Pty Ltd

The Movie Network

The Premium Movie Partnership

ThoroughVision Pty Ltd

Turner Broadcasting System Asia Pacific, Inc

TV1

XYZnetworks Pty Ltd

(together “the Applicants”)

2. Short description of business carried on by applicants

The supply and broadcasting of subscription television programming and related services.

3. Address in Australia for service of documents on the applicants

Debra Richards

CEO

Australian Subscription Television and Radio Association

Level 1, 55 Pyrmont Bridge Road

Pyrmont NSW 2009

4. Description of service to which this application relates

The supply and broadcasting of all subscription television programming undertaken by the Applicants.

5. Description of exemption applied for

This application is for an exemption pursuant to section 55 of the Act such that the Applicants are exempt from the operation of section 24(1) of the Act until 20 October 2014 in respect of the supply or broadcasting of subscription television programming where that programming is supplied or broadcast without closed captioning.

6. Grounds for grant of exemption

The basis of ASTRA’s submission on behalf of the Applicants for a further 5 year exemption from the effect of section 24 of the DDA in respect of the supply and broadcasting of programming where that programming is supplied or broadcast without closed captioning is two-fold:

1. The Applicants have proven a commitment to provide closed captioning and improve subscription television services for deaf and hearing impaired subscribers and should therefore be granted the opportunity to continue their excellent efforts;
2. The subscription television industry faces unique challenges that make the provision of captioning difficult and expensive. The roll out plan recommended in the Undertakings section of this application provides a tenable solution to improving and expanding access to subscription television to deaf and hearing impaired viewers.

Both of these arguments are presented in more detail below.

1. The Applicants are committed to providing subscription television services to deaf and hearing impaired viewers

The Applicants have a proven commitment in the provision of closed captioning on subscription television in three key ways:

1) *Enabling more Channels for closed captioning than required under the previous undertakings*

Under the Submission, the Applicants were required to enable 40 Channels: 20 x Phase 1 Channels and 20 x Phase 2 Channels. The Applicants have enabled 45 Channels since the Submission.

2) *Exceeding captioning requirements*

The Applicants have exceeded their undertakings in captioning requirements as summarised in Table 1 below:

Table 1

Phase one Channels
<ul style="list-style-type: none"> • Year 1 target 5% = average level across 20 Channels was 25% • Year 2 target 10% = average level was 31.24% • Year 3 target 15% = average level was 34.45% • Year 4 target 20% = average level was 43% • Year 5 target 25%(ends October 2008) = currently 44%
Phase Two Channels
<ul style="list-style-type: none"> • Year 1 target 5% = average level across 20 Channels was 5.59% • Year 2 target 10% = average level was 15% • Year 3 target 15% (ends October 2008) = currently 23%
Hours
<ul style="list-style-type: none"> • 2004/05 = 41,258 hours • 2005/06 = 55,048 hours (33% increase on past year) • 2006/07 = 69,805 hours (26% increase on past year) • 2007/08 = 102,954 hours 47.49 % increase on past year) • 2008/09 = 58,685 hours (year to date) with a forecast of 120,000 hours for the full year (a 14% increase on the previous year)
<p>Hours of captioned programming are increasing faster than the percentage of schedule as subscription television adds more unique hours of programming each year</p>

The future rollout plans for Phase 1 and Phase 2 is provided in Annexure 2.

3) *Prioritising preferred time blocks and programming in captioning*

The Applicants have focused their captioning efforts on peak viewing hours and preferred programming in delivering closed captioning. The effect of prioritising captioning during peak viewing hours and preferred programming is that captioning is provided to a larger viewing audience than by assessing captioning levels strictly on a percentage of total viewing hours. Research conducted on captioning models, for example, indicates that a 40% captioning level during peak hours on preferred programming actually translates to a 55% share of total viewership.

If the Applicants are permitted to continue their efforts in providing closed captioning on subscription television in line with the commitments described in the Undertakings section of this application, deaf and hearing impaired subscribers will benefit from the improved access.

2. Challenges to providing captioning that are unique to Subscription Television

a. Captioning costs for a multi-Channel environment

Unlike the FTAs which have the obligation to provide captioning for a single Channel, subscription television providers are responsible for a wide range of programming provided on a multitude of diverse Channels. As a private investment industry, subscription television must continually strive to provide more services to its customers to achieve commercial viability. The most significant offering subscription television can provide its customers is a greater selection of programming. In the last five years, the Applicants have extended their services to provide their subscribers with a wider range of Channels with rich and diverse programming. As additional bandwidth is required to support captions, subscription broadcasters face a cost over and above the costs faced by FTAs due to the multi-Channel environment in which subscription television operates. Whilst programming budgets of individual subscription Channels are lower than those of FTAs, proportional savings do not apply to closed captioning costs. To caption an hour of original or live programming costs the same amount, regardless of the broadcast environment.

b. Captioning Short-Form programs

Difficulty in captioning Short-Form programming

Unlike FTAs that offer a range of programming limited Channels, the Applicants offer their subscribers a large range of Channels some of which have almost dedicated content (eg. music Channels). Short form content as found on music Channels and sports broadcasting Channels is particularly difficult to provide full captioning. For example, in the case music Channels, there are copyright costs associated with the publication of a songs lyrics. News and sports Channels are also examples of Short-Form programming. The challenge associated with captioning these Channels is that much of the content is provided on a “live” basis. The Applicants have aimed to improve access to these Channels to deaf and hearing impaired viewers by providing text based and interactive services on news and sporting Channels. The following Channels provide this service:

- Fox Sports News
- Sky News
- Sky News Business Channel

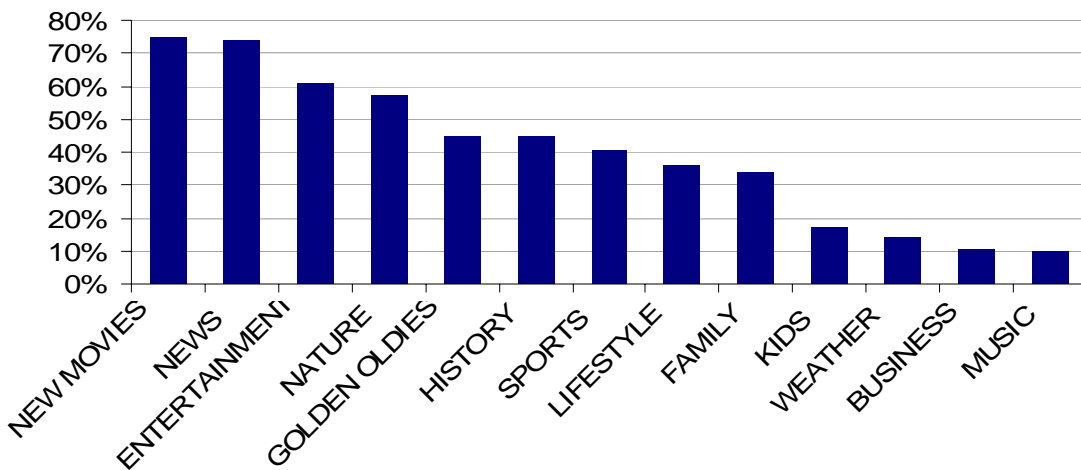
- Sky News Active
- Sports interactive (from Fox Sports 1/2/3)
- Weather Channel
- Weather Active

Short-Form Programming generally not prioritised by the deaf and hearing impaired community

As indicated in Table 2 below, a survey with the deaf and hearing impaired conducted in 2003 found that Long-Form programming (such as movies and general entertainment programs) was valued more by the deaf and hearing impaired community than programming that can be followed visually –as in the case of sports. As described above, the Applicants are committed to focusing their efforts in providing captioning on programming valued by deaf and hearing impaired subscribers. For this reason, it is submitted that captioning levels on Channels providing mostly Short-Form programming such as music Channels, should be treated differently in terms of setting captioning targets.

Table 2

Results of category vote



ASTRA submits that for the reasons set out above, captioning targets on Channels offering Short-Form programming should have lower minimum targets than those Channels offering Long-Form programming and that the difficulty in providing a commitment to progressively increase captioning on such Channels should be considered.

c. Bandwidth costs and retransmission of FTA broadcast captioning

Unlike the FTA broadcasters, which the Government has provided with exclusive use of publicly-owned broadcasting spectrum at no additional charge for the provision of digital television services, the bandwidth used by subscription television broadcasters is privately funded. Both FTA broadcasters and subscription television broadcasters require additional bandwidth in addition to that required for the existing service, to broadcast closed captions.

As additional bandwidth is required to support captions, subscription broadcasters face a cost over and above the costs faced by FTA broadcasters due to the multi-Channel environment in which subscription television operates.

Bandwidth facts:

- Bandwidth is a commodity like electricity and telephony that comes at a significant cost.
- Telstra and OPTUS have collectively invested more than \$4 billion building their cable networks to create bandwidth.
- OPTUS invested approximately \$500 million deploying its C1 satellite which provides bandwidth that is leased by FOXTEL and AUSTAR to distribute expanded digital subscription TV services since 2004.
- Subscription television providers including AUSTAR, FOXTEL, Neighbourhood Cable, OPTUS, and TransACT pay for all the bandwidth used to distribute their services, either by leasing it (AUSTAR, FOXTEL) or by building it (Neighbourhood, OPTUS, TransACT).
- For satellite, bandwidth capacity (suitable for direct to home services) is a finite resource which cannot be easily expanded without significant investment by a third party satellite operator.

d. Infrastructure costs

Unlike the FTA broadcasters which benefit from exclusive access to the public broadcast spectrum, the subscription television sector must rely on private investment by industry participants in order to deliver the services to consumers.

Despite the growth of the subscription television industry, the subscriber base is at approximately 30% of Australian homes. The investment risk of providing the infrastructure necessary to deliver the services to such a customer base is still quite high.

The Industry has invested over \$1 billion to migrate to a full digital cable and expanded satellite service increasing Channel choice and introducing interactive and active services to best utilise the opportunities offered in the digital landscape.

The digital platform, has improved the breadth and depth of subscription television offering including a text-based digital Electronic Program Guide (EPG) and enhanced news and information services which are both text-based and visual in nature. These products and enhancements have improved the entertainment options for all Australians and provide equivalence of access for deaf and hearing impaired subscribers.

Within this context, investments in captioning therefore need to be phased in on an incremental basis in order to enable a sustainable and stable long term future for the Industry and the services it provides.

e. Although caption files exist for much programming shown on subscription television, costs are still involved in obtaining those files for broadcast

Where a program shown on subscription television has been captioned overseas or locally, the caption file must be purchased, reformatted, retimed and embedded onto the transmission master. Depending on the cost of acquiring the file and the choice of service provider, costs still range between 25-65% of those of undertaking original captioning.

f. Difficulties with providing captioning in Australia

There are certain issues unique to the provision of subscription television in Australia that make the provision of captioning particularly challenging and therefore difficult to compete with captioning targets met in some other countries. These include:

i. **Smaller market:** With captioning costs relatively fixed, larger markets are much better able to spread the cost of captioning across much larger subscriber bases.

ii. **No government funding:** No government funding has been provided for broadcasters for captioning in Australia. In the United States, a captioning fund developed by the Department of Education continues to fund significant amounts of captioning on network and subscription television. In the United Kingdom a significant amount captioning is sponsored by the best-funded public broadcaster anywhere in the world, the BBC. In New Zealand all captioning is government funded.

7. Factors requiring the application to be dealt with urgently

Lead-time

ASTRA members require some lead-time to implement the technical aspects of captioning after the rollout plan has been agreed. For these reasons the applicants request that the Commission deal with this Application with urgency.

8. Name and address of person authorised by the applicants to provide additional information in relation to this application

Debra Richards
CEO
Australian Subscription Television and Radio Association
Level 1, 55 Pyrmont Bridge Road
Pyrmont NSW 2009

Undertakings

1. Undertakings by Platforms

- a. Subscription television Platforms undertake to:
 - (i) be responsible for enabling captioning on Channels and ensure that captions can be received through Digital STUs;
 - (ii) provide the retransmission of captioning contained in the FTA broadcast signals, subject to retransmission agreements with the FTA Broadcasters;
 - (iii) continue to provide captioning on 40 subscription television Channels;
 - (iv) use reasonable endeavours to enable an additional 10 subscription television Channels within 5 years, during the period commencing in October 2009;
 - (v) use reasonable endeavours to enable at least one Australian news Channel and one Australian sports broadcasting Channel in addition to the proposed 10 new Channel commitment within 5 years, during the period commencing in October 2009.
- b. When prioritising which Channels to enable captioning, Platforms, acting reasonably, will have regard to the following:
 - (i) the demand for captioning on a Channel;
 - (ii) the anticipated volume of captioning that will be provided on a Channel;
 - (iii) a balance across Channel genre categories;
 - (iv) a focus on programming less likely to be captioned by FTA broadcasters;
 - (v) alternative access services (such as text-based interactivity); and
 - (vi) bandwidth and capacity constraints.
- c. Subscription television Platforms are not obliged to meet the captioning targets for the same 40 Channels that have been committed to date as long as any newly introduced Channel commits to the captioning targets of the Channel it is replacing.

2. Undertakings by Channel Providers

- a. Channel Providers will be responsible for providing the caption files on a Channel which has been enabled on a Platform.
- b. Subject to paragraph “d” (Excluded Programming) and the terms set out below, each Channel Provider undertakes to caption its enabled Channels to meet the targets in Table 3.

Table 3: Captioning rollout targets

	Captioned Channels	Annual Captioning Targets
EXISTING OBLIGATIONS	Phase 1 Channels	The Applicants propose a dual measurement system as indicated in Annexure 2 whereby each Phase 1 Channel must either achieve 30% of the schedule or a 40% SOV in the first year. The Applicants propose to increase the percentage of closed captioning at a rate of 5% per year thereafter.
	Phase 2 Channels	The Applicants propose a dual measurement system as indicated in Annexure 2 whereby each Phase 2 Channel must either achieve 20% of the schedule or a 30% SOV in the first year. The Applicants propose to increase the percentage of closed captioning at a rate of 5% per year thereafter..
	Additionally Enabled Channels	Continue to provide closed captioning at a minimum level of 5%. This category includes only Short-form Programming Channels (music Channels and one weather Channel) as listed in Annexure 3. Further Short-form Programming Channels enabled in this category will carry the same obligation.
PROPOSED ADDITIONAL OBLIGATIONS	10 New Enabled Channels	Commencing October 2009, over the course of the next 5 years, the Applicants will enable 10 new Channels. In the first year a Channel becomes enabled, it will provide a minimum target of captioning of 5% of scheduled hours or 15% of SOV. The Applicants propose to increase the percentage of closed captioning at a rate of 5% per year on the anniversary date of enablement. By way of example, a Channel launching with captions in October 2009 will require 5% for the next 12 months. A Channel launching on October 2010 will require 5%, while the Channel enabled in 2009 will step up to 10%. In this way, the Channels will be given an equal ability to ramp up investment over time.

	At least one Australian News Broadcasting Channel	Within a 5 year period, commencing October 2009, the Applicants will enable at least one Australian news broadcasting Channel to provide a minimum closed captioning at a rate of 5% of scheduled hours or 15% of SOV.
	At least one Australian sports broadcasting Channel	Within a 5 year period, commencing October 2009, enable at least one Australian sports broadcasting Channel to provide a minimum closed captioning at a rate of 5% of scheduled hours or 15% of SOV..

c. The following terms apply in respect of the targets in Table 3:

- (i) Compliance shall be calculated on an annual basis on the anniversary of the enabling of captioning on the Channel;
- (ii) All commitments to new Channel enablement will be rolled out within the 5 year period commencing October 2009. The anniversary dates of enablement, and therein minimum captioning target obligations, will therefore vary between the Channels;
- (iii) Compliance applies to all nationally transmitted programs broadcast;
- (iv) Where multiple enabled Channels are owned by one Channel Provider, that Channel Provider may pool its obligations and apportion them as it sees fit. For example, if an entity owns 4 Channels on which captioning is enabled, in the second year of captioning (when the per Channel target is 10% of programming) the entity may apportion captioning 25%, 5%, 5%, 5%, or any other combination equivalent to 10% across 4 Channels;
- (v) The percentages in Table 3 are calculated based on total hours available to the Channel (including midnight to 6am and including repeat programming);
- (vi) Open captioning or subtitles in the language of the target audience may be used in lieu of closed captioning;
- (vii) Electronic newsroom technique, if used, will be considered captioning for the purposes of this Exemption; and

3. Excluded Programming

In line with international practice, the following programming is not required to be captioned:

- (i) On a Channel in its first two years of operation in the Territory, launched during the period of the exemption;
- (ii) Short-form Programming that is “live” in nature (e.g. news broadcasting Channels and sports Channels) other than those included in the Undertakings section of this application.
- (iii) Non-English-language programming;

- (iv) Programming that is primarily textual, including Channels dedicated to onscreen program schedules or guides, community calendars, etc;
- (v) Music programming that is primarily non-vocal in nature, such as a symphony or ballet;
- (vi) Programming that is primarily non-verbal;
- (vii) Programming that is not for general distribution to residential viewers;
- (viii) Interstitials, promotional announcements, and public service announcements that are 10 minutes or less in duration; and
- (ix) Advertising of less than five minutes (short-form advertising) in duration. However where advertising is provided with closed captioning in the approved format for display on an enabled Channel, the Platform will use reasonable endeavours to pass through these captions, subject to technical and capacity constraints, if any.

4. Reporting

ASTRA, on behalf of its members, undertakes to provide compliance reports annually to the Commission.

5. Review

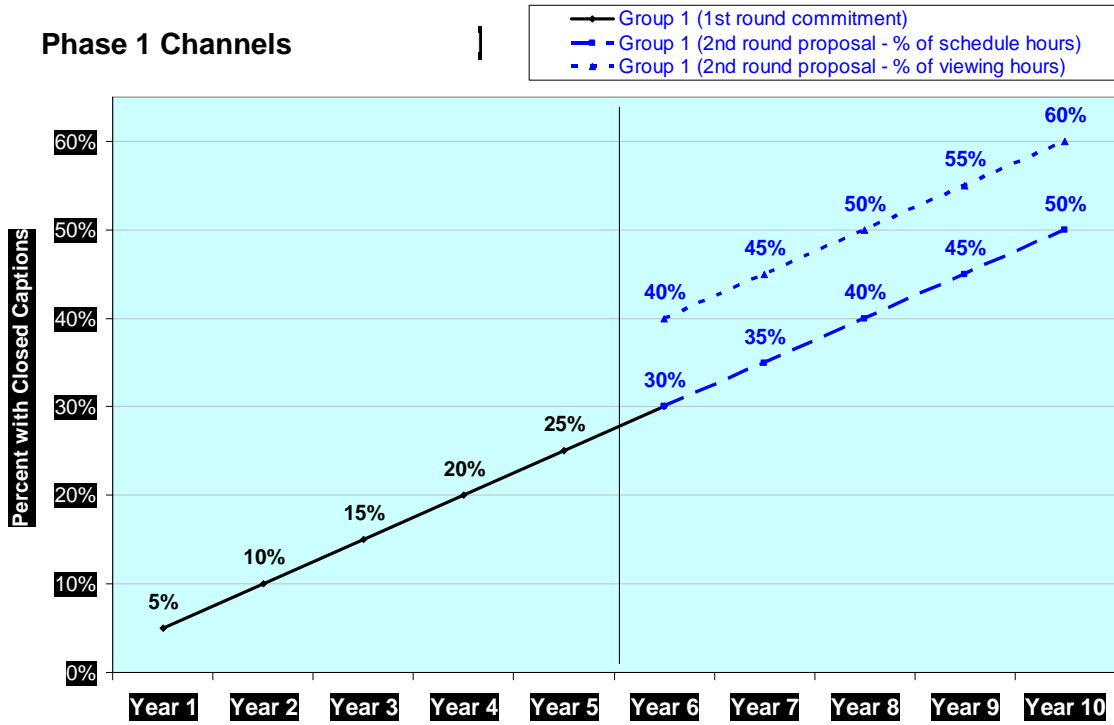
Before the conclusion of the 5-year period covered by this application, ASTRA, on behalf of its members, will review compliance with the plan and will, having regard to any changes to the Industry, captioning costs and methodologies, and other relevant considerations including community consultations, prepare a further plan.

ANNEXURE 1 – CURRENTLY ENABLED CHANNELS

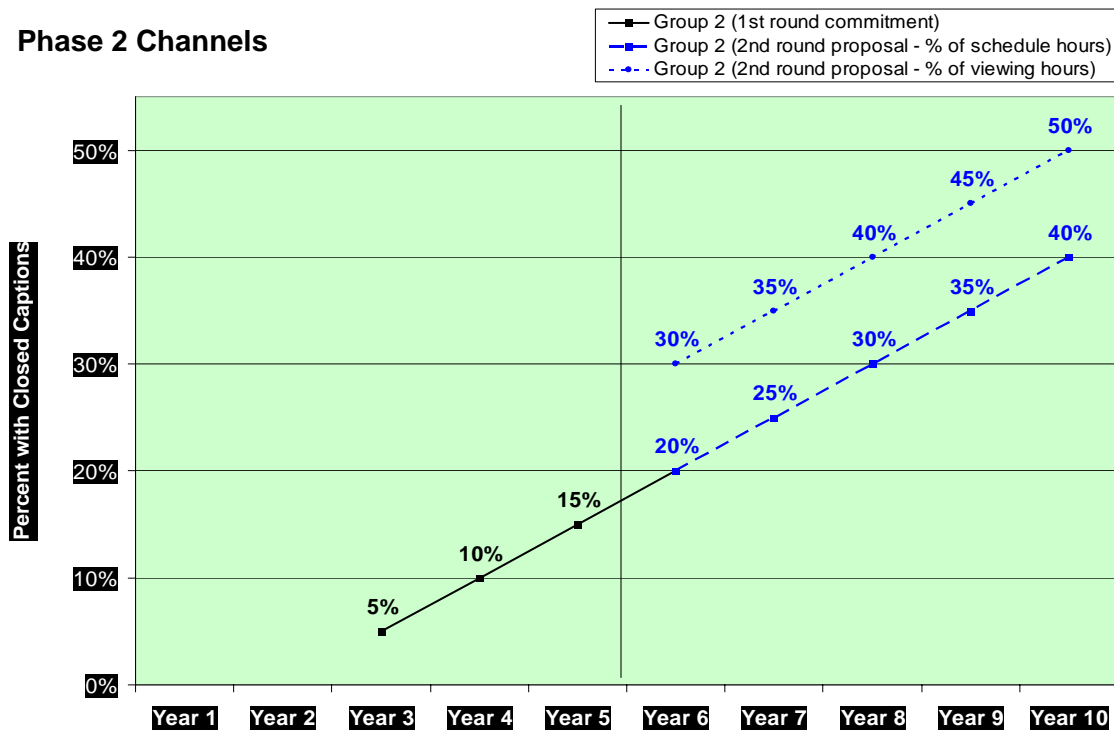
CATEGORY OF PROGRAMMING	ENABLED CHANNELS
Movies	Movie One, Movie Greats, Movie Extra Showtime, Showtime Greats, Showcase, TCM, Fox Classics
General Entertainment	111 Hits, Arena, Biography Channel, Comedy Channel, E!, FOX8, Hallmark, How To Channel, TV1, UKTV
Arts & Lifestyle	Lifestyle, Lifestyle Food, Ovation, W
Kids & Family	Boomerang, Cartoon Network, Disney, Playhouse Disney, Nickelodeon, Nick Jr
News & Documentary	Animal Planet, FOX News, Crime & Investigation, History Channel, Weather Channel, Discovery, Discovery Home & Health, Discovery Science, Discovery Travel & Living, National Geographic
Sport	ESPN
Music	Channel [V], CMC, MTV, VH1

ANNEXURE 2 – FUTURE PLANS

Phase 1 Channels



Phase 2 Channels



ANNEXURE 3 – PHASE 1 & 2 CHANNELS

Phase 1 Channels

The 20 Channels below are the proposed for Phase 1 from October 2009, subject to 1(c) of the undertaking.

Arena TV
Cartoon Network
Discovery Channel
Disney Channel
E!
ESPN
FOX News
FOX8
Hallmark Channel
HOW TO
Movie One
MTV
National Geographic
Channel
Nickelodeon
Showtime
Showtime Greats
TCM
The LifeStyle Channel
TV1
UKTV

Phase 2 Channels

The 20 Channels below are the proposed for Phase 2 from October 2009, subject to 1(c) of the undertaking.

111 Hits
Animal Planet
Boomerang
Crime & Investigation
Network
Discovery Home &
Health
Discovery Science
Discovery Travel &
Living
FOX Classics
LifeStyle FOOD

Movie Extra
Movie Greats
Nick Jr
OVATION
Playhouse Disney
Sci Fi
Showcase
The Biography Channel
The Comedy Channel
The History Channel
W

Additional Channels

Channel [V]
Country Music Channel
MAX
The Weather Channel
Vh1