SWEAT EQUITY IN HIGHER EDUCATION: THE REBIRTH OF AURARIA MEDIA CENTER

by

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A thesis submitted to the Faculty of the Graduate School of the University of Colorado in partial fulfillment of the requirements for the degree of Master of Science Recording Arts

2015
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August 3, 2015
Strong, Richard A. (M.S., Recording Arts)
Sweat Equity in Higher Education: The Rebirth of Auraria Media Center
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ABSTRACT

Public colleges and universities nationwide are feeling the effects of budgetary constraints. This has become exceptionally noticeable in electronic arts and electronic media programs, which rely heavily on new equipment to maintain modernity in their curricula. Yet, many schools are teaching on old, outdated gear, hampering their students’ chances at success in the job market. This thesis explores the specific funding option Auraria Media Center chose in refurbishing their studios: a partnership with the local cable television franchisee. Through interviews with those involved in the discussions and a survey of other schools, this thesis shows the practicality of such a partnership, and can serve as the basis for a “best practices” discussion of accepting money from the private sector for electronic arts and media programs.

The form and content of this abstract are approved. I recommend its publication.

Approved: David J. Bondelevitch
ACKNOWLEDGMENTS

There are too many people to thank. But I will try.

Thanks will first go to my wife Audrey Strong for her support and understanding. The past two years have meant many postponed vacation plans and cancelled golf games while I worked on a graduate degree. I owe her those and much more.

A very special thanks to my committee chair David J. Bondelevitch for not giving up on me, even when I gave up on myself. Which was often. And repeatedly. And thanks to Leslie Gaston for all the radio talks, which made me feel a little more at home.

Many thanks to Kent Courtnage and Matt Keller of Auraria Media Center for including me in the discussions that established the framework for the agreement with City and County of Denver Media, and then helping me with the thesis.

Thanks to the entire Recording Arts faculty at University of Colorado, Denver, especially Pete Buchwald, Lorne Bregitzer, Scott Burgess, Sam McGuire and Jeff Merkel. They recognized I was in a unique place: a teaching professor at Metropolitan State University of Denver, on the very same campus where I pursued my graduate degree at University of Colorado Denver. Many hallway conversations later with them, I have gained valued colleagues and friends, and maybe lost some of the fear of being an impostor at their school. Some of the fear, but not all.

Many thanks to MSU Student Media Director Steve Haigh, and the staffs at KMET Radio, the Met Report, and Noticiero TV Met, who all realized my time to advise them had been somewhat limited by my commitment to a graduate degree. Through it all, they continued a great job and even won Emmy awards – three of them.

Thanks to my students. Next semester, you get me back full time. I promise.

Thanks to Dr. Karen Lollar, the chair of the Communication Arts and Sciences Department at Metropolitan State University of Denver (and my boss). Throughout my time in graduate school, she was always supportive. And thanks to Dr. William (Mike) Monsour, who also helped me keep ahead of the mess and never let me complain too much about what I thought was always “impending doom” – when, in reality, that was far from the case. There was no doom, and it was never impending, anyway.

Many thanks to Dr. Kate Liu for not only medical advice, but advice. And lots of it.

Thanks, of course, to my committee as a whole: people whom I could call “colleagues” even before my thesis was done.

And thanks to everyone who held my hand. There are many of you. The oddity of being a professor and a student on the same campus for different (and competing) schools was, at times, overwhelming, and never more so than when I wrote this thesis.

I am happy to tell you: those days are done. Thanks for helping me get through them.
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CHAPTER I
PROLOGUE

In 1984, Metropolitan State College of Denver had a choice to make: throw money into an FM radio station that would have covered most of the city, or invest in a cable television station that would be carried only on a local cable system.

In 1984, radio was considered an established medium, while the Federal Communications Commission had only started to consider whether cable television penetration into local TV markets should be added into a competition standard for determining anti-trust status. And the FCC wasn’t convinced, at that time, that cable penetration statistics were reliable predictors of market usage. The FCC held that stance until 1990 (Federal Communications Commission, 1990).

In short, radio was accepted nationwide. Cable television was still in its infancy.

Benjamin Boltz was lobbying heavily for the television station. Boltz, a member of student government, kept pointing to the cost of putting a city-grade FM signal in the educational band on the air in Denver: at least $150,000 (Davis, 1984). But there was still a need for a communications medium on campus, Boltz said – and out came the idea for a cable television station. The station, Channel 54, signed on in 1985, and continues to operate from the Auraria Media Center in the basement of the Auraria Library.

Boltz passed away in 1997 at 37 years old, too young to see what his idea would eventually become in 2015. And what Channel 54 is becoming is a high-definition, widescreen, fully digital television station.
Channel 54 is a story that has been more than thirty years in the making. In July, 2015, the next chapter got started. And as of this writing, it is just beginning.
CHAPTER II
INTRODUCTION

The schools that comprise Auraria Campus (Metropolitan State University of Denver, University of Colorado Denver, and Community College of Denver) are within walking distance to the heart of Denver’s downtown. The “urban campus” designation is a source of pride for all three schools on campus:

The Auraria Campus in downtown Denver is recognized as a premier urban campus residing on 150 acres with over four million square feet of building space. The uniqueness of this campus is not just its significance and vibrancy in Denver, but the fact that it is shared by three distinct academic institutions. Collectively, the campus has nearly 42,000 students and an additional 5,000 faculty and staff. The urban setting and prominence of the Auraria Campus continue to define it as a key driver of the economy in Denver (Auraria Higher Education Center, 2014).

The advantages for students, specifically for ones studying media and the arts, are obvious: access to all the attractions and opportunities of the eighteenth largest radio broadcast market in the United States (A.C. Nielsen Company, 2015), and the seventeenth largest television market (A.C. Nielsen Company, 2014). One light rail station away from campus is the Denver Center for the Performing Arts, a labyrinth of multiple theatres that features local casts and nationally touring shows.

But Auraria Campus is aging. Construction of the campus started in the early 1970s as an ad hoc approach to housing what was then Metropolitan State College, and by the latter part of the decade, it was the full-time home to all three schools.

The age shows in Auraria’s media and arts facilities. While some rooms have been
retrofitted with new equipment ranging from audio consoles to live theatre equipment, the last major work on the television studios has been decades ago.

Auraria Campus is certainly not the only set of schools in the United States with this particular problem. We will examine funding issues later in this thesis, but some anecdotes will demonstrate the problems others schools experience.

At the University of North Dakota, the broadcast meteorology department was working with equipment that could no longer be maintained or serviced, and the cost of replacing the equipment led to a need for grant money:

“We are preparing the next generation of broadcast meteorologists,” said Fred Remer, an atmospheric sciences faculty member and former TV weatherperson who runs the broadcast program. “I’m happy to report that we just acquired a Baron Omni weather broadcast system, the same kind that is used by the big TV stations in markets such as the Twin Cities, New York and Los Angeles.” The Baron Omni replaces the previous system, acquired in 2005 and by now thoroughly outdated, according to Remer. “We applied four years in a row for a student tech fee to fund this $29,000 acquisition,” said Remer. “We were awarded that grant this year,” Remer said. Basically, Remer explained, it was time to get updated. “The previous system was 9-years old, sluggish and the software was out of date,” he said. “So much had changed in this field since we acquired (the older system) in 2005.” (Pedreza, 2015)

Pittsburg State University was unable to upgrade to high-definition television until 2014:

With new high-definition broadcasting equipment, Pitt State will be able to display HD video footage and replays on the video board inside Kansas City’s Municipal Stadium. “This is something we’ve never been able to do before, so it’s very exciting,” said Troy Comeau, director of broadcasting. Comeau said the equipment will also serve as valuable learning instruments for the students. Having the new equipment in its repertoire gives the broadcasting program potential to broadcast HD programming on the university’s TV station, CAPS 13. “We have some more upgrades we’ll need to make to go full HD on CAPS 13,” Comeau said, “but this is certainly the first step. It’s an exciting time for us.” (Pittsburg State University Press and Media, 2014)
And while the economy itself may be bouncing back from the recession of 2008, there is evidence the economy of higher education is not. Per-pupil spending remains below pre-recession levels in 47 out of fifty states:

Deep state funding cuts have had major consequences for public colleges and universities. States (and to a lesser extent localities) provide roughly 53 percent of the revenue that can be used to support instruction at these schools. When this funding is cut, colleges and universities look to make up the difference with higher tuition levels, cuts to educational or other services, or both. (Michael Mitchell, 2015)

But in 2015, the Auraria Media Center was able to obtain $453,000 for a complete rebuild of TV studios A and B, and a reworking of Channel 54 to 16:9 1080p high definition. The money comes from City and County of Denver Media, which is the franchise holder of the Comcast cable television license in Denver County. The money does come with conditions that must be fulfilled in order for the possibility of a longer-term, even more financially valuable economic plan between Auraria Media Center and City and County of Denver Media. This thesis will explain the ramifications of such an arrangement from both the technical and the ethical perspectives, as well as the logistics required to carry it out. This thesis will also explain and analyze the results from a survey (constructed specifically for this thesis) into the capital improvement needs of other schools that teach electronic media and electronic arts-based programs, and point some direction toward obtaining funding – funding that, in many cases, may already exist and be there simply for the taking.
We will be exploring several separate but related topics in this thesis:

- The development of Channel 54 at Auraria Media Center into a station that came to serve three universities, instead of just one
- The development of Studio A, the main television studio for creation of programming that airs on Channel 54
- The future and the upgrades for Studio A and Studio B of Auraria Media Center on the Auraria Campus
- The establishment of a relationship between Auraria Media Center and City and County of Denver Media, the cable television franchise holder in Denver County
- The funding arrangement between City and County of Denver Media and Auraria Media Center that is funding the upgrades
- The use of PEG funding (public, education and governmental) in establishing public access channels on cable television systems nationwide and here locally
- The requirements from City and County of Denver Media for Auraria Media Center in exchange for accepting the funding.

The purpose of this thesis is as follows:

- To discover the capital improvement needs for electronic arts and media programs at public colleges and universities
- To look at other methods of funding those needs
- To introduce the reader to the concept of asking for PEG funding for those needs
- To introduce the concept of a school becoming a “content provider” for the local cable franchise holder

The last having been said, the purpose of this thesis is not to make the reader rush out and attempt to enact the same scenario as was done for Auraria Media Center on the Auraria Campus. Some readers may find the requirements from their own local cable franchise holder too onerous for their school. Some may fear censorship from the franchise holder. Others may worry about their school’s editorial independence overall. But we will show you what, so far, has worked here.
CHAPTER III
THE CAMPUS AND SCHOOLS

There are three schools on the Auraria Campus in Denver, making it a very unique setting for higher education. Metropolitan State College was founded there in 1965, later becoming Metropolitan State College of Denver in 1990, and then Metropolitan State University of Denver in 2012 (Metropolitan State University of Denver, 2012). It is the oldest of the three schools on campus, and the largest, with a 2012 enrollment of 23,789 full and part-time students (Metropolitan State University of Denver, 2013). University of Colorado Denver’s history on the Auraria Campus does not begin until 1970, five years after Metro State opened, but CU Denver’s medical school dates back to 1912, though the medical school has never been housed on the downtown Auraria Campus (University of Colorado Denver, 2015). The medical school was eventually combined more formally (though not geographically) with the Auraria Campus in 2004:

In summer 2004, the University of Colorado Board of Regents voted to combine the Anschutz Medical Campus with its Denver campus. The impetus was the university's vision of creating a "21st Century" university that facilitated multidisciplinary learning and research. The Regents believed that a consolidated university that focused on excellence in urban research and in health sciences care and research would match well with its original research university in Boulder and its regional university in Colorado Springs. The consolidation also would realize significant efficiencies in administrative costs, according to two task forces that researched consolidation. In 2009, after reviewing the progress of the consolidation, the Regents voted unanimously to affirm its decision to consolidate the two campuses under the name University of Colorado Denver. (University of Colorado Denver, 2015)
CU Denver’s enrollment stood at 18,001 for 2012 (StartClass, 2015), compared to the almost 24,000 at MSU Denver.

The third college on the Auraria Campus is Community College of Denver, which started in storefronts across Denver in 1967, holding its first classes in a renovated auto showroom close to the Denver Civic Center. By 1975, CCD was geographically spread out to the point that the Colorado State Legislature approved its move to the Auraria Campus. Currently, CCD has an enrollment of more than 10,000 students, and is the third largest community college in the Colorado Community College System (Community College of Denver, 2015).

All three schools serve different missions. CCD’s admission requirements tell all students they will need to take separate assessment tests in math, reading and English, or submit a recent set of ACT or SAT scores at or greater than an 18 in English on the ACT, and a 19 in math. The comparable scores for the SAT are 440 for English and 460 for math (Community College of Denver, 2015). University of Colorado Denver is much more competitive, requiring a 93 or higher on the Colorado Commission on Higher Education scale, and a variable scale based on the student’s high school grade point average; on UCD’s chart, which is multi-layered; even a high school GPA of 3.6 could make a student a “possible candidate for admission,” depending on other factors such as standardized testing and high school curriculum (University of Colorado Denver, 2015).

The CCHE was created in 2003, and governs admission requirements for all students at Colorado’s public four-year colleges or universities, doing so on a school-by-school basis. But that is far from its only mission:
In 1985 the legislature gave the Commission increased authority and specific directives through the passage of House Bill 1187. Specific responsibilities include developing long-range plans for an evolving state system of higher education:

- Review and approve degree programs.
- Establish the distribution formula for higher education funding; recommend statewide funding levels to the legislature.
- Approve institutional capital construction requests; recommend capital construction priorities to the legislature.
- Develop policies for institutional and facility master plans.
- Administer statewide student financial assistance programs through policy development, program evaluation, and allocation of funds.
- Develop and administer a statewide off-campus (extended studies), community service, and continuing education program.
- Determine institutional roles and missions.
- Establish statewide enrollment policies and admission standards.
- Conduct special studies as appropriate or directed, regarding statewide education policy, finance, or effective coordination (Colorado Department of Higher Education, 2015)

Other students at UCD, however face far more stringent admissions requirements. Music students face a highly selective admissions process that includes not only the standard freshman criteria, but also a separate set of criteria in the *Advanced Measures of Music Audiation* test, which measures student ability in tonal, rhythm, and composite areas (Gordon, 2015). Students wishing to major in music are not admitted in the spring semester at UCD; they are accepted only in fall (University of Colorado Denver, 2015).

MSU Denver’s admission policy has recently been the topic of news coverage. MSU was formed as Metro State College with the idea of focusing on alternative admissions: college students, for example, who were older than traditional freshmen coming directly from high school, and students who were continuing their education after an absence. In short, MSU Denver’s admissions policies could be compared to a community college, but at a four-year school.
MSU Denver’s admissions are, in essence, two-tiered, or bifurcated. Students younger than 19 are classified as “traditional applicants,” and must have a CCHE score of 85 or greater, as well as ACT scores of 18 on the English section and 17 on the math section (Metropolitan State University of Denver, 2015). But there is a different set of requirements for students who are 20 and older. Neither the ACT nor the SAT is required, and students in this age group need only submit a valid GED or evidence of graduation from high school. No other standards are required of students 20 or older, including a minimum grade point average (Metropolitan State University of Denver, 2015).

MSU Denver’s admissions policies created a stir in the 2015 legislative session of the Colorado General Assembly, with a proposal to make MSU a “moderately selective” school under CCHE guidelines, as opposed to an “open admissions” school. State Senator Kent Lambert (R., Colorado Springs) took the stance that MSU Denver’s poor performance, which includes the lowest graduation rate of any four-year college or university under CCHE guidelines in Colorado, meant that students needed additional coursework within the state community college system before transferring to MSU. MSU President Stephen Jordan opposed the bill, arguing that his school’s performance was unfairly evaluated compared to other schools; Jordan pointed to the high number of students who transfer from MSU to another school, and therefore do not count in MSU’s graduation rate. During a hearing at the State Capitol, Jordan reminded lawmakers that one of his missions when the school became a university in 2012 was to continue to serve students with lower grades and other kinds of hardships, even while assuming the “university” mantle (Robles, 2015).

The bill, if passed, could have cost MSU Denver more than eight million dollars per year. It did not advance to the full floor of the Senate from a state Senate committee, so MSU
Denver’s admission policies will remain the same, at least for now.

Tuition varies across all three schools. Auraria Campus is not a residential campus; students must find off campus housing in the Denver area, although three private dormitories now exist: Auraria Student Lofts, Campus Village Apartments, and The Regency (University of Colorado Denver, 2015). MSU Denver’s average in-state tuition is $3035.01 per semester (Metropolitan State University of Denver, 2015), while University of Colorado Denver’s per-semester in-state tuition averages between $4,380.00 and $4,710.00 per semester, depending on whether the student is in the underclass or upperclass division (University of Colorado Denver, 2015). Community College of Denver prices all classes by credit hour; at an average of $199.00 per credit hour for in-state tuition, a fifteen-credit semester would cost a student $2985.00 per semester (Community College of Denver, 2015).

Having all three schools on one campus can lead to a total enrollment of more than 45,000 students. Auraria Campus, unlike many similar urban campuses, has its own police department and health center that can handle some procedures found in larger urban hospitals. Auraria is almost a city unto itself, and making sure all three schools can work together in the same buildings is the role of a completely separate oversight group, and often a Herculean task.
CHAPTER IV

AURARIA HIGHER EDUCATION CENTER

The task of coordinating the needs of all three schools, be they student, staff, faculty or administrative, often falls to the Auraria Higher Education Center, known on campus as “AHEC.” AHEC’s role, however, was never meant to be supervisory; instead, it is advisory in nature. Still, with a list as large as AHEC’s responsibilities, it often trends toward a supervisory role:

The Auraria Higher Education Center oversees the shared services of the Auraria Campus, including:

- Acquisition and Property Management
- Classroom Scheduling and Media Support
- Commercial Lease and Contract Negotiation/Management
- Conference and Event Services
- Early Learning Center
- Internal Support Services
  - Business Operations
  - Financial Management
  - Human Resources
  - Information Technology
- Maintenance and Operations
- Parking and Transportation Services
- Performing Arts Center Management
- Planning and Development
- Police and Security
- Procurement Services
- Sustainable Campus Program
- Tivoli Student Union and related student bond programs

(Auraria Higher Education Center, 2015)

While AHEC has four of its own directors, the voting membership of AHEC consists of ten people (the “Board of Directors”), ranging from the heads of all three schools to faculty members to students (Auraria Higher Education Center, 2015). They set policy; AHEC’s four directors carry it out.
It is not a perfect system by any means. Stories of disagreements between schools are
legendary; classroom space is often double-scheduled between two schools (including
specialized space such as the television production facilities), and the three schools do
disagree over use of available resources. But by and large, the system can and does work,
with the flare-up from one (or all three) schools.

For the purpose of this thesis, AHEC is critical in its oversight of Studios A and B, the
two television production facilities available to all three schools on campus, especially the
auspices of Auraria Media Center, headed by director Matt Keller and Chief Engineer Kent
Courtnage. MSU Denver’s broadcasting department uses them for classes, as does
University of Colorado Denver’s Theatre, Film and Video Production department. All
scheduling is handled by the Auraria Media Center staff, and quite often, one school has had
to change times and days of a class to accommodate another school’s booking (full
disclosure: I moved my Fall, 2015 TV News Producing class back three hours on Mondays
and Wednesdays to accommodate a UCD class that had been scheduled at the exact same
time as the time I originally wanted. My class still went to full enrollment during finals
week of spring semester, 2015.)

Another user of the studio space is the Met Report and Noticiero TV Met, the Emmy
award-winning English and Spanish newscasts of the Office of Student Media. These two
newscasts are independent of academic curriculum and not required in the MSU Denver
Broadcasting program, and are entirely volunteer. The volunteer staff includes a student
general manager, student news editor, student video supervisor, and other managerial roles.
The staff has ranged from thirty people to fifty.¹ Noticiero TV Met airs live every other

¹ In the interests of full disclosure, I am the faculty advisor to Met Report, Noticiero TV Met, and KMET Radio.
Friday at 10:30 during the fall and spring semester; the Met Report airs live every Friday at 12:30 during fall and spring semesters, and several times during the summer. Both shows air on Channel 54. Discussions surrounding the Spanish-language newscast include doubling its airtime to every Friday instead of every other Friday.

Community College of Denver currently holds no classes in the Auraria Media Center studios, and will only occasionally check out some of the available television production field gear available to them (Courtnage, Chief Engineer, Auraria Media Center, 2015). UCD and MSU, however, are very active in teaching classes in the studio spaces, with MSU offering a minimum of four classes a semester in Studios A and B, and UCD offering as many as six, contingent on the semester.

Sometimes, however, it is hard to work out the space issues on campus that continue to plague all three institutions, especially in light of the original AHEC plan for the downtown multi-use campus that officially opened in 1976:

The AHEC campus, originally planned for 13,000 full time (equivalent) students, opened in 1976. With a large amount of acreage on the new campus, the first generation of academic buildings were developed at three stories or less and concentrated on the eastern half of the campus. Since the inception of planning for the campus, there has been recognition that an administrative role is needed to facilitate collaboration of its host institutions on issues of common concern. AHEC administrators consult with the senior administration for each of the three educational institutions in the management of physical resources; planning for capital funding; attraction and management of private development on campus; design and operation of buildings and infrastructure; planning for transportation access to, on, and through the campus; provision of parking; management of the student center and shared student services; operation of childcare services; provision of campus recreation; and management of public safety. AHEC’s goal is to manage the campus in support of the distinct missions of each individual academic institution. (studioINSITE, 2007)

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2 Metro State and UC Denver had been in place since 1965 and 1970, respectively. CCD was added in 1976, leading to the full AHEC plan.
With a campus plan that accommodated 13,000 FTE students, and a current enrollment of more than 40,000, it is never a matter of what facilities will become overcrowded at Auraria Campus. The correct answer is all of them.

The architect’s original design of the library, built in 1975, was written to provide permanent housing to both the library and media production facilities:

The building serves as the central Learning Resources Center and Multimedia production facility for a new college in downtown Denver. The multimedia facility is located in a partial basement. All library functions are on two floors of flexible “Loft-space” (sic). Two open courtyards are placed asymmetrically within the plan and subdivide the floor into various “use” areas. (C.F. Murphy Associates, 1976)

But a later report from 2011 recommended a drastic change in the multimedia area in the basement of the library:

Located in the partial basement, the Media Center consists of two double-height video production studios, associated control booths, equipment cages, classrooms, and transmission systems. The basement classroom spaces would be potentially suitable for closed-stack collections. Archival collections could also be considered for location in the basement, although preventive measures against water infiltration might be required. (Holzman Moss Bottino Architecture, 2011)

Right now, the status of the four basement classrooms that MSU and UCD both use to teach many of the lecture components of their television and film classes is unclear. Many options remain for the classrooms; none have yet been officially chosen, though AHEC retains control over the scheduling of those classrooms for now. The television studios will remain as television studios.
CHAPTER V

THE STUDIOS: STUDIO A

Auraria Media Center, housed in the basement of Auraria Library, is the home to TV studios A and B. Studio A is a full-service live television studio with a switchable connection to Channel 54 on a graphic user interface panel. Studio B, which can be taken to live on-air status, is more often used for teaching classes that do not require live television, as well as set building and lighting instruction. But Studio B is used for MSU Denver’s Television Production and Advanced Television Production classes, which do not generate a live television show. UCD currently does not use Studio B.

MSU Denver offers sixteen broadcasting classes per year in spring and fall and two in summer. Of those, five need to be held in the Auraria Media Center television studios (Furrer, 2015). UCD offers 21 video and film classes in spring and fall, five of which need studio space (University of Colorado Denver, 2015). With ten classes per year at a minimum being scheduled in two television studios, conflicts can (and do) occur. Auraria Media Center has maintained a strict “first come, first served” policy, but MSU Denver is in constant need of Studio A due to its live television instruction, as opposed to studio television/film set use, as is taught by UCD. The popular opinion of Studio B is that it is simply a backup, and too unwieldy and too small to be of much use in teaching live television.

Studio A is the first choice, and always the first to be requested for classes. The Met Report and Noticiero TV Met are permanently scheduled into Studio A every Friday from 8 am until 2 pm; as schools, MSU and UCD do not offer many classes that meet on Fridays, so a conflict on that day is avoided. Still, this leaves four days a week to accommodate approximately five classes from both UCD and MSU that need the television studios. And all
instructors will first request Studio A. And that does not leave much scheduling leeway to work with.

The setup of Studio A is analogous to a television station from the 1990s through the advent of digital playback. For many years, Met Report and Noticiero TV Met played back tapes for their newscasts on DVC Pro and Betacam SP, although the staffs generated stories with digital field cameras. This meant shooting to a digital file and editing with a non-linear editor (e.g. Avid, Final Cut Pro or Adobe Premier), but then, putting the story back on a playback tape (either Betacam SP or DVC Pro) in real time. Not only do you have the disadvantages of manually cueing video tapes, you save no time in the digital realm, with a good part of the workflow being forced into a “real time” workflow, which costs time.

Some of that was ameliorated earlier this year with the addition of a Ki-Pro video playback system, allowing Met Report and Noticiero TV Met to play back clips for their news shows digitally, and saving time by merely duplicating the edited video file to the Ki-Pro drive, rather than dubbing it in real time to tape. As of this writing (May 14, 2015), however, that is the only digital advance that has been made, with many more to come in June (Courtnage, Chief Engineer, Auraria Media Center, 2015).

And most of the equipment in Studio A goes back to the 1990s:

We have an analog switcher that was installed back in the 1990s – 1999, I think. The Sony digital routing system was installed in 1997. So all these patch panels correspond to those two routers, and it’s been a parallel routing situation ever since that time. We have cross conversion here that converts analog to digital back and forth so we can route between the two. (Courtnage, Chief Engineer, Auraria Media Center, 2015)
While that may help with redundancy, it does not help with maintenance of the equipment, not to mention the inefficiency of cross-conversion to begin with: an analog to digital conversion that results in a digital to analog conversion for airing on Channel 54.

What also creates problems is the sheer amount of equipment that is no longer supported, often made by companies that have long been out of business. But you can find a lot of that equipment still in Studio A:

There’s some very interesting gear in here still in use. The Video Commander³ made by Iris Technologies, a company that’s no longer in business, but this was a pretty unique device in its time. It’s very intuitive; you click your source, you click your destination, you click done, and it makes the route. This came out right around 2000, and is also an automation system. You can do program macros, you can have serial and IR triggers occur, so at one time, this ran dozens of VCR’s and DVD machines for playing back on the campus channels. But it hasn’t had company support from the manufacturer in about seven years. You can no longer get parts for it, and we’re just grateful it still works. (Courtnage, Chief Engineer, Auraria Media Center, 2015)

Certainly innovative, and old website promotional literature from the company indicates their products were used at ABC Television Networks, ESPN, and more (MFG Pages, 2015). But their chief developer posted on his own resume that he left the company in 2010, and it folded shortly after that (Bereit, 2015).

If Auraria Media Center were to need replacement hardware for the Video Commander, at least there’s a listing on eBay (eBay, 2015):

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³ The Video Commander was a GUI-based screen that was essentially a big routing panel.
The age in Studio A extends farther than just the Video Commander video router. For graphics, a Harris Inca Title One inscriber is still in use:

It was installed in 2006. Its predecessor was the old Chyron Maxine. The Maxine was quite a machine; it was actually bulletproof, or pretty close. It would take all kinds of abuse, which is what you wanted in a broadcast facility. Unfortunately, it was not user friendly. In fact, one of our instructors, Kevin Campbell, actually wrote a manual for the Chyron machine⁴ that was very helpful. But the Harris that replaced it is also no longer supported by the manufacturer, and if this drive goes, the machine itself is gone. We had two of them, and one is deceased now. (Courtnage, Chief Engineer, Auraria Media Center, 2015)

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⁴ Former Metro State College broadcast coordinator Kevin Campbell hired me to teach radio in 2006.
Notably, the malfunction and complete breakdown of the older Harris Inca Title One has left Auraria Media Center completely unable to generate chyrons, fonts, full-screen graphics or any on-screen graphics in Studio B, and there has been no budget to replace the graphics generator. The solution has been to move the functioning Harris from Studio A to B as needed.

Television stations also generate color bars and a 1 kHz tone as test material. Studio A’s tone generator – is analog. It has a rotary dial to control frequency, and was made by Potomac Instruments:

(Figure 2: Potomac Instruments Tone Generator)

While these are still for sale (Potomac Instruments, Inc., 2015), most stations have long since converted to digital tone generators for measurement.

Courtnage is more than happy with the recent edition of digital video playback in A, replacing the Betacam SP and DVC Pro. “No moving parts,” he says. And since the installation of the Ki-Pro digital video system, Courtnage says only UCD has used the Betacam SP deck occasionally for playback. “One of their instructors has Betacam tapes he will play for the class sometimes,” he says (Courtnage, Chief Engineer, Auraria Media Center, 2015). Met Report and Noticiero TV Met made the conversion to digital playback of all show elements and recording
the show digitally in January, 2015. Since then, no broadcast elements from the MSU Denver Office of Student Media have been on tape. They have all been played back from a hard drive.

Courtnage has repaired the Betacam SP deck many times. Several times, the playback tape was so damaged by that deck before the Met Report live broadcast that it had to be entirely re-dubbed, in real time, once Courtnage repaired the deck. Alignment of the heads inside the deck was a constant problem. The DVC Pro deck is perhaps more dependable, but it is digital tape, and those who have tried to cue up a digital videotape to the proper playback point know the problems that can cause: missing several frames of playback because the heads engage much differently than on an analog deck with helical scan, such as a Betacam SP deck.5

Courtnage says Studio A will keep the two videotape decks, but they will no longer be part of daily operations. “We may still need them for archive, or for emergencies, but they will be moved far down the room several racks out of the way of the day-to-day equipment,” he says (Courtnage, Chief Engineer, Auraria Media Center, 2015).

For true videotape history buffs, there is still a ¾-inch UMatic in the equipment rack. “Still works,” Courtnage says. “And there’s also a very nice JVC VHS, too. We were still using that up to a few years ago (Courtnage, Chief Engineer, Auraria Media Center, 2015).

In the control room, the switcher is an analog Sony DVS-7200A. “You can’t get parts for it anymore,” Courtnage says. “I bought another console unit just like this one on eBay for spare parts. Unfortunately, the parts I really needed had gone bad on the spare. I did use it to replace a few switches, so that was helpful,” he says (Courtnage, Chief Engineer, Auraria Media Center, 2015).

Courtnage shops for a lot of equipment on eBay. “EBay has been a blessing for a lot of

5 I witnessed both instances several times.
these pieces of gear, because that really is the only place you can get parts. Which is a little scary when you think about it” (Courtnage, Chief Engineer, Auraria Media Center, 2015).

Beyond the switcher in Studio A is quite a bit of unused audio gear. “Minidisc, DAT, eight track digital recorder, and even an audio cassette deck. Students like to turn on the cassette deck just for fun,” Courtnage says. The audio console itself is a 24-channel Soundcraft that Courtnage says “has been running steady for about seventeen years.” The Soundcraft is entirely analog, but will be replaced by a Yamaha that Courtnage describes as “kind of a hybrid, with an analog interface but digital processing inside. Each channel has its own compressor built into it” (Courtnage, Chief Engineer, Auraria Media Center, 2015).

Audio from Studio A is mono, summed to a mono feed before it even begins the conversion process from analog to digital and back again. And Courtnage is known for mentioning plenty of issues with audio levels in student work. “There will be a compressor in every channel in the new Yamaha audio mixers in Studios A and B. That should really help a lot” (Courtnage, Chief Engineer, Auraria Media Center, 2015). 6

The current TelePrompter is a separate and dedicated workstation that sits behind the audio console, leaving the TelePrompter operator completely isolated from the rest of the control room. Courtnage says the new prompting system “will be much nicer, and will be built into a console, so the operator will feel more like they’re a part of the rest of the crew in here” (Courtnage, Chief Engineer, Auraria Media Center, 2015). The current TelePrompter system is a Flip-Q, which is still available, but the features built into the Flip-Q are far less than the scripting software employed by the MSU Denver Office of Student Media, which uses Rundown Creator for all shows. Flip-Q, for example, will not keep aggregate track of total run

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6 In fairness, I have conducted audio seminars for my students and Met Report staff members many times. I agree with Kent that audio levels are a consistent problem in student video work.
time in a live show, which is critical in television news. In Rundown Creator, it is already built in. Notably, the Flip-Q software runs on a PC that uses the vastly out-of-date Windows XP as its operating system. The same operating system can be found on the PC that runs the Harris Inca Inscriber software.

An entirely separate set of problems arises from aspect ratio control. Channel 54 is academy frame 4:3, and most non-linear editors and field cameras are now 16:9. The Metro State Broadcast Network airs many shows on 54, focusing on much of MSU Denver’s sports teams: many women’s and men’s basketball, women’s softball and men’s baseball games are all aired on Channel 54. The Office of Student Media uses Canon XA-25 video cameras that are high-definition and 16:9. This creates producing and workflow problems for Eric Lansing, the director of the Metro State Broadcast Network:

Having standard definition, while it’s something to have, well, when I give my show to Altitude\textsuperscript{7} it’s still in four by three. When we shoot in the studio, it’s shot in four by three. So, when we shoot in studio, does it make us look like any less of a TV show? Maybe a little bit. But that’s what we have to deal with here, until we can have sixteen by nine cameras everywhere. And that’s going to be fantastic. When I shoot outside of the studio, doing standups and whatnot, it’s all sixteen by nine. But in the studio, it’s all four by three. I put a screen behind it when we’re shooting in studio, but when we shoot the highlights of the games, that’s all in sixteen by nine. And when you’re talking about rendering time, it can turn into 23 minutes of work for maybe a five-minute segment. (Lansing, 2015)

If this is painting too depressing a picture of Studio A, it is still worth noting that many careers started there. Carl Bilek, the executive director of news gathering at KMGH-TV in Denver, is a Metro State College graduate, and has these memories of majoring in broadcasting:

When I was a student at Metropolitan State College (now Metropolitan State University of Denver) in 1988, the studio was very basic. There was a control room with a basic switcher and there were two studio cameras. We did not have the ability to playback videotape. Keep in mind, our editing education involved

\textsuperscript{7} Altitude Network in Denver, a cable network, currently airs shows and games from MSBN.
using razor blades and tape to physically splice together audio tape. It was a far cry from today’s non-linear editing systems! One of our class projects for directing and studio production involved placing images on two music stands, framing them with the studio cameras, and switching back and forth between the images in sync with music playing from the audio board. In my case, I chose black and white photos from Hollywood’s golden age of movie musicals and set them to the song “Broadway Melody.” This was my first exposure to a “live” studio experience, and even though it was extremely basic, it did indeed provide an opportunity to feel some of the stress that goes into not wanting to hit the wrong button on the switcher and the anxiety of making sure the cameras were framed correctly throughout the process. Our second production assignment was similar in that we added a live announcer doing a voice over. In my case, I created a mock station public service campaign featuring a “kids coloring contest” in which viewers sent in drawings and one is selected as a winner. It was called “The Art of Disney.” I created four “entries” showcasing the artwork of three “children.” Because I only had music stands with which to work, I created a main title image as well as a closing image. I positioned all of the images on cardstock in exactly the same place so that when we dissolved from one camera to the other, it appeared as though they were seamlessly changing in sequence. Now that I look back on it, it was fairly clever, but again, it was not conducive to actually learning newscast production. Having said that, I don’t begrudge my experience at Metro at all; I enjoyed my time there and it positioned me to move forward in my career, despite the program’s shortcomings at the time. (Bilek, 2015)

Bilek is far from the only broadcaster who went on from Metro State to succeed in the business. Robert Dominguez, the current production manager for ABC’s “Good Morning America,” graduated from Metro in 2004 with a degree in communications, and several years of experience with the Met Report. Dominguez, a Denver native, has come back to MSU every year and talk to the current Met Report staff at least one day out of the year, if not once a semester. “I had to work my tail off back there in VTR to make sure all the tapes played correctly,” he told the students on his last visit. “But we always made a good show and made it work, no matter how old the equipment was. You have to work with what you have, and you can always learn something,” he said (Dominguez, 2014). After some years as a production

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8 I first met Robert several years ago via Hassan Shah, a former student of mine who now works for E! Networks in Los Angeles.
assistant on such shows as “Queer Eye for the Straight Guy” and other reality TV shows, Dominguez made the move to “Good Morning America.”

Last December, he also took some time to talk about his experience at Metro State and how it related to his job with the MSU Denver Alumni Office:

Dominguez credits MSU Denver for much of his success. “I remember the day one of my professors put it to me bluntly and told me that what I wanted to accomplish in TV wasn’t going to happen in Denver. I needed to think big, as in New York or Los Angeles, and that would require me to make the jump.” So in his senior year he blanketed production studios and networks with resumes for any entry-level job he could find. Eventually producers from the TV hit, “Queer Eye for the Straight Guy,” called and that was the break he needed. “I appreciate that conversation to this day, it encouraged me to open my mind to larger opportunities,” he says. “But networking is key too, and it begins in the classroom. Many of my internship and career leads were from classmates.”

Dominguez’s advice for today’s students: “Acknowledge the good days and learn from the bad ones — that’s how you grow. And don’t compare your career path to others around you. You’ll go insane. Acknowledge their strife and accomplishments, but understand over the course of a lifetime it’s all a fluid situation and everyone is on their own journey.” (MSU Denver, 2015)

Two industry veterans in high-profile broadcasting positions, both with experience on at least some of the same (albeit old) equipment. And in both cases, the equipment was old when they both attended Metro State. While it truly is time for a sea change in Studio A’s equipment and workflow, at least what it had could do the job well enough to do what a university program is meant to do: gain employment for graduates.

But some students find themselves frustrated. Josh Cozart, the general manager of Met Report and Noticiero TV Met for 2015 and 2016, has also interned at KCNC-TV, the CBS-owned and operated station in Denver. He is also interning during the summer of 2015 in the meteorology department at KWCH-TV in Wichita, Kansas. He says this about Studio A: “my first thought is that it might not be teaching me as well as what I need for going into the business.” As for the remodeling and new equipment, he does have some concerns about the
entire studio being new and wholly different for the very first newscast of the fall semester of
2015:

As GM going into the new semester with everything being completely different
than what we are used to is most definitely something that I’m pretty concerned
about, but I know in the long run it will make things way more efficient for us
and better our product overall. But maybe this should have happened five, ten
years ago, when everything in the television business did switch over to digital. I
will miss (the old equipment) a little bit, because I felt like just at the end of the
semester, I was comfortable with how everything works. But I’m excited to see
what all the new stuff can do and learning all that. (Cozart, 2015)

The last major renovation of Studio A was in 1997. Since then, gear has been added and
removed piecemeal from the studio. Some has been migrated to Studio B for use there, while
other equipment has failed completely. This leaves Studio B in perhaps an even tougher
position than Studio A.
CHAPTER VI

THE STUDIOS: STUDIO B

Studio B is one that takes up two floors, with the control booth on the first floor of Auraria Media Center, and the set area down below in the basement, as opposed to Studio A, which is housed in toto on the ground floor. Also unlike Studio A, Studio B was built to be self-contained, and tape-based playback was eliminated years ago in B (unlike A), in favor of DVD, mini-DV, and other digital playback methods.

Studio B is also not directly connected to Channel 54. While pre-recorded programs recorded in Studio B do air on 54, Studio B is not used in a live broadcast capacity. It is truly a closed production facility.

The control room in Studio B is much more compact than Studio A. And a decade ago, it was cluttered:

When I first got here in 2005, there was a big shelf up on the wall with the monitors in a row, and a bunch of monitors near the console with an old aqua-colored countertop and several old VHS machines, using the classic Grass Valley 110 switcher. Studio B still has the windows looking out on the studio. Old school, but I still like it.
(Courtnage, Chief Engineer, Auraria Media Center, 2015)

Courtnage worked to make the studio much more digital than Studio A from the outset. “Early on, it was just VHS record/playback, and then we moved to DVD record/playback, and we had mini-DV for quite a while.” And for the first time, with the renovations, Studio B will be connected to the main router next door to Studio A. This will give Studio B the capability of generating live broadcast on Channel 54.
The video switcher in Studio B is an EchoLab switcher. While the company closed in 2010 (Zaller, 2010), the design itself is not, as BlackMagic Design very quickly bought the assets of EchoLab (Blackmagic Design, 2010).

The audio console is a Ramsa that came from Echostar corporate studios in Littleton as a donation. “It’s served us well in this situation,” Courtnage said. It will be replaced by one of the new Yamaha mixers. Studio B can generate stereo audio, but for anything played back on Channel 54, it is be summed to mono, which will also change with the remodeling, as Channel 54 will be able to broadcast in stereo.

Studio B has remained, for many years, essentially an island, and not connectable to the workings of Studio A or Channel 54. “It won't be anymore. There will be less isolation and it will be part of the main router system. And, of course, it will have the same recording format (as Studio A), and there will be a Ross Switcher in here which is much more similar to the big one coming to Studio A, and the CRT’s will be replaced by LCD monitors, though I’m not sure what cameras will be in here yet,” Courtnage says. And he says he may use the cameras from Studio A, which will be replaced by Hitachi cameras.
CHAPTER VII

CABLE TELEVISION AND THE FEDERAL COMMUNICATIONS COMMISSION

Much of the programming generated in Studios A and B is expressly intended for airing on Channel 54 in its current setup. Both the Office of Student Media at MSU Denver and the Metro State Broadcast Network have television shows that either originate live from Studio A or are produced specifically for airing on that channel, both from the field and in the studio, or a combination of the two. University of Colorado Denver’s TVFP department draws on both in-studio shoots and field shoots to add programming to Channel 54.

While the popular misconception may be that the Federal Communications Commission (FCC) is not involved in cable ownership or programming, the FCC is, in reality, very involved, and it is portions of the FCC requirements of local cable operators that led directly to the genesis of this project and this thesis.

It starts with ownership. Most consumers are familiar with their cable provider, immediately calling up such names as Comcast, Time Warner, Charter, and many more. But the key word is “provider.” Under current FCC law, the local municipality or the state is actually the primary owner of the cable franchise:

The 1992 Cable Act codified, and the Commission has adopted, a regulatory plan allowing local and/or state authorities to select a cable franchisee and to regulate in any areas that the Commission did not preempt. Local franchising authorities have adopted laws and/or regulations in areas such as subscriber service requirements, public access requirements and franchise renewal standards. Under the 1992 Cable Act, local franchising authorities have specific responsibility for regulating the rates for basic cable service and equipment.

(Federal Communications Commission, 2015)

What can become convoluted is how the FCC developed the law up to that point. Cable television has, in reality, been around since the late 1940s, developed so that viewers in far-
flung communities with no self-generating UHF or VHF stations could receive retransmissions of broadcast signals from larger markets. Originally developed by Robert Tarlton, the first such service was able to re-broadcast over-the-air stations in Philadelphia to television set retailers in Lansford, Pennsylvania, well outside the reach of over-the-air TV signals from Philadelphia (Broadband Cable Association of Pennsylvania, 2004). And the TV set retailers paid a fee to Tarlton for the service – perhaps an early indication of the later economics of cable television. But by 1950, only seventy such systems were needed in the United States; higher power permissions for TV transmission from the FCC led to at least acceptable coverage of most communities in the United States that could receive service from the VHF\textsuperscript{9} band of TV stations, which had greater range than the UHF\textsuperscript{10} stations (Federal Communications Commission, 2007).

Between 1950 and the 1980s, cable television really didn’t exist as a medium independent of broadcast television. But by December, 2011, there were more than 5,300 cable systems serving more than 60 million subscribers (Federal Communications Commission, 2015). And the FCC also notes that most subscribers receive in excess of 100 channels.

Public service to the community has long been a stated goal of the FCC, no matter the medium. In 1946, the FCC took many broadcasters to task in something called the “Blue Book,” which was published to codify FCC programming guidelines for judging the performance of the radio or TV station when it came time for the FCC to renew that station’s license (Riley, 2012). The original FCC Blue Book had four programming requirements for broadcasters:

- Broadcast experimental programs not sponsored by advertisers
- Promote local live programs
- Devote programs to the discussion of local public issues
- Eliminate excessive advertising

\textsuperscript{9} VHF stations occupied the channel assignments 2 through 13 on old rotary-dial televisions.
\textsuperscript{10} UHF stations occupied the channel assignments 14 through 83 on old rotary-dial televisions.
The Blue Book was not well received by broadcasters. In fact, the National Association of Broadcasters judged it a “mortal enemy” FCC Chairman Clifford Durr said he was called a “stooge for communists” by the NAB president (Riley, 2012). Broadcasting Magazine accused the FCC of trying to make broadcasting in the United States look and sound like the BBC (Newman, 2004). Broadcasting Magazine editorialized against the Blue Book for eighteen consecutive weeks; NBC President Niles Trammel gathered the editorials and published them in a red-covered booklet that wound up being called the “Red Book.”

The Blue Book never carried any legal weight, but it did sensitize broadcasters as to what the FCC could require at license renewal time. In 2015, the FCC does have highly codified requirements for not only radio and television station owners, but also cable operators and even satellite radio. The regulations apply to the technical areas of broadcast, such as power and interference, as well as content. Sirius/XM, for example, must carry local content nationally if it is to carry local content at all:

Early this month, in a seemingly innocuous move, XM Radio offered 15 new satellite radio channels featuring local programming—traffic updates and weather reports. But because FCC rules require XM (and its rival, Sirius) to exclusively provide national programming, each of these local for example, can learn about a foggy night on the coast of Florida or the traffic en route to O'Hare, just by flipping the dial. The launch of the new channels has kicked off a highly charged debate about whether the local content is legal. Traditional broadcasters claim it's not, because the programming targets particular regions. XM and Sirius (which plans similar channels) claim it is, because the programming airs nationwide. So far, the FCC seems to be siding with XM, but the regulatory scuffle points up the pickle that satellite radio is currently in: In order to get permission to exist, XM and Sirius had to swear off local content. But in order to survive, they need to find a legal way to deliver it to subscribers. (Hazlett, 2004)
The FCC may not be as active on programming issues as it is on technical ones, but it is still active. Radio and television stations must maintain public files that can be inspected by anyone who walks into a radio station, and those files must list such items as all paid political announcements and public service programming. The language in the FCC statute has changed little from the language used by its predecessor, the Federal Radio Commission, from 1926 to 1934:

In exchange for obtaining a valuable license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the “public interest, convenience and necessity.” This means that it must air programming that is responsive to the needs and problems of its local community of license.

(Federal Communications Commission, 2008)

The requirements change drastically in the cable television arena. The FCC involves itself more in the regulation of who holds the franchise for a cable system much more than actual content on the cable system itself:

Before commencing operation, a cable system operator must send the following information to the Secretary of the Commission for each community to be served:

(1) The legal name of the operator, the entity identification or social security number, and whether the operator is an individual, private association, partnership or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission;
(2) The assumed name (if any) used for doing business in the community;
(3) The mailing address, including zip code, and the telephone number to which all communications are to be directed;
(4) The date the system provided services to 50 or more subscribers;
(5) The name of the community or area served and the county in which it is located;
(6) The television broadcast signals to be carried;
(7) A certification that the applicant is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21U.S.C., 853a, or, in the case of a non-individual
applicant (for instance, a corporation, partnership, or other unincorporated association), that no party to the application is subject to a denial of federal benefits pursuant to that section; and (8) For a cable system (or an employment unit) with six or more full-time employees, a statement of the proposed community unit's equal employment opportunity program, unless such program has previously been filed for the community unit or is not required to be filed based on an anticipated number if fewer than six full-time employees.

A registration statement must be signed by an authorized representative of the cable television company. The Commission issues a public notice setting forth the details of each registration statement as it is received. The cable television operator is not required to serve the registration statement on any party and may begin operation immediately upon filing the registration statement. However, commencement of operation is entirely at the risk of the system operator. If violations of the rules are subsequently discovered, appropriate regulatory sanctions, of a cease and/or desist order, may be employed.

(Federal Communications Commission, 2015)

Regulation of cable television systems comes mostly from the franchise holder, not the FCC itself. While the FCC does require filing of the channels to be carried on each cable system, it is left to the local operator as to where those channels will be placed on the system.

The original Blue Book from the FCC may have started the discussion about public service requirements, and those discussions continue today on a more local level with cable television franchisees, each one of which may have different requirements for cable operators in their jurisdiction:

A variety of laws and regulations for cable television exist at the state and local level. Some states, such as Massachusetts, regulate cable television on a comprehensive basis through a state commission or advisory board established for the sole purpose of cable television regulation. In Alaska, Connecticut, Delaware, New Jersey, Rhode Island, and Vermont, the agencies are state public utility commissions. In Hawaii, regulation of cable television is the responsibility of the Department of Commerce and Consumer Affairs. In other areas of the country, cable is regulated by local governments such as a city cable commission, city council, town council, or a board of supervisors. These regulatory entities are called
"local franchising authorities." In addition, most states have one or more state laws specifically applicable to cable television, dealing most commonly with such subjects as franchising, theft of service, pole attachments, rate regulation and taxation. (Federal Communications Commission, 2015)

In Denver, City and County of Denver Media is the franchise holder for Comcast cable. Denver County is one of nine counties in what is called the “Metro Denver region” (Metro Denver Economic Development Corporation, 2015). Each and every one of them may have different cable regulations county by county, or even city by city within each county.

City and County of Denver Media’s webpage lists several public service channels:
Channel 8 and Channel 58 are managed and programmed by Denver Media Services, an arm of City and County of Denver Media. Channel 22 is the educational access channel through Denver Public Schools. Channel 54 is designated by City and County of Denver Media as for Auraria Campus only:

Channel 54 originates from the Auraria Campus in downtown Denver. Focused on higher education, it serves as a communication service for three institutions. The Community College of Denver, Metropolitan State University of Denver and University of Colorado Denver all share this urban location. Programming includes academic learning, local history, informational postings and student productions. Channel 54 features a weekly student production called the Met Report. This news and entertainment broadcast offers both English and Spanish editions. (City of Denver, 2015)

In the 1990s, cities in the Denver metropolitan area banded together to form an organization that can collectively negotiate many terms with local cable companies, primarily Comcast. Those communities didn’t officially band together as a non-profit corporation until 2012, when they called themselves the Colorado Communications and Utility Alliance (Colorado Communications and Utility Alliance, 2015). While the group does not negotiate blanket agreements with a cable system, it does work to help the individual cities bargain their
final franchise agreements with the cable operator. While cable television rates may be the most important to the public, there are many other areas – including public service programming and the content of that programming – that can and will be part of the discussions between a cable service provider and the community of license that acts as the franchisee.
CHAPTER VIII

LITERATURE REVIEW: PRIVATE SECTOR FUNDING OF HIGHER EDUCATION

So far, the discussion in this thesis has centered on the technical advancements and opportunities that will be gained with the addition of $453,000 from City and County of Denver Media, the franchisee for cable television in all of Denver County. But what has not been mentioned is the influx of money from the private sector in higher education overall.

This thesis is not here to re-litigate the issue, because private sector money is in higher education, and will remain there. It will not go away. But the existing academic literature on the issue can be examined as to whether money from private businesses creates an inherent conflict with the mission of higher education, or whether such monies should be welcomed with open arms.

Is ours the only campus that who has obtained private money for educational improvements, specifically capital expenditures? Certainly not. The literature shows a wide array of private money filtering into higher education for many different purposes. Ergo, this review of the literature will look toward the basic questions of private-sector funding in public education, which has been explored thoroughly. Any literature specifically mentioning arts and media education funding will also be included, but it is a much smaller body of work. There are no shortage of good, scholarly articles extolling the benefits of adding private monies to higher education. But there is also a growing chorus of concern about a growing reliance on private-sector dollars. Vincent Carpentier in 2012 published a thorough study of the issue, with some startling findings. First of note is the changes in public and private funding percentages over time in higher education (Carpentier, 2012):
The growth in private funding from 1945 to 1973 is notable, and Carpentier uses his figures to show not additional funding, but funding substitution. In other words, the private-sector money is replacing public-sector monies in his study. And that is shown in another of Carpentier’s tables:

(Table 2: Funding substitution from public funds to private-sector dollars)
The line indicating public funding of US higher education starts declining in approximately 1972, and has declined a full ten percentage points by the end of the graph, with only moderate fluctuations therein. If we are to believe Carpentier, then private money is now replacing public funding of higher education, a trend he does not entirely like:

The main lesson from the comparison and contrast of the UK, the USA and France is that, in a context of austerity, the increase of fees combined with the emergence of other private resources does not necessarily mean additional income. As a result, there is a risk that cost-sharing becomes a public-to-private substitution of funding and provision. Moreover, the 2008 crisis reminds us that there is balance to be struck between the diversification of income and the risk of volatility associated with some private resources.” (Carpentier, 2012, p. 386)

Another excellent article on the topic was written by G. Thomas Sav of Wright State University in Dayton, Ohio:

Based on this research, government free riding appears to be alive and well and implies that private fund raising in public higher education partially crowds out state government funding at the rate of 43% on the dollar. That is based on an aggregate of some 1,200 colleges and universities in 2006. The present finding of crowding out decline is by itself significant for the revenue implications of successful private fund raising on the part of public colleges and universities. (Sav, 2010, p. 298)

Supporters of private monies in higher education don’t disagree with the “replacement” theory of dollars. But they do argue that the overall good still outweighs the potential negatives:

The PPP model has been used to improve road systems, hospitals, security services, and of course, educational systems around the world with great success. While considered somewhat controversial by some because of the perception that they will increase the involvement of government in the private sector, PPPs are not new. On the contrary, these arrangements have existed since the Roman Empire. They persist because they are mutually beneficial for government and the private sector. America's corporations have resources and tools available to invest in our next generation of innovative leaders. (McPhail, 2011, p. 80)
Still, for every critic of the flow of private sector money into higher education, there seems to be a success story. They date back years:

We all remember the major financial cutbacks our campuses suffered during the severe recession of the 1980s and early 1990s. Those were difficult times, but now we are moving forward. In the past 14 months, legislators and Gov. Foster have set aside millions of new dollars for higher education to finance deferred maintenance, new construction, faculty pay raises, distance learning, university budgets, libraries, equipment and far-reaching scholarship programs. Last month, the Board of Regents, through the Regents Support Fund, distributed more than $14 million to 24 Louisiana universities and colleges, many in the New Orleans area, to underwrite 171 new endowed professorships and 19 new endowed chairs for eminent scholars. This is a new record. Another major purpose is to build stronger ties between the private sector and higher education. Private contributions are critical to the well-being of our colleges and universities. (Callais, 1997).

Many are much more recent:

In a very real sense, increased collaboration between industry and higher education has brought the creative engine of the knowledge economy to rest on the shoulders of academic researchers. The rise in “real-world” research and education in colleges and universities has generated exciting opportunities with the potential to shift higher education’s culture – for example, by embracing the opportunity for faculty to move back and forth between industry and Academia (sic) (Klawe, 2015).

There is ample evidence for both sides of the argument. Perhaps more germane is an overview of American higher education and the patterns of funding. John Thelin’s article on success and excess in higher education since 1960 puts it aptly; he cites the “paradox of prosperity with the dysfunctions of success”:

As for the matter of over-expansion and unbridled spending, I think that “big science” is Exhibit A as a source of problems and reconsideration in the 21st century. The original rationale was that, of course, a physics department will be competitive for large federal research grants – and will pay for itself. In fact, competition for federal research grants is sufficiently competitive that physics departments at some aspiring research universities do not do well in attracting sufficient grants and external
funding. A rough estimate is that there are about 120 universities committed to advanced science research – and serious pursuit of federal research grants. This is testimony to the paradox of success in that since World War II there has been a re-shuffle and intense competition among established research programs and a host of relative newcomers. At the home campus “big science” is hailed as a potential source of added resources. The sobering reality is that investment in infrastructure, staff, research support and annual salaries for highly paid science professors and research assistants are not easy to recoup from external grants. (Thelin, 2013, p. 111)

The business of private money in higher education is now just that – big business. While it is easy to say private funding of higher education would not be necessary if higher education had the funding it needed from public sources – a source that, over time, has shrunk nationally (Carpentier, 2012), and is only starting to recover from the recession that began in 2008. The publication Inside Higher Ed calls it a “checkered recovery”:

Thirty-nine states report increasing spending in 2015, with increases from 0.1 percent in Maine to 21.1 percent in Illinois, though that money does not go to educational operations, according to the report. Ten states registered declines, ranging from -0.4 percent in Delaware to -2 percent in West Virginia. Funding remained unchanged in North Dakota. While half the states are spending more than they were in the 2010 budget 4 cycle, the other half, of course, are not. “It’s a tenuous increase,” said Jim Palmer, an Illinois State education professor who wrote the report. “It’s kind of a checkered situation and we expect that checkered situation to continue in some states.” Counting federal stimulus dollars from the first years of the Obama administration, nationwide state spending on higher education is up only 3.4 percent since 2010. Many states used that federal cash to avoid sharp or sharper cuts. Much of the nationwide average gain come from a handful of the most populous states — California, Florida and Illinois. Take away those three states, and spending in the other 47 states increased by an average of just under 3 percent since the 2014 budget cycle. (Rivard, 2015)

Here in Colorado, the increased spending has not taken the state’s higher education budget up to levels seen before this decade:
Even states that have recently put a chunk of cash into higher education are not above their recession-era spending levels. For instance, Colorado increased spending by nearly 15 percent in 2015 over 2014, but is still spending 6 percent less than it did in 2010. New Hampshire, Michigan, South Carolina all had significant increases in 2015 but are still below 2010 spending. (Rivard, 2015)

And some states still face perilous cuts – or almost did. Wisconsin Governor Scott Walker floated the idea of a $300 million dollar cut for the 2015-2017 fiscal year budget, but that state’s legislature has cut that amount to $250 million dollars, and may consider lowering it even more. (Kerstcher, 2015) (Associated Press, 2015). Arizona, however, did enact the deepest cuts to higher education in the country, cutting $99 million dollars from higher education statewide in that state’s last budget (Goldberg, 2015). Critics have said the cutback talk in both states was politically motivated, driven by conservative opposition to a perceived liberal bias in higher education (Goldberg, 2015). But no matter how one views such news, they are steep cutbacks to higher education budgets that have, in most cases, already been drastically scaled back. If the answer to those cutbacks is inviting and accepting more money from the private sector, the educational cost of doing so must be kept in mind.
CHAPTER IX
PUBLIC-PRIVATE PARTNERSHIPS ON AURARIA CAMPUS

There is no shortage of private-sector dollars currently in use at Auraria Campus; a partnership between City and County of Denver Media and Auraria Media Center would merely be the latest in a long line of existing arrangements.

University of Colorado Denver’s biggest such partnership is the Anschutz Medical Campus in Aurora, Denver’s biggest suburb and the bordering city to the east. It was formerly the Fitzsimons Army Medical Center, which closed in 1999. Originally, the facility took advantage of Denver’s altitude to become the prime location for treatment of the victims of chemical weapons in Europe during World War I, especially those with pulmonary problems. Later, it became the main treatment center for tuberculosis victims in the United States. In World War II, Fitzsimons was used to treat casualties and became the Army’s best medical training center (Military.com, 2015).

But the closure recommendations of BRAC in the 1990s (the Base Realignment and Closure Commission) spelled the end of Fitzsimons. While city of Aurora officials fought hard against closing Fitzsimons, since it was the city’s biggest employer, they lost that battle (Gilmore, 2005).

Unlike other military facilities, Fitzsimons was not shuttered long. Matrix Design Group quickly put together plans and program management for a bioscience research park anchored by the University of Colorado Health Sciences Center, the only medical school in the state (Matrix Design Group, 2015).

The Anschutz family, whose patriarch Phil Anschutz is ranked by Forbes as the 104th richest person in the world thus far in 2015 (Forbes, 2015), donated $91 million dollars toward
the construction of the campus, and not only has naming rights on the overall campus, but has individual naming rights on the Anschutz Inpatient Pavilion, the Anschutz Outpatient and Cancer Pavilions, and the Anschutz Centers for Advanced Medicine. A report from CU Denver says the university’s involvement generates $3.33 billion dollars in economic benefits to the state’s economy, including $1.43 billion in direct spending and another $1.90 billion with “indirect impacts in secondary markets” (University of Colorado Denver Anschutz Medical Campus, 2014).

And there are many other public-private partnerships at CU Denver. The College of Architecture and Planning has partnered with Denver Public Schools to create a program called “Learning Landscapes,” which the university says has transformed more than eighty neglected public elementary schoolyards into more usable park space (University of Colorado Denver, 2015). The National Center for Media Forensics, a graduate program within CU Denver’s Music and Entertainment Industry Studies program, has partnered with the Lakewood Police11 to help analyze clues left at crime scenes. And the University of Colorado Denver Business School touts its Global Energy Management program, which partners with governmental bodies and the energy industry to offer an eighteen-month, 36-credit hour program that leads to a Master of Science in Global Energy Management (University of Colorado Denver, 2015). The business school also is home to the J.P Morgan Center for Commodities Education and Research, and the Jake Jabs Center for Entrepreneurship.12

At MSU Denver, President Steven Jordan says he was told to pursue public-private partnerships when he was hired:

11 Lakewood is a western suburb of Denver.
12 Jake Jabs is the owner of American Furniture Warehouse, a chain of furniture stores in Colorado and Arizona.
When I was appointed in 2005, the board of trustees made it clear that it wanted to pursue a more entrepreneurial direction. There was a “sweet spot” for MSU Denver between two-year colleges that granted degrees focused primarily on workforce development and four-year research institutions. That sweet spot was where we wanted MSU Denver to be, offering theory and practice for career-oriented students. When the economic downturn hit, such goals took on additional urgency and one more was added: find new sources of funding. (Jordan, 2013)

One of the largest partnerships with the private sector at MSU Denver is the SpringHill Suites Marriott, next to Auraria Campus. Marriott, the owner of SpringHill Suites, describes it as an “innovative learning laboratory for the next generation of hoteliers”:

On-site at the SpringHill Suites Denver Downtown, the Hospitality Learning Center at Metropolitan State University of Denver offers the unique opportunity to work in a learning laboratory. Providing hands-on mentoring, training, and support, our staff of seasoned experts collaborates with dedicated students as they gain real-world experience in their field. Together with Metropolitan State University of Denver, SpringHill Suites Denver Downtown is guiding these high-achieving students to successful careers as some of the country’s most innovative and creative hoteliers in the industry. When you stay at the SpringHill Suites Denver Downtown, you’re not only choosing a stellar downtown hotel, you’re helping to train future leaders of the hospitality industry. A portion of the proceeds for every stay goes towards a scholarship fund for students of the Hospitality Learning Center. (Marriott, 2015)

The agreement between Marriott and MSU called for the university to raise $12 million dollars, and for Marriott to give back part of the hotel profits, an arrangement that has been in place now for five years (Jordan, 2013).

This led to larger talks at MSU Denver about including a franchising program in academics. “Denver is one of America’s major hubs for franchising, yet it has no university-level training ground for franchise-owning entrepreneurs” (Jordan, 2013). While the desire was there, the franchising program did not prove successful. MSU Denver closed the doors on its entrepreneurial incubator facility early in 2015. Part of the new Student Success Building, the
A much more successful public-private partnership – and another of MSU Denver’s larger ones – came in the form of new athletic fields for softball, baseball, track, tennis and soccer. The Regency Athletic Complex at MSU Denver is a classic example of selling naming rights to a sports facility; The Regency Student Housing Community, one of the private dormitories that serve the Auraria Campus, contributed a million dollars for the naming rights. MSU Denver contributed $19 million. The total cost was $23.6 million dollars, leaving about $4 million to come from outside resources (Vacarelli, 2015).

Community College of Denver (CCD), for its part, has an ongoing relationship with the Regional Transportation District as part of a program called “WIN,” or “Workforce Initiative Now”:

Unprecedented challenges in recruiting, training, and retaining a sustainable workforce confront the transportation industry in Denver with the FasTracks expansion project—a comprehensive plan to build 122 miles of new commuter rail and light rail, 18 miles of bus rapid transit, 21,000 new parking spaces at light rail and bus stations, and to enhance existing city bus service in Denver. In partnership with local training and resource programs and the public workforce system, WIN advances participants’ skills to prepare for trade, office, design, and administrative positions on local infrastructure projects like FasTracks. (Community College of Denver, 2015)

While this is a current list of the public-private partnerships on Auraria Campus, all three schools are always adding a new array of arrangements with the private sector. As MSU Denver’s President, Stephen Jordan, said, many were created to attract new funding sources in the wake of a recession that crippled state support of higher education – and something everyone in education in Colorado has to deal with: a law called TABOR, or the Taxpayer’s Bill of Rights.
CHAPTER X

TABOR (THE TAXPAYER BILL OF RIGHTS)

If you are reading this from outside the state of Colorado, we need to introduce you to the methodology of funding higher education in our state. All states have different methods and formulas for higher education funding, but Colorado’s method is both unique and very restrictive.

In 1992, Colorado voters approved an amendment to the state constitution called TABOR, which is the acronym for the Taxpayer Bill of Rights. It limits the annual growth in state revenues to sum of the rate of inflation and the percentage change in the state’s population. Ergo, if the inflation rate was two percent last year, but population statewide dropped one percent, the state of Colorado would only be permitted to collect one percent additional budget revenues the next year (Center on Budget and Policy Priorities, 2013). There is, however, a “back door” of sorts in the Amendment in that state officials can go to voters asking for more money in a referendum vote (State of Colorado, 2015).

In Colorado, TABOR was the brainchild and cause celebre of Douglas Bruce, a Republican statehouse member from Colorado Springs:

You may recall that I wrote the Taxpayer’s Bill of Rights (TABOR) Amendment, a state constitutional amendment approved in 1992. 68% of El Paso County voters supported TABOR. At that years’ GOP state assembly, TABOR was endorsed by 71% of delegates. In 1991, TABOR passed in Colorado Springs with 61% approval. (Bruce, 2015)

As TABOR became law, local governments felt the effects of a declining revenue pool.

The University of Colorado-Colorado Springs published an in-depth study on the effects of TABOR at the level of municipal government:
Results show that TABOR has indeed restrained the growth of spending and taxes by municipal governments. For a typical municipality, operating expenditures had been increasing in per capita real purchasing power by an average of about seven per cent a year prior to 1985, and by almost four percent annually between 1985 and 1992. Since the passage of TABOR, these expenditures have decreased slightly. Despite municipal election successes, Gallagher and TABOR each had a significant restraining impact on spending and revenue growth for a typical Colorado municipality. (Brown, 2001)

Even in the mid to late-1990s, some municipal governments tried to figure out ways around TABOR to avoid a revenue squeeze, and a nickname arose from the process: “de-Brucing,” a reference to TABOR Amendment author Doug Bruce:

For example, Denver has neither sought nor obtained a tax increase or an exemption, although it has received approval for seven debt issues and failed to get four others approved. Colorado Springs has received voter approval only for some limited exemptions, a small sales tax increase, and one bond issue. Aurora voters denied an exemption, but did get approve a small tax increase for police and jail purposes, along with three of nine proposed debt issues. Lakewood voters granted one limited exemption and debt issue, but voted down a much larger debt and tax increase proposal. Pueblo has received approval for some limited exemptions, one small, specific purpose sales tax increase and two bond issues. Of the large Front Range cities, only Fort Collins has had a general TABOR exemption approved (in 1999), although it defeated an earlier debt increase proposal. (Brown, 2001)

State spending under TABOR, overall, declined by about three percent between 1992 and 2013. Though the amount of money increased, the baseline measurements of inflation rate and population growth in TABOR meant that, when compared to state residents’ personal incomes, overall state spending dropped from 6.7 percent to 3.9 percent of a taxpayers’ income:

Colorado has largely stayed away from the fiscal cliff that states like California went over. That, in and of itself, is cause for celebrating TABOR," says Jon Caldara, president of the libertarian-conservative Independence Institute. "It has required more transparency of government, and that is worth celebrating. And most importantly, it has angered every politician and 'taking' group because now they have to lobby all of us instead of just taking out a few legislators to dinner to get what they want.(Hoover, 2013)
Opponents of TABOR, then and now, not only call the restrictions a fiscal vise, they feel TABOR removes democracy from the process of governing:

Wade Buchanan, president of the liberal Bell Policy Center, says Colorado's unique experiment has failed. "It promised power to the people, but it gave us more of a Rube Goldberg mechanism for funding public structures and systems," Buchanan says, referring to the cartoonist's whimsical drawings of imaginary and complex machines. "You've got a legislature that is supposed to make spending decisions and the people, who are supposed to make revenue decisions. You don't really have a way of effectively rationalizing the two of those processes." (Hoover, 2013)

Still, TABOR has not been followed to the letter of the law since its enactment in 1992. In 2005, then-Governor Bill Owens, a Republican, helped craft a five-year reprieve from TABOR’s mandates (Bell Policy Center, 2003). It was called Referendum C, and the relaxation of TABOR limitations applied only to general funding for public K-12 education, higher education, health care and transportation. Voters approved the measure in November, 2005. A separate measure, Referendum D, was defeated during that same election. Referendum D would have covered police and firefighter pension funds, improvements to school buildings in K-12 and higher education, and a separate bond issue for road repairs (Bell Policy Center, 2003).

The budget effect from the reprieve was immediate. Colorado suddenly had $5.7 billion more in state coffers. Voter sentiment approving the TABOR rollback may have been driven by hundreds of millions of dollars in cuts state lawmakers were forced to make during the recession of 2001 – 2003 (Bell Policy Center, 2003).

It should be noted that the 2005 Referendum C did not raise tax rates. Instead, it simply lifted the limitations of TABOR tying state budget growth to the amount of inflation plus the percentage growth in population. Taxpayers did not pay more during the reprieve; instead, the state government was freed from the constraints of having to do something else with the
additional revenue, be it investing the money or refunding it directly to taxpayers (State of Colorado, 2015).

While it is true that TABOR refunds have totaled $2 billion dollars to taxpayers since the amendment’s approval, experts argue those refunds have come at a far larger cost. As a direct result of TABOR, the education watchdog group “Colorado Succeeds” has continually cast dire warnings:

“In spite of the creation of the College Opportunity Fund and the passage of Referendum C, funding for Colorado’s universities and colleges will remain in critical condition for years to come. The picture is bleak. Governing boards have little or no control of tuition revenue because the General Assembly and the Governor retain the authority to regulate tuition. State funding continues to be caught in the web of multiple overlapping and conflicting fiscal limitations and mandates that will stall any attempts to provide help. Attempts to address this systemic gridlock can only take effect with voter approval. Ballots are already crowded, the financial dilemma is complex—requiring changes to several constitutional provisions and statutes -- and the so-called single-subject provision of Colorado’s constitution prevents a package of solutions from being presented because ballot issues can contain only one subject. Higher education funding is caught in a trap and, unless profound changes are made, there is no way out.” (Taylor, 2006)

The College Opportunity Fund referenced in the above section is somewhat unique. Other states have something similar, but the College Opportunity Fund in Colorado comes with no income guidelines and no requirement to attend full time; instead, it merely requires in-state residency and undergraduate status. According to College in Colorado, a student taking fifteen credit hours at a two or four-year public school in Colorado would receive $2,250 total for the year to apply toward undergraduate tuition (College in Colorado, 2013). The legislature created COF in 2004.

Still, by many estimates, Colorado ranks extremely low in the nation when it comes to direct funding of higher education. The state has twelve four-year public institutions, thirteen
community colleges and two local district colleges. A study from “Colorado Succeeds” once placed this state second to last, only above Vermont, which does not have the necessary population base to be a good statistical example of spending trends in higher education:

As a share of the state budget, higher education has dropped from 14.6 percent in fiscal year 1997 to 10.1 percent in fiscal year 2007. In fiscal year 2006, Colorado sank to a ranking of 49th in per capita state tax appropriations for higher education operations, down from a ranking of 34th in 1996. Colorado ranked 48th in state appropriations per $1,000 of personal income in fiscal year 2006 compared to a ranking of 36th in fiscal year 1996. Colorado placed 47th in its percentage change in higher education funding between fiscal years 1996 and 2006. Between fiscal years 2002 and 2005, state appropriations for higher education governing boards declined by nearly 21 percent; at the same time enrollments jumped by 14 percent. (Taylor, 2006)

Proponents of TABOR’s spending controls, however, have long decried the statements and statistics from “Colorado Succeeds” and many other education watchdog groups. Instead they point to statistics from the U.S. Census Bureau that put Colorado as high as 36th in the nation in spending on higher education (U.S. Census Bureau, 2006).

A script obtained by this author that provided talking points for PowerPoint presentations on the perilous state of higher education funding in Colorado included such directions for presenting the issue to the audience as follows:

Shifting financial burden: If you’ve paid a tuition bill recently, I’m sure you’re familiar with the term “sticker shock.” Our students and families now shoulder two-thirds of the cost of college as state funding for higher education has fallen. The state used to cover two-thirds of the cost of a college education while students covered one-third through tuition. That ratio has flipped, with students covering two-thirds of the cost of higher education in this state.

• We are not alone in facing these challenges. Colorado’s challenges in these areas reflect those facing our nation. This doesn’t make our situation any easier.
• Personalize the presentation – Pick a personal anecdote for one of the four points. Examples might include your or a friend’s difficulty in hiring, a child’s winding road through college, a student who represents the
completion gap or a family struggling to meet college costs.
(Colorado Commission on Higher Education, 2013)

The PowerPoint presentation from CCHE very quickly delved into the issue of tuition increases to offset TABOR’s mandates. By slide eight, the presenter had these talking points:

- Another challenge we face is the dramatically shifting financial burden of college costs. We sometimes refer to this slide as the “smiley-frowny face” slide because the state and students have essentially flipped roles. The frowny face, by the way, belongs to students and their families.
- That’s because, in 2000, students were paying a third of college costs – in 2013, they’re paying two-thirds. In 2000, the state was picking up nearly 70 percent of the costs of college. Now that figure is 32 percent.
- Why the dramatic change? One big factor is declining state funding for higher education.
- Today, the state puts $162 million less into higher education than it did in 2008. That’s about $1,500 less per student.
- Now we did see an increase this year, of $30 million, and we thank Gov. Hickenlooper for that. That’s the first increase in state higher education funding in three years. But that only took us back to our funding level in 2009.
- In fact, Colorado ranked 49th in state higher education funding in the most recent year – 2011 – studied by the State Higher Education Executive Officers (Colorado Commission on Higher Education, 2013)

And the increase in tuition and fees at Colorado’s public two and four-year universities is astounding. The CCHE’s report on tuition and fee increases over five years in the fiscal year 2012-2013 report on undergraduate tuition and fees shows across the board double-digit increases. The highest, over a five-year span between fiscal years 2008 and 2009 and fiscal years 2012-2013 was University of Northern Colorado in Greeley, at 68 percent. The lowest for four-year schools was still a 26.3 percent increase at University of Colorado – Colorado Springs (UCCS). Metropolitan State University of Denver raised its tuition 65.6 percent over that five-year period. University of Colorado Denver’s tuition went up 45.5 percent, and the Colorado
Community College System, which governs tuition at Community College of Denver, raised its tuition 39.2 percent (Colorado Commission on Higher Education, 2013).

Some of the increases may have been a pent-up reaction to years of TABOR controls: in 2010, the Colorado General Assembly passed Senate Bill 10-003, “Concerning Higher Education Flexibility to Improve the Financial Position of State Institutions of Higher Education” (Concerning Higher Education Flexibility to Improve the Financial Position of State Institutions of Higher Education, 2010).

For two of the years in the 2013 “Tuition and Fees Report” from the CCHE, public colleges and universities were capped under TABOR. But for the last three years, the schools operated under Senate Bill 10-003, which allowed for a maximum tuition increase of nine percent for undergraduate students between fiscal years 2011-2012 all the way to fiscal years 2015-2016 (Colorado Commission on Higher Education, 2013). Simply put, after the five-year reprieve for higher education ends, TABOR controls may well be back in force.

Perhaps in advance of the end of the five-year window, the Colorado General Assembly got to work just this last legislative session on changes in funding for higher education in the state. It came in the form of House Bill 14-1319 (Concerning the Creation of an Outcomes-Based Funding Model for Higher Education, and, in Connection Therewith, Making and Reducing Appropriations, 2014). One of the sponsors of the bill, House Speaker Mark Ferrandino, focused on the individual college or university’s efforts to not only attract students, but to retain them and focus on their matriculation as an incentive for Colorado’s higher education schools:

Similar to other states, the new model prescribed by HB 1319 creates outcome-based incentives to institutions for delivering more degrees and certificates. It also supports the Colorado Opportunity Fund stipend, the funding that follows the student, and has factors that recognize the unique
attributes of our diverse institutions. Importantly, there are added incentives for institutions to provide extra support for low-income and underrepresented minority students. Unlike other states, the new Colorado funding model will apply to virtually all operating funds appropriated by the General Assembly and will be supported by real-time, student-level data that can be updated every year. (Ferrandino, 2015)

Ferrandino admits that some schools will lose money under the new formula, but he also notes that all schools affected by the new law approved of it:

I am especially pleased that the Colorado Commission on Higher Education endorsed the new funding methodology that was unanimously recommended by the robust HB 1319 process structure and is unanimously supported by all affected institutions. Of course, dividing the pie in a brand new way means that some institutions benefit more than others. This is what the General Assembly expected. (Ferrandino, 2015)

For those who have never been proponents of TABOR, there is perhaps some irony in the outcome. In 2011, TABOR Amendment author Douglas Bruce, who had retired from public office, was convicted of tax evasion in Colorado:

State prosecutors convinced a Denver jury that Douglas Bruce used a small-government charity he founded to hide millions of dollars from the state taxman, pocketing interest and using the funds to further his political agenda. After four hours of deliberation, jurors Wednesday convicted Bruce on four counts, the most serious of which carries a penalty of up to six years in prison and $500,000 in fines. (Fender, 2011)

His final punishment was much less: Bruce served 180 days in jail, and was sentenced to an additional six years’ probation, but was not fined. Prosecutors contend he had hidden $2 million dollars in income into a political 501(c)(3) corporation he founded called “ACT,” or “Active Citizens Together,” a non-profit charity that was part of the driving force behind TABOR (Fender, 2012). For his part, Bruce claims the charges were nothing more than political motivation for his small-government, anti-tax stances: "All I did is give away my salary to an IRS-approved charity," Bruce said outside the jail. "I did so publicly. That is not a crime, and
the IRS agreed it wasn't a crime. It will come out eventually” (Mitchell, 2012).

It is now 2015, and no more of Bruce’s side of the story has come out, but an appeal is pending. There has been still more legal trouble for Bruce: he was charged in April, 2015 with assault for an altercation at the Denver County Courthouse:

Bruce is accused of assaulting Dede Laugesen - executive director of Colorado Springs Government Watch and wife of Gazette opinion page editor Wayne Laugesen - while she followed Bruce and Colorado Springs City Councilwoman Helen Collins out of the Lindsey-Flanigan Courthouse. Dede Laugesen was recording video on her cellphone and asking Collins about the closure of a Kansas City, Mo., apartment building owned by the councilwoman when she said Bruce grabbed her phone and threatened to hit her with it before shoving it back into her hand. "His bully-like behavior was totally unwarranted. And I had not even spoken to Douglas Bruce that day," Laugesen said Tuesday. "So for him to strike out at me in such a way was very unexpected." Bruce is seen placing his hand over the cellphone camera lens and saying "Show the rent money, idiot. Show the rent money," before the video ends. (Hobbs, 2015)

A disposition in that case is pending. And so, it would seem, is a disposition of the appeals against the TABOR Amendment, as opponents of the law challenge its constitutionality:

A federal appeals court on Friday said it would allow a lawsuit challenging the constitutionality of Colorado's Taxpayer's Bill of Rights to go forward. The decision by the 10th U.S. Circuit Court of Appeals marks a milestone in a legal fight over how Colorado conducts its most important functions. For more than two years, Attorney General John Suthers has argued that plaintiffs in the lawsuit did not have the right to sue. The lawsuit, filed by more than two dozen individuals, argues that by taking away lawmakers' ability to tax, TABOR violates the U.S. Constitution's guarantee that every state have a republican form of government. (Lee, 2014)

One final note about TABOR’s progenitor: when he was released from jail, Bruce actually said very little about TABOR to reporters. Instead, he threatened lawsuits against the jail’s staff, complained about the food, and complained that he spent four days in solitary
confinement (Mitchell, 2012). Douglas Bruce had become a far different man from the state representative who drastically, and perhaps permanently, changed state budgets in Colorado.

And there is also a final note about the legal status of TABOR. The United States Supreme Court, in its session that ended in June, 2015, sent a case debating the very constitutionality of TABOR back to the 10th U.S. Circuit Court of Appeals in Denver. While the law stays on the books in Colorado, its long-term prospects are less clear.

The suit, originally filed by two state lawmakers in 2011 seeking to overturned TABOR, will now go back to the 10th Circuit Court of Appeals after the U.S. Supreme Court vacated the earlier decision (Matthews, 2015).

The issue is one of legal standing. The high court’s ruling confirming the rights of Arizona voters to create an independent redistricting panel to avoid accusations of partisan, political gerrymandering or political district boundary lines is part of the Supreme Court’s ruling on the TABOR case (Liptak, 2015). At issue in Colorado: whether or not TABOR’s opponents have standing to sue. At issue in Arizona: whether or not the Legislature had standing to sue, for which the Supreme Court found they did not.

Who won and who lost with the high court ruling? The reaction is mixed. “The Supreme Court ‘sort of kicked the can down the road’ when it returned the case to the 10th U.S. Circuit Court of Appeals in Denver, said Ilya Shapiro of the Cato Institute, one of several outside groups that filed briefs last year in support of TABOR” (Matthews, 2015). “It isn't a black-and-white win, but it is encouraging from our perspective,’ said Michael Feeley, one member of a team of attorneys representing the TABOR opponents.” (Matthews, 2015).

No matter the next ruling from the 10th Circuit Court of Appeals, both sides do expect it to be appealed to the U.S. Supreme Court again, and the earliest that could happen is 2016. And
the third-largest newspaper in the Colorado (as listed by Audit Bureau of Circulation figures) editorialized that it is past time for something to be done about TABOR:

The real effect of the measure has been to diminish Colorado schools and roads. Despite having one of the healthiest economies in the country, the state can’t afford to properly maintain or build new roads, run schools or keep colleges competitive and affordable. The insult to injury of TABOR is back: Colorado must now refund hundreds of millions of dollars in taxes to state residents, despite the widespread public needs. This week, buried in a flurry of epic Supreme Court rulings, the high court also forced the local 10th Circuit Court of appeals to take another look at a lawsuit filed by state legislators in regards to TABOR. The argument is that the state government charges lawmakers with taxation as representatives of a republic, and TABOR illegally prohibits that. We agree. If a lawmaker wants to spend more than taxpayers want, out the lawmaker. Instead, Colorado voters have created a system that doesn’t allow them to steer the government along a winding and treacherous economic road. It’s long been a disaster in the making. After more than 20 years of TABOR, Colorado’s ranking among taxation has changed little. What has changed is that money desperately needed for state programs hasn’t been raised, so the growing debt is not the state budget, but in the state’s roads, schools and colleges (The Aurora Sentinel, 2015).

Whether or not TABOR is constitutionally acceptable is, in reality, far from being decided, and the political debate far from over.
CHAPTER XI

THE FUNDING PROCESS AND AURARIA MEDIA CENTER

No one, least of all the staff of Auraria Media Center, has been under the illusion that the analog playback systems of Studio A, Studio B and Channel 54 could continue indefinitely. Maintenance alone becomes a huge cost, and parts for older analog television gear are rapidly becoming unavailable (Courtnage, Chief Engineer, Auraria Media Center, 2015).

But until three years ago, a funding mechanism for any improvements was not available. Auraria Media Center is maintained by student fees emanating from classes from all the schools that use the facility, as well as a separate budget from AHEC. None of the schools on campus nor AHEC had any additional money for a drastic renovation of the facility.

Matt Keller and Kent Courtnage say they were contacted by the then-director of City and County of Denver Media in 2011 about a plan for improving the facility. And what they were told surprised them:

“They said ‘you guys are next in line for this upgrade money we have. And we said ‘what upgrade money?’ And what they said was they were doing ascertainments for generation of high-definition television, and we didn’t have the back end to generate it. So that’s kind of how all it started, and that’s probably the big driver.” (Keller, 2015).

It was the first that the Auraria Media Center staff had heard of the potential for outside funding to rebuild the Center, and it started with the City and County of Denver Media coming in to the Center to assess the upgrade needs. “They brought in somebody; they walked throughout the entire facility, came up with a, a list between their people and our chief engineer, Kent Courtnage. And it was a big list, it was well over a million dollars in upgrades” (Keller, 2015).
A million dollars in upgrades was perhaps not feasible, but it could be perceived as an indicator of how much attention the facility needed. And at the time, the FCC had accepted proposals that would make ATSC digital television the standard in American TV; stations could choose between one channel of HDTV programming, four to six channels of SDTV at various times of the day, or a mixture of standard definition and high definition. That would later change to a complete approval by the FCC of digital television instead of older National Television Standards Council specifications in 2009. All of this, as many local television stations were still broadcasting news in the old 4:3 aspect ratio, even as broadcasters chose HDTV in the 16:9 aspect ratio (August Grant, 2010). Channel 54 was, until July of 2015, producing all programming in 4:3.

But the process was not smooth for City and County of Denver Media and Auraria Media Center. “When they really started looking at the dollar amount and everything that was involved, it was right at the same time as the director was transitioning out of the job and new people were coming into the job, namely interims. And so, it stalled. And we went back a couple times, back and forth with one director. And he ended up leaving before we got a final answer, even though it sounded at the time like it was all looking very good” (Keller, 2015).

But even though the discussions stalled, they were far from over:

And it went into the hands of the new people, the new interim people, they hired some people and that's where it stalled for a while. Then they decided hell, right, we want to get up to speed. Daryl's (the former director) no longer here. We don't want to talk about the past, let's talk about the future, let's do a new walk-through and see exactly what your needs are. And then that's when they came back to us, and started talking about ‘what are your actual needs?’ Let's take a look at this list again. (Keller, 2015)\(^\text{13}\)

\(^{13}\) The full list, as well as the specific contract language, constitutes the entire “Appendix A” of this thesis.
The key issue became content; what content could Auraria Campus provide for City and County of Denver Media? But this issue became more complex with the fact that Auraria Media Center could not require any of the three schools on campus to provide content; yet, at the same time, Auraria Media Center generated no content of its own. “We created an MOU (memorandum of understanding) that went to all three schools, which was separate from anything that Denver Media needed or required. But, at the same time, the MOU really galvanized the schools’ support for this effort” (Keller, 2015). While the memorandum of understanding between Auraria Media Center and the three schools specifically states that the schools are not required to provide any programming, Keller believes the improvements to Auraria Media Center itself could generate programming for Channel 54 that comes from outside the current contributors: MSU Denver’s Office of Student Media and CU Denver’s Theatre, Film and Video Production Department: “it can be any groups on campus, and not just media classes or technical broadcast classes. We hope all different entities on campus take an interest in providing content. Concerts at the King Center. Maybe other campus events” (Keller, 2015).

City and County of Denver Media is requiring, as part of the agreement, twenty hours of programming per month from Auraria Media Center.14 “My first reaction was, ‘wow. We don’t have any programming’ “ (Keller, 2015). AHEC and the Auraria Media Center staff did not believe that they could grow twenty hours of content on a monthly basis. And that meant that Auraria Media Center would be forced to go to the schools to fill the programming hole.15

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14 It is still to be determined whether some of that programming can be repeated throughout the month.
15 The first such meeting between Media Center staff and representatives from CU Denver and MSU Denver happened in summer of 2014. I was there for that meeting, and all subsequent discussions. Others in attendance included Eric Lansing from Metro State Broadcast Network, David Liban from CU Denver’s TVFP Department, and Jim Furrer from MSU Denver’s Broadcasting Department.
The big difference between the first round of negotiations with the first director who left and the second round, Keller says, was accountability, especially accountability from Auraria Media Center for the money that would be spent. “The new administrator (for City and County of Denver Media said ‘no, hey, you can’t just be writing checks with no strings attached. And so the second agreement came back with new, really strong provisions” (Keller, 2015).

Those provisions also include areas where the money cannot be spent. According to the intergovernmental agreement between Denver Media and AHEC, new personnel cannot be hired with this money, nor can physical facilities such as buildings or infrastructure be rebuilt. The money must go toward program generation and technology that facilitates program generation. Also, City and County of Denver Media was demanding interns to be supplied by AHEC. “It was an educational process. Truly an education” (Keller, 2015).

The amount of money, at this point, is still undecided, as well. “It went from a million to $150,000 at one point. And I said ‘you’re dealing with institutions with very strong wills here, and they will start asking why are the negotiations taking so long?’ And I remember writing one email where I had to explain there really aren’t AHEC interns, but there are interns from the schools, and I can introduce you to the Experiential Learning Center (CU Denver) and The Internship Office (MSU Denver). But we really don’t have any AHEC interns” (Keller, 2015).

Explaining the dynamic of Auraria Campus as a facility with three schools proved successful in the end. “And then the light goes on again, and they really started to get it” (Keller, 2015). And that is when the final dollar amount came into the discussion: $453,000.

That amount leaves Auraria Media Center some flexibility, as well. “We’ve been able to go out to bid and take care of the process. And with that dollar amount we will still have extra money for other gear” (Keller, 2015).
There was still one very problematic part of the agreement: if City and County of Denver Media did not like the programming it was receiving from Auraria Media Center, for any reason, it could demand Auraria Media Center pay back the $453,000. “We stamped ‘rejected’ on that and told them we were really, really sorry, and we didn’t mean to waste your time, but you wasted a bunch of ours, too” (Keller, 2015). That provision went back and forth, and City and County of Denver Media relented. No matter what, Auraria Media Center would keep the equipment.

This left one issue: whether Denver Media would air the programming. “They can pull the plug on it, but it’s written in the agreement that they can’t just do it willy-nilly. And if they don’t air the programming we provide, we have still complied with our end of the agreement” (Keller, 2015).

As mentioned previously, the funding already existed. It was not a new charge on cable bills; in fact, the charge to consumers has been there, in many instances and many communities, for thirty years. Under the Cable Communications Policy Act of 1984, which added a section on “Cable Communications” to the original Communications Act of 1934, local cable franchisees could charge what became known as a “PEG” fee on a consumer’s cable bill, with the fee intended to directly support the creation of public service channels and programming development and production on those channels. “PEG” stands for “public, education and governmental.” (Comcast, 2015). The goal of the Cable Communications Policy Act was to “strike a delicate regulatory balance between the FCC, local governments, and marketplace competition where, in the past, each of these entities had vied for dominance. The Cable Act was to be the solution to the ongoing problem of who, or what, should exercise the most power over local cable operations” (Wenmouth Williams, 1987).
And the Act came at a critical time in the development of cable television, as cities were demanding state-of-the-art wiring systems, and cable operators were trying to wring as many customers as cheaply as they could out of densely-populated urban areas. And the animus showed in court filings, especially in Cox Cablevision versus Marquette, Michigan, and Warner’s promises to many communities of the best technology possible – technology that Warner simply did not have the ability to offer (Wenmouth Williams, 1987). Congress hoped the Act would be seen as one that balanced the newfound popularity of cable television, placing power for running cable operations in the hands of a local operator, and out of the purview of a nationalized FCC, while granting great powers in rate deregulation to the cable industry itself (To amend the Communications Act of 1934 to provide a national policy regarding cable television, 1984).

The PEG fee that developed in the negotiations leading up to the passage of the 1984 Act had the express purpose of providing “any combination of television production equipment, training and airtime on a local cable system to enable members of the public, accredited educational institutions, and government to produce their own shows and televise them to a mass audience” (Center For Media and Democracy, 2015). One man who wrote a letter to Burlington (Vermont) Telecom asked the cable franchisee about the fee, and received this response:

Thanks for bringing up the question of franchise fees and PEG access fees. Thanks to the contributions of cable subscribers via the PEG access franchise fees, Channel 17 and 42 other local community television channels provide training, equipment and airtime to people across the state of Vermont. In many communities these channels are the way that folks can find out about local government or school actions, exercise their free speech rights and see their neighbors on TV. Locally, we air the neighborhood NPA meetings, Burlington City Council, a regular call-in “Live at 5:25” program with politicians and citizens, community events and more. (Center For Media and Democracy, 2015)
The decision as to whether to require a PEG fee is solely up to the local cable licensing authority.

But the future of PEG channels, in some cases, is murky. “The environment is being roiled by public policy and budgetary changes at the federal, state and local levels and by technological changes in cable networks,” stated a 2011 report to Congress on the issue of public access programming:

Driven by technological changes, some cable operators have begun to offer PEG channels in a fashion that may reduce consumer access to, and the quality of, those channels, and may raise consumer costs to obtain PEG channels. As traditional cable providers are migrating from analog to digital transmission of programming, some subscribers must obtain set-top boxes to receive PEG programming. AT&T’s U-verse service uses a different platform for PEG channels than for commercial channels. It is more difficult for subscribers, especially the visually impaired, to access the PEG channels, and PEG programming cannot be recorded on a DVR, leading some to claim the service does not meet requirements in franchise agreements or in the Communications Act. AT&T responds that it meets all requirements and it is inappropriate to require it to deploy its network inefficiently to meet rules developed for traditional cable architecture, (Goldfarb, 2011)

Franchisees control where channels are assigned on the cable system, so it is true that at some point, Auraria Media Center could lose Channel 54, and City and County of Denver Media could reassign the programming to many different channels.

There is, however, another confirmed deal for a different cable operator in the Denver MSA (market service area) to carry programming from Auraria Campus. “CenturyLink is starting their own cable company, called Prism, and they want us to be able to provide content for them, as well. They actually got that started up sometime in June, and we will provide them what we can” (Keller, 2015). Right now, CenturyLink’s Prism service is available in only seventeen cities nationwide, including Denver, but the company hopes it can challenge
Comcast, which is often the lone cable provider in many markets in many other cities soon (Rogoway, 2015), by carrying cable TV over a fiber-optic network (CenturyLink, 2015).

Perhaps interestingly enough, PEG fees in Denver between Comcast and CenturyLink are exactly the same: $1.05 per customer account per month. Also, a report from the City and County of Denver says many of the other requirements for CenturyLink in Denver are almost identical to the requirements for Comcast (Martinez, 2015). In addition, that same report may indicate that Channel 54 is here to stay at Auraria Media Center, as both Comcast and CenturyLink want to carry eight public service channels each, which is the current number Comcast carries; Comcast also may choose to add one more public service channel for a total of nine.

The $453,000 from City and County of Denver Media is also, perhaps, just a start. “The initial agreement is for two years, and then we have to go in front of the committee,” Keller said. And he also says that’s where proof of compliance with the agreement becomes important: “If there is more money, and it sounds like there will be, and the committee says ‘why should we give them even more money? What have they been doing? Have they done this, and this and this?’ And we’ll have been doing it for two years” (Keller, 2015).

The negotiations between City and County of Denver Media took years, as well. They were sometimes tinged with acrimony, and often resulted in stalemates. But Keller says he never gave up, and at the last meeting, he says City and County of Denver Media personnel said the following: “what else do you guys need?”

Keller says that comment came as a true surprise, and a pleasant one.
CHAPTER XII

THE WORK BEGINS

The week after finals’ week of the spring semester, 2015, Auraria Media Center closed. For the next few weeks, the outside contractor 5280 Broadcast would occupy the space, rewiring and reworking all of the television facilities. This meant that for the first summer in many summers, both The Met Report and Noticiero TV Met would be unable to broadcast summer shows, of which each did one per month in June, July and August. Instead, both news shows chose to present individual stories online throughout the summer at www.mymetmedia.com.

5280 Broadcast personnel worked in the studios five days a week, starting at 7:30 AM, and finishing between 4:00 and 5:00 pm. Previous projects they have undertaken in the Denver area include a rebuilding of NBC/Universal’s facility when NBC announced the move of their network sports operations from Los Angeles to Denver in 2013:

5280 Broadcast was given a 60-day timeline to demo an existing standard definition production studio and control room and retrofit them into a fully functional live HD production facility for a 24/7 cable network specializing in international athletics events. The project included the installation of new cameras, switcher, graphics systems, prompters, servers, 11 video editing bays, two Pro Tools audio suites, audio control room, and a voice over booth. The scope of work also included several upgrades and enhancements to the existing facility routing, intercom, and Avid ISIS systems. (5280 Broadcast, 2015)

The firm also rebuilt the PAC-12 sports network’s digital distribution facility in San Francisco, as well as a redesign and installation of Rocky Mountain PBS facilities in Denver with a new consolidated master control system for three stations (KRMA, KRMJ and KTSC-

16 A fully detailed list of 5280 Broadcast’s duties can be found in Appendix C, which is the “request for proposal” distributed for bids by Auraria Media Center.
DT.) But Danny Rowland of 5280 Broadcast was quick to emphasize the group’s experience with smaller stations and operations, as well:

“It wasn’t bad. I’ve seen way worse. We do a lot of small stations and we have seen a lot of things that were messier than they were when we walked in here. For us, conversion is always the biggest thing, because all the new gear is hi-def (definition). That’s the easy part, actually: converting the signals to the destinations we need to go to. But you have to make sure the signal always looks good; in the end, it’s always about signal integrity.” (Rowland, 2015)

The time requirements within the RFP for the work to be done were a matter of weeks, necessitating some long days in the studios. But Rowland says that didn’t faze him or his crew:

“We do it quite often. As long as your planning stages are effective – well, it’s all just effective planning. You have to plan for this stuff. And we really didn’t have any big issues, nothing major, anyway, and our workload got a little lighter on a couple of issues. That really helped. Once we test everything and commission the gear that’s new, we should be good.” (Rowland, 2015)

Auraria Media Center scheduled training starting July 20, 2015 for everyone who uses the studios: CU Denver faculty, MSU Denver faculty, CCD faculty, and MSU Denver’s Office of Student Media, as well as other departments who have video production needs. “I think it would be cool if we could get some programming from departments other than the places we usually get it,” says Matt Keller. (Keller, 2015). “Maybe other departments want to come together and do their own TV show.” While all the programming still needs approval from City and County of Denver Media, such a scenario might help Keller and AMC with the requirement of twenty hours of programming per month on Channel 54.
CHAPTER XIII

THE LIMITATIONS OF STUDENT MEDIA

If we are walking into a gray area with needing City and County of Denver Media to approve programming from Auraria Media Center, it is best to first stop and examine the somewhat tenuous state of First Amendment rights and the producers of student media: journalists, musicians, broadcasters, filmmakers, and more, all of whom generate a publishable product for their college or university, and one that is often supported by advertising dollars.¹⁷

Often, their product is under the microscope from their own school. Sometimes, it is suppressed before it can reach an audience. Two legal cases can be examined that essentially tell the story of students and the First Amendment: Hazelwood School District vs. Kuhlmeier, 484 U.S. 620 (1988), and Kincaid vs. Gibson, 236 F.3d 342 (6th Circuit 2001).

The Hazelwood case came first, and involved a high-school advanced journalism class. Students in that class wrote and edited the school newspaper, called The Spectrum, for the school district near St. Louis. In the last issue for the academic year, two stories concerning divorce and teenage pregnancy were set to be published – stories in which the subjects interviewed were kept anonymous, and their names were changed to protect their privacy (Hazelwood School District vs. Kuhlmeier, 1988). The school’s principal deemed the two articles inappropriate subject matter, and further decided that the father in the article about divorce should be given an opportunity to comment.

In practice, the principal had “spiked” both stories, since there was no time to re-write the material in time for the press deadline, and pages were eliminated wholesale from the last issue. The student journalists sued in U.S. District Court in the Eastern District of Missouri and

¹⁷ MSU Denver’s Office of Student Media posted an $84,000 profit in 2014.
won. But in the end, the U.S. Supreme Court voted 5-3 that the students’ First Amendment rights were not violated, since the school district sponsored the newspaper, and was the organization to be held accountable for publication. The Court’s ruling limited the First Amendment by narrowly defining the role of The Spectrum to that of a limited forum in which journalism students wrote articles.

In the *Hazelwood* case, the legal concept of “sponsorship” was established for student media, and never had been part of the law concerning student media before then. This is an important legal concept in the sense that any high school, college or university can claim sponsorship for what any member of a student medium creates, and deny publication based on that concept alone.

The second case was far less controversial in terms of subject matter. In *Kincaid*, the dispute was all about how the 1997 yearbook looked at Kentucky State University in Frankfort. University Vice President for Student Affairs Betty Gibson simply thought the yearbook looked bad, and decided to withhold it from distribution. Several students sued, and lost when District Judge Joseph Hood rejected the case (*Kincaid* vs. Gibson, 2001). Hood cited, at length, the *Hazelwood* case in his decision, which alarmed college and university press advocates; it was the first time a ruling in a high-school level media case had been applied to student media in higher education. The students filed with the Appellate Court, and were again denied by a three-judge panel. But a full *en banc* seating of the Appellate Court (all the judges) later ruled 10-3 in favor of the students in 2001. The university debated an appeal to the Supreme Court, but chose not to do so. The 1997 yearbooks were eventually distributed in 2001 – to the students who could be found.
The case law governing student media is neither deep nor wide, and to date, few other student media cases have come to the courts. But university censorship of student media is a topic often discussed, if not hotly debated. In 1987, the Northern Star student newspaper at Northern Illinois University and WNIU-FM, a National Public Radio affiliate owned by the university, both filed Freedom of Information requests seeking records on university administrators’ unpaid parking tickets after a reporter found a handful of tickets in the administration building parking lot with administrators’ names on them.\(^\text{18}\) The university claimed it had no such records, and after further review, the FOIA requests were dropped at the behest of NIU administration.

There are other instances of university censorship of student media. In 2006, an administrator at Governors State University in Chicago demanded an article critical of her tenure be pulled from the student publication The Fire. The 7\(^{\text{th}}\) U.S. Circuit Court of Appeals chose to use the Hazelwood standard in deciding this case (Foundation for Individual Rights in Education, 2006). The College of San Mateo’s student newspaper, the San Matean, didn’t print an issue for the entire fall semester of 2012, three years after an editorial by the paper questioned the intentions of faculty and staff content reviews prior to publication (Garza, 2012). All journalism classes at the school were cancelled; neither the program nor the paper ever resumed.

Still, what many people close to student media report anecdotally is not so much outright censorship as it is pressure: pressure to not publish a certain story or air a certain piece of audio or video. A 2015 survey conducted by the Center for Scholastic Journalism at Kent State University states: of 464 student journalists and 51 advisors answering survey questions

\(^{18}\) I was that reporter.
about censorship, 25 percent of students and 17 percent of advisors said school officials had told them to not publish or air certain material.

In addition, 7 percent of advisers said school officials had threatened their position as adviser or their job at the school based on content decisions their students had made. Student and adviser respondents both indicated self-censorship was an issue they confronted. Twelve percent of students and 13 percent of advisers said their staff had decided not to publish something based on the belief that school officials would censor it. (Student Press Law Center, 2015)

In the instance of broadcast media in higher education, where student voices are heard and student music often airs, the school’s governing body or the university itself will hold any and all broadcast licenses for the stations on campus, which makes them ultimately responsible for not only media law (e.g., slander and libel), but FCC laws. In the late 1970s, the FCC actually revoked the license of a student station at the University of Pennsylvania, at which students were alleged to have used drugs and alcohol on the air and broadcast profanities (Trustees of the University of Pennsylvania, 1979). But in that ruling, the FCC noted that most university-owned stations had operated with no (or very few) problems for many years, and the Commission did not wish to interfere with the operations of those stations. But the FCC noted that the abdication of University of Pennsylvania officials in the WPXN incident was “total, and cannot be tolerated.”

The FCC later issued a stronger ruling in favor of student-operated radio and television stations ten years later in a case involving the radio station at the University of California at Santa Barbara. The station found itself in the midst of an obscenity investigation in 1987 (Student Press Law Center, 1987), for airing a song containing what the university believed was “indecent” language. The FCC declined to investigate further, but accepted the school’s policy that university officials could control or punish students for playing content that violated FCC
rules. But even if school officials found the content offensive or indecent, they could not punish staff members of the radio station – so long as the content did not violate FCC language guidelines.

But according to the Student Press Law Center, “no court has ever directly addressed the question of where the upper boundaries (of censorship) might lie” (Student Press Law Center, 2015).

The bottom line is that administrative oversight — if it goes too far — will almost certainly weaken the forum status of the station and, by extension, the First Amendment protections available to students wishing to exercise editorial control at the station. (Student Press Law Center, 2015)

To date, no other cases have come before the courts or the FCC in an effort to balance the wishes of a university administration against a student-operated newspaper, radio station or television station. The SPLC says a judicial doctrine known as the Muir Doctrine actually puts more of the onus on the university for choosing to not air or publish the material, but only for the broadcast field. While the print side of student media is still mostly under the purview of the case law from Hazelwood and Kincaid, the case Muir vs. Alabama Educational Television Commission (688 F.2d 1033 (5th Cir. 1982), cert. denied 1983), upheld the authority of two state-owned television stations to not air a controversial program (Muir vs. Alabama Educational Foundation, 1982). But the Appellate Court’s judgment in that case sets a standard from a different case that can be used to help protect the ability of students to air what they wish, within FCC guidelines:

Standard First Amendment doctrine condemns content control by governmental bodies where the government sponsors and financially supports certain facilities through the use of which others are allowed to communicate and to exercise their own right of expression. (Bazaar vs. Fortune, 1973).
In the *Bazaar* case, University of Mississippi administrators disapproved of the content in a student-run literary magazine, but the court ruled they did not have the authority to censor the magazine even though the university provided financial support and sponsorship. Though the 1973 *Bazaar* case was later differentiated (if not overturned *in toto*) by the later *Hazelwood* case, the ruling from *Bazaar* and the court’s decision and writings from *Muir* still stand as accepted law when discussing student broadcasting at stations owned by universities.

Student broadcasting (and, ergo, electronic media) may well enjoy greater creative freedom than student printed media. While that is an apparent dichotomy in the law, no new cases have come forward to settle the matter. For now, the tenuous setting between student-generated content and the university media in which it appears will seemingly continue.
CHAPTER XIV

EXAMPLES OF PRIVATE-SECTOR INVOLVEMENT IN SIMILAR SCHOOLS

As mentioned previously, the academic literature is far from awash with examples of schools that have used private-sector monies to fund capital improvements in electronic arts and electronic media programs. In fact, a search through the academic databases at www.auraria.edu in October, 2014, turned up no examples of peer-reviewed material on the subject. But there is one very notable example of a four-year university using private-sector funding to essentially power an all-new program, and it is one that has generated headlines.

Boldly proclaiming “the degree is in disruption,” the website for the Iovine-Young Academy at the University of Southern California boasts “the right environment for the next level of learning” (University of Southern California, 2015). The full name of the school is the “USC Jimmy Iovine and Andre Young Academy for Arts, Technology and the Business of Innovation,” and its progenitors come with highly pedigreed resumes. Jimmy Iovine is the former chairman of Universal Music Group’s Interscope/Geffen/A&M records unit. Andre Young is perhaps better known by his popular music name: Dr. Dre, a founder of the southern California rap group N.W.A, and a co-founder, along with Iovine, of Beats Electronics, the makers of the popular Beats headphone line (University of Southern California, 2015). Together, they gave $70 million dollars to USC to start the Academy in 2013, but with a curriculum far different than a traditional electronic arts or media school, with the goal of creating a degree that blends “business, marketing, product development, design and liberal arts” (Wortham, 2013).
If the next start-up that becomes Facebook happens to be one of our kids, that’s what we are looking for,” said Mr. Iovine, an energetic 60-year-old dressed in his trademark uniform of T-shirt and fitted jeans, faded baseball hat and blue-tinted eyeglasses. Like many celebrities, Mr. Iovine and Dr. Dre have been seduced by the siren call of the tech world, which has lured celebrities like Justin Bieber, Tyra Banks and Leonardo DiCaprio to finance a start-up or develop their own idea. They have had more success than most with Beats, a private company that they say makes $1 billion in sales annually. (Wortham, 2013)

USC officials have declined to say how many students applied, nor the admissions criteria, but the inaugural 2015 class was 31 total students.19 The classroom space is also far different than a traditional college setting: students meet in something called “The Garage,” shown below:

(Figure 3: "The Garage," University of Southern California)

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19 Posters to the site “College Confidential” claimed more than 320 people applied to be part of the inaugural class. The site is an informal chat-based website, and, as such, cannot be formally cited. But the number can be footnoted for context.
A look through the curriculum required in the bachelor’s degree program reveals a hodgepodge of classes, ranging from Microsoft Excel for business management to mobile application development to communications classes (University of Southern California, 2015). Five classes address audio production, two address motion graphics, and seemingly no courses focus exclusively on video production. Critics of the school say the curriculum lacks cohesion:

The USC Iovine and Young Academy (IAYAATBI), where every lecture is a TED Talk. Now the notion of taking components of, say, computer science, design, and marketing degrees isn't the worst idea if you want to create a Media Employee in A Box—it's worked well at NYU's multi-disciplinary ITP program, famous in Silicon Alley for spawning Foursquare. This could be ITP West—a decent mix of book learnin' and vocational preparation with quick feeder access to the new Californian economy. But the more you read on USC's Snow Fall press release, the less you'll understand what this program actually consists of, or what it's really meant to accomplish. It's a mélange of jargon and wide-eyed entrepreneurial thumbs-up-isms. (Biddle, 2013)

Erica Muhl, the executive director of the Iovine and Young Academy (and the Dean of the Roski School of Art and Design), declined to reply to several emails and voicemails seeking more information about the Academy. But Muhl found herself in a controversy earlier in 2015, after an entire first-year class of seven students in the MFA program in the Roski School announced they were quitting:

We have no idea what MFA faculty we’d be working with for the coming year, we have no idea what the curriculum would be, other than it will be different from what it was when we enrolled and is currently being implemented by administrators outside our field of study, and finally, we have no idea whether we’d graduate with twice the amount of debt we thought we would graduate with. (Stromberg, 2015)

The mention of money at the end of that statement references a meeting in which the students say they were told that once-guaranteed teaching assistant slots would now be open for competition, covering the entire second-year tuition of $38,400 along with a $10,000 stipend.
(Simpson, 2015). Did the money for those slots, instead, go to the Iovine-Young Academy?

Muhl would not say and refused to speak to the media, instead choosing to release the following statement:

The USC Roski MFA program remains one of the most generously funded programs in the country. These students would have received a financial package worth at least 90 percent of tuition costs in scholarships and TAships. The school honored all the terms in the students’ offer letters. Changes are made to the curriculum on an ongoing basis. Minor changes were made to the MFA curriculum prior to the students’ arrival in fall 2014, mainly involving one elective in the summer of 2015. Studio visits and study tours remain part of the curriculum as the students requested. I have met with the students at length and hope for an opportunity to continue engaging them in a full and open conversation. (Simpson, 2015)

To date, there have been no updates provided on that purported “full and open” conversation. The first class from the Iovine/Young Academy will not graduate until 2019.

There are, however, other schools that bear the names of some of the greats in electronic arts, music and media: schools that are more established, with their track records and reputations easily examined from existing literature. The Clive Davis Institute of Recorded Music at New York University supports the record label 194 Recordings, and started in 2003 (New York University, 2015). Course offerings range from classes in punk rock to Motown to entrepreneurship in the music industry, and 128 credits are required for the school’s Bachelor of Fine Arts degree. The program was launched by Davis with a five-million dollar donation in 2003, celebrated its tenth anniversary in 2013, and its website promises more details on successful alumni under a “coming soon” section.

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20 A full list of the curriculum can be seen at [http://clivedavisinst.tisch.nyu.edu/object/remucurriculum.html](http://clivedavisinst.tisch.nyu.edu/object/remucurriculum.html). It contains 135 rotating courses.
The “ReMu” school, as it colloquially calls itself, also makes the claim to being the first of its kind in the U.S. But it, too, has its critics:

One of the biggest misconceptions about NYU’s Clive Davis Department of Recorded Music is that its students, while learning how to make it in the music business, will be plucked out of obscurity by Davis himself. For the last four years, the program’s first graduating class had expected the legendary hitmaker would make an appearance beyond his remarks at freshman orientation and at graduation ceremonies. If not during classes or recording sessions, then at the very least, they hoped, he’d show up during the “Capstone” project panel, a three-day event beginning May 2nd. Over the final three days of school, the students pitch their business plans and play their albums during the Capstone to a panel of experts. None of them is Davis himself. On the Sunday after the panels, the students gather in an auditorium, where prizes like Best Production or Best Song are announced. And less serious awards like Best Hair and Best Dressed. One citation, the Tom Schecter Rock Star award of the year, obviously goes to Schecter. On the back of every certificate is the face of Clive Davis and a slogan: “Congratulations, now you’re going to be famous.” (Ashman, 2007).

Clive Davis may have established naming rights for himself at New York University with a five-million dollar endowment, but he is not seemingly involved in the curriculum that bears his name.

An older school is the Walter Cronkite School of Journalism at Arizona State University, established as the Division of Journalism in 1949, and named for the veteran CBS news anchor in 1984 with his approval (Arizona State University, 2015). Unlike the Davis School at NYU, the Cronkite School offers graduate degrees. But the Cronkite School is consistently up against journalism schools with perceived higher pedigrees: Syracuse, Northwestern, University of Missouri at Columbia (colloquially called the “Mizzou Mafia” by its own graduates), and University of Southern California. The Cronkite School stresses its lower tuition compared to the other schools, (Clarke, 2014), as well as its opportunities for students to gain professional experience:
At Cronkite, there are nearly unlimited extracurricular opportunities for a wannabe reporter. From The State Press, to the Walter Cronkite Sports Network, to the countless other student media organizations that give students real life journalism experience, there’s no excuse to not be involved with something if you’re a Cronkite student. Judging by the hefty number of Hearst journalism awards, those who are involved reap the benefits. However, the hidden gems of Cronkite are its bureaus from coast to coast, which give upperclassmen opportunities to develop their journalistic niche. For those interested in the political side of journalism, Cronkite gives you a chance to go to the political hub of this country — Cronkite’s Washington, D.C. bureau operates out of ASU’s Washington Center to give political journalists the opportunity to report on national political issues with relevance to the state of Arizona. These reporters work in conjunction with professionals in the industry as well as Cronkite NewsWatch back home. If you’re a sports journo worried about USC’s location advantage, Cronkite has its own sports bureau in Los Angeles, located at ASU’s California Center, which allows sportswriters and broadcasters to spend a semester covering sports in the media mecca that is L.A. (Clarke, 2014)

The only connection between Cronkite himself and the school is his name. No money changed hands for a legend in broadcast journalism to be featured as the name on a school. While the name obviously implies marketing for the school, College Magazine has ranked the Walter Cronkite School of Journalism consistently within the top ten journalism schools in the country (Tetzloff, 2014).

While Davis’ connection with NYU and the new inclusion of Andre Young and Jimmy Iovine at USC will also provide a marketing draw for new students, as well as some budgetary support, there are perhaps some things private-sector influence cannot buy in academics. Credibility may be on that list.
CHAPTER XV
SURVEYING OTHER SCHOOLS

Our story and experience may have already helped you, but this project needed to take on a survey of its own to find out just how much such an arrangement would be palatable, or even possible, for other schools that teach electronic arts and electronic media production.

Survey research began in December, 2014, with the assembly of a list of names and email addresses for college and university faculty involved in electronic arts and electronic media curricula. Such a survey straddled several instructional lines, and included the following:

- Audio production programs
- Video production programs
- Broadcast journalism programs
- Electronic music programs
- Interactive and new media journalism programs
- Broadcasting programs (TV and radio programs that did not focus on journalism)
- Film schools

Caveats that needed to be put into the survey quickly became apparent when the database approached 900 names, finally reaching 977. Test emails were sent, and emails that bounced back were taken out of the list immediately. Curriculums at different schools were examined to see if many of the recipients of the survey were already in the same department, which would have led to a duplication of answers, but perhaps not a new answer to the survey questions.

This took some time. At some colleges and universities, film and video are in the same department. At others, music production schools are entwined with video curriculum. At some schools, journalism and broadcasting are in separate departments, while at other schools, they
have been merged under one roof. There is no standard for what electronic arts and/or electronic media curricula are in the same department, or different ones. Individual webpages of course offerings had to be examined to determine if one email address would represent someone who potentially represented several different tracks of courses, and ergo, an answer that would unfairly skew results.

For-profit colleges were not included in the survey for some simple reasons: their budget structures and funding systems are vastly different from public colleges and universities, even to the point that for-profit institutions do not have to follow as many facets of Title IX law that their counterparts in the public sector do. If a private school receives no federal funding, that school is exempt from Title IX; while almost all for-profit schools receive some federal funding through student financial aid programs, some for-profit schools have discussed operating their own financial aid program via the private sector (Theobald, 2014). In short, the rules between the two are different, and a common ground must be established. That common ground for the purpose of this thesis is the two-year or four-year publicly-funded college or university.

While it may seem farfetched that any school would decline federal financial aid, there are schools that have declined all such federal funding to avoid Title IX, including federal financial aid for students. They have instead focused on local private banks for student loans and scholarships. The most notable example is a college at the root of a U.S. Supreme Court Case: Grove City College in Pennsylvania established a loan program with PNC Bank in Grove City, Pennsylvania, and still declines all forms of federal financial aid to this day (Grove City College vs. Bell, 1984), although Congress attempted to overturn that case with the Civil Rights Restoration Act of 1987.21

21 The list of colleges that receive no federal funding is growing. The U.S. Department of Education has recently granted exemptions to three Christian schools in a case involving transgender students (Kingkade, 2014).
In addition, Matt Keller of Auraria Media Center expressed some concern that survey recipients in the Denver television market area could use the survey to seek the same money Auraria Campus is receiving, perhaps lowering the amount we would receive in future years. The concern, however, only eliminated one school: University of Denver, as the University of Colorado Boulder is on a different cable system than the city of Denver uses; ergo, any funding CU Boulder could obtain in relation to PEG channels would be the result of a different cable franchisee and a different agreement.22

The survey totaled nine questions, as follows:

1) **Do you have unfunded capital improvement needs in your electronic media or electronic arts programs?** This was a “yes” or “no” answer.

2) **How immediate are those needs?** Choices here were “right now,” “a year,” “five years,” and “further afield,” with only one answer available to each recipient.

3) **Can you describe all of those needs?** This was a long list of multiple choices in the survey, as follows:
   - Audio recording facilities
   - TV studio space/soundstage facilities
   - Lighting
   - Audio editing and production
   - Video editing and production
   - 3D animation, such as Maya or 3D Max
   - Audio production software
   - Video production software
   - Live audio broadcast (e.g., radio)
   - Live video broadcast
   - Film cameras/film recording
   - Film post-production

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22 Keller and I discussed this, and realized that with only one school in the DMA that could compete for the money, the objectivity of this survey would not be compromised by excluding DU from the survey.
• Video post-production
• Other (please specify)

For question 3, survey recipients were allowed to choose as many answers as they wished.

4) Have you discussed those funding needs with your university? Again, a “yes” or “no” answer here.

5) If there has been a response to the discussion in question four, how confident are you that your university can provide the needed funds? Choices here were “very confident,” “somewhat confident,” and “not confident at all.”

6) Have you considered any of the following funding sources? Here, respondents could choose from multiple options: state-based general funding, state-based special capital improvement funding, tuition-based general funds, tuition-based “special assessment” or “student referendum funds,” and private sector funds. They could also list other ideas they had.

7) On a scale of one to ten, would funding from the private sector be acceptable to fund infrastructure needs, even if that funding came with conditions and restrictions on its use? The survey scale went from one to ten, with each respondent able to choose only one answer.

8) Would our story and experience help you? This was also a “yes” or “no” question.

9) Question nine solicited any and all comments from the survey respondents. They were told they could remain completely anonymous if they chose.

The final list for emailing the survey via www.surveymonkey.com totaled exactly 500 recipients after non-functioning and duplicate emails were removed, and some further email addresses were removed via cross-checking curriculum websites for various departments.

The survey was sent twice via www.surveymonkey.com, once on April 21, 2015 and again on June 29, 2015. A total of 35 people responded. The survey was kept completely anonymous due to its subject matter; respondents could have too easily feared reprisals from their own schools had their names and positions become known; even with a completely anonymous survey, participation may have been hindered by that fear of reprisal. In fact, in the comments, some respondents asked for anonymity but gave some details about their positions,
allowing their comments to be used but not their names or titles. One person identified herself; all other commenters remained anonymous. In addition, the survey was sent once during spring semester and once during the summer. Sending it earlier in a sixteen-week semester may have generated more responses. But the responses were uniform, and very consistent, across all the recipients who took part in the survey.

The first responses came in mere minutes after the survey went out the first time in April of 2015, and the same happened when the survey was sent again in June of 2015. In each case, after two days, survey responses quickly died out.

The responses to each question are examined in detail below:
This answer was overwhelming evidence of the concerns about funding capital improvement needs in electronic media and electronic arts programs, with 91 percent of respondents saying they needed money for equipment and infrastructure improvement. Only three respondents indicated they had no needs at all.
Again, an overwhelming majority responded they are dealing with capital improvement needs right now. Far fewer respondents believed they could wait for a year or five years, and only one respondent believed a wait of more than five years was acceptable.
QUESTION 3

(Table 5: Specific capital improvement needs)
(Table 6: Specific capital improvement needs)

<table>
<thead>
<tr>
<th>Thesis Survey</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Audio recording facilities</td>
<td>54.55%</td>
</tr>
<tr>
<td>TV studio space/soundstages/production studios</td>
<td>66.67%</td>
</tr>
<tr>
<td>Lighting</td>
<td>63.64%</td>
</tr>
<tr>
<td>Audio editing and production (e.g., production booths)</td>
<td>54.55%</td>
</tr>
<tr>
<td>Video editing and production (e.g., Avid suites)</td>
<td>57.58%</td>
</tr>
<tr>
<td>3D animation (e.g., Maya or 3D Max)</td>
<td>36.36%</td>
</tr>
<tr>
<td>Audio production software</td>
<td>30.30%</td>
</tr>
<tr>
<td>Video production software</td>
<td>39.39%</td>
</tr>
<tr>
<td>Audio field recording</td>
<td>27.27%</td>
</tr>
<tr>
<td>Video field recording</td>
<td>38.38%</td>
</tr>
<tr>
<td>Live audio broadcast (radio)</td>
<td>21.21%</td>
</tr>
<tr>
<td>Live video broadcast (television)</td>
<td>39.39%</td>
</tr>
<tr>
<td>Film cameras/recording</td>
<td>27.27%</td>
</tr>
<tr>
<td>Film editing studios</td>
<td>24.24%</td>
</tr>
<tr>
<td>Film post production</td>
<td>27.27%</td>
</tr>
<tr>
<td>Video post production</td>
<td>48.48%</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>18.18%</td>
</tr>
</tbody>
</table>

Total Respondents: 33

The answers to question three indicated the depth of need the respondents had, and while all respondents felt they needed something, most felt as if they needed many capital improvements. Television studio space, soundstages and live television production facilities topped the list, followed closely by video editing and production (the example given in the survey was “Avid editing suites.”) More than half of the recipients said they needed better audio production facilities overall, not counting the digital audio workstation software that was addressed in a different question.
This question also indicates the need for funding in capital improvements for electronic arts and electronic media programs. Only one respondent had not gone to his or her school asking for funding to update equipment used in the curriculum.
QUESTION 5

(Table 8: Confidence level in school funding capital needs)

There is a definite recalcitrance among respondents to this survey, and perhaps fear, that their college or university either cannot or is not interested in meeting the capital needs of their electronic arts and electronic media programs. Only three respondents believed their school would be able to fund capital improvement needs, while a full 46 percent expressed no confidence in their school’s ability or desire to do so. This survey did not distinguish between the schools that did not have the money and the schools that simply would not provide the money; again, survey respondents needed to feel as much at ease as they could when answering.
QUESTION 6

This was another question that provided for the possibility of multiple, and even open-ended answers. A simple survey could not cover all the possibilities, and in many cases, respondents had some of their own ideas:

(Table 9: Some alternative funding sources)

Thesis Survey

Q6 Have you considered any of the following funding sources?

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>State-based general funding</td>
<td>20.00%</td>
</tr>
<tr>
<td>State-based special capital improvement funding</td>
<td>12.00%</td>
</tr>
<tr>
<td>Tuition-based general funds</td>
<td>36.00%</td>
</tr>
<tr>
<td>Tuition-based &quot;special assessment&quot; or &quot;student referendum&quot; funds</td>
<td>24.00%</td>
</tr>
<tr>
<td>Private sector funds</td>
<td>52.00%</td>
</tr>
</tbody>
</table>

Total Respondents: 25
It is worthwhile to examine some of the answers in the “other” section in table 10. A private Christian university foresaw problems maintaining full editorial control, yet attracting outside funding (answer 2). One school was targeting not-for-profit grants and foundations (answer 4), but did not specify if those groups would also have conditions on how the money could be used.

Private contributors and alumni also factor in to possible funding sources (answers 6 and 9). One school is looking at a bond issue (answer 3), and one replied “none of the above are
viable,” (answer 7), but did not specify if any funding source would be viable to that school. This goes toward showing that the options may not be limited to just private-sector funds, but beyond alumni groups and private gifts, the options do dwindle.

Answer 8 mentions Perkins funding, which is a federal student loan program that is separate from other loan programs:

The purpose of Perkins is to provide individuals with the academic and technical skills needed to succeed in a knowledge- and skills-based economy. Perkins supports career and technical education that prepares its students both for postsecondary education and the careers of their choice. Federal resources help ensure that career and technical programs are academically rigorous and up-to-date with the needs of business and industry. The federal contribution to career and technical education, about $1.3 billion annually, supports innovation and expands access to quality programs. State and local funding supports the career and technical education infrastructure and pays teachers' salaries and other operating expenses. Federal funds provide the principal source for innovation and program improvement, and help to drive state support through a "maintenance-of-effort" provision in the federal law.

(Association for Career & Technical Education, 2015)
Here is where the respondents seemingly divide on the issue. While all respondents but one admitted to needing money for capital improvements, only a little more than half (close to an average of six on a scale of one to ten) would accept private sector funds if the funding came with conditions and restrictions on its use. When we examine the comments, this was an extremely popular topic with the survey respondents. They need money, but many are leery of accepting the conditions that might come with private-sector money: conditions that might include content restrictions, proof of performance, and more.
Another overwhelming response: 83 percent do want to read how AHEC, Auraria Media Center, and the schools involved were able to obtain funding to upgrade Studio A and Studio B. Only five respondents said our story would not help them.
QUESTION 9

Here, we open the floor. Since the respondents were able to remain anonymous, it was hoped they would provide more honesty and insight into their own situations. The question was asked this way: “if you have any comments about your own experience with the issues above, feel free to leave them below. And it’s acceptable to quote you in the thesis, I would be honored to do so. Please tell me if I can; I can do so anonymously, but if you wish to identify yourself, I would appreciate it.” Only one respondent identified herself.

There would be a risk of editorializing if we were to analyze the comments, so they are simply included verbatim below:

Receiving equipment to train (lab) vs. getting it to be responsible for producing content is major issue. NO educational institution can or should rely on students to produce content without compensation. To make matters worse, you’re letting Comcast off the hook, as THEY are required to provide community ascertainment/programming. IF your grant allows you to hire professionals to produce the content and supervise students then this might be a beneficial arrangement.

Initial costs are not the end of the funding need. Ongoing upgrades, replacements, and maintenance are just as important.

We have tried to explain the need to administrators and they have granted us some concessions that, in their eyes, are very generous (as in, $50,000). But they cannot understand that an HD overhaul cannot be done with a couple of pieces of equipment here and there, and that a quality switcher alone is $100k+. We are having issues getting them to understand; however, university alumni with deep pockets are beginning to ask why the media properties are so antiquated. (In many cases, their children are now athletes in our university and they want to see their kids play in HD over the Internet.) We are hoping this will serve as leverage to generate funding for meaningful capital improvements in the very near future. Please keep my comments anonymous.
We are a smallish private liberal arts institution (3,500 undergrads, about 425 in the JMC program). While we have University and donor funds to keep our computers and software current, the TV studio facility itself and the studio cameras are badly outdated. It is difficult to make the case for the expensive upgrade, considering the relatively small number of students affected. We are currently working with an architect on plans for remodeling the building to create a flexible multimedia production/"innovation hub" space that could be used by all of our majors, in the hope of making it more attractive to more private donors. — Kathleen Richardson, Drake University, Des Moines, IA

Funds for equipment at a private university are hard to come by. Film and media programs are expensive but critical in an information society. But the focus on STEM in the academy means other expensive programs are getting all the funds. Private sector funds are pretty much our only option. But there aren't many funders who want to give money for equipment given its sometimes short shelf life. It's a continual challenge as capital equipment budgets drop each year or simply can't keep up with inflation. You can quote me anonymously as a film and media department chair at a private university.

The private funding issue is a conflict between us and donor relations. I'm not allowed to go after anyone for a gift without the university department knowing about it so as not to conflict with their “ask.” Our media is also funded by student life rather than the academic department, so I am limited to the whims of the student senate, who do not understand things like "you have to pay for the Internet every year."

The acceptability of terms and conditions would depend on what they are. Almost always private funding comes with explicit and implicit expectations. We have been able to negotiate such expectations in the past, but have walked away from deals once or twice because of the strings attached.

We have looked into partnerships with various broadcast entities, and have thought about going after grant opportunities. We are a small faculty, and so that work seems a bit daunting to complete along with all of our other duties.
I will say that if the funds restricted the educational mission of the institution or the ideals of the faculty and students I would be against it. Corporate control over education is the worst possible scenario I can think of. If a corporate entity would like to fund an institution it should be unrestricted and left entirely up to the institution. I have had a similar experience in my past at a large state University and I can honestly say it does nothing for the college and everything for the corporation. They are investing in a free training facility that they do not have to maintain, support or think about after it is built. Plus, they receive a huge tax deduction in the end. All funds should be distributed across the institution as a whole.

2 suggestions: 1, see if there is a state telecommunications mandate, or anything similar or anything out of the Chancellor’s office: I used that to do a complete overhaul of our old control room to bring us to HD from studio to Comcast. 2, the other strategy that has worked for me is making something a safety issue: the tripods are bent and unstable, they could fall over and injure a student; those incandescent lights explode sometimes. The falling glass could cut a student. The carpet is shredded, a student could catch their foot on it and trip and fall and hurt themselves or fall onto another student. You get the idea.

The survey shows a consistent need for funding for capital improvements in electronic arts and media programs. The overwhelming majority of respondents said not only did they need money for upgrades, they needed it immediately. But at the same time, the survey showed a recalcitrance to accepting the money if it came from the private sector with significant strings attached. The schools who responded to the survey want to maintain their editorial independence and integrity. But at the same time, the vast majority admit they are teaching on outdated gear.
Chapter XVI

Auraria Media Center Improvements and Teaching Workflow

Met Report, Noticiero TV Met, MSU Denver’s television production classes and CU Denver’s video production classes have been hampered by a workflow issue for years: while we can all teach audio and video production and editing in the digital realm, all playback from Studio A has been analog. This meant that all edited video had to be dubbed in real-time to a Betamax or DVC-Pro tape (and usually both), and live shows recorded on tape (which most were) had to be later recorded to DVD in real time to be re-aired on Channel 54.

And from there, the only way to ingest the video into Channel 54’s playback system was one DVD at a time. Kent Courtnage has been dealing with that for years; “it’s not easy, and it’s time consuming, but we can get it on the air on Channel 54 that way,” he said (Courtnage, Chief Engineer, Auraria Media Center, 2015).

But this has meant lots of attention paid to the video that will air on Channel 54, and, as a result, audio quality has suffered. Below (figures 4, 5 and 6) are screenshots of actual audio levels of the Met Report as it aired live on March 22, 2013: ²³

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²³ I was the advisor then, and am now.
(Figure 4: Met Report audio, March 22, 2013)

(Figure 5: Met Report audio, March 22, 2013)
The dB measurement scale at the right or each photo shows, at worst, a differential of 20 dB between the highest and lowest levels in the audio chain. Compounding matters, with the old audio board, no outboard gear was used to compress or limit the audio chain. What went out is what aired. While the pair of Dorrough loudness meters made the audio levels easy to see, most student audio operators were reacting to abrupt changes in audio levels – and often, not in time to prevent a discrepancy from airing.

That changes drastically with the installation of the new Yamaha MG32X consoles in both studios (figure 7), which come with a compressor on every channel, but no limiter.
With compressors on every channel, student-produced audio should be much more even, and Courtnage remains amenable to the installation of a rack-mounted limiter if necessary. As for teaching video students about audio compression, Courtnage wants to ease them into the concept slowly, with the help of an instructor running audio for a few live television shows to establish a pattern. ²⁴

However, many media professionals do believe that the teaching of audio with video

²⁴ So far, it appears that instructor will be me.
remains a weak link. Video producer Patrick Dell says audio is often the “neglected half of the video equation”:

Clean audio is critical for viewers to absorb what’s said in a video. Bad or difficult-to-understand sound will quickly turn them off. Viewers can be more forgiving of inferior image quality, as long as the sound is solid. Good location sound is also an incredible source of atmosphere and emotion when used properly in post-production/editing. Knowing how audio can be used subtly to enhance the story will elevate your videos to the next level. (Dell, 2015)

RODE microphone product specialist Matthew Piccolotto says with exponential advances in video production, great audio should be even more of a goal:

How good is cinematic, high-definition video if the audio is lacking? Great audio can elevate and enhance the immersive qualities of a film or video, just as bad audio can ruin the experience, and distract the viewer. If you’ve ever filmed something and resorted to using the in-built microphone on your camera, you know exactly what I’m talking about! (Piccolotto, 2015)

Is audio the neglected part of the instructional chain in Studio A? It is always mentioned as a crucial element, especially by Courtnage. But with so much attention in the past forced on to the video workflow, audio often slipped through the cracks. That need not be the case now.

Gone, also, is the real-time dubbing to tape, a process that added hours of workflow to any show that took place in Studio A. In November of last year, MSU Denver’s Office of Student Media took possession of one of the video drives for the AJA Ki-Pro playback system in Studio A, which was installed months ahead of the rest of the remodeling.

This did create a problem: the Ki-Pro is almost exclusively compatible with the Apple Pro-Res codec, and any video that comes from an Adobe non-linear editor has to be conformed to the Pro-Res settings. While not difficult, it did take some time to successfully create the
settings in Adobe Media Encoder. MSU Denver’s Office of Student Media has the Adobe Creative Suite, but several students still use Final Cut 7 in the office. MSU Denver’s main video production lab has Final Cut X and the Adobe Creative Suite. CU Denver’s TVFP department has completely shifted to Adobe Creative Suite now (Liban, 2015). While this has caused some hiccups, and may continue to do so, it remains easier to change a video codec setting than it is to realign heads in a Beta SP video playback deck.

Graphics building is, at this writing, a bit of an unknown. Adobe is the preferred software package for building graphics at MSU Denver and CU Denver, and those graphics have to be successfully transferred to the Ross Expressions system. Fortunately, there are online tutorials, and several departments (including the Office of Student Media) have discussed buying their own Ross Expressions package and linking it over the existing IT network directly to Studio A. That would eliminate the need to transfer graphics on hard drives. The Ross Expressions video codec can be added, however, to Adobe Media Encoder, a program which both MSU and UCD have in abundance. During the first training session on July 28th, a representative from Ross happily provided the codec that can translate student creations in Adobe Creative Suite into final files for Ross Expressions, saving MSU Denver’s Office of Student Media approximately $3,400 dollars. The office would no longer need to purchase the Ross Expressions software for students to be able to work on graphics away from Studio A.

Workflow will be faster now that the analog part of video has been removed from the equation. There is simply no way otherwise. All instructors who use Studios A and B have a learning curve in front of them, but the learning curve should be one that features fewer equipment failures and more progress in what we can teach – and how we can teach it.

25 It took me about two months and a few calls to Ki-Pro support.
CHAPTER XVII

CONCLUSION

Was it worth it? Did accepting money from City and County of Denver Media that came with a long list of conditions justify the improvements to Auraria Media Center? This question can be examined in several ways, but two that are perhaps the most germane are: necessary job skills, and editorial integrity.

In terms of job skills, a study conducted by Deb Wenger and Lynn Owens showed a huge growth over the years in the need for job applicants to have more technical skills in the field of television news. In their journal article published in “Electronic News” in 2013, their survey shows a drastic jump in the need for nonlinear video editing skills between 2009 and 2010; in 2009, TV newsroom surveyed rated it 29.2 percent important, while the very next year, the same newsrooms rated it 42.3 percent important (Owens, 2013). That same study showed that overall, the newsrooms surveyed believed that the ability to do video production was important for more than a third of all television news-related jobs (39.2 percent).

The research results indicate that it may be time for journalism programs to rethink the multimedia skills that should be required of all broadcast journalism majors. It seems clear that journalism students should know how to write for the web and how to post content online. Though the percentage of broadcast jobs that referenced social media and mobile news was still relatively small in 2010, those categories are growing rapidly and the authors and interviewees anticipate another significant increase in the next round of content analyses. Finally, 21.9% of broadcast jobs require video/photo skills, which led the researchers to conclude that the ability to do visual storytelling must also be included on the list of essential multimedia skills. (Owens, 2013)
Media critic Marshall McLuhan may have foreseen this in the 1960s:

Rapidly, we approach the final phase of the extension of man -- the technological simulation of consciousness, when the creative process of knowing will be collectively and corporately extended to the whole of human society, much as we have already extended our senses and nerves by the various media. Whether the extension of consciousness, so long sought by advertisers for specific products, will be 'a good thing' is a question that admits of a wide solution. (McLuhan, 1964).

What McLuhan could not have foreseen was the exponential growth in media technologies coupled with a downturn in available funding at the college and university levels at approximately the same time. The 1980s and 1990s saw huge advances in digital audio workstations and non-linear video editors, with companies like Avid, Digidesign, and then Adobe developing market dominance across several lines of products, from animation (Adobe AfterEffects was released in 1993; Apple’s “Motion” in 2004 as “Molokini”), to video editing (Avid’s first version came out in 1987), to audio (the first version of ProTools, called “SoundTools,” debuted in 1989). And the 1990’s and 2000’s saw greater implementation of the digital-editing realm in facilities nationwide – facilities that employ our students.

But the bumpy ride that was higher education funding had a hard time keeping up. A report from Demos, a nonprofit public policy research and advocacy organization, finds that state funding for higher education totaled $65,057,360 in all states in fiscal year 1990-1991, and totaled $75,619,510 in all states in fiscal year 2010-2011. While that may represent a ten million dollar increase on its face, funding per college student went from $2,424 in FY 1990-1991 to $2,465 in FY 2010-2011, an increase of only $41 in ten years (Quinterno, 2012). At the same time, enrollments jumped drastically:
Public institutions have played an important role in serving the growing numbers of undergraduate students. Between 1990 and 2009, undergraduate enrollments in public institutions rose by 37.9 percent, or 3.7 million students. Put differently, public institutions absorbed 65.6 percent of the undergraduate enrollment increases that have occurred since 1990, including 63.7 percent of the undergraduate students who have enrolled in college since 2007. (Quintero, 2012)

It is fairly easy to deduce that even a ten million dollar increase in total state support for public higher education over ten years could not keep up with the gains in enrollment. Add to that the high and sometimes prohibitive cost of equipment for electronic arts and media programs, and it becomes fairly easy for individual public colleges and universities to delay or even postpone indefinitely the purchase of new gear for the curricula.\textsuperscript{26}

At the same time, however, public higher education has become more reliant on money from the private sector, to the point some critics argue that such a reliance interferes, and often negatively, with the school’s educational mission:

Empirical evidence has been presented that institutions which generate revenue through increased private donations become increasingly beholden to those donors, whereas institutions that engage in more applied research through partnerships with public or private organizations divert institutional resources from other activities to honor contractual obligations. Second, the strength of the estimated effect suggests that modification of the mechanisms through which institutions are funded represents a potentially powerful lever which policymakers can utilize to direct the immediate behaviors of public universities. Given the ongoing public discussions of how public institutions can best be managed and steered by the states, the findings presented here are consistent with an emerging body of cross-disciplinary research that suggests that market based policies can function as powerful change agents in public sector service delivery— and suggests that such endeavors should be approached cautiously. (Fowles, 2014)

\textsuperscript{26} The Ross Carbonite video switcher installed in Studio A came with a price tag of approximately $48,000 – for one piece of equipment.
The same article from Fowles issues a warning that might be construed as directly on point to the situation at Auraria Media Center:

Evidence presented here and in other research has consistently found that the potentially at odds with institutional missions, at least as these core missions have been defined historically. If the implicit bargain between public universities and legislatures which accompanied appropriations involves public service and research endeavors that produces spillover benefits to the public, increased reliance on alternative revenue sources will likely be accompanied by a decline in the production of these activities. (Fowles, 2014)

But Matt Keller and Kent Courtnage at Auraria Media Center have said that the job of modernizing Studios A and B to more present technological conditions was not going to get done any other way than with money from an outside source. “We’ve discussed direct funding with all three schools, and none of them have the money to maintain Auraria Media Center, let alone upgrade it,” Keller says. (Keller, 2015). “But it’s an integral part of the video instruction for the schools, be it a lighting and grip class from UCD or a TV news producing class from MSU. Or the Met Report.”

Even Fowles admits that his research showing greater resource dependence on outside funding doesn’t tell the whole story. In fact, he says his own study can’t correlate a shift in resource allocation to student achievement or university efficiency:

A robust parallel literature in primary and secondary education suggests that expenditures are, at best, likely only loosely coupled with successful long-term student outcomes (Hanushek 1989) and a small but growing body of literature in higher education reaches broadly similar conclusions (Pike et al. 2006). It is well understood that universities simultaneously provide students with goods and services designed to increase the students’ own stock of human capital (Becker 1962) as well as other goods and services that simply provide the students with greater current consumption. (Fowles, 2014)
The choice has to be up to the individual school. As many universities are in a race to gather more private-sector dollars, something MSU Denver President Steven Jordan readily admits (Jordan, 2013), some experts see this as a trend that is here to stay:

Relationships with foundations, donors, state agencies, and private business will become increasingly important in the funding game. The opportunities to form partnerships with business are especially intriguing. Many businesses have cut back their R&D infrastructure, so the potential to take advantage of the infrastructure and talent on university campuses may be a win-win situation for businesses and institutions of higher education. Businesses can tap into the expertise of highly skilled scientists and their students on an as-needed basis, while scientists gain insight into the questions important to businesses and the means by which to translate research results into marketable products. (Daniel Howard, 2013)

The National Science Board’s 2012 report “Trends and Challenges for Public Research Universities detailed a depressing scenario: state appropriations to research schools declining from just under forty percent of each school’s operating revenue in 1992 to about 22 percent in 2011. Among the board’s conclusions:

Increased enrollment and declining state support have occurred in all sectors of the public higher education system. They are contributors to economic development at the local, state, and national levels and represent an essential component of the higher education landscape. A continued decline in state support will negatively impact the ability of these universities to provide quality education and training to a diverse student body and attract and retain the talent needed to maintain the scope and quality of their research efforts. (National Science Board, 2012)

Is any state currently able to make a commitment to more funding of public higher education? According to the Pew Charitable Trusts, only two states, Alaska and North Dakota, are spending as much or more as they did on public higher education before the recession of 2008. Alaska spent $636 dollars more per pupil in 2015 than before the recession; North Dakota spent $3,150 more per pupil (Povitch, 2015).
This all raises the question of a potential “new normal” in public higher education: one more reliant on outside funding for not only capital improvements, but research needs and even curricular offerings. Over the past 35 years, tuition at public universities has nearly quadrupled (Campos, 2015). The reasons why vary, depending on the research, with some (such as Campos) decrying increased costs in administration. Others point to the decrease in state funding (Mitchell M., 2014), and others say the vast increase in students has much to do with it (Quinterno, 2012). Perhaps it is some combination of all three, but it may also vary from state to state and school to school.

And all of this is happening at a time when public colleges and universities that teach electronic arts and media programs are trying to stay abreast of the latest technological advancements. But the possibility of PEG fees from cable television franchisees have existed since the original FCC Cable Act of 1984, and still exist today. The system may already exist, and the money may already be in the system, for public colleges and universities struggling with finding a funding source.

Matt Keller says his attitude and thinking changed when he heard the words “content provider.” “It was the first time I had heard that discussed; if we were willing to become a ‘content provider’ for City and County of Denver Media, we could have their help in upgrading all of our facilities. And that, to me, is when it became a win-win. We help them, but they help us at the same time” (Keller, 2015).

The answer may lie with your local cable provider. Federal Communication Commission requirements that all licensees carry some form of “public service programming” are not going away anytime soon; the language that all licensees must act in the “public interest, convenience and necessity” has been part of the Federal Communications Commission’s
purview since 1934, and all licensees must retain a copy of public service programs they
broadcast in their public file, which is a large part of the FCC’s re-licensing procedures for
radio stations, television stations, and cable companies. No license is ever issued permanently;
all stations periodically have to renew their license with the FCC, proving compliance with the
Commission’s dictates.

It is no small process for a licensee to maintain compliance with the mandate of “public
interest, convenience and necessity:”

Each licensee must affirmatively identify those needs and problems and
then specifically treat those local matters that it deems to be significant in
the news, public affairs, political and other programming that it airs. Each
station must provide the public with information about how it has met this
obligation by means of quarterly reports, which contain a listing of the
programming that it has aired that the licensee believes provided
significant treatment of issues facing the community. Each station also
must maintain and make available to any member of the public for
inspection, generally at its studio, a local public inspection file which
contains these reports, as well as other materials that pertain to the
station’s operations and dealings with the FCC and with the community
that it is licensed to serve. The public file is an excellent resource to gauge
a station’s performance of its obligations as a Commission licensee.
(Federal Communications Commission, 2008)

Have any licensees lost their licenses as a result of not acting in the public interest,
convenience, or necessity? No. But penalties from public file violations, of which such
programming is a required inclusion, are numerous. In June, 2015, WMEB-FM at the
University of Maine in Orono was penalized $1,200 for “quarterly issues and programs lists
(that) were not prepared for the Station’s public file from July 2007 to July 2013” (Waits,
2015). The Trustees of Columbia University in New York were penalized $10,000 in 2012
during the license renewal process “when the University self-disclosed that its station’s public
file was missing twenty-nine quarterly issues/programs lists” (NACUA, 2012). In 2013, the
FCC fined two television stations (one in Hawaii, one in Oregon) $9,000 each for failing to
upload their public service programming lists on time to their respective public file websites (Scott Flick, 2015). While the violations may not become apparent until the licensee goes through the renewal process (ranging from every seven to every 13 years, depending on several factors), the Commission has always been perceived as stringent in looking through a licensee’s public file.

Since the FCC places a premium on programming in the public interest being included in the public file, cable franchisees would have to generate their own at a cost to the franchisee, or look to other sources. The cable franchisee can establish a public service channel by assessing a PEG charge on subscribers’ bills, but then turn to outside sources – such as Auraria Media Center – to provide that programming.

Whatever restrictions on the use of the money that may come from accepting PEG funds is a matter of negotiation between the individual school and the cable provider. The circumstances at Auraria Media Center would not apply, necessarily, to other cable franchisees, who may be willing to give more free rein (or less) to the public college or university accepting the money.

And the agreement here may not be set in stone; this could help ensure that the cable provider is living up to the expectations of airing the programs, and that the school is living up to whatever expectation it agreed to when accepting the funds.

Ours is a story that is far from over. The first chapter is only being written in the fall semester of 2015, when we start teaching in the new facility and generating programming for City and County of Denver Media. All along, Channel 54 has done just that: aired programs for Denver Media, but the new agreement is a more formalized relationship. It is not known, at this juncture, whether the agreement will prove amenable in the long term to the schools on Auraria
Campus and to City and County of Denver Media.

Still, even with more than a year’s negotiation required to get this far, it has proven to be beneficial in some respects. The new equipment is installed and ready to go. Improvements in teaching and workflow will be evident in just the first few weeks. And the analog television systems – are gone for good.

It is now up to the instructors to introduce their students to the latest equipment. So, it is now up to the instructors to learn it.
CHAPTER XVIII

EPILOGUE

For most reporters, getting personally involved in the stories they cover is anathema. It goes against good journalistic practice to have a personal stake in the news that one covers. And, for more than two decades, I studiously avoided that.

But I have been part of this story from the beginning, and I hope to be part of it for years to come. And much of it is yet to be told: as of this writing, we are merely starting the two-year agreement with City and County of Denver Media. If I get a chance, I’ll come back by in two years and add a chapter as to how the initial agreement went.

We can no longer risk teaching on outmoded, antiquated equipment – not just at Auraria Campus, but on any campus. Rapid advances in technology from TV newsrooms to recording studios to post-production houses could leave our students vulnerable to not being up to date with the skills they need to get a job in an ever-changing world of electronic media. And while we can always fall back on Marshall McLuhan’s “media equation,” they still have to create the media with the proper tools to know why the media is the message.

I’m happy to finally be able to teach more audio control, motion graphics, digital video and more, and actually be able to apply those things in a live broadcast. As to whether or not the terms and conditions behind the financing are acceptable, I’m still at a bit of a loss. I don’t know yet.

It is probably too easy a rationalization to say “talk to me in a couple of years,” but for now, that’s what I will have to say. While I do wonder what will happen with the relationship between our individual schools and City and County of Denver Media, I have no way of really knowing. Like most relationships, it’s bound to be a bit fluid, and will change over time – even
over the next two years.

For now, I (and many other colleagues who use the Media Center) will be very busy revamping our classes for the next semester. It’s all new to us, too. And we will all have to get in to the studios and figure out all the buttons, all the patch panels, and all the accessories so that we can teach our own students. And we don’t have much time; the fall semester starts in mid-August, and as I write this epilogue, it’s August first. Just this week, I was trained on all the new equipment.

Is it worth the risk of running afoul of City and County of Denver Media with programming that the franchisee doesn’t approve? If Met Report, for example, wants to do a story on Comcast raising cable rates for all of Denver County, what happens? If a CU Denver video class wants to put together a documentary on the assumed evils of so-called “big media,” what happens?

There are provisions in the intergovernmental agreement that fortunately specify such issues: if Denver Media determines the program is unsuitable for airing, Auraria Media Center doesn’t have to come up with a replacement to fulfill the monthly requirement of twenty hours of programming. The programming we submit, no matter the topic, goes toward the monthly minimum. Whether or not it airs is something I will have to monitor.

But this is where I will have to leave the story hanging. I will have to do the first things first. As for the rest?

Talk to me in a couple of years.

Benjamin Boltz first conceived the idea of the campus cable TV channel in 1984. Thirty years later, it has risen to a point that it can, and has, launched careers in the media. Many of them are my students, current and former. No matter the ending, I can only hope that the
improvements in Studios A and B give them more of the requisite job skills they need to succeed.

And the discussions have had one more effect: creating more of an atmosphere of cooperation, at least to begin with, when discussing Studios A and B. In the past, different departments within the same university would jockey for position to obtain their preferred class times, not to mention universities competing against each other. But now, projects involving both universities working on the same thing for Channel 54 have been openly discussed, and I am part of those ongoing discussions. As three schools, we share one video facility, and perhaps more cooperation would make everyone’s jobs easier. Class conflicts will still happen, and scheduling changes by both schools will need to be accommodated. That much will not change unless one school builds an entirely separate video production facility for its students. While those discussions have occurred at both schools, and CU Denver is building a “black box”-type facility in the Tivoli Student Union, CU TVFP Chair David Liban has expressed a strong desire to keep some of CU Denver’s classes in the Auraria Media Center, but the specific number isn’t yet known (Liban, 2015).

This is all very new, and changing rapidly. Nonetheless, it is a vast improvement over a scant three years ago when I started as the Met Report advisor, and ten years ago when I started teaching radio and television courses at what was then Metropolitan State College of Denver.

Change is always hard, and perhaps more so in some facets of higher education. At Auraria Campus, the television studios represent big changes that we will all somehow need to embrace.
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APPENDIX
A: INTERGOVERNMENTAL AGREEMENT

Auraria Higher Education Campus and
City and County of Denver-Denver
Media Services (Operation of Comcast
Educational Access Channel and Content)

THIS INTERGOVERNMENTAL AGREEMENT (the "IGA") made between the CITY
AND COUNTY OF DENVER, a municipal corporation of the State of Colorado ("City"),
and the BOARD OF DIRECTORS OF THE AURARIA HIGHER EDUCATION
CENTER, a body corporate and agency of the State of Colorado, ("AHEC").

RECITALS

WHEREAS, the City has a cable franchise agreement with Comcast and is responsible for
identifying the 'Designated Access Providers' under Section 9 of that agreement "...to
control and manage the use of any and all Access facilities provided by Grantee...".
Comcast has currently assigned Channel 54 as one of those Access facilities.

WHEREAS, the City has identified and assigned AHEC as a Designated Access Provider for
this education access channel on the cable lineup until the channel is unavailable, as provided
for in Section 9.2(E) of the agreement with Comcast. After that time, AHEC will become a
Designated Access Programming Provider. AHEC's video content will air on one or more of
the other access channels and possibly any future digital and or high-definition channels
assigned to the City in future franchise agreements with Comcast or any other cable operator.

WHEREAS, this IGA covers the operation of one educational access channel for as long as
allowable by the City's cable franchise agreement(s) and applicable federal law. It also
establishes AHEC as a video content provider once Comcast removes the cable access channel
54, which AHEC currently manages for the City. In addition, it approves the purchase of
educational access video/audio equipment utilizing the City's Public/Education/Government
("PEG") Fund for the purpose of providing content for the City's cable access channels.

WHEREAS, the City will provide AHEC 30 days’ notice when Ch. 54 will no longer be a City
assigned access channel. On the following business day, AHEC will become a Cable Access Video
Content Provider for the City. The City and AHEC will work to identify blocks of time on one or
more of the City's Cable Access Channels, to air AHEC originally-produced programming. This
programming block will formalize by the end of the 1st quarter of 2015.
NOW, THEREFORE, in consideration of the mutual agreements of the parties hereto it is understood and agreed as follows:

1. **DEFINITIONS:**

   A. "Agreement" or "Management Agreement" shall mean this Management Agreement.
   B. "Annual Work Plan" shall mean AHEC's specific video content delivery initiatives for the term of this IGA.
   C. "Progress Reporting" shall mean AHEC documenting educational access content development accomplishments and successes during the tenure of this agreement.
   D. "Auditor" shall mean the Auditor of the City or Denver Media Services official representative.
   E. "Cable Provider" shall mean every franchise provider of cable services in the City.
   F. "City" shall mean the City and County of Denver. Whenever in this Agreement any approval or authorization is required to be given by the "City" the term shall mean the Council, except as otherwise provided.
   G. "Comcast Franchise" shall mean the Franchise approved by the City pursuant to Ordinance No. 39 CBB-0975.
   H. "AHEC" shall mean Auraria Higher Education Center comprised of the three institutions, Metropolitan State University of Denver, University of Colorado at Denver and Community College of Denver: AHEC.
   I. "AHEC Media Center" shall mean the location(s) managed by AHEC on behalf of the three institutions, Metropolitan State University of Denver, University of Colorado at Denver and Community College of Denver related to services provided by AHEC hereunder, including, without limitation, this Agreement.
   J. "AHEC Intellectual Property" shall mean any and all Intellectual Property Rights (as defined below) of AHEC, whether developed prior to or during the term of this Agreement, whether or not developed or created by AHEC in connection with performance of this Agreement.
   K. "AHEC's Proposal" shall mean the access content development programming plan submitted to the City by AHEC.
   L. "Council" shall mean the City Council of the City.
   M. "Designated Access Provider" shall have the same meaning as is provided in the Comcast Franchise or any similar provision of any other Franchise.
   N. "Director" shall mean the Director of Denver Media Services, his/her designated representative, or the City's designated representative.
2. **SCOPE OF WORK.** The City hereby identifies AHEC and the Auraria Campus as a Designated Access Video Content Provider for the City, to air on one or more of the City's Cable Access Channels provided under every Franchise granted by the City. AHEC will provide 20 hours monthly of Auraria Campus originally produced programming, created by Auraria Campus Entities which include, but not limited to, all campus departments, student organizations, campus recreation, other campus educational affiliates, and students enrolled in the colleges and universities in partnership with and surrounding the Auraria Higher Education Campus.

3. **CHANNEL ASSIGNMENT.** Comcast is changing the channel 54 assignment, which takes effect approximately during the first quarter 2015. The City will provide AHEC 30 days notice when Ch. 54 will no longer be an assigned education access channel. On the 31st day, AHEC will become a content provider for the City's cable access channels. The City and AHEC will work to identify blocks of time on one or more of the City's Cable Access Channels to air AHEC's produced programming. This programming block of time will be identified and established by the end of the 4th quarter of 2014.

4. **CONTENT.** AHEC agrees to provide 20 hours of AHEC and AHEC Campus related programming to the City on a date agreed upon mutually by both parties for each month of the IGA. AHEC may provide more than 20 hours of AHEC, or AHEC Campus related content per month when feasible by AHEC.

AHEC and the AHEC Campus commits that this content will be representative of the quality and integrity of the institutions that are providing this content but makes no claims as to the suitability for airing on the Public Access Channels. The suitability for airing will be at the sole discretion of the City. If the City deems the content provided unsuitable for airing, AHEC and/or the AHEC Campus has no obligation to provide additional content to meet the original 20 hour commitment for the given month.

AHEC and the AHEC Campus will make a good faith effort to provide unique and/or original programming; programming may be resubmitted as part of the 20 hour per month commitment to the City.

AHEC shall provide a Video Content Development and Deliverables Program Plan to the City. This City and AHEC agreed upon program plan, will be used by the City to assist with oversight and auditing, which is a requirement of receiving capital equipment funding via the City's Franchise Agreement with Comcast. Current funding and future capital equipment support is contingent upon performance. AHEC program plan submission is due no later than September 30, 2014. This Work Plan shall include, but not limited to the following information:
A. The anticipated total number of hours, with no less than 20 hours per month, of AHEC locally produced programming to be provided to the City's Denver Media Services
   a. A statement of programming goals, which shall contain a description of the programming to be provided to the Denver Media Services, along with a narrative description of the following.
      i. A summary of the established partnerships AHEC Media Center: has with departments and instructors to produce content suitable to air over Comcast cable access channels. The content plan provided will be reviewed by the DMS Director and content outlined is subject to a quality acceptance process prior to air/playback over the cable access channel(s).
      ii. A content creation timeline, which provides an overview of the process AHEC will utilize to coordinate with DMS to air the 20 plus hours of programming to be air over the cable access channel(s).
      iii. Planned AHEC use of the capital equipment supported by the capital funding provided by the City. Include a description of curriculum and each course offered requiring the use of the capital equipment provided by the City. Provide estimated 2015 student enrollment figures, specifically around the courses that will utilize the new TV and video equipment provided by the City.
      iv. Identify recommended air/replay time slots for provided programming.

5. Participate in annual marketing/outreach initiatives, which promotes AHEC student video content production accomplishments utilizing the AHEC Media Center, and highlights the partnership between the Auraria Campus and The Denver Media Center and the City of Denver.

C. AHEC will be granted a 4 hour of time on a pre-designated list of Fridays for cablecast of certain Auraria Campus programs identified in AHEC program plan.

D. The identified 20 plus hours of AHEC provided programming will air on one, or more, of Comcast assigned cable access channels no later than March 27, 2015.

E. Denver Media Service will be placed on the Auraria Campus list of places that Auraria Campus students can apply for internship. Internships are voluntary and competitive by nature at Metropolitan State University of Denver and University of Colorado at Denver. In the case of both schools, internship possibilities need to be previously vetted by the respective university before students can apply: For Metropolitan State University of Denver, internships are controlled by The Internship Program, and the intern coordinator. Internships through University of Colorado at Denver are handled through their Office of Experiential Learning.
CABLE ACCESS CHANNEL PROVIDER EQUITY REQUIREMENTS

A. Section 9.6 of the cable franchise agreement with Comcast identifies the "Capital Contribution," sometimes called the "PEG Fee", which collects revenue from subscribers for the procurement of video and audio capital equipment for all Designated Access Providers. The City will provide AHEC capital equipment funding to assist AHEC with delivering and meeting Section 4 CONTENT of this agreement.

B. AHEC shall submit a capital equipment improvement plan/designs and capital equipment list to the Director of Denver Media Services for review and approval no later than September 30, 2014. The lists shall include requested equipment, manufacturer, unit cost, quantity, purpose, total cost, and available model number. AHEC shall receive notification of the status of equipment approval within 10 business days starting the next business day of the City's receipt. Approval of the requested equipment is at the sole discretion of the Director. Approval of all or part of the request shall be dependent, in part, on the amount of PEG Fee revenue; and the City Cable Access Channel Provider equipment demands. Upon approval from the Director, the City shall disburse AHEC up to $453,000.00 based on the above approved capital equipment list. Notwithstanding any other provision of the Agreement, the City's maximum payment obligation will not exceed FOUR HUNDRED FIFTY THREE THOUSAND DOLLARS ($453,000.00) (the "Maximum Contract Amount"). The City is not obligated to execute an Agreement or any amendments for any further services, including any services performed by Consultant beyond that specifically described in Exhibit A. Any services performed beyond those in Exhibit A are performed at Consultant's risk and without authorization under the Agreement. The City's payment obligation, whether direct or contingent, extends only to funds appropriated annually by the Denver City Council, paid into the Treasury of the City, and encumbered for the purpose of the Agreement. The City does not by this Agreement irrevocably pledge present cash reserves for payment or performance in future fiscal years. The Agreement does not and is not intended to create a multiple-fiscal year direct or indirect debt or financial obligation of the City.

C. AHEC shall utilize its internal purchasing processes to procure its equipment. The City shall also conduct a quarterly review with AHEC to confirm the status of approved equipment purchases. If the cost of approved capital equipment is lower than originally identified, AHEC may submit additional capital items to the DMS Director for review and approval, to utilize the savings.

D. All procured equipment by AHEC for its purposes is the property of AHEC and placed on its inventory. Any costs associated with damage or theft of AHEC's equipment shall be the responsibility of AHEC.

E. Upon complete execution of this IGA and upon delivery of required documentation outlined in this IGA to the City's satisfaction, AHEC may submit an invoice after 30 days to the City for the capital equipment amount granted of $453,000. The invoice AHEC submits for capital equipment purchases shall be submitted to the City based on the City approved equipment list. Payment will be pursuant to the City's Prompt Payment Ordinance or sooner if noted by AHEC with approved reasoning for the expedited payment request.

F. AHEC shall maintain the audio and video capital equipment and AHEC shall bear the financial burden of the capital maintenance of the capital equipment.
provided by the City in connection with this agreement. AHEC shall maintain all of the provided capital equipment in good working order, and shall, when necessary to comply with this obligation, coordinate the repair or replacement of such equipment to ensure equipment is working.

PERFORMANCE REPORTS.

Accomplishment reports shall be submitted to the City by AHEC bi-yearly. The reporting format shall be in a form agreeable to both parties, as this will be used for oversight and auditing purposes.

PLANS, REPORTS, AND INFORMATION.

At such times and in such form as the City may reasonably require, AHEC shall furnish such statements, records, reports, data and information with respect to the equipment and use of the equipment purchased with PEG funds, as the City may reasonably request and deem pertinent to matters covered by this Agreement.

MONITORING AND EVALUATION.

A. The City shall perform on-site monitoring of AHEC's performance under this Agreement. The City shall coordinate the on-site monitoring with the Director of the AHEC Media Center. The monitoring of equipment use will take place to confirm equipment matches approved capital equipment plan, and used is accordance with this IGA and the City's Franchise Agreement(s). This monitoring of the equipment will take place until all audits have been confirmed and confirmation of all equipment agreed upon has been purchased and installed. Any additional monitoring in any way will be at the sole discretion and approval of AHEC but not unreasonably denied.

B. AHEC agrees to reasonably cooperate with the City in the development, implementation and maintenance of record keeping systems and to provide data reasonably determined by the City necessary for the City to effectively fulfill its Franchise monitoring and compliance responsibilities.

C. AHEC agrees to cooperate in such a way so as not to obstruct or delay the City in such monitoring and to designate one of its staff members to coordinate the monitoring process as requested by City staff.

D. After each monitoring visit, the City shall provide AHEC with a written report of monitoring findings within thirty (30) days.
E. On a quarterly basis the City shall conduct an evaluation and audit of equipment monies received by AHEC. Such evaluation will include equipment procured in the previous quarter. AHEC will provide invoices, packing slips, and cancelled warrants proving the approved equipment was purchased, installed, and placed on its inventory list. The City will then utilize that documentation to add the equipment to the City's audit records. Any funds spent without adherence to the pre-approved capital procurement plan, will be deducted from future PEG fund appropriations granted and impact how future funds are disbursed and managed.

TERM, RENEWAL, TRANSFER, AND TERMINATION. The Agreement will commence on September 1, 2014 and will expire on September 1, 2016 (the "Term"). This IGA is eligible for renewal for an additional 6 year period. In no instance shall this IGA continue past the term of any cable franchise agreement(s). The City may cancel this IGA with or without cause at any time upon three (3) month written notification. AHEC may transfer responsibility for this IGA to another educational institution on the Auraria campus with ninety (90) days written or electronic notice to the City. The new controlling entity must take legal responsibility and comply with all provisions of the existing IGA. In the case of the City canceling the IGA or the AHEC Media Center transferring the responsibilities of this IGA to any educational institution on the AHEC Campus; the Capital Equipment identified in Article 5 "Capital Equipment" of this IGA remains the property of AHEC.

6. LIABILITY. Each party to this IGA shall be an independent agent, and either party or such party's agents, officers and employees shall be deemed to be an agent of the other party. Each party waives all claims and causes of action against the other party for compensation, damages, personal injury or death, which may result or occur as a consequence, direct or indirect, of the performance of this Agreement. AHEC and the City are each responsible for their own negligence and that of their agents, officers and employees to the extent provided in the Governmental Immunity Act, C.R.S. § 24-10-101, et seq. Nothing in this IGA shall be construed as a waiver of immunity provided by common law or statute, specifically the Colorado Governmental Immunity Act, or as an assumption of any duty for the benefit of any third party.

7. EXAMINATION OF RECORDS. Each party agrees that any duly authorized representative of the other party, including the City's Auditor or his representative, shall have access and the right to examine any directly pertinent books, document, papers, and records of the parties, involving transactions related to this Agreement. This access and right shall be allowed until the expiration of three (3) years after the final payment under this agreement.

8. NO THIRD PARTY BENEFICIARY. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and AHEC. Nothing contained gives or allows any such claim or right of action by any other or third person or entity on
such IGA, including but not limited to subcontractors, suppliers, AHEC students or any other member of the public. It is the express intention of the City and AHEC that any person or entity other than the City or AHEC receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

9. **GOVERNING LAW; VENUE.** Each term, provision, and condition of this IGA is subject to the provisions of Colorado law, the Charter of the City and County of Denver and the ordinances, and regulations enacted pursuant thereto. Unless otherwise specified, any general or specific reference to statutes, laws, regulations, charter or code provisions, ordinances, executive orders (including memoranda thereto), or contracts, means statutes, laws, regulations, charter or code provisions, ordinances, and executive orders (including memoranda thereto) and contract as amended or supplemented from time to time and any corresponding provisions of successor statutes laws, regulations, charter or code provisions, ordinances, or executive orders (including memoranda thereto) and contracts. Venue for any legal action relating to or arising out of this IGA will be in the District Court of the State of Colorado Second Judicial District.

10. **SURVIVAL OF CERTAIN PROVISIONS.** The terms of this IGA and any exhibits and attachments that by reasonable implication contemplate continued performance, rights, or compliance beyond expiration or termination of this IGA survive this IGA and will continue to be enforceable.

11. **NO DISCRIMINATION IN EMPLOYMENT.** In connection with the performance of work under the IGA, AHEC may not refuse to hire, discharge, promote or demote, or discriminate in matters of compensation against any person otherwise qualified solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, gender variance, marital status, or physical or mental disability. AHEC shall insert the foregoing provision in all subcontracts related to this IGA.

**USE OF CABLE OPERATOR TRADEMARKS, TRADENAMES, SERVICE MARKS, LOGOS.**

AHEC shall not use any Cable Operator trademarks, trade names, service marks, logos, or other form of commercial identification, without the express prior written approval of the Cable Operator; provided, however, that AHEC may identify Public Access Programming as appearing on Public Access channels of the cable TV system.
INFORMATION, REPORTS AND AHEC INTELLECTUAL PROPERTY.

As between the City and AHEC, all AHEC Intellectual Property (including, without limitation, any content, software, documentation or other works of authorship developed by or for AHEC in connection with this Agreement), shall remain the sole and exclusive property of AHEC. And to the extent (if any) the City acquires any rights in such AHEC Intellectual Property, the City hereby irrevocably assigns to AHEC all right, title and interest in and to such AHEC Intellectual Property. Notwithstanding the foregoing, all Reports, Proposals, Contracts and Correspondence (including any charts, schedules, or other documentation appended thereto) submitted to the City by AHEC shall become the property of the City upon receipt.

12. NOTICES. Notices concerning the termination of this IGA, notices of alleged or actual violations of the terms or conditions of this IGA, and other notices of similar importance shall be made:

By AHEC to:
Denver Media Services City and County of Denver
1437 Bannock Street, Room 002
Mailbox #P3
Denver, Colorado  80202

By the City to:
Auraria Higher Education Center Attn: CFO
Business Services Office, Campus Box B
1201 5th Street, Suite 370 [if personal delivery]
P.O. Box 173361 [if USPS] Denver, Colorado 80217-3361

ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS. AHEC consents to the use of electronic signatures by the City. The IGA, and any other documents requiring a signature hereunder, may be signed electronically by the City in the manner specified by the City. The Parties agree not to deny the legal effect or enforceability of the IGA solely because it is in electronic form, or because an electronic record is being used in its formation. The Parties agree not to object to the admissibility of the IGA in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not the original.
IN WITNESS OF THE PARTIES' AGREEMENT, AHEC has executed this IGA on the date indicated below:

FOR AHEC:

By: 
Barbara Weiske, Executive Vice President for Administration (CEO)
Tax ID No. 84-1144747

Approved: Approved as to Legal Form:

Fred C. Kuhlwilm, 
Jeff Stamper,

Contract Control Number: TECHS-201310939-00

Contractor Name: Auraria Higher Education Center
## B: EQUIPMENT LISTS

### 2014 Equipment

<table>
<thead>
<tr>
<th>EQUIPMENT TYPE</th>
<th>Purpose</th>
<th>Manufacturer</th>
<th>Model</th>
<th>QTY</th>
<th>Unit</th>
<th>Cost</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Audio File Server/Management</td>
<td>Storage management software for file-based management</td>
<td>Pelicom</td>
<td>D1000-PTV Hypercaster</td>
<td>1</td>
<td>each</td>
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<td>$38,753.00</td>
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<td>HD MPEG Level Encoder</td>
<td>Encode video for Hypercaster input</td>
<td>Blonder Tongue</td>
<td>HDE-C2-UXM</td>
<td>1</td>
<td>each</td>
<td>$2,700.00</td>
<td>$2,700.00</td>
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<tr>
<td>Digital to Analog converter</td>
<td>Provide analog video feeds from Blackmagic</td>
<td>Blackmagic</td>
<td>HD V1X-M</td>
<td>1</td>
<td>each</td>
<td>$4,285.00</td>
<td>$4,285.00</td>
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<tr>
<td>Extended Warranty and product support</td>
<td>Additional 1-year of Hypercaster support</td>
<td>Pelicom</td>
<td>D1000-DX</td>
<td>1</td>
<td>each</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
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<tr>
<td>Computer for Hypercam system</td>
<td>Teleprompter, and file transfer</td>
<td>JVC</td>
<td>NV-M5000</td>
<td>1</td>
<td>each</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
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<tr>
<td>Computer for Hypercam system</td>
<td>MDA W3000 Multitool</td>
<td>Samsung</td>
<td>BN-6000-1</td>
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<td>each</td>
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<td>$1,000.00</td>
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<td>Studio Camera Package</td>
<td>Provide HD camera video for studio</td>
<td>Matsushita</td>
<td>MDE0300/Digital</td>
<td>2</td>
<td>each</td>
<td>$15,625.00</td>
<td>$31,250.00</td>
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<tr>
<td>HD Monitor</td>
<td>Camera operation monitoring and control</td>
<td>Panasonic</td>
<td>PT-H6100W LCD</td>
<td>2</td>
<td>each</td>
<td>$2,400.00</td>
<td>$4,800.00</td>
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<td>Control Room Furniture</td>
<td>Monitor, Switching, graphics, Studio Ad</td>
<td>Vizanex</td>
<td>Carbonite-2</td>
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<td>each</td>
<td>$4,800.00</td>
<td>$9,600.00</td>
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<td>Video switching/graphics Package</td>
<td>Monitor switching, graphics, Studio Ad</td>
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<td>each</td>
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<td>Video/Audio Routing Switcher</td>
<td>Signal routing and distribution</td>
<td>Utah Scientific</td>
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<td>$40,000.00</td>
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<td>HD camera monitors</td>
<td>Cameras monitoring</td>
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<td>Excellium HD</td>
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<td>each</td>
<td>$9,685.00</td>
<td>$19,370.00</td>
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<td>Audio Intercom system</td>
<td>Headset connection microphone</td>
<td>Panasonic</td>
<td>Shure-PM</td>
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<td>each</td>
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<td>$2,700.00</td>
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<td>Video Switcher</td>
<td>Video switching and effects for studio</td>
<td>Matsushita</td>
<td>MDE0300/Digital</td>
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<td>each</td>
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<td>$36,000.00</td>
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<tr>
<td>Digital to Analog converter</td>
<td>Connects video feeds from studio to video outputs</td>
<td>JVC</td>
<td>NV-M5000</td>
<td>2</td>
<td>each</td>
<td>$5,000.00</td>
<td>$10,000.00</td>
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<tr>
<td>Pro Video Recorder</td>
<td>ASL video, video feeds from video</td>
<td>JVC</td>
<td>NV-M5000</td>
<td>2</td>
<td>each</td>
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<td>$6,000.00</td>
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<tr>
<td>Back-up Recorder</td>
<td>ASL video, video feeds from video</td>
<td>JVC</td>
<td>NV-M5000</td>
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<td>each</td>
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<td>Graphics System (includes computer)</td>
<td>Computer and software support for studio</td>
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<td>each</td>
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<td>Digital 8 Recorder</td>
<td>Recent Studio Production Solution Video</td>
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<td>Monitor display and display monitors</td>
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<td>$2,700.00</td>
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<td>Storage Module</td>
<td>Storage drive for studio</td>
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<td>Monitor Prep/Recorder</td>
<td>Cameras for studio</td>
<td>Panasonic</td>
<td>Blackmagic</td>
<td>2</td>
<td>each</td>
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<td>Audio Flex Signal</td>
<td>Monitor for audio operator</td>
<td>Panasonic</td>
<td>Blackmagic</td>
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<td>each</td>
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<td>$5,400.00</td>
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<td>Audio Mixer</td>
<td>Studio sound mixing and processing</td>
<td>Yamaha</td>
<td>MRSF32</td>
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<td>each</td>
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<td>$9,000.00</td>
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<td>Studio audio recorder</td>
<td>Panel view production control</td>
<td>Panasonic</td>
<td>MRSF32</td>
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<td>each</td>
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<td>LCD display</td>
<td>Computer monitors for audio and visual</td>
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<td>Cables, connectors, etc.</td>
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### SUPPLEMENTAL LIST

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<th>Model</th>
<th>QTY</th>
<th>Unit</th>
<th>Cost</th>
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<td>Graphics support</td>
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<td>year</td>
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<td>Dedicated line to QI monitors</td>
<td>Utah Scientific</td>
<td>Dudell</td>
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<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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<td>Teleprompter</td>
<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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<td>Teleprompter</td>
<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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<td>Teleprompter</td>
<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
<td>1</td>
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<tr>
<td>Teleprompter</td>
<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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<td>Teleprompter</td>
<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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<td>Teleprompter</td>
<td>Teleprompt camera</td>
<td>JVC</td>
<td>D1000-PTV Hypercaster</td>
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</table>

**Supplemental Total** | $17,744.00 |
AURARIA HIGHER EDUCATION CENTER

REQUEST FOR PROPOSAL (RFP) COVER SHEET

Date: 2/11/15
RFP Number: AHEC-158008-R

Auraria Higher Education Center (AHEC)

Return all Sealed Proposals to:

Procurement Office
1201 Fifth Street, Suite 370
Campus Box K
PO BOX 173361
Denver, CO 80217-3361

Purchasing Agent: Kevin Langhorn

RFP Opening Date: 3/16/15
RFP Opening Time: 2:00 p.m. (Mountain)

BROADCAST TELEVISION EQUIPMENT

Auraria Higher Education Center

Per the attached specifications, terms and conditions

F.E.I.N.: ____________________________
Terms:

Delivery Date: ____________________________
(Minimum of Net 45)
Signature: __________________________________________

Typed/Printed Name: __________________________________________

Title:

Company Name:

Address: _______________________________________________________

City: ___________________ State: ___________________ Zip: ________________

Phone Number: ___________________ Fax Number: ___________________

**IMPORTANT:** The following information must be on the outside of the RFP Return Envelope:

**RFP Number – Opening Date and Time**

Please be advised that telegraphic or electronic responses (Fax, Western Union, Telex, etc.) cannot be accepted directly in the Procurement Office as a sealed proposal. Offerors are urged to read the RFP thoroughly before submitting a proposal.

*Offeror is required to submit Federal employer Identification Number (FEIN).*

*This sheet must be completed, signed and submitted with proposal.*
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<th>SECTIONS</th>
<th>PAGE</th>
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</thead>
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<td>2</td>
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<td>SECTION 2: BACKGROUND, OVERVIEW, AND SCOPE</td>
<td>14</td>
</tr>
<tr>
<td>SECTION 3: MINIMUM QUALIFICATIONS</td>
<td>19</td>
</tr>
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<td>SECTION 4: INFORMATION REQUIRED FROM OFFERORS</td>
<td>20</td>
</tr>
<tr>
<td>SECTION 5: COSTS</td>
<td>21</td>
</tr>
<tr>
<td>SECTION 6: OFFEROR RESPONSE FORMAT</td>
<td>22</td>
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<tr>
<td>SECTION 7: EVALUATION</td>
<td>23</td>
</tr>
</tbody>
</table>

**ATTACHMENTS**

Attachment A: AHEC PURCHASE ORDER TERMS AND CONDITIONS
Attachment B: PERA
Attachment C: W-9
SECTION 1: ADMINISTRATIVE INFORMATION

1.1 ColoradoVSS and Registration

The State of Colorado has begun transitioning to a new financial management system called the Colorado Operations Resource Engine (CORE). Solicitations for most State Agencies (Agencies) and State Institutions of Higher Education (Institutions) will be posted on a new website, ColoradoVSS.

Solicitation details for goods and services, as well as construction notices on ColoradoVSS are public and do not require registration; however, any updates or modifications to this Request for Proposal (RFP) will be published using ColoradoVSS, so it is important to be registered. There is no cost to register on ColoradoVSS.

To become a registered supplier on ColoradoVSS:

https://codpa-vss.hostams.com/webapp/PRDVSS1X1/AltSelfService

1.2 Official Means of Communication

During the solicitation process for this RFP, all official communication between AHEC’s Procurement Office and offerors will be via postings on the ColoradoVSS. AHEC will post notices that will include, but not be limited to, modifications to administrative or performance requirements, answers to inquiries received, clarifications to requirements, and the announcement of the apparent winning offeror. It is incumbent upon offerors to carefully and regularly monitor ColoradoVSS for any such notices.

1.3 State of Colorado Solicitation Instructions/Terms and Conditions

Any proposal submitted in response to this RFP is subject to the State of Colorado Solicitation Instructions/Terms and Conditions found on ColoradoVSS.

1.4 Purpose of the RFP

The Auraria Higher Education Center’s Media Center (“AMC”) is seeking to contract the procurement and installation of broadcast television equipment.

1.5 Term of the Contract

The initial term of the contract(s) resulting from this RFP is/are anticipated to be for a period of one (1) calendar year commencing upon contract execution. If AHEC requires these same
services after that time, the contract(s) may be extended for up to an additional four (4) years in one-year increments for a total term not to exceed five (5) years. AHEC reserves the right to cancel this/these contract(s) at any time without cause, upon written notice given thirty (30) days in advance. AHEC will give written documentation to the contractor as to the reason for cancellation. Authorized services performed for AHEC will be paid for through the cancellation date.

1.6 Number of Awards

AHEC intends to award one or more contract(s) as a result of this RFP, depending on offerors' abilities to service the various systems identified in the RFP.

1.7 RFP Cancellation

AHEC reserves the right to cancel this entire Request for Proposal, at any time, without penalty.

1.8 Document Information

This document, including attachments, constitutes a formal Request for Proposal (RFP) and is a competitive procurement; therefore, the offeror must carefully follow the instructions herein in order to be considered fully responsive to the RFP. The Auraria Higher Education Center (AHEC) reserves the right to reject a proposal that is determined to be incomplete, or which does not follow the required structure and format; however, when such statements are innocent or inadvertent in the opinion of AHEC, AHEC further reserves the right to either request clarifications or waive them as informalities.

1.9 Issuing Office

This RFP is issued on behalf of Auraria Higher Education Center by the AHEC Procurement Office. The AHEC Procurement Office is the sole point of contact concerning this RFP. The AHEC Procurement Office is the procurement authority for Auraria Higher Education Center and as such issues their solicitations.

1.10 Schedule Of Activities

Listed below are specific and estimated dates and times of actions related to this RFP. The actions with specific dates must be completed as indicated unless otherwise changed by AHEC. In the event that AHEC finds it necessary to change any of the specific dates and times in the calendar of events listed below, it will do so by issuing a modification to this RFP on ColoradoVSS. There may or may not be a formal notification issued for changes in the estimated dates and times.
### Schedule of Activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date and Time (Mountain Time)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for Proposal Notice Published on ColoradoVSS</td>
<td>2/11/15</td>
</tr>
<tr>
<td>Mandatory Pre-Proposal Meeting &amp; Walkthrough</td>
<td>2/19/15 1:00 PM</td>
</tr>
<tr>
<td>Written Inquiry Deadline</td>
<td>2/23/15 10:00 AMM</td>
</tr>
<tr>
<td>Modification Issued with Answers to Written Inquiries (if necessary)</td>
<td>2/26/15 (Estimated)</td>
</tr>
<tr>
<td>Proposal Submission Deadline</td>
<td>03/16/15 2:00 PM</td>
</tr>
<tr>
<td>Oral Presentations, if required</td>
<td>3/23/15 (Estimated)</td>
</tr>
<tr>
<td>Best and Final Offers (BAFOs), if required</td>
<td>3/27/15 (Estimated)</td>
</tr>
<tr>
<td>Notice of Award</td>
<td>4/1/15 (Estimated)</td>
</tr>
<tr>
<td>Contract Period</td>
<td>See estimated project schedule below.</td>
</tr>
</tbody>
</table>

### 1.11 MANDATORY Pre-Proposal Meeting and Walkthrough

To ensure sufficient information is available to offerors preparing responses, a mandatory pre-proposal meeting and walkthrough has been scheduled (see date and time listed in the Schedule of Activities). The intent of this meeting is to have AHEC staff available to discuss the project and tour the facility to be serviced. The pre-proposal meeting will be held at:

**Auraria Higher Education Center**  
**Administration Building**  
**1201 5th St Suite 370**  
**Denver, CO 80204**

Please allow extra time to locate parking as it is limited. **Prompt attendance is required; offerors arriving late will be turned away. Offerors must attend the entire meeting and walkthrough and must sign-in in order to have their proposals accepted.** Offerors should allow one (2) hour for the meeting and walkthrough. Any substantial clarifications resulting from the meeting will be posted on ColoradoVSS.
1.12 Written Inquiries

Offerors may make written, e-mail, or fax inquiries concerning this RFP to obtain clarification of requirements. No inquiries will be accepted after the date and time indicated in the Schedule of Activities. The AHEC Procurement Office prefers that all inquiries be sent by electronic mail to:

Procurement Office, Auraria Higher Education Center
1201 Fifth Street, Suite 370
Campus Box K PO Box 173361
Denver, Colorado 80217-3361
Fax: (303) 556-2093
E-mail: kevin.langhorn@ahec.edu
RFP # AHEC-158008-R
Address written or fax inquiries to: Kevin Langhorn

Response to offeror's inquiries (if required) will be published as a modification on ColoradoVSS in a timely manner. The only official responses to an offeror’s inquiries are those responses that are published as a modification on ColoradoVSS. Offerors should not rely on any other statements, either written or oral, that alter any specification or other term or condition of this RFP. Offerors are responsible for monitoring ColoradoVSS for publication of modifications to this solicitation.

1.13 Modifications or Withdrawals of Proposals

Proposals may be modified or withdrawn by the offeror prior to the established due date and time.

1.14 Proposal Submission

Proposals must be received on or before the date and time indicated in the Schedule of Activities. Late proposals will not be accepted. It is the responsibility of the offeror to ensure that AHEC receives the proposal on or before the proposal opening date and time, regardless of the delivery method used. Offerors mailing their proposals shall allow sufficient mail delivery time to ensure receipt of their proposals by the time specified. The proposal package shall be delivered or sent by mail to:
The Request for Proposal cover page MUST be signed in ink by the offeror or an officer of the offeror legally authorized to bind the offeror to the proposal. The signed RFP cover page must be included with the proposal copy that is marked ORIGINAL. Proposals which are determined to be at a variance with this requirement may not be accepted. Proposals must be submitted and sealed in a package. The outer envelope of the package must show the following information:

OFFEROR'S NAME  RFP NUMBER  PROPOSAL DUE DATE AND TIME

1.15 Alterations in Proposals

Proposals made in pencil shall be rejected. Alterations in cost figures shall be rejected unless initialed in ink by the person responsible for, or authorized to make decisions as to the cost specified. Proof of authorization shall be provided upon request. The use of “white out” is considered an alteration.

1.16 Addendum or Supplements to Request for Proposal

In the event that it becomes necessary to revise any part of this RFP, a modification notice will be sent via ColoradoVSS.

1.17 Oral Presentations/Site Visits

Offerors may be asked to make oral presentations. Such presentations will be at the offeror's expense. The Evaluation Committee may require a site visit if warranted by the nature of the requirements and the offeror’s response. Evaluation Committee members have the right to modify an offeror’s evaluation based on information provided in oral presentations and/or site visits. Oral presentations and site visits may be considered in determining the apparent successful offeror(s).

1.18 Best and Final Offers (BAFOs)

AHEC reserves the right to request BAFOs for this solicitation. Evaluation Committee members have the right to modify an offeror’s evaluation based on information provided in a BAFO. BAFOs may be considered in determining the apparent successful offeror(s).
1.19 Acceptance of RFP Terms

A proposal submitted in response to this RFP shall constitute a binding offer. The autographic signature of the offeror or an officer of the offeror legally authorized to execute contractual obligations shall indicate acknowledgment of this condition. A submission in response to this RFP acknowledges acceptance by the offeror of all terms and conditions including compensation, as set forth herein. Offeror shall identify clearly and thoroughly any variations between its proposal and the AHEC's RFP. Failure to do so shall be deemed a waiver of any rights of the offeror to subsequently modify the terms of performance, except as outlined or specified in the RFP.

1.20 Confirmation of Submission

Offerors may send an e-mail message to the Purchasing Agent of record indicating that the proposal has been sent and requesting confirmation by return e-mail upon AHEC’s receipt of proposal. If offeror requires confirmation, it is the offeror's responsibility to confirm in this way receipt of the proposal in advance of the posted deadline.

1.21 Protested Solicitations and Awards

Any actual or prospective offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to AHEC’s Director of Procurement and Distribution Services. The protest must be submitted in writing within seven (7) working days after such aggrieved person knows, or should have known, of the facts giving rise thereto.

With regard to the emphasized language above, it is important for bidders to note that a challenge to the solicitation’s requirements, or specifications, **must be made within seven (7) working days of when the protest item is known.**

Announcement of the Notice of Intent to Award will be made via a posting on ColoradoVSS. The requirement for timely submission of any protest (7 working days) will begin on the first working day following posting of the award notice on ColoradoVSS.

1.22 Confidential/Proprietary Information

Any restrictions of the use or inspection of material contained within the proposal shall be clearly stated in the proposal itself. Written requests for confidentiality shall be submitted by the offeror with the proposal. The offeror must state specifically which elements of the proposal are to be considered confidential/proprietary.

**Confidential/proprietary information must be readily identified, marked and separately packaged from the rest of the proposal. Co-mingling of confidential/proprietary and other information is NOT acceptable.** Neither a proposal, in its entirety, nor proposal cost information, will be considered confidential and proprietary. Any information that will be included in any resulting contract cannot be considered confidential.

AHEC will make a written determination as to the apparent validity of any written request for confidentiality. In the event AHEC does not concur with the offeror's request for confidentiality,
the written determination will be sent to the offeror. Ref. Section 24-72-201 et seq., C.R.S., as amended, Public (Open) Records.

1.23 RFP Response Material Ownership

AHEC has the right to retain the original proposal response and other proposal response materials for its files. As such, AHEC may retain or dispose of all copies as is lawfully deemed appropriate. Proposal response materials may be reviewed by any person after the "Notice of Intent to Make an Award" has been posted on ColoradoVSS, subject to the terms of Section 24-72-201 et seq., C.R.S., as amended, Public (Open) Records. AHEC has the right to use any or all information/material presented in reply to the RFP, subject to limitations outlined in the paragraph, Confidential/Proprietary Information (above). Offerors expressly agree that AHEC may use the materials for all lawful State purposes, including the right to reproduce and distribute copies of the material submitted for purposes of evaluation, and as part of the resulting contract, and to make the information available to the public in accordance with the provisions of the Colorado Open Records Act.

1.24 Proposal Costs

Proposal costs must be firm for a minimum of ninety (90) days after proposals are due. Estimated proposal costs are not acceptable. Proposal costs will be considered to be your best and final offer, unless otherwise stated in the RFP. The proposal cost will be considered in determining the apparent successful offeror(s).

1.25 Multiple Proposals from a Single Offeror

Offerors may submit multiple proposals; however, each proposal must conform fully to the requirements for proposal submission. Each such proposal must be submitted separately and labeled as Proposal #1, Proposal #2, etc. on each page included in the response. Alternate Financial Proposal options are allowed and do not constitute multiple proposals.

1.26 Selection of Proposal Notice

An Evaluation Committee will review and evaluate offers submitted and make a recommendation for award. This selection will be for award to the responsible offeror(s) whose proposal(s) is/are determined to be most advantageous to AHEC. AHEC will post a "Notice of Intent to Make an Award" on ColoradoVSS which will announce the selected.

1.27 Notice of Intent to Award

AHEC reserves the right to make an award on receipt of initial proposals, so offerors are encouraged to submit their most favorable proposal at the time established for receipt of proposals. Offerors not meeting the requirements identified in the RFP shall be ineligible for further consideration. AHEC may conduct discussions with offerors in the competitive range for the purpose of
promoting understanding of AHEC’s requirements and the offeror’s proposal, to clarify requirements, make adjustments in services to be performed, and in prices. Changes to proposals, if permitted, will be requested in writing from offerors.

1.28 Award of Contract

Award(s) will be made to the responsible offeror(s) whose proposal(s) will be the most advantageous to AHEC, costs and other factors considered. In the event the parties are unable to enter into a contract, AHEC may elect to cancel the "Notice of Intent to Make an Award" and make the award to the responsible offeror whose proposal would subsequently have received the award.

1.29 Acceptance of Proposal Content

The contents of the proposal (including persons specified to work for AHEC) of the successful Offeror will become contractual obligations if acquisition action ensues. Failure of the successful Offeror to accept these obligations in a state contract, purchase order, or similar authorized acquisition document may result in cancellation of the award and such Offeror may be removed from future solicitations.

1.30 Standard Contract

The successful Offeror is required to agree to AHEC Purchase Order Terms and Conditions. These terms are included in the attachment labeled “Attachment A” to this RFP.

Offerors must clearly identify any exceptions to the contractual terms and conditions described in this RFP, and provide justification and alternative language in their proposal response. Offerors are strongly encouraged to seek advice from legal counsel regarding such contractual exceptions.

Offerors should not assume any term or condition in this RFP or Model Contract is negotiable. In the event the parties are unable to negotiate contract terms that are fully satisfactory to AHEC within a reasonable period of time, at AHEC’s sole discretion, AHEC may elect to enter into negotiations with another offeror within the competitive range. If a “Notice of Intent to Make an Award” has been issued, and the parties are unable to enter into a contract that is fully satisfactory to AHEC within a reasonable period of time, AHEC may elect to request that AHEC cancel the “Notice of Intent to Make an Award” and commence contract negotiations with another offeror within the competitive range.
1.31 Ownership of Contract Products/Services

Proposals, upon established opening time, become the property of AHEC. All products/services produced in response to the contract resulting from this RFP will be the sole property of AHEC, unless otherwise noted in the RFP. The contents of the successful Offeror's proposal will become contractual obligations.

1.32 Incurring Costs

AHEC are not liable for ANY cost incurred by offerors prior to issuance of a legally executed contract, purchase order, or other authorized acquisition document. No property interest, of any nature, shall occur until a contract is awarded and signed by all required parties. All costs incurred in the response to the RFP are the sole responsibility of the offeror.

1.33 Non-Discrimination

Offerors shall comply with all applicable state and federal laws, rules and regulations involving non-discrimination on the basis of race, color, religion, national origin, age or sex.

1.34 Rejection of Proposals

AHEC reserves the right to reject any and all proposals, waive informalities and minor irregularities in proposals received as determined by AHEC, and to accept any portion of a proposal or all items proposed if deemed in the best interest of AHEC. Failure of an offeror to provide any information requested in this RFP (and in the manner or format required) may result in disqualification of the proposal.

1.35 Parent Company

If an offeror is owned or controlled by a parent company, the name, main office address and parent company's tax identification number shall be provided in the proposal. The tax identification number of the offeror responding to the RFP must be provided. The offeror must be a legal entity with the legal right to contract.

1.36 News Releases

News releases pertaining to this RFP shall NOT be made prior to execution of the contract without prior written approval by AHEC.

1.37 Certification of Independent Price Determination

Except as otherwise disclosed with particularity, through its submission of an offer, the offeror certifies that the prices and other terms in the offer have been arrived at independently without any consultation, communication, agreement with, or knowledge of the contents of the offer by any other competing offeror. For purposes of this paragraph, "consultation, communication, agreement with, or knowledge" does not include knowledge of prices or terms gained through availability of
established price lists or catalogues made available to the public by the competing offeror. No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

1.38 Prime Contractor

AHEC will consider the selected offeror to be the sole point of contact with regard to contractual matters including the performance of services and the payment of any and all charges. There may be areas for use of subcontractors or partners in this project. AHEC encourages use of small businesses wherever viable. If you are using subcontractors/partners, your proposal must list the subcontractors/partners, their area(s) of expertise, and include all other applicable information herein requested for each subcontractor/partner.

1.39 Taxes

AHEC, as purchaser, is exempt for all federal excise taxes under Chapter 32 of the Internal Revenue Code and from all state and local government use taxes (ref. Colorado Revised Statutes Chapter 39-26-114(a)). Seller is hereby notified that when materials are purchased in certain political sub-divisions (for example – City of Denver) the seller may be required to pay sales tax even though the ultimate product or service is provided to the State of Colorado. This sales tax will not be reimbursed by AHEC.

1.40 Assignment and Delegation

Except for assignment of antitrust claims, neither party to any resulting contract may assign or delegate any portion of the agreement without the prior written consent of the other party.

1.41 Legislative Changes

AHEC reserves the right to amend any resulting contract in response to legislative changes, which affect the services related to this RFP.

1.42 Error Reporting

The successful Offeror will promptly report any errors occurring with programs throughout the duration of this contract. A summary report must be submitted at least once every three (3) months, beginning with the date this contract is enacted. Failure to disclose this information is grounds for termination of the contract for cause.

1.43 Order of Precedence

In the event of any conflict or inconsistency between terms of this Request for Proposal and the proposal (offer), such conflict or inconsistency shall be resolved first, by giving effect to the terms and conditions of the resulting contract, second to the Request for Proposal, and third, to the proposal.

1.44 Availability of Funds
Financial obligations of AHEC, payable after the current fiscal year, are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. In the event funds are not appropriated, any resulting contract will become null and void, without penalty to AHEC.

1.45 Venue

The parties agree that venue for any action related to performance of this contract shall be in the City and County of Denver, Colorado.

1.46 Offeror Proposed Terms and Conditions

Except as specified in the offeror’s proposal, the submission of the offeror’s proposal will indicate its acceptance of the terms and conditions. Offerors must disclose in their proposals terms and conditions, or required clarifications, of terms and conditions consistent with these instructions. AHEC and AHEC reserve the right to clarify terms and conditions not having an appreciable effect on quality, price/cost risk or delivery schedule during post-award formalization of the contract.

1.47 Contract Cancellation

AHEC reserves the right to cancel for cause, any contract resulting from this RFP, by providing timely written notice to the contractor.

1.48 Insurance

The contractor shall procure, at its own expense, and maintain for the duration of the contract, the insurance coverage as described in the attached AHEC Purchase Order Terms and Conditions (Attachment A).

1.49 Past Performance

Each offeror’s past performance will be reviewed as part of AHEC’s overall evaluation. This evaluation will take into account past performance information submitted as a part of such offeror’s proposal including, but not limited to, information regarding predecessor companies, key personnel who have relevant experience, and subcontractors performing major or critical aspects of the service(s), if such information is relevant. Offeror’s without a record of relevant past performance or for whom information on past performance is not available will receive a neutral past performance rating. AHEC will consider offeror’s performance on past or current AHEC contracts with requirements similar to AHEC requirements for this contract. AHEC will consider information provided by offeror regarding any problems encountered on the identified contracts and any associated corrective actions.

1.50 State Employment Affiliation

Offerors must explain any State employment affiliation as described on the ColoradoVSS website in the Solicitation Instructions found on ColoradoVSS.
1.51 Key Personnel

AHEC shall consider Contractor “Key Personnel” and therefore essential to the work being performed. Contractor shall immediately notify AHEC in writing prior to replacing “Key Personnel”. Replacement personnel must have the same skill level and qualifications, or better, than the personnel they are replacing. AHEC must approve the replacement personnel in writing prior to new personnel commencing work and the change must not delay the project. AHEC’s approval of replacement Key Personnel shall not be delayed nor unreasonably withheld. Contractor shall take commercially reasonable action to transfer their “departing” personnel’s project knowledge to the Contractor’s substitute personnel to ensure continuity of services performed.

1.52 References

AHEC may contact the references provided by an offeror (primary sources) to validate the offeror’s experience. Other individuals and entities, (secondary sources) identified as possessing relevant information during the course of discussions with the references provided by an offeror, also may be contacted by AHEC. AHEC reserves the right to consider representations by these individuals or entities (secondary sources) concerning project scope, timeliness of performance, project management capabilities, and other information relevant to determining the quality of an offeror’s past experience and demonstrated capabilities.

1.53 FERPA/HIPPA

Successful contractor and consultant must adhere to Federal FERPA (Family Education Rights and Privacy Act) and HIPAA (Health Insurance Portability and Accountability Act) regulations.

1.54 Conflicts of Interest

Offeror avers that to his/her knowledge, no AHEC employee has any personal or beneficial interest whatsoever in the service or property described herein. See CRS §24-18-201 and CRS §24-50-507. The signatory hereto avers that he/she is familiar with CRS §18-8-301, et seq. (Bribery and Corrupt Influence) and CRS §18-8-401, et seq. (Abuse of Public Office) as amended, and that no violation of such provisions is present.

1.55 Cost Increases

In the event that awarded offeror’s costs escalate, the awarded offeror may petition, in writing, for a cost increase not to exceed five percent (5%) during the first three (3) years of the resulting contract. In years four and five the contract, requests for cost increases cannot exceed the
Consumer Price Index for Urban Consumers (CPI-U) Denver-Boulder-Greeley. Any requests for cost increases must be submitted to the AHEC Procurement Office sixty (60) days in advance of the effective date of the cost increase. Requests must be accompanied by written supporting documentation for increases from the manufacturer/offeror’s supplier(s). Should AHEC determine the cost increase is unjustified, they reserve the right to negotiate with the incumbent contractor, or issue a new solicitation for the services and not renew with the awarded contractor.

SECTION 2: BACKGROUND, OVERVIEW, AND SCOPE

2.1 Background

A. Introduction - Currently, the Studio A production operation involves digital (SD-SDI) and analog (NTSC) signals. The production switcher is a 1.5 ME Sony DVS-7200 which is associated with a Sony DVS6464/BVS-A3232 (configured as a 32X32 matrix) routing switcher utilizing SDI video and analog audio. The graphics/CG is an Inscriber TitleOne and the audio mixer is a Soundcraft RW1283. The existing RTS intercom system shall be retained and integrated into the new system. Recording and playback of studio signals is done with an assortment of Sony video tape machines plus two AJA KiPro Rack digital file recorders. Three Sony standard definition cameras equipped with triax cable interfaces serve Studio A. There is also an Iris Technologies 128X128 analog routing switcher that serves the AMC facility. Both of the existing routing switchers will be replaced by the new router.

B. Spaces and function – There are four rooms within the Auraria Media Center that will be involved in this project: 1) Studio A, room AL B024 2) equipment room/ master control, room AL B020 3) studio control room, Room AL B020C 4) studio audio operations, room AL B020D.

2.2 Overview

The Auraria Higher Education Center’s Media Center (“AMC”) is seeking to contract the procurement and installation of broadcast television equipment. The purpose of this procurement is to upgrade the technology and operation of the two AMC television studios (Studio A and Studio B) to a high definition serial digital video format with digital file recording/playback capability.

The Auraria Media Center is located within the Auraria Library building, 1151 Lawrence Street Mall, on the Auraria Campus in Denver, Colorado. The AMC studios are utilized for campus related video productions and as practical learning spaces for media production courses offered through Auraria institutions of higher education. AMC also serves as a content provider for the City of Denver’s public access cable TV channels.

The Studio A portion of this upgrade includes both equipment procurement and design/installation. This integration shall incorporate both contractor procurements and existing
equipment to form a complete system. The scope of work description in this document refers to the Studio A upgrade only. The primary components of this project are a video production switcher, a graphics/CG system, a multi-format central routing switcher, three high definition studio cameras, digital file recorders and an audio mixer. The Studio A control room is a highly visible area to visitors and students. In addition to efficient functionality, this space must possess modern technology aesthetics and be visually appealing. The custom furniture was specified for this reason. The Studio B portion of this upgrade is an equipment only procurement. Items on this equipment list shall be delivered to AMC prior to the start of Studio A installation work. Integration of Studio B equipment will be the responsibility of AMC.

2.3 Scope of Work – Selected Contractor(s) Responsibilities and Requirements

I. DEFINITIONS

ANSI - The American National Standards Institute (ANSI) BICSI – Building Industry Consulting Service International
EIA/TIA – Electronics Industry Assoc./Telecommunications Industry Assoc. HD – High Definition
HD-SDI – High Definition Serial Digital Interface SMPTE 292
NEC (National Electrical Code) SD – Standard Definition
SDI – Serial Digital Interface SMPTE 259
SMPTE – Society of Motion Picture and Television Engineers
VTR – video tape recorder

II. STATEMENT OF WORK

A. Introduction – The contractor shall procure equipment listed in Exhibits A and B as well as design and install the system in accordance with provided descriptions and documents. Funding approval for this project was based on the attached equipment lists, however, if “or equal” is stated, vendor may quote a substitute product that matches or exceeds the specifications of the brand/model listed. Contractor must submit, with the bid response, product literature that contains complete technical specifications of the proposed substitute. AHEC may request that the vendor submit industry comparisons to substantiate that a substitute product is equivalent. AHEC reserves the right to make the final determination as to whether or not a substitute product is equivalent, or better for its intended use at AHEC.
Design and install work consists of installing and interconnecting the video, audio, control, data and electrical power wiring of system components. All Ethernet jacks are to be connected to the AMC local area network switch (located in room AL B020) via Category 6 cables. Contractor shall also provide rack layout/elevations and documents listed in the submittals section. Switcher, router and patch panel cable assignments will be specified by contractor and approved by AMC after the initial planning meeting.

B. Descriptions

1. Studio (AL B024) – Install the three new HD cameras on existing Vinten 3076 heads that are mounted on three Vinten Pro Ped Pedestals. This process shall also incorporate the existing Prompter People 15" teleprompters on each camera. Contractor shall also run three fiber optic camera cables from the studio through existing raceway and under raised floor into the equipment room (AL B020) where the camera control units are mounted.

2. Control Room (AL B020C) – A. Install custom furniture to factory specifications (see exhibit D). B. Run necessary cables and install video switcher console, computer monitors, graphics keyboard/mouse and owner furnished rack mounted equipment as identified in exhibit C. Electrical power in this room is supplied by twist lock receptacles under the raised floor. C. Contractor shall provide power cords and the means to distribute power as required by the design. D. Mount two 55” multiviewer displays on east wall with appropriate backer board. Exact positioning to be determined during planning meetings. Display cabling shall be run inside the wall. Alternate display configurations will be considered. E. Mount existing JBL speakers on east wall; run speaker wires through wall and under floor to audio amplifiers.

3. Equipment Room (AL B020) – Utilizing existing equipment racks, Contractor shall design rack elevations and cabling details to implement a professional integration of new and existing equipment. Scope of work includes: wiring and termination of patch panels, routing switcher, production switcher, digital file recorders, VTRs, video monitoring, audio monitoring, waveform monitor and camera control units. Contractor shall also modify cut-out in camera shading table to accommodate new camera remote control panels. Design shall include: quality assurance/camera shading station (includes evaluation picture monitor, waveform monitor, audio monitor and router switching), dedicated color monitors for each camera and record/playback device, cue audio for digital file recorders and VTR’s. All open rack spaces shall be covered with blank panels.

4. Audio Operations (AL B020D) – AMC will provide a desk and an 84” equipment rack in this space. Contractor shall install new mixer and associated cabling as well as rack mounted gear referenced in equipment list. These items consist of a Joe Meek audio processor, digital audio recorder, RTS intercom station, two crown amplifiers for control room speakers and studio speakers. Design shall include video monitoring with two LED 24” flat panels fed by the production switcher’s two multiviewer outputs. Contractor shall provide appropriate distribution amplifiers for this purpose. Audio mixer output shall be connected to owner provided powered speakers. Contractor shall extend audio cables from the studio as needed for audio mixer and amplifier connections.
C. AHEC’s Responsibilities

1. Auraria Media Center’s Chief Engineer will be the primary point of contact and approver of technical design.

2. AHEC will remove old equipment and provide a space for new installation.

3. AMC will be responsible to provide a normal secured work environment.

D. Contractor’s Responsibilities

1. All materials and equipment supplied by the contractor shall be new and shall meet or exceed the latest published specification of the manufacturer in all respects. Equipment, connectors, cabling and terminations shall meet or exceed professional broadcast performance standards.

2. Selected contractor will be responsible for scheduling planning meetings with owner representative. The first meeting shall take place 10 days before work begins. Subsequent meetings will be held on a weekly basis.

3. All on-site work shall be done during regular business hours, Monday through Friday, 8:00am to 5:00pm, unless otherwise approved by AMC Chief Engineer.

4. Any custom cutting and drilling of flooring tiles or walls will be done by the contractor after approval of AMC Chief Engineer. Maintaining a safe, clean work environment is required.

5. Contractor shall be responsible for all equipment, materials, tools and other items left on-site or in storage until final acceptance and sign off by AMC.

6. Contractor is responsible for any damage they cause in work area.

7. All of the installation shall be completed in a manner that conforms to SMPTE standards and InfoComm International best practices and complies with the National Electrical Code as well as the ANSI/NECA/BICSI 586-2006 minimum requirements and procedures.

8. Manufacturer’s in-depth Operational training for the Studio A production switcher (two days) shall be procured and scheduled (after AMC approval) by contractor to begin no later than August 3rd of 2015. Training shall take place in the AMC control room (AL B020C).

9. Commissioning – Contractor shall allow for one day of combined system testing and introductory equipment training. Contractor shall provide an official checklist, approved by
AMC, to verify the integrity of all signals and proper performance of equipment in the scope of the project.

10. Contractor shall warrant their work and materials for a period of one year starting the day after final commissioning. Telephone and on-site support shall be made available during normal business hours. If on-site support is needed due to installation issues, contractor shall dispatch a person on staff within one business day. All warranties provided by manufacturers shall be extended to the AMC and certified in writing.

E. Project schedule

1. 05/18/2015 Consultation and planning meeting
2. 06/01/2015 Integration begins
3. 07/13/2015 to 07/17/2015 Integration completed. Final commissioning and document approval finalized.
4. 07/20/2015 to 08/07/2015 Training period

III. Submittals – At the completion of project, contractor shall provide in person:

A. Shop Drawings and wire list – one printed copy and electronic copies in both AutoCAD (.dwg) and Adobe (.pdf) formats.

B. Product Data: For each product model specified provide manufacturer product data cut sheets and any published operation/maintenance manuals in print and electronic data files.

C. Invoices and packing slips for all procured equipment.

D. Equipment list with serial numbers

E. Commissioning check list signed by contractor and AMC representative.

IV. Attachments

1. Exhibit A – Studio A Equipment List (procured by contractor)
2. Exhibit B – Studio B Equipment List (procured by contractor)
3. Exhibit C – Studio A Existing Equipment List (AMC provided)

DO TO FILE SIZE, EXHIBIT D AND E WILL BE PROVIDED AT THE WALK THROUGH OR YOU CAN EMAIL ME A REQUEST TO BE EMAILED TO YOU.

4. Exhibit D – Control Room Design specifications (Provided at Walk through)
5. Exhibit E – Conceptual Drawings (Provided at Walk through)
SECTION 3: MINIMUM AND PREFERRED QUALIFICATIONS

3.1 Minimum Qualifications of Offerors

Required Minimum Qualifications of Organization;

1. Established company in the business of sales and installation of Broadcast and Professional Video equipment.

2. Must have a minimum of 5 years of recent integration and commissioning experience with projects of similar scope and application.

3. Authorized dealer for production switcher, routing switcher, graphics/CG, studio cameras and audio mixer.

4. Submission of 3 references from projects of similar scope and design.

SECTION 4: INFORMATION REQUIRED FROM OFFERORS

Each proposal response to this RFP must contain the following information:

4.1 Include a cover letter introducing company, fully describing corporate organization, history of company, including size and number of years in business, and financial position. Also summarize qualifications and include mission statement or business philosophy, and detail any exceptions to this RFP (please note that exceptions may make your proposal non-responsive).

4.2 Provide principal contact information for this RFP, including address, telephone number, e-mail, and website (if applicable).
4.3 List of managers, engineers, and staff that would be involved in this project and a biographical sketch of each.

4.4 Cost proposal in the form of an itemized spreadsheet with make/model, description, quantity, unit, unit cost, extended cost and proposed total. Include design, labor, materials and incidentals.

4.5 Pre-construction drawings and design overview.

4.6 References

4.7 Offeror’s must affirm and demonstrate they are able to provide all items outlined in Section 2.3, Scope of Work – Selected Contractor(s) Responsibilities and Requirements, of this RFP.

4.8 Offerors must demonstrate they meet all of the Minimum Qualifications stated in Section 3.1 and include all information requested in Section 3.1.

SECTION 5: COSTS

Cost proposal in the form of an itemized spreadsheet with make/model, description, quantity, unit, unit cost, extended cost and proposed total for Exhibit A and B. Include a line for design, labor, installation, materials and incidentals. Include a line for training. Total for entire bid.

SECTION 6: OFFEROR RESPONSE FORMAT

Following are the response requirements for this RFP. All specific response items represent the minimum information to be submitted. Deletions or incomplete responses in terms of content or aberrations in form may, at AHEC’s discretion, render the response non-responsive.

6.1 Technical Proposal:

One (1) original, four (4) copies, and one electronic (1) copy (computer disk or thumb drive) of the technical proposal must be submitted. Original must be signed in ink by the authorized representative of the offeror. Proposals must be submitted in a sealed package, clearly marked on the outside. Proof of authority of the person signing shall be furnished upon request.

6.2 Cost Proposal (See Section 5: Costs):

One (1) original and one (1) copy of the cost information submitted sealed in a separate package from the technical proposal, clearly marked “Cost Proposal” on the outside. Cost Proposal must be submitted under separate packaging. Failure to meet this requirement may render proposal as non-responsive.

6.3 Proposal Organization:
To facilitate the evaluation, offeror shall submit and organize all responses in the same order as listed in Section 4: Information Required from Offerors. Proposals that are determined to be at a variance with this requirement may not be evaluated.

All pages, except pre-printed technical inserts, must be sequentially numbered. An identifiable (i.e., protruding) tab sheet should precede each proposal section.

The proposal (hardcopies) should be typed and submitted on 8 ½ x 11 paper (front and back), stapled in the upper left hand corner, or spiral bound on the left side. Proposals will be limited to twenty five (25) pages maximum. Resumes, drawings and cost information do not count towards page maximum. AHEC desires and encourages that proposals be submitted on recycled paper, printed on both sides. While the appearance of proposals and professional presentation is important, the use of non-recyclable or non-recycled, glossy paper is discouraged.

6.4 Public Employees’ Retirement Association (PERA) and W-9

Include these forms as provided in Attachment B and Attachment C with Proposal. A current PERA Certification and a W-9 form will be required from the successful offeror(s).

SECTION 7: EVALUATION

7.1 Process

Failure of the offeror to provide any information requested in this RFP may result in disqualification of the proposal.

The specifications within this RFP represent the minimum performance necessary for response. A numeric evaluation will be conducted and award will be made to the offeror(s) whose proposal is/are determined to be most advantageous to AHEC considering the evaluation factors set forth below.

The AHEC Procurement Office will review all responses to this RFP prior to submitting them to an evaluation committee. Evaluators are expected to independently evaluate proposals, followed by group discussion. After thorough discussion and ultimately forming a consensus, the committee may submit a recommendation to award of the proposal(s) that most likely meets or exceeds the requirements, reflecting cost considerations, and in the best interest of AHEC to the AHEC Procurement Office. Prior to any recommendation to award, the committee may request any or none of the following: oral presentations, clarifications, and best and final offers (BAFOs).
The technical factors will be assessed based on the soundness of the offeror’s approach and the offeror’s understanding of the requirements. Assessments may include a judgment concerning the potential risk of unsuccessful or untimely performance, and the anticipated amount of AHEC involvement necessary (beyond that reasonably necessary) to insure timely, successful performance. The selection ultimately is a business judgment that will reflect an integrated assessment of the relative merits of proposals using the factors identified in this RFP. AHEC reserves the right to reject any (or all) proposals that pose, in the judgment of AHEC, unacceptable risks of unsuccessful or untimely performance, unacceptable AHEC resources requirements, or costs exceeding the budget constraints.

7.2 Evaluation Criteria

Those proposals that meet the minimum qualifications will then be evaluated on the following, in no particular order:

A. Total Cost – Equipment procurement and services
B. Design - In relation to SOW and overall quality
C. Experience – requires a minimum of 5 years of recent experience with projects of similar scope and application. Three (3) references required.
D. History of installation and commissioning experience in relation to primary equipment manufacturers or equivalent.
E. Must have been a Broadcast Television Equipment dealer and integrator the past five (5) years as authorized dealer for the primary equipment manufacturers named in proposal.

7.3 Determination of Responsibility of Offeror

7.3.1 AHEC Procurement Rules state that an RFP award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to AHEC, taking into consideration the price and the evaluation factors set forth in the RFP. AHEC reserves the right to make its offeror responsibility determination at any time in this RFP process and may not make a responsibility determination for every offeror.

7.3.2 Factors to be considered in determining whether the standard of responsibility has been met include whether an offeror has:

6.3.2.1 Available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them as necessary to indicate the capability to meet all contractual requirements;
6.3.2.2 A satisfactory record of performance;

6.3.2.3 A satisfactory record of integrity;

6.3.2.4 Legal authority to contract with AHEC; and

6.3.2.5 Supplied all necessary information in connection with the inquiry concerning responsibility.

7.3.3 The offeror shall supply information requested by AHEC concerning the offeror’s responsibility. AHEC reserves the right to request further information as it deems necessary to determine the offeror’s responsibility. If the offeror fails to supply the requested information, AHEC shall base the determination of responsibility upon any available information, or may find the offeror non-responsible if such failure is unreasonable.
TO:                 Frank Daidone, Executive Director, Technology Services
                   Chris Herndon, President, Denver City Council
                   Members of the Denver City Council

FROM:           David W. Broadwell, Asst. City Attorney

RE:             Summary of proposed Qwest Broadband Services (CenturyLink) 
cable television franchise; comparison to Comcast franchise

DATE:            February 4, 2015

Introduction

Qwest Broadband Services, Inc., d/b/a CenturyLink, is seeking approval of a 
competitive cable television franchise in Denver. Although CenturyLink and its 
predecessors have long maintained facilities in city rights-of-way delivering local 
exchange telephone service and other broadband services to customers, under Colorado 
law the company is not required to have a city franchise in order to deliver these 
services. However, in order to add cable television products and services to its current 
offerings, state and federal laws require CenturyLink to obtain a local franchise.

Mile Hi Cable Partners, L.P. (Comcast) is currently the sole provider of cable 
television service in Denver, via a non-exclusive franchise originally granted in 1984, 
and recently renewed for an additional term of ten years through December 31, 2023.
Under state and federal laws, exclusive cable franchises are prohibited. While a local franchising authority has the power to negotiate the terms and conditions of a competitive franchise, it “may not unreasonably refuse to award a competitive franchise.” In general, federal law is structured to encourage competition in the delivery of telecommunications services, including cable TV.

The existing Comcast franchise acknowledges that other cable companies may enter the Denver market; however, the document contains a new “competitive equity” provision added when the franchise was recently renewed. In short, if a competitive franchise contains “material terms and conditions” that differ from the provisions of the Comcast franchise, then Comcast may demand amendments to its own franchise to match the provisions in its competitor’s franchise. The purpose of this provision is to ensure that “the regulatory and financial burdens on each party are materially equivalent.” Therefore, it is important to understand how the CenturyLink proposal either matches or differs from the existing Comcast franchise.

**Identical provisions in the CenturyLink proposal and the existing Comcast Franchise**

Most of the language in the CenturyLink proposal is identical to existing language in the Comcast franchise. This commonality is due to the fact that both documents are based to some degree upon a “model” franchise agreement crafted in recent years by the Greater Metro Telecommunications Consortium (GMTC), now known as the Colorado Communications and Utility Alliance (CCUA). The documents are essentially identical on the following subjects:

- **Term of franchise.** Ten years. (§ 2.3)
- **Basic grant of franchise rights.** Authority to occupy city rights-of-way anywhere in Denver for purposes of delivering cable services. (Section 2)
- **Amount of franchise fee.** 5% of gross revenue, with the term “gross revenue” defined identically. (§§ 1.29, 3.1)
- **Amount of PEG fee.** $1.05/customer account/month (§ 9.3)
- **Administration and Regulation of the franchise.** (Section 4)
- **Insurance and Indemnification.** (Except as indicated below.) (Section 5)
- **Customer service standards.** The detailed customer service standards adopted via ordinance of the City Council in January, 2014 apply equally to all cable franchisees and must be incorporated by reference in each franchise. (Section 6)
- **Reports and records.** (Section 7)
- **Programming.** (Section 8)
- **General right of way use and construction standards.** Includes requirements related to underground construction and relocation. (Section
Service Availability

The most significant differences between the CenturyLink proposal and the existing Comcast franchise are the provisions governing “service availability.” In the first Denver cable television franchise originally awarded by the city in 1984, Mile Hi Cable was required to serve the entire city within four years, under threat of liquidated damages and other potential sanctions if the company failed to meet this deadline. The original franchise included a map and other detailed information showing how build-out to the entire city would be phased-in during the first four years of the franchise. The requirement for Mile Hi Cable to offer cable service “universally” to any person requesting service anywhere in the city has since been carried forward in subsequent renewals of the franchise in 1999 and 2014, and currently appears at §12.1 of the Comcast franchise.

In contrast, the proposed CenturyLink franchise does not require “universal service” unless and until CenturyLink achieves a certain level of market success in Denver over time. The basic concept of keying expansion of service to market success is adapted from the CCUA model. However, unique to Denver, the proposal adds requirements for geographic distribution of cable service throughout the city as set forth in § 12.1:

- **Mandatory scope and distribution of cable service in the first two years.**
  
  Within two years CenturyLink must: (A) offer cable service to at least 15% of the Living Units in the entire city; and (B) offer cable service in each of the eleven council districts, through the installation of at least one “remote terminal” (RT) in each district. CenturyLink actually intends to deliver cable service through two distinct technologies—Fiber to the node (FTTN) via the RTs; and Fiber to the home (FTTH) which does not utilize RTs. The company will map and define the initial FTTN and FTTH service areas in each council district.

- **Market penetration benchmark.** If and when CenturyLink serves at least 27.5% of the living units in the initial service area in any council district, the company will be required to install at least one additional RT in the district.

- **Future benchmarks.** The City will continue to require that as CenturyLink’s service area expands, additional RTs must be activated whenever the 27.5% market penetration threshold is met in the expanded service area.

- **Predominant cable service provider.** If CenturyLink is ever determined to serve at least 50% of all cable television customers in the city, the company will be required to provide universal service throughout the city within a reasonable time thereafter, not to exceed four years.
• **Non-discrimination.** In the deployment of competitive cable service, CenturyLink is prohibited from discriminating against any neighborhood on the basis of income levels in the neighborhood. The franchise requires quarterly meetings between the City and CenturyLink to review, among other things, whether or not CenturyLink is deploying cable service in a non-discriminatory manner.

**Public, Educational and Government Access Channels**

The CenturyLink proposal is substantially similar to the Comcast franchise on the general subject of PEG, including provisions for conversion of PEG channels to HD. However, there are a few differences in the details of the PEG provisions:

• **Number of PEG channels.** CenturyLink proposes 7 PEG channels, the same as number of PEG channels as Comcast has currently activated in Denver. However, the Comcast franchise provides for the possibility of activating at least one additional channel under certain circumstances. (9.2)

• **Channel 8 assignment.** CenturyLink commits to maintaining “Channel 8” as the main government access channel assignment. Comcast simply states: “Grantee will use reasonable efforts to minimize movement” of PEG channels.

• **Marketing and outreach when PEG channel reassignments.** CenturyLink proposes to cover city costs for marketing and outreach costs associated with PEG channel reassignments up to $.50/subscriber. Comcast provides a maximum cost reimbursement of $20,000 per channel.

• **HD receiver equipment to PEG providers.** CenturyLink proposes free HD receiver equipment for each access provider. (§ 9.2(B)(3))

• **Government Access Video on Demand (GAVOD).** CenturyLink proposes more generous and less prescriptive provisions for GAVOD than does the Comcast franchise, including 20 hours of GAVOD programming capacity per channel in contrast to the 5 hours total offered by Comcast. (§ 9.2(D))

• **Change in technology and technical quality affecting PEG.** The commitment to assist the City and access providers is somewhat more qualified in the Comcast franchise than in the CenturyLink proposal. (§§ 9.9; 9.10)

• **Applicability of PEG fee to bulk billing situations.** In bulk residential billing scenarios (apartment buildings, etc.) CenturyLink proposes to collect a separate PEG fee per residential subscriber. Under the Comcast franchise, only one PEG fee is charged for the entire building. (§§ 1.35; 9.6)

• **PEG return lines/access origination.** The CenturyLink proposal differs from Comcast in that it addresses responsibilities for construction of entirely new return lines to the CenturyLink headend, while the latter focuses primarily on maintaining the return lines that are already in place. (§ 9.13)
Other miscellaneous differences

As explained above, to the extent there are any substantive differences in the CenturyLink proposal and the Comcast franchise, they tend to be clustered in two areas—service availability and PEG. However, there are a few other notable differences in the two documents:

- **Competitive equity.** To repeat, the Comcast franchise contains detailed criteria and procedures allowing Comcast to force an amendment or renegotiation of their franchise if Comcast believes the “regulatory and financial burdens” imposed upon Comcast places the company at a competitive disadvantage in comparison to another cable company. In contrast, the CenturyLink proposal simply requires that franchises offered to other cable companies in the future will be “reasonably comparable.” (§ 2.6)

- **Indemnification.** The indemnification clause proposed by CenturyLink contains an additional assurance that the company will defend any lawsuits if a competitor challenges the grant of a franchise to CenturyLink. (§ 5.1 (C)(1) and (F))

- **Letter of Credit.** CenturyLink proposes a standing letter of credit ($100,000) to secure performance of the franchise. The Comcast franchise states that a LOC will be provided only if demanded in conjunction with an alleged breach of the franchise. (§ 5.4)

- **“State of the Art” provision.** The CenturyLink proposal commits the company to upgrading its system and services consistent with technological advancements in the industry. In lieu of such a provision, the Comcast franchise simply states that the company will do a “technology assessment” upon the request of the City, but with no obligation to upgrade its system based upon such an assessment. (§ 11.2)

- **Service to public buildings, schools and libraries.** Both the Comcast franchise and the CenturyLink proposal contain requirements to provide free service to public buildings, school and libraries. However, because Comcast provides service universally throughout the city, the company is essentially required to provide free service to every school and library in Denver. In contrast, CenturyLink would be obligated to provide service only to school and libraries that exist in those areas of the city where CenturyLink has chosen to activate a Remote Terminal. However, CenturyLink would be required to serve at least one school or library in each council district in its initial service area, and then each time the company is required to activate a new RT if and when it reaches a market penetration benchmark within a particular council district. (§ 12.1, 12.3).
E: PROGRAMMING PROSPECTUS FOR CITY AND COUNTY OF DENVER MEDIA

The following is a summary program prospectus for CU Denver and MSU Denver for Channel 54 written by this author. It was used early in the negotiation stage between Denver Media and Auraria Media Center to prove we could meet the twenty-hour per month requirement.

When we met with Matt Keller in 2014 to discuss what programming we could provide, we all looked at programming we already had. Also, while we didn’t know if the hourly requirement could include repeated programming, we decided to assume that we would need to generate twenty hours of first-run programming per month.

David Liban, the chair of CU Denver’s Theatre, Film and Video Production Department provided me with a list of student and faculty films that students had worked on that could be included in the total. I met separately with Steve Haigh, the director of Student Media for MSU Denver, about what we could provide, and included that, as well. But it became evident that after we had run through the list of CU films and the pre-packaged shows from the MSU Office of Student Media, we might actually be short of the hourly requirement.

New programming ideas came to the table for discussion, and are still being discussed. A “faculty concert series” involving CU Denver’s Music and Entertainment Industry Studies program, but using MSU Denver students and faculty as videographers and editors, is in the development stage. A “Reporter’s Notebook” roundtable news discussion show from the Office of Student Media is in the pre-production stage as of this writing, as are other ideas.

One problem may arise if City and County of Denver Media expects Auraria Media Center to not vary from the programming prospectus, which may need to be resubmitted soon. Student productions change as students interested in producing shows change; there are
also proposals for news satire shows, comedy shows, and shows featuring local student musical acts with interview; when the prospectus was submitted to City and County of Denver Media, none of those were even in the proposal stages.

As a result, there will be more possible television shows that come up for discussion – maybe many more.
<table>
<thead>
<tr>
<th>PROGRAM</th>
<th>SCHOOL</th>
<th>AVAIL</th>
<th>TRT</th>
<th>DESCRIPTION</th>
<th>FIRST AIRING OR REPEAT</th>
<th>TOTAL HOURS</th>
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</thead>
<tbody>
<tr>
<td>The Met Report, June 20, 2013</td>
<td>MSU Denver</td>
<td>NOW</td>
<td>37:00</td>
<td>“The Met Report” is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
<td>FIRST</td>
<td>1:05:00</td>
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<tr>
<td>Roadrunner Sports Review, June Show</td>
<td>MSU Denver</td>
<td>NOW</td>
<td>28:00</td>
<td>“Roadrunner Sports Review” is a monthly roundtable show produced by the MSU Denver Athletics Department. It uses student producers.</td>
<td>FIRST</td>
<td>1:05:00</td>
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<tr>
<td>Time</td>
<td>Program Name</td>
<td>Channel</td>
<td>Duration</td>
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<tr>
<td>30:00</td>
<td>“Noticiero TV Met”</td>
<td>MSU Denver</td>
<td></td>
<td>“Noticiero TV Met” is a Spanish-language newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. In fall, this show will air live on Fridays on Channel 54, right before The Met Report.</td>
<td>1:35:00</td>
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<tr>
<td>26:00</td>
<td>“Mustache Girl” by Matthew Brown</td>
<td>UC Denver</td>
<td></td>
<td>A post-apocalyptic vaudeville act tries to survive.</td>
<td>2:01:00</td>
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<tr>
<td>26:00</td>
<td>“Carhenge: Genius or Junk” by David Liban</td>
<td>UC Denver</td>
<td></td>
<td>The story of the creation “Carhenge” which is a replicate of Stonehenge made out of junked cars.</td>
<td>2:27:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>56:00</td>
<td>“Mortal Lessons” by David Liban – An Emmy-award winning documentary about death and dying</td>
<td>FIRST</td>
<td>3:49:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>26:40</td>
<td>“Voices From DuPont Circle” by David Liban – A documentary about the part of Washington DC called DuPont Circle</td>
<td>FIRST</td>
<td>4:15:40</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>26:40</td>
<td>“Driven to Ride” by Michelle Carpenter-- A documentary about women motorcycle enthusiasts. Nominated for an Emmy, and aired nationally on PBS.</td>
<td>FIRST</td>
<td>5:29:20</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>47:00</td>
<td>“In the Heart of Chile” by Stacy Barton - A documentary that focuses on memory and free-expression in post-dictatorial Santiago Chile and the pivotal role of women, activism &amp; creativity within that transitory structure. Santiago was once littered with torture sites large and small which today are replaced with art, memorial and an endless search for the disappeared.</td>
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<td>5:02:40</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>26:40</td>
<td>“Imagining the Law” by Jessica McGaugh – A documentary about public art</td>
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<td>5:58:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>26:00</td>
<td>“Above the Ashes” by Michelle Carpenter: about the fires in Boulder that destroyed many people’s home</td>
<td>FIRST</td>
<td>6:22:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>60:00</td>
<td>“The Golden Hour” by Jessica McGaugh and</td>
<td>FIRST</td>
<td>7:22:00</td>
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<td>Organizers</td>
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<td>Time</td>
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<tr>
<td>MSU Denver Communication Arts &amp; Sciences Presents</td>
<td>Roma Sur -- Traffic issues in India</td>
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<td>“The Spectacular Vernacular::” A presentation of speeches from MSU Denver’s yearly speech and rhetoric competition</td>
<td>FIRST</td>
<td>8:22:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>“Looking for Mr. Miyagi” by David Liban – A documentary about a middle aged man trying to earn his black belt in karate before he turns fifty</td>
<td>78:00</td>
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<td>9:40:00</td>
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<td>UC Denver Film Showcase</td>
<td>“Roll On” by David Liban - A documentary about people who live with a neuromuscular disorder</td>
<td>26:40</td>
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<td>10:06:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>“Smithee’s Lecture” by David Liban – A group of students are on a mad rush to get to class but things are not going as planned</td>
<td>20:00</td>
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<td>FIRST</td>
<td>10:26:00</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>“Likhana” by Aaron Kopp – Orphaned children from Swaziland find a remarkable</td>
<td>15:00</td>
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<td>10:41:00</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>26:40</td>
<td>“Ghosts of Elitch Theatre” by David Liban – the historic Elitch Theatre in Denver</td>
<td>FIRST</td>
<td>11:07:40</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>15:00</td>
<td>&quot;Stan Needs A Maid&quot; by Scout Wise – A socially inept hoarder is being robbed by a couple about to have a baby</td>
<td>FIRST</td>
<td>11:22:40</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>11:25</td>
<td>“Ponderosa Drive” – A woman is terrorized in a cabin in the woods</td>
<td>FIRST</td>
<td>11:34:05</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>08:26</td>
<td>“Monster” by Kathyn Meljorsen</td>
<td>FIRST</td>
<td>11:42:31</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>20:00</td>
<td>“Short Shorts” from UC Denver’s Digital Effects class</td>
<td>FIRST</td>
<td>12:02:31</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>10:00</td>
<td>“Films From The Digital Animation Center” – Two films that run ten minutes each.</td>
<td>FIRST</td>
<td>12:12:31</td>
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<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>07:11</td>
<td>“Sanction, Episode 1” – This is a series about a family triangle that revolves around two estranged sisters and their struggle to attain a lasting domestic peace under the shadow of their mother’s terminal illness.</td>
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<td>12:19:42</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>05:35</td>
<td>“Sanction, Episode 2” – This is a series about a family triangle that revolves around two estranged sisters and their struggle to attain a lasting domestic peace under the shadow of their mother’s terminal illness.</td>
<td>FIRST</td>
<td>12:25:17</td>
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<tr>
<td>Film Showcase</td>
<td>Film</td>
<td>Start Time</td>
<td>Duration</td>
<td>Description</td>
<td></td>
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</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver Film Showcase</td>
<td>NOW</td>
<td>06:13</td>
<td>“Sanction, Episode 3” – This is a series about a family triangle that revolves around two estranged sisters and their struggle to attain a lasting domestic peace under the shadow of their mother’s terminal illness.</td>
<td></td>
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</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver Film Showcase</td>
<td>NOW</td>
<td>07:35</td>
<td>Mortal Coils, Episode 1”— A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td></td>
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</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver Film Showcase</td>
<td>NOW</td>
<td>05:06</td>
<td>“Mortal Coils, Episode 2”— A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>03:19</td>
<td>“Mortal Coils, Episode 3”— A series about people who recently die where they must first check in with an ‘administrato r’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>12:47:30</td>
</tr>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>06:22</td>
<td>“Mortal Coils, Episode 4”— A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>12:53:52</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>05:10</td>
<td>“Mortal Coils, Episode 5”— A series about people who recently die where they must first check in with an ‘administrador’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>12:59:02</td>
</tr>
<tr>
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</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>07:25</td>
<td>“Mortal Coils, Episode 6”— A series about people who recently die where they must first check in with an ‘administrador’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>13:06:27</td>
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<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>03:42</td>
<td>“Mortal Coils, Episode 7”— A series about people who recently die where they must first check in with an ‘administrador’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>13:10:09</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>06:36</td>
<td>“Mortal Coils, Episode 8”—A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>13:16:45</td>
</tr>
<tr>
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</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>04:58</td>
<td>“Mortal Coils, Episode 9”—A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>13:21:43</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>07:50</td>
<td>“Mortal Coils, Episode 10”—A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>13:21:43</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>06:15</td>
<td>“Mortal Coils, Episode 11”—A series about people who recently die where they must first check in with an ‘administrator’ before moving on to the next phase of death</td>
<td>FIRST</td>
<td>13:35:48</td>
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</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>06:44</td>
<td>“Daydreamer” by Lene Telep</td>
<td>FIRST</td>
<td>13:42:32</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>06:00</td>
<td>“Trouble in Cheddar Bay” by Daren Hone</td>
<td>FIRST</td>
<td>13:48:32</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>08:26</td>
<td>“Ashes of Ashes” by Zach Wyman</td>
<td>FIRST</td>
<td>13:56:58</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>03:58</td>
<td>“The Story of Harriet” by Sydney Thomas</td>
<td>FIRST</td>
<td>14:00:56</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>08:07</td>
<td>“The Field that Grows Faster” by Stephen Bessette</td>
<td>FIRST</td>
<td>14:09:03</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>05:24</td>
<td>“Wispy Whimsical Wails” by Tashina Three Sticks</td>
<td>FIRST</td>
<td>14:14:27</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>04:31</td>
<td>“Exorcynicism” by Holly Arai</td>
<td>FIRST</td>
<td>14:18:54</td>
</tr>
<tr>
<td>UC Denver Film Showcase</td>
<td>UC Denver</td>
<td>NOW</td>
<td>07:00</td>
<td>“Stuff” by Johnny Huddle</td>
<td>FIRST</td>
<td>14:25:58</td>
</tr>
<tr>
<td>Show</td>
<td>Network</td>
<td>Date</td>
<td>Time</td>
<td>Description</td>
<td>Time</td>
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<tr>
<td>The Met Report: July 11, 2014</td>
<td>MSU Denver</td>
<td>July 11</td>
<td>45:00</td>
<td>&quot;The Met Report&quot; is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
<td>15:10:58</td>
<td></td>
</tr>
<tr>
<td>Noticiero TV Met: July 11, 2014</td>
<td>MSU Denver</td>
<td>July 11</td>
<td>45:00</td>
<td>&quot;Noticiero TV Met&quot; is a Spanish-language newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. In fall, this show will air live on Fridays on Channel 54, right before The Met Report.</td>
<td>15:55:58</td>
<td></td>
</tr>
<tr>
<td>Roadrunner Sports Review, July Show</td>
<td>MSU Denver</td>
<td>July 24</td>
<td>28:00</td>
<td>“Roadrunner Sports Review” is a monthly roundtable show produced by the MSU Denver Athletics Department. It uses student producers.</td>
<td>FIRST</td>
<td>16:23:00</td>
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<tr>
<td>The Met Report: August 8, 2014</td>
<td>MSU Denver</td>
<td>August 8</td>
<td>45:00</td>
<td>“The Met Report” is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
<td>FIRST</td>
<td>17:08:58</td>
</tr>
</tbody>
</table>
### The Met Report: August 22, 2014

**MSU Denver**  | **August 22** | 45:00 | **“The Met Report”** is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30. | **FIRST** | 17:53:58

<p>| October 3 Met Report | MSU Denver | October 3 | 45:00 | <strong>“The Met Report”</strong> is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30. | <strong>FIRST</strong> | 25:34:58 |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Network</th>
<th>Time</th>
<th>Title</th>
<th>First in Hours:Minutes:Seconds</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 10</td>
<td>MSU Denver</td>
<td>45:00</td>
<td>&quot;The Met Report&quot; is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
<td>FIRST 28:19:58</td>
</tr>
<tr>
<td>October 10</td>
<td>MSU Denver</td>
<td>45:00</td>
<td>&quot;Noticiero TV Met&quot; is a Spanish-language newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. In fall, this show will air live on Fridays on Channel 54, right before The Met Report.</td>
<td>FIRST 27:04:58</td>
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<tr>
<td>Date</td>
<td>Title</td>
<td>Channel</td>
<td>Time</td>
<td>Description</td>
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<tr>
<td>November 7</td>
<td>Met Report</td>
<td>MSU</td>
<td>45:00</td>
<td>&quot;The Met Report&quot; is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
</tr>
<tr>
<td>November 14</td>
<td>Met Report</td>
<td>MSU</td>
<td>45:00</td>
<td>&quot;The Met Report&quot; is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
</tr>
<tr>
<td>Date</td>
<td>Program</td>
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<td>Description</td>
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</tr>
<tr>
<td>October 24</td>
<td>Noticiero TV Met</td>
<td>October 10</td>
<td>45:00</td>
<td>“Noticiero TV Met” is a Spanish-language newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. In fall, this show will air live on Fridays on Channel 54, right before The Met Report.</td>
</tr>
<tr>
<td>Late November</td>
<td>Roadrunner Sports Review, November Show</td>
<td>October 24</td>
<td>28:00</td>
<td>“Roadrunner Sports Review” is a monthly roundtable show produced by the MSU Denver Athletics Department. It uses student producers.</td>
</tr>
<tr>
<td>Date</td>
<td>Network</td>
<td>Time</td>
<td>Program Description</td>
<td>Timecode</td>
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<tr>
<td>November 21 Met Report</td>
<td>MSU Denver</td>
<td>November 21</td>
<td>45:00</td>
<td>“The Met Report” is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
</tr>
<tr>
<td>November 21 Noticiero TV Met</td>
<td>MSU Denver</td>
<td>November 21</td>
<td>45:00</td>
<td>“Noticiero TV Met” is a Spanish-language newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. In fall, this show will air live on Fridays on Channel 54, right before The Met Report.</td>
</tr>
<tr>
<td>Time</td>
<td>Channel</td>
<td>Program Title</td>
<td>Description</td>
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<tr>
<td>45:00</td>
<td>FIRST</td>
<td>“The Met Report”</td>
<td>is a weekly newscast generated by the Metropolitan State University Office of Student Media. It is produced, directed and hosted entirely by students. This show airs live Fridays on Channel 54 at 12:30.</td>
<td></td>
</tr>
<tr>
<td>60:00</td>
<td>LATER</td>
<td>Reporter’s Notebook</td>
<td>is a monthly show of in-depth reporting from the staff of The Met Report.</td>
<td></td>
</tr>
<tr>
<td>60:00</td>
<td>LATER</td>
<td>Reporter’s Notebook Espanol</td>
<td>is a monthly show of in-depth reporting from the staff of Noticiero TV Met.</td>
<td></td>
</tr>
<tr>
<td>60:00</td>
<td>LATER</td>
<td>The Roundtable</td>
<td>is a monthly panel discussion with reporters and anchors from The Met Report.</td>
<td></td>
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</tbody>
</table>
| FOR FALL | MSU Denver | LATER | 20:00:00 | **Radio on Your TV**  
– live radio shows from MSU Denver’s online radio stations: KMET and WCAS. | FIRST | 58:30:58 |
| FOR FALL | UC Denver | LATER | 5:00:00 | **King Center Concert Series**  
– monthly concerts featuring students and faculty of UC Denver’s Music and Entertainment Industry Studies Program. | FIRST | 63:30:58 |
SUMMARY AND DISCUSSION PAGE

• Between Metropolitan State University of Denver and University of Colorado Denver’s existing programming, we can generate 35 and a half hours of unrepeated programming between now and the end of the year.

• Adding a few new programs, all of which you see on page 19, brings that total up sharply, to 63 hours of unrepeated programming from now until December. So, to satisfy the terms of the intergovernmental agreement, we would need only repeat each program once.

• Other programs and ideas will come to the fore and be added, but that may have to wait until August, as faculty and students return for the fall semester. We are all sure we will have more.

• With new equipment, we would have much more productivity. As it is, The Met Report has to work in “real time” with production and playback. Digital (and HD) equipment would make us much more productive; the Office of Student Media, in fact, has now completely switched to digital field cameras (no more tape.)

• At some point, we’d also like to discuss the possibility of Denver Media hosting the efforts of both our schools as a streaming channel on the internet.

• We’re excited about the possibility of adding new programs, but feel this can only be done if the TV studios are improved.

Thank you again for reading this proposal, and please feel free to contact me.

Richard A. Strong
Faculty. Speech and Broadcasting | Advisor, MSU Denver Office of Student Media
Central 120 | Tivoli 313
303-556-3033
720-231-5723
F: BEFORE AND AFTER PHOTOS

All photos were taken from the same location and angle where possible, and all are from the author’s personal collection.

(Figure 8: Studio A, May, 2015)
(Figure 9: Studio A, July, 2015)
(Figure 10: VTR/playback room, May, 2015)
(Figure 11: New VTR/digital routing/playback room, July, 2015)
G: EXAMPLES OF PEG FEES ON CABLE TELEVISION BILLS

(Figure 12: Comcast generic example with PEG Access Fee highlighted)
<table>
<thead>
<tr>
<th>Date</th>
<th>Service Description</th>
<th>Cost</th>
</tr>
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<tbody>
<tr>
<td>11/27</td>
<td>HD-DVR Set-Top Box &amp; Remote</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>Standard Double</td>
<td>109.99</td>
</tr>
<tr>
<td></td>
<td>Includes: Preferred TV (with Variety Pass) and Standard Internet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Service Discount</td>
<td>-30.00</td>
</tr>
<tr>
<td></td>
<td>DVR Service</td>
<td>12.99</td>
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<tr>
<td></td>
<td>Internet Modern Lease</td>
<td>5.99</td>
</tr>
<tr>
<td></td>
<td>Turbo Upgrade</td>
<td>10.00</td>
</tr>
<tr>
<td></td>
<td>NBA League Pass</td>
<td>0.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total monthly services</strong></td>
<td><strong>$118.97</strong></td>
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*Basic tier (Starter TV) may be purchased by itself for $20.00 per month.*

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Credit/Charge</th>
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<tbody>
<tr>
<td>11/10</td>
<td>NBA Season</td>
<td>199.00</td>
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<tr>
<td>11/09</td>
<td>Promo Credit Incl Taxes - Adjustment</td>
<td>-3.36</td>
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<td><strong>Total credits and one-time charges</strong></td>
<td><strong>$195.64</strong></td>
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<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td>PEG Capital Fee</td>
<td>2.99</td>
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<tr>
<td>Franchise Fee</td>
<td>14.58</td>
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<tr>
<td><strong>Total taxes, fees &amp; surcharges</strong></td>
<td><strong>$17.57</strong></td>
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<tr>
<td><strong>Total due by Dec 14, 2013</strong></td>
<td><strong>$332.18</strong></td>
</tr>
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</table>

(Figure 13: Customer-specific cable television bill with personal information redacted)