



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA 04-3710

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

MEDIA BUREAU ACTION

November 30, 2004

**PETITION FOR LIMITED WAIVER OF CLOSED CAPTIONING REQUIREMENTS FOR
SPANISH LANGUAGE PROGRAMMING
CSR 6448**

Televiscentro of Puerto Rico, LLC, licensee of Station WAPA-TV, San Juan, Puerto Rico and Station WTIN(TV), Ponce, Puerto Rico and WNJX-TV, Inc., licensee of Station WNJX-TV, Mayaguez, Puerto Rico (collectively "WAPA") have filed a request for limited waiver of the closed captioning requirements for Spanish language programming set forth in Section 79.1(b)(3)(ii) of the Commission's rules.¹ Section 79.1(b)(3)(ii) requires that between January 1, 2004 and December 31, 2006, distributors provide, per channel and on a quarterly basis, at least 900 hours of captioned non-exempt Spanish language programming.

Specifically, WAPA requests an ongoing limited waiver to permit it to count its early morning news programming (the first hour of its weekday 5 a.m. to 9 a.m. morning news block and the 2 a.m. to 2:30 a.m. Saturday repeat of the 10 p.m. news) towards the closed captioning benchmark. In addition, although WAPA states that it has substantially complied with the closed captioning benchmarks in 2004, it requests that the Commission waive any captioning shortfall that may exist during the first three quarters of 2004. Pursuant to Section 79.1(e)(5), video programming aired between 2 a.m. and 6 a.m. is exempt programming which does not count towards compliance with the closed captioning benchmarks.

Comments and oppositions are due within 30 days from the date of this public notice. Please place the case identifier, CSR 6448, on all filings. Comments and oppositions sent via e-mail to the Commission will be considered informal and are not part of the official record. In addition, comments and oppositions filed must indicate that they have been served on the petitioner. All comments and oppositions must be served on the petitioner.

In addition, an original and two copies of all comments and oppositions must be filed with the Commission:

Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Petitioner's reply is due 20 days thereafter.

¹ WNJX and WTIN are satellite stations that rebroadcast WAPA's programming.

The petition and comments are available for public inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
202-418-7092

Accessible Formats

To request materials in **accessible formats for people with disabilities** (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0531 (voice), 202-418-7365 (tty).

Media Contact: Rebecca Fisher at (202) 418-2359.

Media Bureau Contact: Sonia Greenaway-Mickle or Steve Garner at (202) 418-7200.

TTY: (202) 418-7172.

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