



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 12-1309

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## REQUEST FOR COMMENT REQUEST FOR EXEMPTION FROM COMMISSION'S CLOSED CAPTIONING RULES

CG Docket No. 06-181

Several entities have filed petitions for exemption from the closed captioning requirements, pursuant to Section 79.1 of the Commission's rules, 47 C.F.R. § 79.1, for the television programs they produce.<sup>1</sup> Petitioners claim that compliance would impose an "undue economic burden," as defined in Section 79.1(f) of the Commission's rules, 47 C.F.R. § 79.1(f).<sup>2</sup>

Comments and oppositions are due within 30 days from the date of this public notice. The case identifier must be placed 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.

### Filing Instructions

An original and two (2) copies of all comments, oppositions, and replies must be filed with the Commission.

Filings can be sent by hand or messenger delivery, commercial overnight courier, or by first class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Attn: CGB Room 3-B431.

<sup>1</sup> The names of the Petitioners are set forth in Attachment A.

<sup>2</sup> Prior to the enactment of the Twenty-First Century Communications and Video Accessibility Act, Pub. L. No. 111-260, 124 Stat. 2751 (2010), (CVAA) in October 2010, petitioners seeking individual exemptions from the closed captioning requirements sought "undue burden" exemptions. Although the CVAA replaced the "undue burden" terminology with the term "economically burdensome," (47 U.S.C. § 613(d) as amended by Sec. 202(c) of the CVAA), in light of the CVAA's legislative history, the Commission adopted an Interim Order continuing to use the undue burden factors contained in Section 713(e) of the Act in evaluating petitions for individual captioning waivers. For a fuller discussion of this and related issues, see *Anglers for Christ Ministries, Inc.*, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, CG Docket Nos. 06-181 and 11-175, 26 FCC Rcd 14941 at 14960, ¶36 (2011) ("*Anglers Reversal MO&O*"), which can be found at <http://transition.fcc.gov/cgb/dro/caption.html>. Accordingly, this proceeding will use the "economically burdensome" terminology and the four undue burden factors contained in section 713(e) in evaluating petitions.

\* Hand-delivered or messenger-delivered paper filings must be delivered to: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street, SW, Room TW-A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

\* Commercial overnight courier mail (other than U.S. Postal Service, Express Mail and Priority Mail) must be sent to: Office of the Secretary, Federal Communications Commission, Attention: Disability Rights Office, Room 3-B431, 9300 East Hampton Drive, Capitol Heights, MD 20743.

\* U.S. Postal Service mail (including first-class, Express, and Priority Mail) should be addressed to: Office of the Secretary, Federal Communications Commission, Attention: Disability Rights Office, Room 3-B431, 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

**All comments and oppositions must be served on the petitioner. In addition, comments and oppositions filed must indicate that they have been served on the petitioner.**

An original and two (2) copies of the petitioner's reply to the comments in the record are due 20 days after the comment deadline. Electronic filing is not available at this time. In addition, replies to comments or oppositions shall be served on the commenting or opposing party and shall include a certification that the commenter was served with a copy.

All comments, oppositions, and replies must contain a detailed, full showing, supported by affidavit or signed under penalty of perjury, of any facts or considerations relied on.

The petitions, comments, oppositions and replies will be available for public inspection in the Commission's Reference Information Center:

445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554  
202-418-7094

The petitions, public notice, and decisions (when issued) can also be found at <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>.

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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>.

Consumer & Governmental Affairs Bureau Contact: Roger Holberg (202) 418-2134 (voice); e-mail [roger.holberg@fcc.gov](mailto:roger.holberg@fcc.gov) or Traci Randolph (202) 418-0569 (voice), (202) 418-0537 (TTY); e-mail [traci.randolph@fcc.gov](mailto:traci.randolph@fcc.gov).

**ATTACHMENT A**

<b>Case Identifier</b>	<b>Petitioner/Program Name</b>	<b>Address</b>
<b>CGB-CC-0103</b>	Christian Fellowship Church / The Bridge	P.O. Box 530158 Harlingen, TX 78553
<b>CGB-CC-0235</b>	Christian Video Ministries, Inc.	P.O. Box 1466 San Antonio, TX 78295
<b>CGB-CC-0406</b>	Victory Temple / The World We Live In	2630 South 11 <sup>th</sup> Street Beaumont, TX 77701-7604
<b>CGB-CC-0454</b>	Thirteenth Street Baptist Church	P.O. Box 1700 Ashland, KY 41105-1700
<b>CGB-CC-1027</b>	Pan American Broadcasting / The Jimmy Surgener Program	7011 Koll Center Parkway, Suite 250 Pleasanton, CA 94566-3253
<b>CGB-CC-1163</b>	Bay Shore Community Church	36759 Millsboro Hwy Millsboro, DE 19966-9440
<b>CGB-CC-1176</b>	Message For Today	P.O. Box 10253 Cedar Rapids, IA 52410
<b>CGB-CC-1220</b>	Trailblazers International Christian Center / Tipping Point	2624 Lord Baltimore Drive, Suite E Baltimore, MD 21244

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