

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

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> DA 12-1447 Released: September 6, 2012

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

<sup>&</sup>lt;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 <u>http://transition.fcc.gov/cgb/dro/caption.html</u>. Accordingly, this proceeding will use the "economically burdensome" terminology and the four undue burden factors contained in section 713(e) in evaluating petitions.

\* <u>Hand-delivered or messenger-delivered paper filings</u> 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 <u>before</u> entering the building.

\* <u>Commercial overnight courier mail</u> (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>U.S. Postal Service mail</u> (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 <u>http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements</u>.

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 202-418-0530 (voice), 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <u>http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements</u>.

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

## ATTACHMENT A

| <b>Case Identifier</b> | Petitioner/Program Name               | Address                                      |
|------------------------|---------------------------------------|----------------------------------------------|
|                        |                                       |                                              |
| CGB-CC-0137            | Abundant Faith Christian Center /     | 2525 Taylor Avenue                           |
|                        | Faith For Today                       | Springfield, IL 62703                        |
| CGB-CC-0201            | Edgewood Baptist Church               | 3564 Forrest Road                            |
|                        |                                       | Columbus, GS 31907                           |
| CGB-CC-0218            | Lima Baptist Temple                   | c/o Huffman, Kelley, Brock & Gottschalk, LLC |
|                        |                                       | Attn: T. Blain Brock, II                     |
|                        |                                       | 540 West Market Street                       |
|                        |                                       | Lima, OH 45801                               |
| CGB-CC-0239            | First United Methodist Church /       | 903 East Fourth Street                       |
|                        | Ten O'clock Worship Service           | Panama City, FL 32401                        |
| CGB-CC-0275            | Diocese of Lakes Charles / Glad       | 411 Iris Street                              |
|                        | Tidings                               | Lake Charles, LA 70601                       |
| CGB-CC-0478            | Off Beat Productions / Off Beat       | Lipsitz Green Scime Cambria, LLP             |
|                        | Cinema                                | Attn: Barry Nelson Covert, Esq.              |
|                        |                                       | 42 Delaware Avenue, Suite 120                |
|                        |                                       | Buffalo, NY 14202-3924                       |
| CGB-CC-0521            | Victorious Ministries International / | 4613 York Road                               |
|                        | Inside Victory, Man Up &              | Baltimore, MD 21212                          |
|                        | Conversations                         |                                              |
| CGB-CC-0639            | Outdoorsmen Productions, LLC          | 405 N. Broadway, Box 354                     |
|                        |                                       | Hartington, NE 68739-0354                    |
| CGB-CC-0709            | The Congregation of God Seventh       | 2751 S. Main Street                          |
|                        | Day / Watch America                   | Kennesaw, GA 30244                           |
| CGB-CC-0743            | Grace Baptist Church / The Miracle    | 7171 Oak Ridge Highway                       |
|                        | of Grace                              | Knoxville, TN 37931                          |
| CGB-CC-0799            | Gospel Broadcasting Network           | Drinker Biddle & Reath                       |
|                        |                                       | Attn: Lee G. Petro                           |
|                        |                                       | 1500 K Street, N.W., Suite 1100              |
|                        |                                       | Washington, DC 20005-1209                    |
| CGB-CC-1226            | SJTV LLC d/b/a CNY's Open             | 349 Oriskany Boulevard                       |
|                        | House                                 | Whitesboro, NY 13492                         |

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