



PUBLIC NOTICE

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

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DA 12-162

Released: February 8, 2012

REQUEST FOR COMMENT
REQUEST FOR EXEMPTION FROM COMMISSION'S CLOSED CAPTIONING RULES
CGB-CC-0009
CG Docket No. 06-181

Niagara Ministries has filed a petition for exemption for its programming from the closed captioning requirements, pursuant to Section 79.1 of the Commission's rules, 47 C.F.R. § 79.1. Petitioner claims 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).¹

Comments and oppositions are due within 30 days from the date of this public notice. The case identifier, **CGB-CC-0009**, 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.

¹ 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 Niagara Ministries' petition.

* Hand-delivered or messenger- delivered paper filings: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12th 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 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 (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 12th Street, SW, Washington, DC 20554.

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

Niagara Ministries
2074 Lockport Rd.
Niagara Falls, NY 14304

An original and two (2) copies of petitioner's reply to the comments in the record is 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, of any facts or considerations relied on.

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

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

The petition, public notice, and decision (when issued) can also be found at <http://www.fcc.gov/cgb/dro/captionexemptions.html>.

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 <http://www.fcc.gov/cgb/dro>.

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.

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