



# PUBLIC NOTICE

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

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 12-1923

Released: November 30, 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>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. 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). On July 19, 2012, the Commission adopted a Report and Order revising all references to "undue burden" in Part 79.1 of its Rules (47 C.F.R. § 79.1) to "economically burdensome." *Interpretation of Economically Burdensome Standard*, Report and Order, 27 FCC Rcd 8831 (2012). The Report and Order, which can be found at <http://transition.fcc.gov/cgb/dro/caption.html>, was published in the Federal Register on August 13, 2012. See 77 FR 48102. Accordingly, this proceeding will use the "economically burdensome" terminology.

\* 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-0203</b>	First Baptist Church of Fort Smith, Arkansas / Hope From Above	PO Box 609 Fort Smith, AR 72902
<b>CGB-CC-0287</b>	Paul Gray / Exploring Alaska	35555 Spur Highway, #232 Soldotna, AK 99669
<b>CGB-CC-0572</b>	The Justice Foundation / Faces Of Abortion	7210 Louis Pasteur Drive, Suite 200 San Antonio, TX 78229
<b>CGB-CC-0923</b>	Five & Dime Productions / You've Got To Be Kidding Me, America	2405 Porter Street, S.W. Wyoming, MI 49519
<b>CGB-CC-1019</b>	Iglesia de Cristo MI-EL Longmont	1602 9 <sup>th</sup> Avenue Longmont, CO 80501
<b>CGB-CC-1032</b>	C & G Productions, LLC. / DC Contigo	936 North Kenmore Street Arlington, VA 22201
<b>CGB-CC-1170</b>	Sheffield Entertainment Television / Gracie's Friends	1800 Eastwood Road #130 Wilmington, NC 28403
<b>CGB-CC-1240</b>	Watch Fatboy Films / Industry Chaos	817 Henry Street Portsmouth, VA 23704
<b>CGB-CC-1243</b>	Leon Charney Media Foundation Inc. / Leon Charney Report	1441 Broadway, 31F New York, NY 10016
<b>CGB-CC-1252</b>	Springfield Community Church / Living Word of Faith	615 Transmitter Road Panama City, FL 32401
<b>CGB-CC-1253</b>	Sharing Faith Ministries / Your Sunday Worship	PO Box 714 Walled Lake, MI 48390
<b>CGB-CC-1256</b>	Ocala First United Methodist Church / Sunday Morning Service	40 South East 11 <sup>th</sup> Avenue Ocala, FL 34471

-FCC-