

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Curtis Baptist Church)	CGB-CC-0001
)	
Petition for Exemption from the Closed Captioning Requirements)	CG Docket No. 06-181
)	

MEMORANDUM OPINION AND ORDER

Adopted: December 5, 2014

Released: December 5, 2014

By the Deputy Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Memorandum Opinion and Order (Order), we address a petition filed by Curtis Baptist Church (CBC) for an exemption from the Federal Communications Commission's (FCC's or Commission's) closed captioning requirements for its program, *Curtis Baptist Church Worship Service*. Because we conclude that CBC has not demonstrated that its compliance with the Commission's closed captioning requirements for this program would be economically burdensome to it, we deny the petition. In light of our action, CBC must provide closed captioning for its program no later than March 5, 2015, which is 90 days from the date of the release of this Order.

II. BACKGROUND

2. In 1996, Congress added section 713 to the Communications Act of 1934, as amended (Communications Act), establishing requirements for closed captioning of video programming to ensure access to such programming by people who are deaf or hard of hearing,¹ and directing the Commission to prescribe rules to carry out this mandate.² In 1997, the Commission adopted rules and implementation schedules for closed captioning, which became effective on January 1, 1998.³ The Commission's closed

¹ Section 305 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified at 47 U.S.C. § 613). As recognized by Congress, the goal in captioning video programming is "to ensure that all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of the home, school and workplace." H.R. Rep. 104-458 (Conf. Rep.) at 183-184, 104th Cong., 2d Sess. (1996). "Video programming" means "programming by, or generally considered comparable to programming provided by a television broadcast station." 47 U.S.C. § 613(h)(2).

² 47 U.S.C. §§ 613(b), (c).

³ See 47 C.F.R. § 79.1; *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Docket No. 95-176, Report and Order, 13 FCC Rcd 3272 (1997) (*Closed Captioning Report and Order*); *Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility*, MM Docket No. 95-176, Order on Reconsideration, 13 FCC Rcd 19973 (1998) (*Closed Captioning Reconsideration Order*).

captioning rules currently require video programming distributors, absent an exemption, to caption 100% of all new, English and Spanish language programming.⁴

3. Section 713(d)(3) of the Communications Act authorizes the Commission to grant individual exemptions from the television closed captioning requirements upon a showing that the requirements would be economically burdensome, defined as imposing on the petitioner a “significant difficulty or expense.”⁵ Any entity in the programming distribution chain, including the owner, provider, or distributor of the programming, may petition the Commission for such an exemption under section 79.1(f) of the Commission’s rules.⁶ When making its determination as to whether a petitioner has made the required showing, the Commission, in accordance with section 713(e) of the Communications Act and section 79.1(f)(2) of the Commission’s rules, considers the following factors on a case-by-case basis: (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.⁷

⁴ 47 C.F.R. §§ 79.1(b)(1)(iv), (b)(3)(iv). A “video programming distributor” is defined as (1) any television broadcast station licensed by the Commission; (2) any multichannel video programming distributor (MVPD) as defined in section 76.1000(e); and (3) any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. 47 C.F.R. § 79.1(a)(2). The Commission’s rules also require closed captioning of 75% of a programming distributor’s pre-rule, nonexempt English and Spanish language programming that is distributed and exhibited on each channel during each calendar quarter. 47 C.F.R. §§ 79.1(b)(2)(ii), (b)(4)(ii). “Pre-rule” programming refers to analog video programming first published or exhibited before January 1, 1998, or digital video programming first published or exhibited before July 1, 2002. 47 C.F.R. § 79.1(a)(6). Bilingual English-Spanish language programming is subject to the same closed captioning requirements for new and pre-rule programming. *See Closed Captioning of Video Programming; Telecommunications for the Deaf and Hard of Hearing, Inc., Petition for Rulemaking*, CG Docket No. 05-231, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 29 FCC Rcd 2221, 2288-89, ¶ 115 (2014).

⁵ *See* 47 U.S.C. §§ 613(d)(3),(e); *see also* 47 C.F.R. § 79.1(f)(2). As originally enacted in 1996, section 713 of the Communications Act authorized the Commission to grant individual closed captioning exemptions upon a showing that providing closed captioning would “result in an undue burden.” Pub. L. No. 104-104, § 305, 110 Stat. 126 (1996). Section 202(c) of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) replaced the term “undue burden” with the term “economically burdensome.” Pub. L. No. 111-260, § 202(c), 124 Stat. 2771, amending 47 U.S.C. § 613(d)(3). For purposes of evaluating individual exemptions, the Commission has determined that Congress intended the term “economically burdensome” to be synonymous with the term “undue burden” as defined by section 713(e) of the Communications Act and section 79.1(f)(2) of the Commission’s rules. *See Interpretation of Economically Burdensome Standard, Amendment of Section 79.1(f) of the Commission’s Rules, Video Programming Accessibility*, CG Docket No. 11-175, Report and Order, 27 FCC Rcd 8831, 8834, ¶ 7 (2012) (*Economically Burdensome Standard Order*).

⁶ 47 C.F.R. § 79.1(f)(1). A “video programming provider” is defined as “[a]ny video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television network and the owners of such programming.” 47 C.F.R. § 79.1(a)(3). *See also* n.4, *supra* (for definition of “video programming distributor”). A petitioner may seek an exemption for “a channel of video programming, a category or type of video programming, an individual video service, a specific video program or a video programming provider.” 47 C.F.R. § 79.1(f)(1).

⁷ 47 U.S.C. § 613(e); 47 C.F.R. § 79.1(f)(2). A petitioner may also present for the Commission’s consideration “any other factors the petitioner deems relevant to the Commission’s final determination,” including alternatives that might constitute a reasonable substitute for closed captioning. 47 C.F.R. § 79.1(f)(3). The Commission has delegated the responsibility for evaluating and ruling on these petitions to the Consumer and Governmental Affairs Bureau. *Economically Burdensome Standard Order*, 27 FCC Rcd at 8834-35, ¶ 8.

4. The Commission requires the following information and documentation to be submitted with closed captioning exemption petitions to enable its consideration of the above factors:

- the name of the programming (or channel of programming) for which an exemption is requested;
- information and documentation about the petitioner's costs associated with closed captioning each program and efforts to find companies that can provide captioning at a reasonable cost;
- an explanation of the impact that having to provide closed captioning will have on the petitioner's programming activities;
- information and documentation of the petitioner's financial resources, including its income, expenses, current assets, and current liabilities for the two most recent completed calendar or fiscal years;
- verification that the petitioner has sought closed captioning assistance from its video programming distributor(s); and
- verification that the petitioner has sought additional sponsorships (other than from its video programming distributor(s)), or other sources of revenue for captioning.⁸

5. Each petition must contain a detailed, full showing of any facts or considerations relied upon, supported by affidavit.⁹ Failure to support an exemption request with adequate explanation and evidence may result in the dismissal of the request.¹⁰ While a petition is pending, the programming subject to the request for exemption is considered exempt from the closed captioning requirements.¹¹

6. CBC initially filed a petition for exemption by letter dated October 5, 2005, which was received by the Commission on October 11, 2005.¹² The Consumer and Governmental Affairs Bureau (CGB or Bureau) requested more information about the petition on December 22, 2005.¹³ CBC supplemented the petition by letter dated January 3, 2006, which was received by the Commission on January 9, 2006.¹⁴ In a Public Notice released on January 11, 2006, the Bureau invited comment on the

⁸ This is a summary of the list of "Required Information to Provide in Filing a New Petition to be Exempt from the Closed Captioning Requirements," provided by the staff to captioning exemption petitioners and available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-323421A1.pdf, which the Bureau developed, based on the Communications Act, the Commission's rules, and Commission history and experience evaluating such petitions. *See Anglers for Christ Ministries, Inc., et al.; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility*, CG Docket Nos. 06-181 and 11-175, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, 26 FCC Rcd 14941, 14955-56, ¶ 28 (2011) (*Anglers Reversal MO&O*).

⁹ 47 C.F.R. § 79.1(f)(9). A petition for exemption may also be supported by an unsworn written statement signed by a declarant under penalty of perjury. 47 C.F.R. § 1.16.

¹⁰ *Anglers Reversal MO&O*, 26 FCC Rcd at 14955-56, ¶ 28 (citing *The Wild Outdoors, Video Programming Accessibility, Petition for Waiver of Closed Captioning Requirements*, CSR Docket No. 5444, Memorandum Opinion and Order, 16 FCC Rcd 13611, 13614, ¶ 12 (Cable Services Bureau, 2001) (*Wild Outdoors 2001*)).

¹¹ 47 U.S.C. § 613(d)(3); 47 C.F.R. § 79.1(f)(11).

¹² *See* Letter from Tom Lowry, Associate Pastor, Curtis Baptist Church, to Office of the Secretary, FCC (Oct. 5, 2005).

¹³ *See* Letter from Amelia Brown, Attorney, Disability Rights Office, CGB, to Curtis Baptist Church (Dec. 22, 2005). This letter also clarified that CBC did not qualify for an exemption under Section 79.1(d)(8) of the Commission's rules, since CBC is not a video programming distributor.

¹⁴ *See* Letter from Tom Lowry, Associate Pastor, Curtis Baptist Church, to Office of the Secretary, FCC (Jan. 3, 2006).

petition.¹⁵ Certain consumer organizations jointly filed an opposition to the petition,¹⁶ and CBC filed a response.¹⁷ The Bureau granted the petition and issued an exemption to CBC by letter order dated September 11, 2006.¹⁸ In 2011, the Commission reversed certain Bureau grants of exemption, including that to CBC.¹⁹ By letter dated October 25, 2011, the Bureau notified CBC of this reversal and explained that CBC would need to file a new exemption petition and supplement the record with up-to-date information, supported by affidavit, about its inability to provide closed captioning if it wished to receive a closed captioning exemption.²⁰ In response, on January 9, 2012, CBC filed a new petition, which was received by the Commission on January 12, 2012 (hereinafter Petition).²¹ On February 15, 2012, the Bureau invited comment on the Petition.²² Various consumer groups jointly filed an opposition to the Petition.²³ Subsequently, the Bureau determined that it required additional and updated information to enable it to determine whether the programming that was the subject of the Petition should be exempt from the Commission's closed captioning obligations.²⁴ In response to a Bureau letter dated September 27, 2013, CBC supplemented its Petition.²⁵ The Bureau again placed the Petition on Public Notice for comment on December 26, 2013.²⁶ Again, several consumer groups jointly opposed the Petition.²⁷

¹⁵ *Consumer and Governmental Affairs Bureau Action Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 21 FCC Rcd 170 (CGB 2006).

¹⁶ See CGB-CC-0001 – Opposition of Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, The Deaf and Hard of Hearing Consumer Advocacy Network, and Hearing Loss Association of America to the Petition for Exemption from Closed Captioning Requirements Filed by Curtis Baptist Church (Feb. 10, 2006).

¹⁷ See Additional Supplement to Petition for Exemption from Closed Captioning Rules, Reference CGB-CC-0001, Regarding Opposition Filing by Swidler Berlin LLP, Tom Lowry, Associate Pastor, Curtis Baptist Church (Apr. 10, 2006).

¹⁸ See Letter from Thomas E. Chandler, Chief, Disability Rights Office, CGB, to Curtis Baptist Church (Sept. 11, 2006).

¹⁹ *Anglers Reversal MO&O*, 26 FCC Rcd at 14949, ¶ 25, and 14966 (Appendix A). The Commission reversed this and other Bureau letter orders that had failed to analyze the individual circumstances of the petitioners under the “undue burden” criteria, as required under the Communications Act and the Commission's rules. *Id.*, 26 FCC Rcd at 14949, ¶ 26. As explained earlier, the economically burdensome criteria now used by the Commission to evaluate closed captioning exemption requests are identical to the undue burden criteria. See n.5, *supra*.

²⁰ See Letter from Joel Gurin, Chief, CGB, to Curtis Baptist Church (Oct. 25, 2011). See also 47 C.F.R. § 79.1(f)(11); *Anglers Reversal MO&O*, 26 FCC Rcd at 14949, ¶ 16, n.60.

²¹ Letter from Tom Lowry, Associate Pastor, Curtis Baptist Church, to Office of the Secretary, FCC (Jan. 9, 2012) (Petition).

²² *Request for Comment, Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 27 FCC Rcd 1606 (CGB 2012).

²³ See Re: Curtis Baptist Church's Request for Exemption from the Commission's Closed Captioning Rules, Case No. CGB-CC-0001, CG Docket No. 06-181, Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, Hearing Loss Association of America, Association of Late-Deafened Adults, and Cerebral Palsy and Deaf Organization (Mar. 16, 2012).

²⁴ See Letter from Cheryl J. King, Attorney, Disability Rights Office, CGB, to Curtis Baptist Church (Sept. 27, 2013).

²⁵ See Letter from Tom Lowry, Associate Pastor, Curtis Baptist Church, to Office of the Secretary, FCC (Oct. 22, 2013) (Petition Supplement).

²⁶ *Request for Comment, Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181, Public Notice, 28 FCC Rcd 17100 (CGB 2013) (2013 Public Notice).

III. DISCUSSION

7. CBC produces *Curtis Baptist Church Worship Service*, a one-hour program that is broadcast weekly on Station WJBF(TV), Augusta, Georgia (WJBF), on Sunday mornings.²⁸ The broadcast consists of an edited recording of a church service that took place typically around four weeks prior to the broadcast.²⁹ CBC reports that the program is provided as a ministry to the community and that CBC has a sponsorship agreement with WJBF for the airing of this paid programming through 2015.³⁰ CBC contends that it is unable to afford closed captioning for the weekly broadcasts, and that the cost of captioning “could cause the cessation” of its telecast,³¹ and “possibly end a broadcast with a history of more than 30 years in this local market.”³²

8. CBC obtained two quotes to caption its program in real-time, one for \$500.00 per week from Mustard Seed Productions and another for \$531.00 per week from Captioning Associates LLC.³³ Based on these quotes, CBC states that the cost of captioning services for a full year of *Curtis Baptist Church Worship Service* (i.e., 52 programs) would be \$26,000.00 and \$27,612.00, respectively.³⁴ CBC claims that the cost of closed captioning “would raise [its] weekly production cost by 61%.”³⁵

9. CBC submitted financial statements for 2011 and 2012. For 2011, CBC reports total income of \$1,866,895.40, total expenses of \$1,549,345.26, and excess of revenue over expenses of \$317,550.14.³⁶ For 2012, CBC reports income of \$1,986,677.64, expenses of \$1,549,384.38, and excess of revenue over expenses of \$437,293.26.³⁷

10. CBC also submitted balance sheets for 2011 and 2012. CBC reports current assets as of December 31, 2011 of \$1,002,494.41, and current liabilities in the negative of (\$4,333.68), resulting in

²⁷ See Opposition to Petitions for Exemption from the Commission’s Closed Captioning Rules, Telecommunications for the Deaf and Hard of Hearing, Inc., Deaf and Hard of Hearing Consumer Advocacy Network, Cerebral Palsy and Deaf Organization, California Coalition of Agencies Serving the Deaf and Hard of Hearing, National Association of the Deaf, and the Association of Late-Deafened Adults (collectively, Consumer Groups) at 2, 5-8 (Jan. 27, 2014) (Consumer Groups Opposition).

²⁸ Petition at 1.

²⁹ Petition Supplement at 1.

³⁰ *Id.* at 4.

³¹ *Id.* at 1.

³² Petition at 2.

³³ Petition Supplement at 1. The record includes estimates other than those cited in the Petition Supplement. Mustard Seed Video Productions, Inc., includes a lower price (\$250.00/hour) for tape-based captioning. *Id.* at 5. Caption Associates LLC quotes includes a lower price (\$200.00/hour) for live captioning. *Id.* at 6. CBC indicates these quotes are not usable because their workflow is file-based, not tape-based. *Id.* at 1.

³⁴ *Id.* at 1.

³⁵ *Id.*

³⁶ *Id.* at 10, 14. The total income is the sum of the total contributions (\$1,860,792.56) and the total miscellaneous income (\$6,102.84).

³⁷ *Id.* at 18, 22. The total income is the sum of the total contributions (\$1,976,981.27) and the total miscellaneous income (\$9,696.37).

net current assets of \$1,006,828.09.³⁸ CBC also reports current assets as of December 31, 2012 of \$1,768,056.76, and current liabilities of \$2,697.91, resulting in net current assets of \$1,765,358.85.³⁹

11. CBC reports that it requested captioning assistance from its video programming distributor WJBF; however, WJBF was unable to offer captioning assistance.⁴⁰ CBC further indicates that it was unsuccessful in its efforts to secure donations from businesses to cover the cost of captioning.⁴¹ It further states that it has had “a ministry to the hearing impaired for more than 35 years,” and has sign language interpreters at its church service every Sunday except for the monthly “Deaf Worship” services.⁴² CBC asserts that, absent an exemption from the captioning requirements or the securing of a donor for the captioning, it may have to discontinue its broadcast of *Curtis Baptist Church Worship Service*.⁴³

12. Consumer Groups, which were the only parties to comment on the Petition in response to the 2013 *Public Notice*, contend that CBC failed to satisfy the statutory and regulatory requirements to demonstrate that captioning would be economically burdensome on several grounds.⁴⁴ First, Consumer Groups acknowledge that CBC obtained captioning quotes from multiple providers, but argue that it did not provide documentation that it bargained with those providers for lower costs or to identify the most affordable provider or most reasonable rates.⁴⁵ Specifically, Consumer Groups assert that CBC failed to follow up with one provider regarding its offer to reduce the cost quoted should CBC be willing to utilize “live captioning that would cost \$200 per hour.”⁴⁶ Second, Consumer Groups acknowledge that CBC sought closed captioning assistance from the broadcast station that airs its program, but argue that CBC failed to demonstrate that it “exhausted all alternative avenues to caption [its] programming.”⁴⁷ Specifically, Consumer Groups challenge the basis for CBC’s failure to solicit other sponsors – *i.e.*, CBC’s belief that it will be unsuccessful and a preference not to engage sponsors – as insufficient to relieve CBC of its obligation to comply with the Commission’s closed captioning rules.⁴⁸ Third, with regard to CBC’s financial resources, Consumer Groups argue that there would be no economic burden in requiring CBC to caption its programming.⁴⁹ In this regard, Consumer Groups argue that CBC’s ability to provide closed captions on its program must be assessed with respect to its overall financial resources, not only “the budget allocated for or expenses incurred by the specific program at issue.”⁵⁰ Consumer

³⁸ *Id.* at 7. Because the liabilities are in the negative, the amount is added to, rather than subtracted from, the current assets to calculate the net current assets.

³⁹ *Id.* at 15-16.

⁴⁰ *See id.* at 2.

⁴¹ Petition at 2. Further, CBC states that it cannot solicit donations to support captioning assistance during the televised service because in 1980 the church voted, as part of the authorization for the telecast, that it would not ask for donations on television. Petition Supplement at 1. CBC states that it is unlikely to find outside sponsorships that would underwrite the cost of captioning services due to the size of its church and attendance, and because it would be unable, due to its non-profit status, to credit donors on the air for funding captioning services. *Id.* at 2.

⁴² Petition at 2.

⁴³ *Id.*

⁴⁴ Consumer Groups Opposition at 5-8.

⁴⁵ *Id.* at 6.

⁴⁶ *Id.* *See also* n.33 *supra*.

⁴⁷ Consumer Groups Opposition at 7.

⁴⁸ *See id.*

⁴⁹ *Id.* at 8.

⁵⁰ *Id.*

Groups assert that CBC's estimated annual cost for closed captioning (\$26,000.00) represents approximately 6% of its 2012 excess of net receipts over expenses.⁵¹ Thus, Consumer Groups conclude, requiring CBC to caption its program cannot be considered economically burdensome.⁵²

13. *Determination.* After a careful review of the record, the Bureau finds that CBC has not demonstrated that the provision of closed captioning for its program would be economically burdensome. As an initial matter, we agree with Consumer Groups that economic burden is not determined by comparing the cost of closed captioning to the program's production costs.⁵³ Instead, the Commission has previously determined that, when conducting an economically burdensome analysis, "all of the petitioners' available resources" must be taken into consideration.⁵⁴ The Commission has rejected suggestions "to consider only the resources available for a specific program" in making the determination of whether provision of closed captioning is economically burdensome.⁵⁵ Therefore, we now consider the overall financial resources available to CBC in determining whether it would be economically burdensome to comply with the Commission's closed captioning requirements.

14. According to the information and documentation it has provided, CBC has been operating with an excess of revenue over expenses for at least the past two years: \$317,550.14 for 2011; and \$437,293.26 for 2012.⁵⁶ When we compare the lower of the annual closed captioning estimates submitted by CBC of \$26,000.00⁵⁷ to its excesses of revenues over expenses in 2011 and 2012, we conclude that such revenue was sufficient to cover the cost of captioning CBC's program. Specifically, CBC could have provided closed captioning and still have operated with an excess of revenue over expenses of \$291,550.14 in 2011 and \$411,293.26 in 2012. In addition, CBC had net current assets of \$1,006,828.09 as of December 31, 2011, and \$1,765,358.85 as of December 31, 2012,⁵⁸ which provides further evidence that the provision of closed captioning would not be economically burdensome. Based on our review and analysis, we conclude that closed captioning would not be economically burdensome for CBC at this time.⁵⁹

⁵¹ *Id.*

⁵² *Id.*

⁵³ See ¶ 8, *supra* (CBC claiming that providing closed captioning would raise its production cost by 61%); ¶ 12, *supra* (Consumer Groups arguing that the cost to provide closed captioning must be assessed against overall financial resources).

⁵⁴ *Anglers Reversal MO&O*, 26 FCC Rcd at 14950, ¶ 17 (explaining that consideration of a petitioner's request for exemption must take into account "the overall financial resources of the provider or program owner").

⁵⁵ *Id.*

⁵⁶ Petition Supplement at 14, 22.

⁵⁷ See ¶ 8, *supra*.

⁵⁸ See ¶ 10, *supra*.

⁵⁹ Contrary to the suggestion by Consumer Groups, we do not require petitioners to demonstrate that they negotiated with closed captioning service providers for captioning costs that are lower than the quotes they provide to the Commission, or to identify the most affordable provider or most reasonable rates. See ¶ 12, *supra*; *First Lutheran Church of Albert Lea; Petition for Exemption from the Closed Captioning Requirements*, CGB-CC-0143, CG Docket No. 06-181, Memorandum Option and Order, 29 FCC Rcd 9326, 9333, n.63 (CGB 2014) (*First Lutheran Church of Albert Lea MO&O*). Consumer Groups do not cite to any authority in support of such a requirement and, generally, information on captioning costs from multiple sources has been sufficient to aid the Bureau in its analysis of the impact that closed captioning obligations can have on a petitioner's programming operations. See *First Lutheran Church of Albert Lea MO&O*, 29 FCC Rcd at 9333, n.63. (citing *Anglers Reversal MO&O*, 26 FCC Rcd at 14955-56, ¶ 28, n.101). Further, we do not reach the question of whether CBC can avoid its closed captioning obligations because it is unwilling to seek additional sponsorships (other than from its program distributor) or other sources of revenue to caption its program, because we conclude that providing closed captioning for its program,

15. CBC asserts that, if not granted a captioning exemption, it will have to cease production of its telecast.⁶⁰ Because we conclude, based on the information provided by CBC, that CBC has adequate financial resources to enable it to afford the costs of captioning its television program,⁶¹ we do not find credible CBC's claimed uncertainty about continuing its program if it must provide closed captioning.⁶² Accordingly, we find that it would not be "economically burdensome" for CBC to caption its program within the meaning of the Communications Act and the Commission's rules.

IV. ORDERING CLAUSES

16. Accordingly, pursuant to section 713 of the Communications Act of 1934, as amended, and sections 0.141(f) and 79.1(f) of the Commission's rules,⁶³ IT IS ORDERED that the Petition filed by CBC, requesting an exemption from the Commission's closed captioning rules, IS DENIED.

17. IT IS FURTHER ORDERED that CBC shall commence closed captioning of the programming that is the subject of its Petition no later than March 5, 2015, which is 90 days from the date of the release of this Order.

18. IT IS FURTHER ORDERED that CBC must inform the Commission of the date on which it commences closed captioning of its programming in accordance with this Order and the Commission's rules by e-mail to captioningexemption@fcc.gov, which the Commission will make available for public inspection.⁶⁴ The e-mail attachment must reference Case Identifier CGB-CC-0001.

FEDERAL COMMUNICATIONS COMMISSION

Karen Peltz Strauss
Deputy Chief
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even without this effort, would not be economically burdensome to it. *See Anglers Reversal MO&O*, 26 FCC Rcd at 14955-56, ¶ 28, n.103.

⁶⁰ *See* ¶ 7, *supra*.

⁶¹ *See* ¶ 13, *supra*.

⁶² *See* ¶ 11, *supra*.

⁶³ 47 U.S.C. § 613, 47 C.F.R. §§ 0.141(f), 79.1(f).

⁶⁴ *See Notice of New Electronic Filing Procedures for Television Closed Captioning Exemption Requests*, CG Docket Nos. 06-181 and 05-231, Public Notice, 29 FCC Rcd 3960 (CGB 2014).