Federal Communications Commission
Washington, D.C. 20554

July 2, 2014

Father Cedric Pisegna Ministries
Attn: Father Cedric Pisegna, C.P.
430 Bunker Hill Road
Houston, TX 77024

Re: Case Identifier: CGB-CC-0888
CG Docket No. 06-181
Petition for Closed Captioning Exemption
Request for Supplemental Information

Dear Father Pisegna:

This letter concerns your Petition for exemption from the Federal Communications Commission's (FCC's) closed captioning requirements.[1] The programming that is the subject of your Petition has been exempt from the FCC's closed captioning requirements since your Petition was first filed.[2] On July 5, 2012, the FCC's Consumer and Governmental Affairs Bureau (Bureau) placed your Petition on Public Notice for comment.[3] After reviewing the comments received in response to your Petition and similar petitions, the Bureau determined that it required additional and updated information to enable it to determine whether your programming should be exempt from the FCC's closed captioning requirements because captioning such programming would be economically burdensome to your organization. We requested this additional information in a letter dated September 26, 2013.

Information that is still needed for review of your Petition. After reviewing your Petition and the supplemental information you provided in response to the Bureau's letter dated September 26, 2013, the Bureau has determined that you have provided almost all of the information requested in the letter. However, there is still a relatively minor amount of information, described below, that is required to complete your Petition and enable us to determine whether the programming that is the subject of your Petition should be exempt from the FCC's closed captioning requirements. Specifically, for the Bureau to complete its consideration of your Petition, we request that you provide the following supplemental information **by August 1, 2014,** which is 30 days from the date of this letter. You must send your supplemental information by e-mail to captioningexemption@fcc.gov.

- The nature and cost of the closed captions for the programming. Information about your organization's costs associated with closed captioning each specific program for which you are requesting an exemption, and your efforts to find companies that can provide captioning at a reasonable cost.
    - Documentation for two or more recent quotes you received from closed captioning services to provide closed captioning specifically for each program. "Recent" means a

[1] 47 C.F.R. § 79.1.

[2] 47 C.F.R. § 79.1(f)(11).

[3] *Request for Comment: Request for Exemption from Commission's Closed Captioning Rules*, Public Notice, DA 12-1081, 27 FCC Rcd 7574 (2012).

quote you obtained not earlier than one year prior to the Bureau's September 26, 2013 letter.

You have not satisfied this requirement. You included only one recent quote, from Pyro~Media, to caption 158 previously recorded programs (including the cost to redistribute captioned master files). You must provide documentation for one more recent quote to caption the 158 previously recorded programs that are the subject of your Petition.

- Public version of submission. As stated in our letter to you of September 26, 2013, because of the public nature of FCC proceedings, your submission, as well as any supporting financial or other information provided, will be available for inspection by the general public. Pursuant to FCC rules, if your submission contains some specific information that you would like not to be made routinely available for public inspection, you may request its "confidential treatment, as you did. To seek such treatment, you must identify the *specific* information that you would not like to be made available to the general public, provide the basis for your request, and submit a second version of your submission with the confidential information redacted. If your request for confidential treatment is granted, the "public version" of your submission must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that members of the public have notice of the basis for your exemption request and can comment on its merits.

  Your submission sought confidential treatment of all of Exhibit D (Statements of Income and Expenses) and Exhibit E (Statements of Current Assets and Liabilities). This broad redaction results in insufficient information upon which members of the public can assess your financial ability to provide closed captions and comment on the merits of your exemption request. For Exhibit D, we grant your request for confidential treatment of the line items of revenues and expenses shown in your Statement of Income and Expenses, and confidential treatment of your bank statement, but we deny your request as to amounts listed for Total Revenues, Total Expenses and Net Income (Loss). For further consideration of your Petition, you must submit a new "public version" of Exhibit D without redacting Total Revenues, Total Expenses and Net Income (Loss) from your Statement of Income and Expenses. Finally, we deny your request for confidential treatment of Exhibit E because we require this information of all petitioners and your justification for confidential treatment ("setting an inappropriate precedent") is insufficient. If you wish the Bureau to consider your Petition further, you must provide a "public version" of Exhibit E that is not redacted.

Affidavit or declaration. In addition, your supplemental submission must be supported by a signed and sworn affidavit or signed declaration made under penalty of perjury attesting to the truthfulness and accuracy of the information and representations contained in your submission. An affidavit is a written statement made under oath, before an official who is authorized to administer oaths, such as a notary public or county clerk. A declaration is a written statement made under penalty of perjury, such as "I declare under penalty of perjury that the information contained in this submission is true and correct." (*See* 47 C.F.R. § 1.16.)

Information that you have effectively provided. As noted above, in our letter of September 26, 2013, we requested that you supplement your Petition with additional information. As a courtesy, we wish to clarify that you have satisfied this request in the following categories, or we have determined that certain requirements are not applicable to your Petition. Thus, **you do not need to submit any supplemental information or documentation to meet these requirements:**

- Estimate of Your Annual Cost to Caption Your Program.

  Because your exemption request relates to the one-time cost for captioning 158 previously recorded programs, this requirement is not applicable to your Petition.

- Audited Financial Statements, Accountant's Compilation of Financial Statements or Federal Income Tax Returns or Tax-Exempt Information Returns.

  You stated that Father Cedric Pisegna Ministries (FCPM) does not have audited financial statements or an accountant's compilation of financial statements, and that FCPM is not required to file a federal tax-exempt information return with the IRS. In such situations, we require a petitioner to provide a written statement to that effect, which you have done.

- Additional Sponsorships.

  You explained the unique circumstances related to seeking additional sponsorships for captioning your programs. You provided a statement that "FCPM has not identified any charitable institutions amenable to providing the necessary funding for the $189,330 cost of captioning 158 pre-recorded programs." You also provided a statement from your producer, the Mass Media Group, regarding funding for faith-based programming, and your status as a missionary priest with no congregation. Collectively, these statements satisfy this requirement, given the unique nature of your one-time cost of captioning.

Next steps. If the Bureau determines that your Petition, *as supplemented by your response to this letter*, provides sufficient information upon which to make a determination of whether or not to grant a closed captioning exemption, we will place your Petition on public notice under Docket No. 06-181 at http://fjallfoss.fcc.gov/ecfs. Members of the public will then have 30 days to file comments on and/or oppositions to your Petition, including the supplemental information you have provided in response to this letter, after which you will have 20 days to respond. At the end of this timeframe, the Bureau will review your Petition, along with any comments and responses received, to determine whether you have demonstrated that providing closed captions would be economically burdensome. If Bureau denies your Petition, you will have 90 days from the date of your notification of the denial to begin captioning.

If you do not supplement your Petition with all of the updated information and documentation requested in this letter within 30 days of the date of this letter, we will conclude that you have failed to support your exemption request with adequate explanation and evidence, and will dismiss your Petition. In the event of such dismissal, your organization will be required to begin providing closed captioning for your program(s) within 90 days of the date of our notification to you that your Petition has been dismissed.

If you have questions pertaining to this letter or the information and materials requested herein, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov.

E. Elaine Gardner
Attorney, Disability Rights Office
Consumer and Governmental Affairs Bureau

cc: Commenters to Petition

Instructions for Filing a Supplement to a Closed Captioning Exemption Petition

As of April 30, 2014, you must send the FCC your supplemental information by e-mail to captioningexemption@fcc.gov. Petitions and supplemental materials may not be filed directly on the FCC's Electronic Comment Filing System (ECFS). At this time, the FCC's e-mail system does not accept attachments in the form of .ZIP files or file sizes larger than 13.3 megabytes. If a petitioner has concerns that its file size will exceed this limitation, please contact captioningexemption@fcc.gov. Because the FCC will upload petitions and any supporting information and documentation to ECFS, petitioners must follow the ECFS document format guidelines (http://apps.fcc.gov/ecfs/userManual/upload/documents.jsp) when sending petitions, supporting information, and documentation via e-mail. For more information about this electronic filing procedure, visit http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements.

You must include your case identifier number, which is located at the top of this letter, and CG Docket Number 06-181 in all correspondence with the FCC regarding your petition.