

As stated in a letter from the FCC in regards to Closed Captioning Exemption for Fallah Productions Inc. for the poker shows...here is what you wrote.

<<Dear Mr. Fallah,

As the March 24, 2015 letter from me indicated:

You have submitted two documented and recent quotes for the cost of captioning your specific programs. However you state that the quoted prices of \$200/hour and \$120/hour will translate into the annual quotes of \$312,000 and \$187,200 respectively. You explain that it is because you have approximately forty shows that are aired approximately three times on each of the thirteen networks and captioning must be re-done every time these shows are aired. Our understanding is that this process of duplicative multiple captioning for the same program is not necessary; and that there are procedures to avoid such duplicative captioning. We ask that you submit documentation from the vendors that such duplicative captioning is required. You can return to the two captioning vendors you contacted, CaptionMax and Dynamic Captioning, to get such verification.

We will need documentation from your quoted vendors that such duplicative captioning is needed (i.e., that the annualized amounts as quoted above are accurate), by April 23, 2015. The vendors only need to confirm it to you directly in writing and you can share it with us. This submission must be accompanied by a sworn declaration or affidavit. >>

Here was the mathematical breakdown.

During the time span the 40 provided shows aired and hopefully will re-air in soon were ALL different in nature. Different video, graphics, and promotions or advertising that is associated with them. A program that airs in Chicago would promote a Chicago event while the same program airing in Las Vegas would not. So there would need to be individually edited programs to fit each networks needs. Additionally each network has different requirements for commercial time. For example one network may want 8 minutes of commercial availability for their spots while another would want 12 minutes. This would require me to edit different versions for each networks needs.

Each program would then have a version for each network. So in regards to your understanding that duplication of the CC services is not needed. I would tell you that it is to follow with the requirements.

The understanding you have is in regards to one single program that is distributed to ALL networks with nothing different. This is done with by a single edited tape. My company produces all of our shows on HDV tape stock.

Lets look at the first option. As stated by the Closed Captioning companies both in E-mail (to my best attempt), but mostly on the phone is that HDV is not a supported format. (There is no way that these companies will answer my questions knowing I am using the information to get exempted.)

This means I have to dub the HDV broadcast to HDCam in order to be able to do Closed Captioning. So to make an HDV to HDCam dub it would cost \$46/tape to purchase the stock. See amazon link for tape costs.

http://www.amazon.com/Sony-BCT64HDL-HDCAM-Minute-Video/dp/B0067HYU5G/ref=sr_1_1?ie=UTF8&qid=1429053433&sr=8-1&keywords=hdcam+tape

I reached out to two companies for HDV to HD Cam dub costs. One said \$150 per tape, another wanted \$325 per tape. I will use the lowest quote to show you the cost involved to send a program to all the networks using your suggested NON duplicative means. This means the same program is sent to every network and there is nothing custom about any of the programs (this is highly unlikely to ever happen and would most likely cause some networks to decline airing the program due to the commercial formats not being to their programming needs.)

40 Shows x \$46 per tape = \$1,840 in tape stock x 13 networks = \$23,920 total cost for 520 tapes

40 HDV tapes dubbed to HD Cam x \$150/ tape = \$6,000 in dubbing x 13 networks = \$78,000

520 HD Cam tapes with Closed Captioning services x \$300 = \$156,000

U.S.P.S. Priority Mail (I will use the lowest flat rate option even though the tapes do NOT fit in these boxes) = \$5.05/mail x 2 mailings per tape x 520 tapes = \$5,252

<https://www.usps.com/business/prices.htm>

So the low end cost would be \$23,920 for tapes + \$78,000 for dubbing + \$156,000 for Closed Captioning + U.S.P.S. priority mail to the dub house and to the networks \$5,252 = \$263,172 approximate cost for the option to not need duplication needs.

The emails below from the captioning companies and also from the dubbing house show the expensive nature and difficult nature of captioning the programs in a non live format. In order for me as a producer to put together what I need and deem fit for my show, I need to produce individual tapes for individual networks that can be updated. So the LIVE captioning option is the only route for me especially since my shows are submitted 2-3 days prior to the scheduled premiere broadcast.

Lets take the initial numbers I was able to research and apply them to a LIVE broadcast as a single broadcast only with no additional replays or versions.

40 shows x 13 networks = 520 broadcasts x \$120/hour = \$62,400 for single programs with NO replays...(seems like kind of a waste to have a show air only one time on a network)

Here is the deal...as proven I am a small company who does not have a budget to support someone for post production editing or other post production needs. I have also shown that Closed Captioning for my program which is very graphics heavy and easy to follow without sound is far too expensive even at the lowest option. The request makes it seem as though I just put together some random numbers without reason to show the extreme cost. I did not do this, I carefully calculated how often my shows aired and the cost if I were to do the multiple options that are suitable for OTHER shows, not for my program.

The options in front of me are that I can have my shows CC'd live, or via a company on tape. To do it via a company on tape I have to spend more money on different tapes, dubbing, mailing, and then wait a week or so to get programs back and then sent out to the networks. This cost is extreme as you can reference with the tax returns provided. The company does not nearly make close enough to the costs to be able to sustain the CC needs. The next option is the LIVE CC option which is still a VERY expensive option since each show is unique and different on each network. I do not want to be told how to produce my show, I do not want to lose broadcasts or network broadcasts because I can not afford to air them. I have shown you the extreme costs, and the extreme measures that can be taken to have the programs CC'd.

Read what you sent to me again and see the error in the question...

You have submitted two documented and recent quotes for the cost of captioning your specific programs. However you state that the quoted prices of \$200/hour and \$120/hour will translate into the annual quotes of \$312,000 and \$187,200 respectively. You explain that it is because you have approximately forty shows that are aired approximately three times on each of the thirteen networks and captioning must be re-done every time these shows are aired. Our understanding is that this process of duplicative multiple captioning for the same program is not necessary; and that there are procedures to avoid such duplicative captioning. We ask that you submit documentation from the vendors that such duplicative captioning is required.

You can return to the two captioning vendors you contacted, CaptionMax and Dynamic Captioning, to get such verification.

For “the same program” is not accurate. What you believe to be the same program is NOT the same program as I will change logos for each network that are over the video during the show and I will also remove announcer audio to accommodate for local advertising or local promotion of events.

When you account for the tax returns for the company and also for me personally you can see that there are no funds available for even minor additional costs. The cost for CC is more than the yearly intake of funds from work or advertisers. How can my show be expected to continue to air when it would be in the red more than \$60,000?

Below are the documentations that supports the above argument.

OFFICIAL DESIGNEE AFFIDAVIT

I, Kirk Fallah, of the City of Homewood, in the Province/State (Country) of Illinois, HEREBY MAKE OATH AND SAY:

1. THAT I hereby attest to the truthfulness and accuracy of the information and representations contained in my submission that Windy City Poker Championship, Chad Brown Poker Championship, and Jax50k owned by Fallah Productions Inc. is unable to afford Closed Captioning due to the lack of funding and advertising for the projects. The exemption from Closed Captioning is vital to the existence of the programs. Without the exemption the shows would no longer be in production due to lack of available funds. I declare this under penalty of perjury that the information contained in this submission is true and correct.

2. I am a copyright owner, or an authorized officer or director of the corporate entity, Fallah Productions Inc., which is a copyright owner of the production/series Windy City Poker Championship.

SWORN before me at the City of

Olympia Fields, in the

Province/State of Illinois,

this 6th day of April, 2015.

Nancy Elaine Fallah
Notary Public or Commissioner of Oaths (Affix seal)

April 6, 2015


Signature
Kirk Fallah
Print Name
President Fallah Productions Inc.
Title and company name (where applicable)
4-6-15
Date



----- Forwarded Message -----

Subject:RE: captioning for your program

Date:Thu, 26 Mar 2015 09:01:17 +0000

From:Elizabeth Roja [redacted] <[\[redacted\]@captionmax.com](mailto:[redacted]@captionmax.com)>

To:WindyCityPoker <kirk@windycitypokerchampionship.com>

Hi Kirk,

We can absolutely put captions on HD Cam, but we'd have to caption the file off-line, create a caption file, then encode that. The RT broadcast just generates a .txt file. But if you're interested in doing that, I can generate a quote for you. Just let me know!

Thanks,

[redacted]

From: WindyCityPoker [<mailto:kirk@windycitypokerchampionship.com>]

Sent: Wednesday, March 25, 2015 1:15 PM

To: [redacted]

Cc: kirk@windycitypokerchampionship.com

Subject: Re: captioning for your program

Thank you for the answer [redacted]...so it sounds like the only option for duplicating the caption would be if it were via a HDCam tape at that rate? Is there a file that is provided with it...for example if the video changes are only cosmetic and do not change the temp or content...then the CC could be applied to that tape also? or would it have to be remastered again?

Kirk

On 3/25/2015 3:12 PM, [redacted] wrote:

Hi Kirk,

Aaron is actually no longer with CaptionMax, but I'd be happy to answer your question. Unfortunately, the re-air would need to be live captioned again. But that should work out for the best, if there are going to be video and audio changes. Please let me know if you need anything else.

Thanks!




Client Services Manager

CaptionMax
direct: 818.295.6370
main: 818.295.2500

From: WindyCityPoker [<mailto:kirk@windycitypokerchampionship.com>]
Sent: Wednesday, March 25, 2015 9:40 AM
To: 
Cc: kirk@windycitypokerchampionship.com
Subject: Re: captioning for your program



I am getting ready for a new season of shows to be LIVE captioned...but I did want to inquire about how to record the captions to be used for a replay of the show? Is that something that is provided as a file...or because it is live captioned then any replays would have to be LIVE captioned also? I may make minor video changes to the show and or remove some audio...i assume that would impact the pacing of the captioning if there is a way to duplicate the LIVE broadcast captions.

Kirk

On 12/19/2014 3:49 PM, Aaron King wrote:

Sounds good. For a show-by-show basis, we can provide realtime captioning for \$200 per hour. I've attached a quote with that info. Please let me know if you have any questions.

Thanks!



From: WindyCityPoker [<mailto:kirk@windycitypokerchampionship.com>]
Sent: Friday, December 19, 2014 3:41 PM
To: 
Cc: kirk@windycitypokerchampionship.com
Subject: Re: captioning for your program

Aaron,

No problem on the HDV tapes....I am looking for a live quote on an individual show basis. Not sure how many programs we may air in 2015.

Kirk

On 12/19/2014 3:38 PM, Aaron King wrote:

Hey, Kirk.  forwarded your request for captioning to me. Unfortunately, we still don't work with mini HDV tapes. Chances are, that won't change.

It looks like you're also asking for a quote for live/realtime captioning—is that the case? Will this be a series, or just a one-off?

Thanks!

[REDACTED]
Customer Service Representative

CaptionMax
direct: 612.656.1023
main: 612.341.3566

Begin forwarded message:

From: WindyCityPoker <kirk@windycitypokerchampionship.com>
Date: December 19, 2014 at 2:37:55 PM CST
To: Emily Bell [REDACTED] <[\[REDACTED\]@captionmax.com](mailto:[REDACTED]@captionmax.com)>
Cc: <kirk@windycitypokerchampionship.com>
Subject: Re: captioning for your program

Emily,

I wanted to follow up and find out the rates for CaptionMax for Closed Captioning in 2015 on CSN Chicago for a 1-hour long program. I am preparing new shows for 2015 and would like to know the live CC cost for captioning a program. Can you also provide me with the captioning rate for a 60 minute program produced in HD and submitted via HDV Mini DV Tape? I may send the show to other networks and they may require a CC'ed tape. Do you still not accept HDV or do you now have the ability to CC on that format?

Sincerely,
Kirk Fallah
Windy City Poker Championship

On 3/4/2013 2:58 PM, Emily Bell wrote:

Hi, Kirk.

Thanks for looking into CaptionMax. While we have the capability to accept many HD tape formats, we don't work with HDV here.

If you are interested in having us do your captioning and getting your encoding done elsewhere, I've attached a quote for English-language caption creation with export of a caption data file such as an .scc or .cap. The quote includes rates for either pop-on captioning, which is the style that looks more like subtitles, or roll-up captions, which is the type that scrolls on screen and is more commonly used for documentary-style programming. You can see the difference between the two styles in our [sample gallery](#).

All we would need from you would be a low-res reference video, which can be uploaded to our easy-to-use [website](#). I've attached more information about that, as well as our credit card form.

Standard turnaround is 3-4 business days once we receive your source video and payment information, but we can give you a specific turnaround estimate when we know more about your delivery schedule. When would this project be taking place?

Please let me know if there are any questions I can answer for you or if there are any other services we can provide.

Thanks.



 Multimedia Manager

CaptionMax
direct: 612.656.1030

----- Forwarded Message -----

Subject:Re: Form Submission - Contact

Date:Tue, 31 Mar 2015 13:43:40 -0700

From: [REDACTED]@gmail.com>

To:kirk@windycitypokerchampionship.com

Thanks for contacting us. A 60 min dub to HDCAM from HDV, client stock, would be \$325. If we scheduled it, we could do it while you wait. You could even watch it as it goes to tape. Otherwise, figure 24 hours unsupervised turnaround. I would have a couple of tech questions before you come in if you're interested.

[REDACTED]
Different By Design
12233 W. Olympic Blvd.
#120
Los Angeles, CA 90064

Office (310) 689-2470
Fax (310) 689-2471

[REDACTED]@gmail.com
www.dxdproductions.com

On Mar 31, 2015, at 12:41 PM, Squarespace Services wrote:

This email was transmitted via www.dxdproductions.com.

Submitted from address 98.228.77.212/98.228.77.212.

Your Name: kirk

Your Email: kirk@windycitypokerchampionship.com

Subject: HDV dub

Message: I am looking for a quote on an HDV to HDCam dub. 60 minutes. HDV and HDCam tape provided. Also what a typical turnaround would be.

- Kirk

----- Forwarded Message -----

Subject:Re: HDV to HDCam duplication

Date:Tue, 31 Mar 2015 15:50:50 -0400

From:Duplication Specialists | Sales Team <sales@dupespec.com>

To:WindyCityPoker <kirk@windycitypokerchampionship.com>

Hi:))

HDV to HDCam, not a problem, but tell me which hdv, Sony, JVC or another variant such as Canon. What frame rate from hdv and what frame rate to HDCam. Basically we can handle 85% of what is possible, rate is \$150 with your stock. Turnaround time is quick
David

Sales Team
Duplication Specialists Inc.
843 Merrick Road | Baldwin, NY 11510
Tel (516) 867-7300, (212) 754-2044
Fax (516) 867-7597
sales@dupespec.com
<http://www.dupespec.com>

On Mar 31, 2015, at 3:47 PM, WindyCityPoker
<kirk@windycitypokerchampionship.com> wrote:

> I am looking for a quote for HDV to HDCam dub of 60 minute project.
> Tape provided for both HDV and HDCam. Would also need to get an idea of
> turn around time from receiving the tapes to sending back.
>
> Kirk

----- Forwarded Message -----

Subject:Fwd: Request for Quote

Date:Thu, 26 Mar 2015 11:16:02 -0400

From: [REDACTED] <[REDACTED]@dynamiccaptioning.com>

To:Kirk Fallah <kirk@windycitypokerchampionship.com>

Kirk:

As we discussed, below you will find our rates for Real-Time Captioning, Offline Captioning and Taped Encoding. Also may I confirm that we can encode in HD format to HDCam video tape only.

Thanks:

[REDACTED]
Sr. Account Executive

Dynamic Captioning
4650 N Breton CT SE
Grand Rapids, MI 49508
616.802.0181
Craig.Wilson@DynamicCaptioning.com
www.DynamicCaptioning.com



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On Wed, Mar 25, 2015 at 12:40 PM, WindyCityPoker
<kirk@windycitypokerchampionship.com> wrote:

[REDACTED]

I am getting ready for a new season of shows to be LIVE captioned...but I did want to inquire about how to record the captions to be used for a replay of the show? Is that something that is provided as a file...or because it is live captioned then any replays would have to be LIVE captioned also? I may make minor video changes to the show and or remove some audio...i assume that would impact the pacing of the captioning if there is a way to duplicate the LIVE broadcast captions.

Kirk

On 12/19/2014 3:14 PM [REDACTED] wrote:
Hi Kirk:

The 2015 Live Rate for a 60 minute program remains the same at \$120-.

You had also requested rate for a 60 minute program captioned and encoded to tape. This is a different workflow and the rates for offline captioning and encoding are as follows:

60 minute offline captioning, rollup format @ \$300.
60 minute HDCam encoding (including tape stock) @ \$210.
FEDEX shipping to Client: Pre-Paid and charged to client at cost.

** It should be noted that in HD format we can only encode to HDCAM video tape.

Yes we do accept VISA as payment.

Happy holidays and please let me know if I may be of additional assistance.

[REDACTED]
[REDACTED]
Sr. Account Executive

Dynamic Captioning
4650 N Breton CT SE
Grand Rapids, MI 49508
616.802.0181
[REDACTED] DynamicCaptioning.com
www.DynamicCaptioning.com



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On Fri, Dec 19, 2014 at 3:35 PM, WindyCityPoker
<kirk@windycitypokerchampionship.com> wrote:

[REDACTED]

I wanted to follow up and find out the rates for Dynamic Captioning for Closed Captioning in 2015 on CSN Chicago for a 1-hour long program. I believe it \$120. You take VISA as payment? I am preparing new shows for 2015 and would like to know the live CC cost for captioning a program. Can you also provide me with the captioning rate for a 60 minute program produced in HD and submitted via HDV Mini DV Tape? I may send the show to other networks and they may require a CC'ed tape.

Sincerely,
Kirk Fallah
Windy City Poker Championship

On 3/4/2013 3:29 PM [REDACTED] wrote:

Good afternoon Kirk:

Thanks for the chat and the rate to caption your 60 minute program Live as it airs on CSN Chicago is \$120-. Payment terms are COD, and we accept VISA and MC should you wish to place charges on your credit card.

As we discussed, prep material for the assigned caption writer is greatly appreciated. I believe you said that the program will air closer to summer, and please contact me to schedule at least 1 week prior to air.

Many thanks:

[REDACTED] / Director of Sales

DYNAMIC CAPTIONING LLC

4650 N. Breton Court SE

Grand Rapids, MI 49508

Phone: 616-871-1295

Direct: 616-871-1273

Fax: 616-871-1297



 [@DynamicCaptioning.com](mailto:info@DynamicCaptioning.com)

www.DynamicCaptioning.com

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From: kirk@focalpointfilms.com [<mailto:kirk@focalpointfilms.com>]

Sent: Monday, March 04, 2013 2:34 PM

To: info@dynamiccaptioning.com

Subject: Request for Quote

Name: kirk fallah

Address: 18728 center ave

City: homewood

State: Illinois

Zipcode: 60430

Company Name: Fallah Productions

Phone: 708-935-2861

Email: kirk@focalpointfilms.com

Requested Service: Closed Captioning Live

Series/Program: One Program

Length of Program: 60 minutes

Program Description: HDV 1080i Program via MiniDV tape. Sports Charity Event