

NOV 21 2012

FCC Mail Room

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Fallah Productions, Inc.
Kirk Fallah
18728 Center Ave.
Homewood, IL. 60430

October 28th, 2012

Commissions Secretary, Office of the Secretary
Federal Communications Commission
Attn: CGB Room 3-B431
9300 East Hampton Drive
Capital Heights, MD. 20743
Case Identifier CGB-CC-0967

Fallah Productions Inc. hereby, submits this petition for exemption to the “closed captions” requirements for a show we currently produce titled “Windy City Poker Championship” (here in referred to as **WCPC**).

I hereby submit this petition, as requested, for exemption to the “closed captions” requirements for our show. I am requesting this exemption due to the fact it would cause my company and I severe economical financial burden and therefore would force me to cancel the programming and any future planned productions.

Undue Burden

WCPC is a Chicago based poker show that highlights charity poker events held in Chicago. 2009 was the first year that **WCPC** has produced any shows. Other than myself, my entire staff/production crew consists of students and recent graduates from Columbia College Chicago that I hire on an event by event basis to produce each program. **WCPC** has no sales department to generate revenue and minimum advertisement is raised to supplement the production budget.

The budgets available only cover equipment rental, and event crew TV production. There is not enough money available for post production which is the most important part of any show. All of the online and final editing is done by myself (Kirk Fallah). So far each show produced has met or exceeded the available budget leaving me in charge of editing, writing, graphic design, and or on-camera hosting.

I have even had to invest my own personal funds or make purchases on my personal credit card in order to be able to cover any budget short falls for the productions. I personally have to edit each show consuming 150+ man hours per episode with no compensation.

Fallah Productions, Inc.

Financial Status

See Fallah Productions Inc. Bank Statement with current balance of \$100

Profit Loss Breakdown

In 2010 Fallah Productions expenses including vendors, crew members, equipment purchases and rental added up to approximately \$54,767. The income received from sponsors or clients is approximately \$52,356 creating a loss of \$2,411 for 2010.

In 2011 Fallah Productions expenses including vendors, crew members, equipment purchases, depreciations and rental added up to \$90,979. The income received from sponsors or clients is \$108,789 creating a profit of \$17,810 for 2011.

The current 2012 Fallah Productions expenses including vendors, crew members, equipment purchases, depreciations and rental adding up to \$45,965. The income received from sponsors or clients is \$31,912 creating a current loss of \$14,053 for 2012.

Current Closed Captioning Cost Information

HD-Cam Closed Captioning Rates = \$750-\$1,000 per 1 hour program
HD-Mini DV Closed Captioning Rates = \$250-\$300 per 1 hour program
SD-Mini DV Closed Captioning Rates = \$250-\$300 per 1 hour program
Live Closed Captioning Option = \$100-\$200 per 1 hour live program

Verification sought out closed captioning assistance from program distributors

I have barter arrangements with the networks that broadcast WCPC, meaning they will not pay for my programming and will air the show only exchange for them selling their local spots into the program. The networks will not pay for closed captioning on my behalf if I were unable to get an exemption due to the fact they are not charging me for the airtime.

My company would be responsible for sending tapes that were closed captioned, or pay for LIVE closed captioning on their networks. Additionally, since I have fallen short on raising enough production budget money to cover my production costs, sponsors do not want to pay for closed captioning as they want to have commercial or premium sponsorships in the program.

Fallah Productions, Inc.

More Detailed Breakdown

The below numerically detailed information below will highlight the fact that my situation is easily explainable with arithmetic.

Let's begin with the numbers. In 2009 Windy City Poker Championship produced 10 unique episodes from various productions. In 2010 Windy City Poker Championship produced 16 unique episodes. In 2011 Windy City Poker Championship produced 4 unique episodes.

These 30 episodes have aired on multiple sports networks nationally which include but are not limited too. Comcast SportsNet Chicago, Comcast Mid Atlantic, Comcast SportsNet California, Comcast SportsNet Philadelphia, Tuff TV, Mav-TV, KHLM, KHQ-SWX, America One, Bright House Sports Network, Cox-CST Cable, MidCo Sports, Metro Sports, and Time Warner Sports New York.

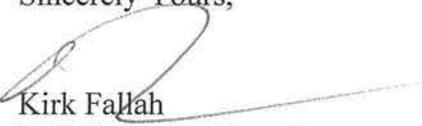
Each network aired each episode minimally 2 times, with additional repeats up to 5 broadcasts per episode. These networks range from HD broadcasts to SD broadcasts, some networks accept data files and some require physical tapes.

- 30 episodes x 2 plays = 60 broadcasts x 14 networks = 840 hours of programming
- HD-Cam CC rates = \$100 HD Cam tape per episode per broadcast (\$60,000) + 30 x
- 14 networks x (\$750-\$1,000) = \$315,000-\$420,000
- HD/SD -Mini DV CC rates = 30 x 14 networks x (\$250-\$300) = \$105,000-\$126,000
- Live Closed Captioning Option = 840 x \$100 = \$84,000

As you can see in the above figures....Closed Captioning would have been a very expensive option for the minimum amount of broadcasts. This also eliminates ANY option of re-edits or changes to the program. I would not be able to update graphics that have dated references, nor add or change commercials or sponsorships during the show. Each change would require a new tape, and new closed captioning as the timing of the program would change.

With sincere thanks and hopes I formally submit this affirmation of my petition for closed captioning exemption.

Thank You,
Sincerely Yours,


Kirk Fallah

Fallah Productions, Inc.

OFFICIAL DESIGNEE AFFIDAVIT

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

1. THAT I hereby state that Windy City Poker Championship owned by Fallah Productions Inc. is unable to afford Closed Captioning due to the lack of funding for the project. The exemption from Closed Captioning is vital to the existence of the program, without the exemption. The show would no longer be in production due to lack of available funds.

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 28th day of October, 2012.



Signature

Kirk Fallah

Print Name

President Fallah Productions Inc.

Title and company name (where applicable)

10-28-12

Date



Notary Public or **OFFICIAL SEAL** of Oaths (Affix seal)

**NANCY ELAINE FALLAH
NOTARY PUBLIC-STATE OF ILLINOIS
MY COMMISSION EXPIRES 08/09/15**