

CGB-CC-0112



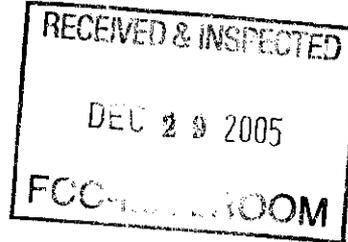
BROADMOOR
BAPTIST CHURCH

Dr. Chuck A. Pourciau, Pastor

4110 Youree Drive
Shreveport, LA 71105
Tel: 318-868-6552
Fax: 318-868-0004
24-Hour Prayer Line:
318-686-PRAY
www.broadmoorbaptist.org

December 21, 2005

Commission's Secretary, Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street, SW
Washington, DC 20554



Re: Petition for Exemption, Closed Captioning: Undue Burden [47 C.F.R. & 79.1 (f)]

Broadmoor Baptist Church respectfully offers this petition for exemption from closed captioning requirements effective January 1, 2006, as compliance with the rules will result in an undue burden on the broadcast ministry of the church. Please consider the following:

DESCRIPTION/NATURE OF OPERATIONS

Broadmoor Baptist Church began 'live' telecasting of worship services in August, 1955, when the local ABC affiliate, KTBS-TV, signed on in this market. We celebrated fifty years of telecasting with the station this year. The service has always been transmitted 'live' via microwave and sent directly to air.

Broadmoor Baptist Church is a non-profit religious organization exempt from federal income taxes under IRS Code Section 501(c)(3). [See Independent Auditor's Report attached] The purpose of the organization is evangelistic. It hosts formal worship services, administers and supports various auxiliary religious programs including local, national and international missions, benevolence, counseling and support group ministries, choral groups and preschool, children, youth, adult/senior adult Bible teaching programs.

Multi-Media Outreach via electronic, print and outdoor media, extend the church's evangelistic ministry beyond the walls of the building. By policy and practice, we have never engaged in selling products to or soliciting donations from those who view our 'live' worship service broadcasts. We neither solicit or accept 'sponsorships' or advertising. All church programs are funded by budgeted funds contributed by church members. [See Notes to Financial Statements attached] Our only purpose is to reach those who are resistant to regular church attendance with the message of God's Holy Word and to allow those who are acutely or chronically infirmed or invalid - who can no longer regularly attend - to worship with their fellow congregants.

Thomas C. Pennell
Minister of Communication Services

building
lives
together

NATURE AND COST OF CLOSED CAPTIONING

Because we broadcast 'live' to air, our options for closed captioning seem limited to 1) voice-recognition software, 2) an on-site stenographer plus the serial digital interface required for encoding text in the vertical blanking interval, or 3) a real-time captioning contract with a remote stenographer and two toll-free telephone lines for the out/in captioning feed.

With option #1, we have found that the greatest accuracy figures advertised by even the most expensive voice-recognition gear [\$8K+ quote] is 76% based on the unit's installed lexicon of 'commercial' business language. Clerical/theological terms regularly encountered in traditional worship attenuate the accuracy figures into an unacceptably low range of understanding. Our hearing impaired guests will not be well-served by our 2006 compliance with your closed captioning mandates. Rather, they will be annoyed and distracted, with at least 35% of the message decoded into meaningless symbols or strange, new, syntax-less word combinations.

With option #2, our eight month long, comprehensive search for trained court stenographers in this region of the country who are both willing to accept well-paid Sunday employment [\$40/hr], willing to add/learn the clerical/theological words required for worship broadcasting *and* able to accept the pressure of a weekly 'live' television broadcast, has been completely fruitless. Even tho' there are several judges in the area whose services we have enlisted in the search for an on-site stenographer, none have been able to convince one of their judicial colleagues to consider our plight and help us.

With option #3, we have made preliminary contact with two of the real-time captioning companies sprouting up across the country in response to the new closed captioning requirements. One of these contacts - CaptionMax, Inc. - with facilities in four remote locations, has quoted \$180/hr for real-time closed captioning of our services. Another contact - Aberdeen Captioning - with West Coast facilities, has quoted \$135/hr for this service. Both would require the addition of two digital toll-free telephone lines for in/out access. Both quotes are based on long-term contracts.

IMPACT ON THE OPERATION OF PROGRAM PROVIDER

Broadmoor Baptist Church operates this worship service broadcast with the help of two paid employees and a volunteer crew of forty-two church members who serve - fourteen per week - on a three-week rotating basis. Because of the limited utility and relative cost of voice-recognition gear and the abject unavailability of on-site stenographic assistance, we have no alternative but to seek remote real-time captioning from distant firms with whom we are *persona non-grata* - merely internet and sales department contacts. Their validity and reliability remain patently unproven even as we contract their expensive services or risk standing in violation of FCC broadcast requirements.

FINANCIAL RESOURCES

Our Financial Statement dated at fiscal closing on March 31, 2005, reveals details of Broadmoor Baptist Church's current resources derived solely from contributions of the membership and budgeted by the church to fund the evangelical ministries and programs it sponsors. It should be specifically noted that expenditures for "Communication Services" [see attachment "Budget Worksheet Summary"] totals \$162K for fiscal 2005-06, or 3% of the total church budget for all programs. As Minister of Communication Services, I prepare and submit to the budget committee the operating budget for the church's Multi-Media Outreach programs. It is my goal to keep Communication Services expenses at 5% or less of the church's total ministry expenses. We are *NOT* in the televangelism business at Broadmoor. We do *NOT* sell books or records nor do we promote 'the preaching ministry' of our pastor. Ours is surely a spiritual ministry *TO* the community but it is not the only ministry or program that we sponsor. For thirty years, it has been my goal to honor the sanctity of our membership's tithes and offerings from which I must expend broadcast air time and equipment.

The 'undue burden' of implementing closed captioning adds to the monolithic burden of dragging local, member-funded worship broadcasts from full 4:3 NTSC compliance into a whole new, very expensive 16:9 digital world with HDTV only a few steps further ahead. To do all of this while keeping the 'broadcast ministry' tail from wagging the 'total ministry' dog [as is often the case in televangelism] is unduly burdensome. If this entire scenario was a screenplay, bad timing would be a legitimate complaint.

"Unduly burdensome" seems to be thoroughly descriptive for thousands of local broadcast operations who must figure out how to pay \$500/hr [the going rate in Shreveport] to have local stations encode closed captioning while delaying their broadcasts an additional week or so AND continuing to pay for the same air time that cost them \$26K less in 2005 than it will cost in 2006.

With a 'live' broadcast, I cannot even enjoy the expensive security of depending on my local affiliate to encode for me. I have to pray that my new contract stenographer in Rancho Santa Margarita didn't have too many on Saturday night or that the snow in Minneapolis didn't cause my contract stenographer to experience a 'white-out' and miss Sunday morning at the office and that someone's satellite signal or long lines don't fail at 11:30 AM CST Sunday.

AVAILABLE ALTERNATIVES

We are currently seeking to secure software and gear - perhaps a used commercial station teleprompter from Media Concepts, Inc - that will encode a usable signal in the vertical blanking interval of our 'live' microwave signal to the station. This will require that our Senior Pastor [currently speaks from outline, not verbatim text] or guest speaker furnish a text file of sermon material that can be displayed during the sermon portion of the worship service. Our Character Generator

currently displays names and titles of service participants along with words to congregational hymns.

Text files from any dramatic presentation would have to be secured and loaded for closed captioning during the service. None of this can be accomplished without 'undue burden' to the provider and all will add significantly to the work load of every service participant, our support staff as well as the two Communication Services employees.

An interim 'retro' alternative would be to resume a 1970's 'PIP' split window in the broadcast video with a licensed 'signer' off-stage in the television studio to sign for the hearing impaired in our viewing audience. This, too, is 'unduly burdensome', requiring weekly set up, the expense of an additional camera, lens, pedestal, and volunteers - to operate equipment and to sign for the hearing impaired.

OTHER RELEVANT FACTORS

While NAD *et.al.* lobby in good faith for a communications improvement that is inherently good for all of us, the costs of implementing these improvements is devastatingly burdensome for literally thousands of local broadcasters whose hearing-impaired audiences constitute a minuscule fraction of their viewers. I watch, with special interest and mixed emotion, the equally equalizing retrofit of our city's infrastructure and new construction to allow equal access for the physically impaired - hundreds of thousands of yards of concrete sidewalk access ramps and millions of tax dollars drawn from debt-ridden city and parish coffers that can ill afford the needed improvements. It will be of special interest in the coming years to watch the rebuilding of New Orleans' infrastructure to comply with 2009-10 federal mandates and updated building codes enforced as business owners try to recover. We are talking billions and billions of additional dollars to insure physical compliance of sidewalks and doorways while the physical and emotional welfare of those displaced search for adequate sources of state and federal funding. Access is vital for everyone. But access is a moot issue if it is accomplished at the cost of the physical, spiritual and emotional needs of the people.

I have been an associate member of the National Association of Broadcasters for 34 years, so none of the expenses involved with digital broadcast compliance have caught me by surprise. But they all have been implemented with a good deal of collateral damage. Only four of the six local network affiliates are apparently going to survive the upgrade to digital. Two have opted out because of the costs of digital conversion. And even as relatively unassuming as the closed captioning requirements may seem inside the Beltway, there will be enormous collateral damage to local broadcasters who contribute to the personality and viability of every small town in America.

I am not sure that either you or I can afford the collateral damage that closed captioning requirements will inflict on the revenue base of commercial television operations across the country. Nor can we afford to lose the positive influence and social stability offered by local providers.

Thank you for the Commission's thoughtful and reasonable consideration of this petition for exemption from closed captioning requirements effective January 1, 2006. Our petition is based on the undue burden provision for waiver of compliance.

Please accept the two [2] attachments cited above as *confidential*. I respectfully request that they not be posted to the FCC website nor displayed in the Commission's offices but that they be considered in your ruling on this petition.

Sincerely,



Thomas C. Pennell
Minister of Communication Services
Broadmoor Baptist Church
4110 Youree Drive
Shreveport, Louisiana 71105

Office: 318 868-6552x109
Cellular: 318 286-0222
Facsimile: 318 868-0004
E-Mail: tomp@broadmoorbaptist.org

Confidential Attachments: Independent Auditor's Report, March 31, 2005
Budget Worksheet Summary for 2005-06



4110 Youree Drive
Shreveport, LA 71105
Tel: 318-868-6552
Fax: 318-868-0004

Tom Pennell, LPC, LMFT
Minister of Counseling and Communication Services
E-mail: tomp@broadmoorbaptist.org
Cellular: 318-286-0222

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