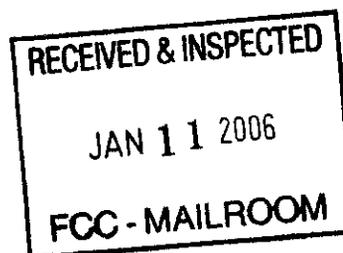


Office of the Secretary  
Federal Communication Commission  
Attention: CGB Room 3-B431  
445 12<sup>th</sup> Street SW  
Washington, DC 20554



## Petition for Exemption from Closed Captioning Requirements

### Petitioner

First United Methodist Church – Lufkin  
805 E. Denman Ave.  
Lufkin, Texas 75901  
936-639-3141 voice 936-639-3667 facsimile

### Introduction

The Petitioner, First United Methodist Church – Lufkin of Lufkin, Texas is a non-profit organization, a Christian congregation averaging 550 in worship on Sundays. The congregation offers a wide variety of services to our community of over 35,000 including moderately priced preschool and after school care, youth and adult recreation, meeting facilities for community groups, and outreach to the elderly.

Part of our outreach especially to the home bound and elderly of the KTRE viewing area is the live broadcast of our 10:30 Sunday morning worship. This Sunday morning airtime is shared with a Baptist church with each congregation airing regular morning worship live allowing each church to be seen approximately 6 months per year. The church has been involved in this broadcast for over 40 years.

The live broadcast of our regular worship service is totally produced by volunteers (one adult director and two teenagers as camera crew) using aging equipment (transmitter from the 60s and 70's) and an inadequate sound system. Purchase of the airtime at \$500 per week is provided through the regular offerings of the members of the congregation and represents a large percentage of the church's outreach budget. No appeal for viewer donations is made. Any viewer of our broadcast will see that it is substandard in quality – sound and picture are often poor. Estimates to upgrade the sound alone equal \$90,000. With the current debt load of the congregation (\$7,000 per month), this upgrade seems unlikely in the near future.

The viewer base for our worship service continues to be persons who find it physically difficult or impossible to go to their own church due to illness or incapacity. We see this as a real service to our whole East Texas area.

For the reasons set forth below, The First United Methodist Church – Lufkin requests an undue burden exemption from the closed captioning rules for its broadcast of *Sunday morning worship services*, pursuant to § 79.1(f) of the Commission's rules.

### **Nature and Cost of Closed Captions**

Although we would like to include Closed Captioning to our morning worship, we find the cost of the equipment (approximately \$12,000), the urgent need to upgrade all of our programming equipment, the desire to provide real time broadcast of our worship services, and the lack of trained closed captioning volunteers all prevent our providing closed captioning at this time.

Most companies we found which provide economical closed captioning services only do it for off line captioning. Real time captioning providers are limited in our community, especially on a Sunday morning.

We have considered the possibility of going to a tape delayed format which could lead to the use of closed captioning if funding could be found from grants or other outside sources. However, we do not have the equipment needed for tape delay. This equipment would be an addition \$5,000 and require at least one more volunteer to operate.

Another important note – at this time we do not provide ministry services for the hearing impaired. Even if someone were attracted to our congregation through a closed caption worship service, we could not follow up on their needs or requests because our staff is not ASL trained.

### **Impact on the Operation of the Program Provider**

Rising costs of utilities, our aging congregation, and stable but limited income indicate that paying for weekly captioning costs would not be possible and we would be forced to drop the broadcast of our weekly worship services.

### **Financial Resources of the Program Provider**

The petitioner, First United Methodist Church – Lufkin, is a tax-exempt non-profit organization through The United Methodist Church. The congregation itself provides the church's income through contributions. Expenditures include customary support of the Sunday School, three regular worship services, the youth and children's ministries, the staff, the facility utilities, care, and upkeep, recreational ministries, and denominational support obligations. In all these financial obligations First United Methodist Church – Lufkin seeks to fulfill its mission to Receive the Life, Live the Life, and Share the Life of Jesus Christ. The broadcast of Sunday services is a sharing the Life of Jesus Christ that our congregation provides to the traditional church attendee in the KTRE viewing area who finds it impossible to be in worship in his or her own church.

**The most recent financial statements of the congregation are attached.**

### **Type of Operation of the Program Provider**

The First United Methodist Church – Lufkin operates to make disciples of Jesus Christ in our congregation, community, and world so that they might have the abundant life God intends for people to have. We provide opportunities for people to be actively involved in worship, study, service to the community, choirs and music, marriage enrichment, mission trips, Red Cross shelter, nurture of children and youth through activities, sports, scouts, spiritual growth opportunities, and nursing home and homebound visitation. A staff of 16 full and part-time workers oversees these opportunities.

**Other factors**

Petitioner believes that the local, non-news exemption to the closed caption rules also applies to the broadcast of its Sunday morning worship on a non-weekly (monthly but roughly every other month or 6 months of the year). The worship is not news, they do not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition in an abundance of caution and for the purpose of establishing certainty.

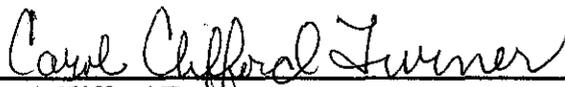
**Conclusion**

As shown by this petition and its attachments, the Commission should grant a waiver of the closed captioning requirement in this case, because requiring closed captioning would create an undue burden. The costs of captioning would be excessively high and would have a significant impact of Petitioner’s operations. The Petitioner’s type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under § 79.1(f) is warranted. If more information is needed, please, contact me at the address provided below.

Respectfully submitted,

First United Methodist Church – Lufkin

By:



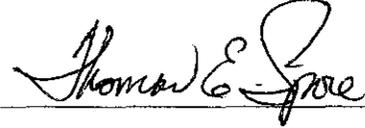
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Carol Clifford Turner  
Senior Pastor  
805 E. Denman Avenue  
Lufkin, Texas 75901  
936-639-3141  
936-639-3667 facsimile

Dated: 12/30/2005

## Declaration

I, Thomas E. Spore, am Church Business Administrator, of First United Methodist Church – Lufkin, and I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of First United Methodist Church – Lufkin in this matter, and upon information and belief, believe the statements regarding our organization and broadcast of its Sunday morning worship service to be true and accurate.



Thomas E. Spore  
Church Administrator

12-30-05  
date

**CERTIFICATION TO TELEVISION STATION  
OF PROGRAM COMPLIANCE WITH FCC  
CLOSED CAPTIONING REQUIREMENTS  
(to be delivered with the broadcast order)**

Client: First United Methodist Church - Lufkin  
Name of program: 10130 Sunday morning worship  
Television station: KTRE Lufkin, Texas  
Call letters City, State

The undersigned hereby certifies compliance with Federal Communications Commission closed captioning requirements for new programming (check A or B):

A. The program mentioned above is closed captioned in compliance with FCC requirements.

(or)

B. The program mentioned above is not closed captioned (check 1 or 2):

1. The FCC granted a waiver on \_\_\_\_\_ that remains in effect until \_\_\_\_\_.

(or)

2. The client requested a waiver from the FCC closed captioning requirements on 12-30-05.

Sign: Carol Clifford Turner  
Name: Carol Clifford Turner  
Title: Senior Pastor  
Date: December 30, 2005