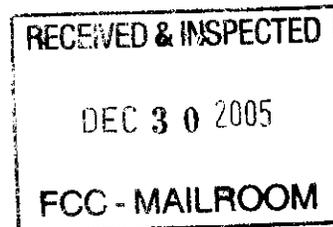


BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554



In the Matter of §
§
Victory Life Baptist Church, Inc. §

PETITION FOR WAIVER

COMES NOW the Petitioner, Victory Life Baptist Church, Inc., by counsel, Billy R. Wolfe of Wolfe & Associates, and Edwin Young, Associate Pastor, and respectfully submits a Petition for Waiver of Closed Captioning Requirements for consideration by this Honorable Commission. In support of its Petition, the Petitioner states as follows:

INTRODUCTION

This Petition for Waiver of the Commission’s Rules relates to closed captioning of video programming, Section 305 of the Telecommunications Act of 1996 – Programming Accessibility. In accordance with Title 47, Section 79.1(f) of the Code of Federal Regulations, Petitioner, Victory Life Baptist Church, Inc., submits this Petition for Waiver and respectfully requests that a Waiver be granted. The enactment of Section 613 acknowledged that in certain situations, the cost of captioning might impose an “undue burden” on video programming providers, which was defined as, “significantly difficult or expensive,” 47 U.S.C. §613(e). The Commission’s Rules expressly state that exemptions may be granted, in whole or in part, for a channel of video programming, a category or type of programming, an individual video service, a specific video program, or a video programming provider, upon a finding that the closed captioning requirements will result in an “undue burden”.

The factors the Commission may consider in its determination of whether the requirement for closed captioning imposes an “undue burden” are as follows:

1. The nature and cost of the closed captioning for the programming;
2. The impact on the operation of the provider or program owner;
3. The financial resources of the provider or program owner;
4. The type of operations of the provider or program owner;
5. Any available alternatives; and
6. Other factors the Petitioner deems relevant.

Accordingly, Petitioner, Victory Life Baptist Church, Inc., submits this Petition for Waiver and respectfully requests that a waiver be granted pursuant to Title 47, §79.1(f) of the Code of Federal Regulations.

BACKGROUND

Petitioner, Victory Life Baptist Church, Inc., is a local Baptist congregation organized as a non-profit corporation in the State of Texas, with its only location in Lubbock, Texas (see Exhibit "A"). The church has only been in existence for approximately thirteen (13) months, with an initial founding group of twelve (12) and has grown during the church's thirteen (13) month existence to an active enrollment of approximately three hundred (300) members. The church presently meets in a rented facility at a cost of approximately \$875 per week. In an effort to share with other persons in the viewing area, Petitioner's Senior Pastor, Brad Jurkovich's Sunday morning messages are televised on KAMC Channel 28, a local affiliate of ABC. This is the only television broadcast made available to the viewing public by Petitioner. The cost for the weekly broadcast of the Sunday morning message under the title, "The Truth Be Told," by Senior Pastor Brad Jurkovich, is approximately \$400 per week. The television broadcast has only been in existence since September of 2005. All of the work concerning the recording and producing of the thirty (30) minute program each Sunday is done by a single associate minister.

It is Petitioner's position that, due to the infancy of the church, its limited membership and the infancy of the television broadcast, to require captioning at this point in time of Petitioner will, as defined by the Commission, create an "undue burden." Petitioner, by this Petition, does not request an indefinite waiver, but a waiver for a maximum of twenty-four (24) months in order to secure the necessary resources to obtain the finances to purchase the equipment necessary for encoding and transcription of the thirty (30) minutes of programming. Petitioner has already invested approximately \$20,000 in the equipment necessary to record and produce the one-time per week, thirty (30) minute long program entitled, "The Truth Be Told."

DISCUSSION

The Commission is authorized to adopt appropriate exemptions, which include an analysis of the following factors:

1. The nature and cost of the closed captioning for the programming;
2. The impact on the operation of the provider or program owner;
3. The financial resources of the provider or program owner;
4. The type of operation of the provider or program owner; and
5. Other factors that the Petitioner deems relevant.

Petitioner respectfully submits that, upon review of the applicable factors in relation to its broadcast of one thirty (30) minute repeat of a Sunday morning sermon during a weekday, and in light of the limited nature of the programming, an exemption is warranted.

A. Nature and Cost of the Closed Captioning for the Programming

Petitioner, Victory Life Baptist Church, Inc., currently pays \$400 per week for broadcast of its Sunday morning sermons on KAMC Channel 28 for one thirty (30) minute broadcast on a weekday. Petitioner, by and through the affiants herein, have investigated and discovered that

the cost of purchasing equipment necessary for providing closed captioning for the thirty (30) minute program is an estimated amount of \$7,000 for the software for encoding the program, and an additional \$150 per week for the transcription of the thirty (30) minute weekly sermon.

B. Impact on the Operation

Petitioner, Victory Life Baptist Church, Inc., due to its infancy, and having just begun the thirty (30) minute weekday broadcast of its Sunday morning sermon (begun September 2005), would require an investment as set forth above at a time which, due to the infancy of the church and the program, will likely prevent Petitioner from being able to provide this service to the viewing public if immediately required to provide closed captioning. As previously stated, Petitioner does not request an indefinite waiver, but only a limited waiver for a maximum of twenty-four (24) months.

C. Financial Resources

Petitioner, as previously stated, meets in a rented facility, at a rate of \$875 per week, and due to its limited membership, the additional cost and investment as set forth above makes the viability of providing this service to the local community extremely difficult, if not impossible.

In addition, Petitioner was only informed of the requirement for closed captioning by letter dated December 22, 2005, from Nexstar Broadcasting Group, Inc., and as such, has had inadequate time to secure additional financing, if available, at this time.

D. Type of Operation

The type of programming for which Petitioner requests a waiver is a repeat of a Sunday morning sermon under the title of "The Truth Be Told," which is limited to one station, KAMC, Channel 28, once a week, in the local viewing area of Lubbock, Texas.

E. Other Factors

In addition to the factors discussed above, Petitioner, as previously stated, does not request an indefinite waiver, but only requests a limited waiver for the time period of at least eighteen (18) months and for a maximum of twenty-four (24) months. It is Petitioner's desire to comply with the Commission's requirements, but, due to the infancy of the church and its limited resources and membership, to require closed captioning at the present time creates an "undue burden," to Petitioner.

CONCLUSION

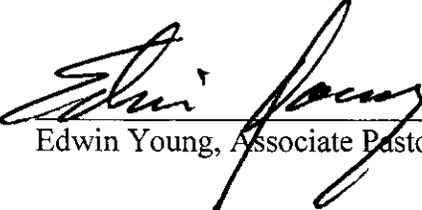
In summary, Petitioner, Victory Life Baptist Church, Inc., respectfully submits its Petition for Waiver, requesting exemption from the captioning requirements of this Honorable Commission, for its broadcast of Sunday morning sermons titled, "The Truth Be Told," by Brad Jurkovich, for thirty (30) minutes of programming once during the week on one local station, KAMC Channel 28, Lubbock, Texas. In support of its Petition, the Petitioner respectfully submits that an exemption is warranted pursuant to the applicable statutory and regulatory authority, as compliance at this time would cause an "undue burden". Petitioner requests a waiver for a maximum of twenty-four (24) months to incorporate captioning in the future, and to allow for the growth and financial stability of the church from its infancy.

In support of Petitioner's Request for Waiver, attached hereto are the affidavits of Victory Life Baptist Church, Inc.'s Associate Pastor, Edwin Young (see Exhibit "B"), and Secretary, Billy R. Wolfe, (see Exhibit "C").

WHEREFORE, Petitioner, Victory Life Baptist Church, Inc., respectfully requests that the Commission grant a limited waiver, not to exceed twenty-four (24) months from the date of this Petition, and asks that the same be granted by this Honorable Commission.

Respectfully Submitted,

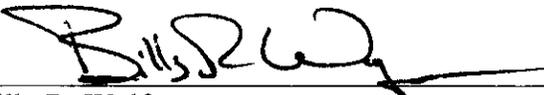
VICTORY LIFE BAPTIST CHURCH, INC.



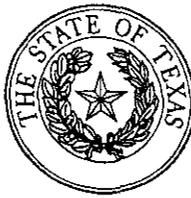
Edwin Young, Associate Pastor

And

WOLFE & ASSOCIATES
P.O. Box 2742
Lubbock, Texas 79408
Telephone: 806-749-3727
Facsimile: 806-749-3668



Billy R. Wolfe
Texas Bar Number: 21855900



Office of the Secretary of State

**CERTIFICATE OF AMENDMENT
OF**

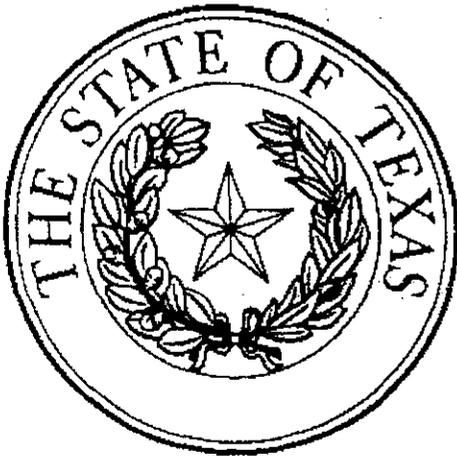
**VICTORY LIFE BAPTIST CHURCH, INC.
800025149**

[formerly: Victory Baptist Church]

The undersigned, as Secretary of State of Texas, hereby certifies that the attached Articles of Amendment for the above named entity have been received in this office and have been found to conform to law.

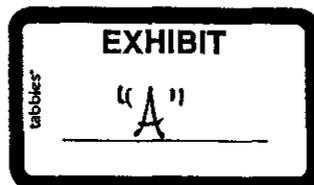
ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law hereby issues this Certificate of Amendment.

Dated: 10/18/2005
Effective: 10/18/2005



A handwritten signature in cursive script that reads "Roger Williams".

Roger Williams
Secretary of State



Come visit us on the internet at <http://www.sos.state.tx.us/>
Fax: (512) 463-5709

AMENDMENT TO THE ARTICLES OF INCORPORATION
OF VICTORY BAPTIST CHURCH, INC.

The name of the entity as it currently appears and as is stated in the Articles of Incorporation is VICTORY BAPTIST CHURCH, INC., and the file number issued to the ~~filed~~ by the Secretary of State is 800414517.

FILED
In the Office of the
Secretary of State of Texas

OCT 18 2005

ARTICLE I.

The document to be amended is the Articles of Incorporation which was filed in the **Corporations Section** Office of the Secretary of State on November 16, 2004.

ARTICLE II.

Article I of the Articles of Incorporation shall be amended as follows:

The corporation formed is a Non-Profit Corporation. The name of the corporation is as set forth below: VICTORY LIFE BAPTIST CHURCH, INC.

ARTICLE III.

Article II of the Articles of Incorporation shall be amended as follows:

The initial registered agent is an individual resident of the state whose name is set forth below: Brad Jurkovich.

The business address of the registered agent and the registered office address is: 5202 CR 7350, Suite E, Lubbock, Texas 79424.

ARTICLE IV.

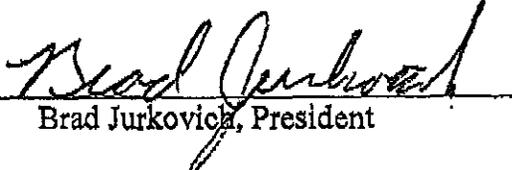
The amendments for the changes of the name, registered agent and registered office of the Corporation was approved and adopted by a two-thirds vote of a quorum of the members on December 11, 2004.

ARTICLE V.

As amended, the current name of the entity shall be VICTORY LIFE BAPTIST CHURCH, INC. The registered agent shall be Brad Jurkovich and the registered office is located at 5202 CR 7350, Suite E, Lubbock, Texas 79424.

Signed this 18th day of October, 2005.

VICTORY LIFE BAPTIST CHURCH, INC.

By: 
Brad Jurkovich, President



Office of the Secretary of State

CERTIFICATE OF INCORPORATION OF

VICTORY BAPTIST CHURCH OF LUBBOCK, TEXAS
Filing Number: 800414517

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above named corporation have been received in this office and have been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 11/16/2004

Effective: 11/16/2004



A handwritten signature in black ink, appearing to read "G. Connor".

Geoffrey S. Connor
Secretary of State

Form 202
(revised 6/01)

Return in Duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709
Filing Fee: \$25



Articles of Incorporation
Pursuant to Article 3.02
Texas Non-Profit
Corporation Act

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas

NOV 16 2004

Corporations Section

Article 1 - Corporate Name

The corporation formed is a non-profit corporation. The name of the corporation is as set forth below:

VICTORY BAPTIST CHURCH OF LUBBOCK, TEXAS

The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

Article 2 - Registered Agent and Registered Office (Select and complete either A or B and complete C.)

A. The initial registered agent is a corporation (cannot be corporation named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below.

First Name Billy	M.I. R.	Last Name Wolfe	Suffix
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C. The business address of the registered agent and the registered office address is:

Street Address 608 Broadway	City Lubbock	TX	Zip Code 79401
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Article 3 - Management (Complete items A or B)

A. Management of the affairs of the corporation is to be vested in the members of the corporation.

OR

B. Management of the affairs of the corporation is to be vested in its board of directors. The number of directors, which must be a minimum of three, that constitutes the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting or until their successors are elected and qualified are set forth below:

Director 1: First Name	M.I.	Last Name	Suffix
Street Address	City	State	Zip Code
Director 2: First Name	M.I.	Last Name	Suffix
Street Address	City	State	Zip Code
Director 3: First Name	M.I.	Last Name	Suffix
Street Address	City	State	Zip Code

Article 4 – Organizational Structure

(You must select either A or B below.)

A: The corporation will have members. B: The corporation will not have members.

Article 5 – Duration

The period of duration is perpetual.

Article 6– Purpose

The corporation is organized for the following purpose or purposes:

Said corporation is organized exclusively for charitable, religious, and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

No part of the net earnings of the corporations shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

"Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes."

Supplemental Provisions/Information

None.

Incorporator

The name and address of the incorporator is set forth below.

Name Billy R. Wolfe			
Street Address 608 Broadway	City Lubbock	State Texas	Zip Code 79401

Effective Date of Filing

This document will become effective when the document is filed by the secretary of state.

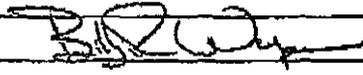
OR

This document will become effective at a later date, which is not more than ninety (90) days from the date of its filing by the secretary of state. The delayed effective date is _____

Execution

The undersigned incorporator signs these articles of incorporation subject to the penalties imposed by law for the submission of a false or fraudulent document.

Signature of incorporator



STATE OF TEXAS
COUNTY OF LUBBOCK

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§

AFFIDAVIT OF EDWIN YOUNG

On this day before the undersigned authority personally appeared EDWIN YOUNG, who after being duly sworn upon his oath deposed and said:

“My name is Edwin Young. I am the Associate Pastor of Victory Life Baptist Church, Inc., of Lubbock, Texas.

“I have read the above and foregoing Petition for Waiver and the facts stated therein are true and correct to the best of my knowledge.

“I am the individual who is responsible for the recording and production of the Sunday morning service of Victory Life Baptist Church, Inc., for production on the one local channel, KAMC Channel 28, in Lubbock, Texas.

“I have personal knowledge of the cost estimates for closed captioned programming, based upon my investigation and efforts to determine if such closed captioned programming could be included without ‘undue burden’.”

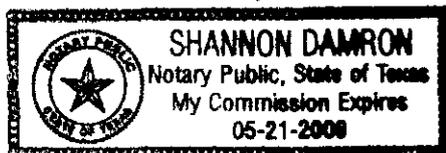
Further, Affiant sayeth naught.


EDWIN YOUNG

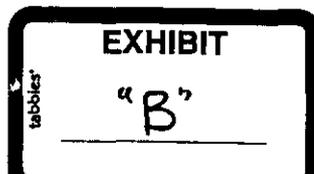
STATE OF TEXAS
COUNTY OF LUBBOCK

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SUBSCRIBED AND SWORN TO BEFORE ME on the 29th day of December, 2005, by EDWIN YOUNG to certify which witness my hand and seal of office.




NOTARY PUBLIC, State of Texas



STATE OF TEXAS
COUNTY OF LUBBOCK

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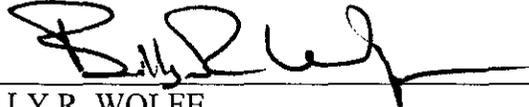
AFFIDAVIT OF BILLY R. WOLFE

On this day before the undersigned authority personally appeared BILLY R. WOLFE, who after being duly sworn upon his oath deposed and said:

“My name is Billy R. Wolfe. I am the duly appointed Secretary of Victory Life Baptist Church, Inc., of Lubbock, Texas.

“I have read the above and foregoing Petition for Waiver and the facts stated therein are true and correct to the best of my knowledge.

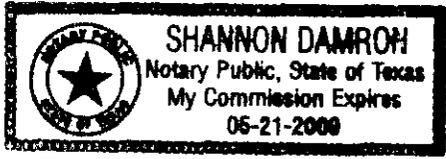
Further, Affiant sayeth naught.


BILLY R. WOLFE

STATE OF TEXAS
COUNTY OF LUBBOCK

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SUBSCRIBED AND SWORN TO BEFORE ME on the 29th day of December, 2005, by BILLY R. WOLFE to certify which witness my hand and seal of office.




NOTARY PUBLIC, State of Texas

