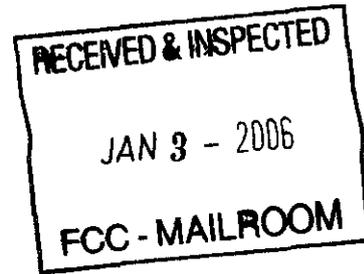


CGB-CC-0225

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



Petition for Exemption from Closed Captioning Requirements

Introduction

First Baptist Church at 305 South Perry Street in Montgomery, AL, is a Southern Baptist Church. The church was founded in 1829 and now has more than 4075 members. The mission statement of the church is to *bring them in, build them up and send them out*. It is the objective of the church to make disciples of Jesus Christ, disciple them in their faith and send them forth to Montgomery, the nation and world to make a difference in the social and spiritual life of individuals.

The Sunday Morning Worship services are broadcast at 10:30 a.m. which is broadcast on WSFA-TV. These broadcasts have been very significant to the growth of First Baptist Church. The services are 29 minutes in duration, and the production for each of these broadcasts is done by a staff of well-trained volunteers from the church membership. The church has no full-time person working in television. First Baptist Church absorbs 100 % of the production cost for the program.

For the reasons set forth below, First Baptist Church hereby requests an undue burden exemption from the closed captioning rules for the Sunday Morning Worship Service pursuant to Rule 79.1(f) of the Commission's rules.

Nature and Cost of Closed Captions

In an effort to locate sources and prices applicable to providing Closed Captioning, the church has investigated several options, one being Prince Institute of Vocational Studies of Montgomery, a local educational institution that teaches Court Reporting. They quoted a price of \$400 per hour for work done by their students. This additional cost would put an undue strain on the church's media budget. Another organization contacted was Media Comm, a company located in Charlotte, NC. They offered to provide Closed Captioning on a delayed basis (with the church furnishing a tape within two to three days of the original service) at a cost of \$425 per week. Adding Closed Captioning to our services on a delayed basis would destroy the immediacy of the nature of our telecast. For example, as the church celebrates Easter and Christmas, as

well as other significant days in the life of the church, it would be a great detriment for these services to have to be broadcast on a *delayed basis* to our local audience.

Impact on the Operation of the Program Provider

First Baptist Church has gone to considerable expense to equip its own production facility. The church has also endured the expense of the weekly cost of televising its services on WSFA in Montgomery, AL at a cost of \$750 per week. The addition of a cost of \$400 - \$425 per week to provide live Closed Captioning would put an undue burden on the church, as this additional cost would create an increase in its weekly costs that would approach almost 50%. Also, it would significantly increase volunteer which is already limited.

Financial Resources of the Program Provider

The church is a *not for profit* organization which receives most of its income by the tithes and donations of its membership. The addition of the costs involved to enable Closed Captioning would obviously deplete other significant areas of church financed services to the local community carried out through the caring ministry such as relief to those who are victims of disasters, and mission ministries in many locations.

Type of Operations of the Program Provider

First Baptist is a church. The mission of the church is to *bring people in, disciple them, and send them into the community to serve*. It is the objective of the church to win people to Jesus Christ, disciple them in their faith and send them forth to serve in the community and world. We are a non-profit religious institution.

Other factors

First Baptist Church believes that the local, non-news exemption to the closed captioning rules applies to the Sunday Morning Worship Services. These services are produced and distributed to the local network affiliate only. The services are not news and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition in abundance of caution and for the purpose of establishing certainty.

First Baptist Church is a not-for-profit organization.

Conclusion

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed caption requirements in this case, because requiring closed captioning would create an undue burden. The costs of closed captioning would be excessively high and would have a significant impact on 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 difficulty and expense in providing closed captions, a waiver under Rule 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

Respectfully submitted,

FIRST BAPIST CHURCH

By:



305 South Perry Street
Montgomery, AL 36104
Telephone: 334-834-6310
Fax: 334-241-5171

(Attachments of the following will be included as a part of this Waiver Request:

- 1.) Copies of WSFA Invoices, Jan., '05 – Nov., '05.
- 2.) Copy of financial statement First Baptist Church.

Invoice Inquiry Report

First Baptist Church

Invoice Dates between 1/1/2005 and 12/31/2005

Vendor: WSFA - TV(#91)

Transaction Types: Invoices, Adjustments, Manual Checks, Credit Card Charges

Sorted by Vendor, Invoice #

Invoice #	Inv. Date	Vendor	Description	Account #	Amount
<u>Invoice Type</u>	<u>Due Date</u>	<u>Payment Status</u>	<u>Project</u>	<u>Account Name</u>	
23955	1/19/2005	WSFA - TV(#91)	TELECASTS DEC.	001/510/05025	2,600.00
Invoice	1/19/2005	Check # 054329 1/18/2005		TELECASTS - WSFA & TCI	
24239	2/9/2005	WSFA - TV(#91)	JA	001/510/05025	3,500.00
Invoice	2/9/2005	Check # 054526 2/9/2005		TELECASTS - WSFA & TCI	
24521	3/9/2005	WSFA - TV(#91)		001/510/05025	2,800.00
Invoice	3/9/2005	Check # 054743 3/9/2005		TELECASTS - WSFA & TCI	
24790	4/6/2005	WSFA - TV		001/510/05025	2,800.00
Invoice	4/6/2005	Check #		TELECASTS - WSFA & TCI	
25004	5/4/2005	WSFA - TV		001/510/05025	2,800.00
Invoice	5/4/2005	Check # 05512		TELECASTS - WSFA & TCI	
25446	6/15/2005	WSFA - TV(#91)		001/510/05025	2,800.00
Invoice	6/15/2005	Check # 055473 6/1		TELECASTS - WSFA & TCI	
25739	7/13/2005	WSFA - TV(#91)		10/05025	2,100.00
Invoice	7/13/2005	Check # 055707 7/13/2005		CASTS - WSFA & TCI	
26127	8/24/2005	WSFA - TV(#91)		025	2,800.00
Invoice	8/24/2005	Check # 056040 8/24/2005		- WSFA & TCI	
26364	9/14/2005	WSFA - TV(#91)			2,800.00
Invoice	9/14/2005	Check # 056208 9/14/2005		FA & TCI	
26626	10/5/2005	WSFA - TV(#91)			2,800.00
Invoice	10/5/2005	Check # 056420 10/5/2005		- WSFA & TCI	
27046	11/16/2005	WSFA - TV(#91)	OC	001/510/05025	3,500.00
Invoice	11/16/2005	Check # 056748 11/16/2005		TELECASTS - WSFA & TCI	
27366	12/14/2005	WSFA - TV(#91)	NOV. TEL	001/510/05025	2,800.00
Invoice	12/14/2005	Check # 057000 12/15/2005		TELECASTS - WSFA & TCI	

Not a Financial File

2005-2006

2005-2006

Total of selected invoices:

34,100.00