



Sharing the Love of Jesus Christ
FIRST UNITED METHODIST CHURCH

May 2, 2006

Federal Communications Commission
ATTN: Ms. Amelia Brown, Senior Attorney
Disability Rights Office – Consumer & Governmental Affairs Bureau
445 12th Street, SW
Washington, DC 20554

RE: FCC # CGB-CC-0149

**REQUEST FOR EXEMPTION FROM COMMISSION'S
CLOSED CAPTIONING RULES**

Dear Ms. Brown:

First United Methodist Church in Shreveport, Louisiana (“FUMC” or the “Church”) respectfully submits 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. 47 C.F.R. § 79.1(d). We have your letter of February 13, 2006, and thank you for same. Pursuant to your request, enclosed please find detailed information or documentation regarding financial resources and assets of the petitioner, supported by affidavit, demonstrating that compliance with the Closed Captioning Rules would cause an undue burden in the form of significant difficulty or expense.

BACKGROUND INFORMATION

FUMC broadcasts on local television once a week for one and a half hours of airtime on two stations. We are a non-profit religious organization exempt from federal income taxes. The purpose of the organization is evangelistic. Our church hosts three formal worship services, administers and supports various auxiliary programs including local, national and international missions, counseling and support group ministries and various Bible teaching programs to members of the community in all walks of life.

The Church's multimedia outreach program extends the ministry beyond the walls of FUMC via electronic, print and other media outlets. By policy and practice, we have, however, never engaged in selling products or soliciting donations from those who view our live worship service broadcasts. Additionally, we neither solicit nor accept sponsorships or advertising. We are not in the televangelism business; we do not sell books or records nor do we promote the "preaching ministry" of our pastor. All church programs are funded by contributions from church members and our viewing audience. Our purposes in broadcasting our services are to reach those who are resistant to regular church attendance and to reach those who are acutely or chronically infirmed or invalid, which allows these members of our community to worship with their fellow congregants.

The Church has committed to remain on Texas Street in downtown Shreveport, despite the burgeoning growth of the outlying suburbs and the

movement of many other churches to those areas. This has at times been a decision with which some struggle. Part of our decision to remain here is based on the availability of the church to provide ministry and to reach out to the Ledbetter Heights and other areas adjacent to our church, which are low income, poverty-stricken communities predominately occupied by African-Americans.

FACTORS AND EVIDENCE IN SUPPORT OF EXEMPTION

FUMC believes our programming qualifies for exemption because implementing closed captioning would be an undue burden on our organization. The term "undue burden" is defined as a significant difficulty or expense. 47 C.F.R. § 79.1 (f). Considering the following factors and information, the Church has presented sufficient evidence to demonstrate that implementing closed captioning on FUMC's television programming would be an undue burden.

(1) The nature and cost of the closed captioning for the programming

The annual cost of airing our weekly television ministries exceeds \$120,000. Because we broadcast live-to-air one of the broadcasts, 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 are aware that the greatest accuracy figures advertised by voice-recognition equipment 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 this method. 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, similarly situated local churches have exhaustively searched 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, hour and a half long service, but their search has been completely fruitless. The search was a joint effort with local court officials, including judges and attorneys, and was conducted in conjunction with other area churches who broadcast similar programming.

With option 3, we understand that another local church has made preliminary contact with two of the real-time captioning companies in different parts of the country. One of these companies, CaptionMax, Inc., has quoted \$180/hr for real-time closed captioning services. Another company, Aberdeen Captioning, 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 require long

term contracts. Furthermore, the validity and reliability of these firms are highly suspect and unproven even as we contract their expensive services or risk standing in violation of the FCC broadcast requirements.

We have estimated that implementing this service for the two stations that broadcast our services would cost the church approximately \$70,000, an increase of over 58% of our current broadcasting costs.

(ii) **The impact on the operations of the provider**

FUMC in Shreveport, Louisiana has assisted countless families of evacuees suffering from the most devastating hurricane season in the history of this country. Hurricane Katrina in August 2005 and Hurricane Rita in September 2005 destroyed homes, business and churches, all along the gulf coast. Hundreds of thousands of our citizens have lost their homes or been displaced because of the loss of business activity. FUMC and its generous members have reached out to these people in numerous ways including special missions to assist families with housing, clothing and other essentials. FUMC members have made invaluable contributions through volunteerism. In addition to the above work (which necessarily has an adverse impact on the time and energy for the volunteerism available for ministry broadcast on video), through March, 2006, FUMC has contributed over \$80,000 in direct aid to evacuees. As you must be aware, these evacuees continue to struggle -- now some 250 days after Hurricane Katrina destroyed most of New Orleans and the surrounding area -- and our ministry will

continue to stretch to meet these citizens' needs for many months, and likely years, to come.

(iii) **The financial resources of the provider**

FUMC is a donor supported, non-profit organization with a total budget income from all sources totaling \$2,558,753.00 in 2004. Our budgeted funds are exhausted, essentially in their entirety, in service of the various missions, ministries and programs we support. As of the end of February, we are running a year-to-date deficit of \$82,432. The church budget is supported by individual and family charitable giving, which amounts to 92% of the budget.

Pursuant to FCC Rules Section 79.1(d)(12), we are seeking an exemption, in part, based on the fact that the Church's annual budget gross revenue was under \$3,000,000.00 during the previous calendar year. Further, pursuant to Section 79.1(d)(11), we seek an exemption as the projected costs of \$70,000.00 for the Closed Captioning service exceeds two per cent of the Church's annual budget gross revenue during the previous calendar year.

We also ask the Commission to recognize that as part of our long-term commitment in the downtown Shreveport area, we have recently completed construction of the first new building in over 40 years. We are very excited about how this new construction will assist our ministries; we are also very much aware of the related debt of \$2,000,000.00.

We have faith that our ministry broadcast by video is an important source for new members and vital ministry for the numbers of our congregation who are homebound. As earlier stated, the television broadcast costs for our ministry are budgeted for over \$120,000. We believe that, based on the high costs associated with Closed Captioning, the adverse effects of Hurricane Katrina and Hurricane Rita, and our current debt, we likely will be forced to consider curtailing some hours of broadcasting.

(iv) **The type of operations of the provider**

We respectfully refer the Commission to the historical background information set out above. In summary, the Church offers 1.5 hours per week of broadcast ministry in our local region of northwest Louisiana and surrounding areas. We do not engage in selling products or soliciting donations from those who view our live worship service broadcasts.

(v) **Available alternatives as reasonable substitute for closed captioning**

We will seek to accommodate the needs of the hearing-impaired members of our congregation by developing methods to provide text or graphic display of the content of the programming. We are also currently offering alternatives to closed captioning for members attending services at the Church. For example, FUMC provides hearing enhancement devices during the church services. This serves a

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similar purpose to the requirement of closed captioning and our service goes a step further by allowing these members of our community to actively participate in the community of worship with their fellow congregants.

We respectfully request that FUMC be granted an exemption from the closed captioning requirements based on the undue burden of compliance. If you have any questions or need further information, please do not hesitate to contact us at any time. Thank you for your thoughtful and reasonable consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Jay Sawyer". The signature is written in a cursive style with a large initial "S".

S. Jay Sawyer
Business Administrator

Enclosure: Original Affidavit of S. Jay Sawyer

ccs: KTBS TV
KTAL TV

STATE OF LOUISIANA

PARISH OF CADDO

AFFIDAVIT
OF
S. JAY SAWYER

BEFORE ME, the undersigned Notary Public in and for the state and parish aforesaid, personally came and appeared S. JAY SAWYER, who, after being first duly sworn, deposed that:

I am the Business Administrator of First United Methodist Church ("FUMC" or the "Church") in Shreveport. I have been so employed for the past ten years. In that position, I am intimately familiar with the finances and business operations of the Church.

I am authorized to submit this affidavit in support of the Church's petition docketed under FCC # CGB-CC-0149 for exemption from Closed Captioning requirements pursuant to Federal Communications Commission rules and regulations. This affidavit is made based on my personal knowledge of the finances and business operations of the Church, after consultation with and reliance upon the Church's outside accountants.

I believe that compliance with the Closed Captioning Rules would cause an undue burden in the form of significant difficulty or expense.

FUMC broadcasts on local television once a week for one and a half hours of airtime on two stations. We are a non-profit religious organization exempt from federal income taxes. The purpose of the organization is evangelistic. Our church hosts three formal worship services, administers and supports various auxiliary programs including local, national and international missions, counseling and

support group ministries and various Bible teaching programs to members of the community in all walks of life.

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The total budget for the Church for 2005 was \$2.8 million dollars. The gross annual revenue of the Church was \$2.8 million for 2005. FUMC is a donor supported, non-profit organization with a total budget income from all sources totaling \$2,558,753.00 in 2004. Our budgeted funds are exhausted, essentially in their entirety, in service of the various missions, ministries and programs we support. As of the end of February 2006, we are running a year-to-date deficit of \$82,432. The church budget is supported by individual and family charitable giving, which amounts to 92% of the budget. The television broadcast costs for our ministry are budgeted for \$123,250.

The cost of airing our television ministries each week exceeds \$120,000 annually. We broadcast live-to-air one of the broadcasts. Therefore, 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.

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Further, affiant sayeth not.


S. Jay Sawyer
Business Administrator

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 4th
day of May, 2006.


NOTARY PUBLIC

In and for Caddo Parish, Louisiana
My Commission Expires on with life.