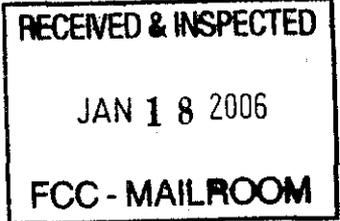


CGB-0372



The Whaley Company LLC
"Alabama Home TV"
1000 Blue Heron Point
Birmingham, AL 35242

January 17th, 2006

Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Attention: CGB Room 3 – B431

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

IN RE: The Whaley Company LLC production of "Alabama Home TV"
Babs Whaley and Leland Whaley, (Petitioners).

**PETITION FOR *TEMPORARY* EXEMPTION FROM
CLOSED CAPTIONING REQUIREMENTS**

COMES NOW, "Alabama Home TV" and its video programming producers and video programming owners, The Whaley Company LLC., and for their Petition for Temporary Exemption From Closed Captioning Requirements, pursuant to Section 79.1 of the Commission's rules, 47 C.F.R. § 79.1, and state as follows:

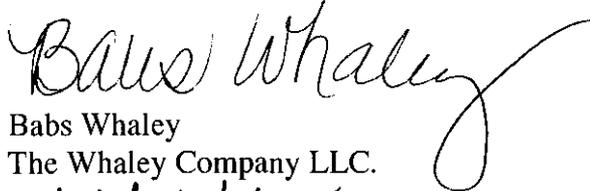
1. That Petitioners are the owners and producers of "Alabama Home TV", a commercial and educational home renovation television show based in Birmingham, Alabama.
2. That "Alabama Home TV" production company and owners consists of Babs and Leland Whaley of The Whaley Company LLC., and there are no other employees or independent contractors associated with the production company.
3. That, to date, "Alabama Home TV" represents the principle production and income of the Whaley Company LLC.
4. That Alabama Home TV is broadcast weekly on television stations and cable providers in Birmingham, Alabama.
5. That 52 shows are produced each year, and each show is thirty minutes in duration.

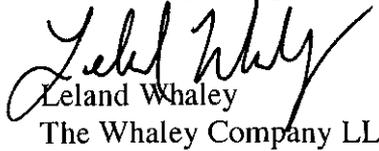
6. That for Petitioners to provide for closed captioning would constitute an undue burden upon “Alabama Home TV” and The Whaley Company LLC. in the following respects:
- a. That Petitioners do not have the technical capabilities to provide for closed captioning.
 - b. That “Alabama Home TV” is a new production first broadcast on November 4th, 2005 representing a new line of business for the Whaley Company LLC.
 - c. That The Whaley Company was admittedly negligent in not being aware of the closed captioning requirement until informed by its broadcast distributor on January 4, 2006.
 - d. That The Whaley Company LLC. has invested \$96,000 dollars to date for startup of “Alabama Home TV.”
 - e. That revenue for the production of “Alabama Home TV” to date is \$2500 with projected gross revenue for the next 12 months projected to be \$200,000.
 - f. That projected expenses for the production of “Alabama Home TV” for the next 12 months is projected to be \$220,000.
 - f. That to obtain the closed captioning service will cost approximately \$480.00 per show or \$24,960.00 per year.
 - g. That closed captioning estimates for annual production cost represent 12.48 percent of the estimated gross revenue of “Alabama Home TV.”
 - h. That Petitioners would be unable to produce and market “Alabama Home TV” if they were required to provide for closed captioning in the first year of operations.
 - i. That Petitioners do not possess the financial means to absorb the cost of closed captioning and if this temporary exemption is not granted, the Petitioners would cease production of “Alabama Home TV,” because of cost and budget restraints.
 - j. That the financial resources of The Whaley Company LLC., are in deficit and are limited to the extent that they could not continue to produce “Alabama Home TV”, if closed captioning is required.
 - k. That the loss of the “Alabama Home TV” production would force The Whaley Company LLC. out of business.

7. That the Petitioners understand and respect the intent and necessity of the closed captioning requirements and intend to become compliant as quickly as financially possible and thus do not request a permanent exemption.

8. That the Petitioners respectfully request a temporary exemption to Closed Captioning requirements for a period of 18 months in order to generate enough revenue to sustain the production of "Alabama Home TV" long enough to acquire the technical capabilities or services for closed captioning and to have them in place for the viewing audience at the end of the temporary exemption period, if so granted.

WHEREFORE, Petitioners respectfully request a grant of a temporary exemption from the closed captioning requirements, pursuant to Section 79.1 of the Commission's rules, 47 C.F.R. § 79.1, for "Alabama Home TV" a production of The Whaley Company LLC.


Babs Whaley
The Whaley Company LLC.


Leland Whaley
The Whaley Company LLC.

STATE OF ALABAMA) Ss.
COUNTY OF SHELBY)

On this the 17th day of January, 2006, before me a Notary Public in and for said state, personally appeared Babs Whaley and Leland Whaley, her husband, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in, the day and year first above written.

My commission expires: December 2, 2009.



Cassandra W. Russell
Notary Public - State of Alabama
Commissioned in County Shelby