

CGB-CC-0367



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December 29, 2005

Marlene H. Dortch, Esquire
Secretary
Federal Communications Commission
The Portals
Attention: CGB Room 3-B431
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

DEC 29 2005

Federal Communications Commission
Office of Secretary

Re: WLOX(TV), Biloxi, Mississippi (Facility ID Number 13995)
Request for Exemption from the Closed Captioning Requirements

Dear Ms. Dortch:

LibCo, Inc. ("LibCo"), licensee of the above-referenced television station (the "Station"), hereby submits, in triplicate and pursuant to 47 C.F.R. § 79.1(f), a request for exemption from the closed captioning requirements for its program, "Shop South Mississippi." As demonstrated herein, the requested exemption would avoid placing an undue burden on the Station. The factual representations asserted herein are supported by the attached Declaration.

WLOX(TV) operates in the Biloxi-Gulfport, Mississippi market (DMA 157). WLOX(TV) airs "Shop South Mississippi," a locally produced half-hour program comprised of three, eight minute segments, featuring products and services of small businesses and stores located in South Mississippi. These businesses and stores include jewelry stores, local restaurants, shoe repairs and small gift shops. WLOX(TV) airs the program weekdays at 11:30 a.m. The program is not distributed outside of the market. The program consists of several segments which are shot right up to the time the program airs. Since the program is being put together right before air time, there is not enough time for closed captioning to be done ahead of time.

Under the Commission's Rules, the following factors will guide the Commission in determining whether an undue burden justifies an exemption of its closed captioning requirements:

- (i) The nature and cost of the closed captions for the programming;
- (ii) The impact on the operation of the provider or program owner;
- (iii) The financial resources of the provider or program owner; and

(iv) The type of operations of the provider or program owner.¹

We submit that these and other relevant factors support a grant of the instant request for an exemption of the closed captioning requirements for "Shop South Mississippi."

Closed captioning the program would impose significant costs on the Station. Two captioning providers, Colorado Captioning and International Captioning, estimate it would cost approximately \$13,000 to caption the program each year. The Station has attempted but failed to find captioning at a reasonable cost. We charge \$150 to shoot each segment. To close caption each segment, we would have to either incur an expense of around twenty dollars, payable to one of the before mentioned caption companies, or take the segment to an edit booth, transcribe everything that is said and then enter it into our newsroom system in order to display closed captions. This process would be slow and tedious and require more time and resources than we have available. Our small clients may not be able to afford any additional production cost. This would force us to take a look at the program and see if it is economical for us to continue airing this local program.

Requiring closed captioning of the program would impact the Station's operations and local businesses. If the Station is required to close caption the program, it would need to pass along the expense to the small local businesses that purchase time during "Shop South Mississippi." Many of these clients advertise on this program because they cannot afford the normal cost of a thirty or sixty second advertisement in any local television station's regular scheduled programming, and they therefore have a relatively difficult time publicizing their businesses to local residents. This additional fee of twenty dollars per segment would make it cost prohibitive for many of the Station's "mom and pop" businesses to let the public know about its goods and services. Alternatively, because the captioning costs would make the program less profitable, the Station would be forced to replace this locally produced program with a captioned program such as those provided by national paid programming suppliers (i.e., infomercials). As such, requiring closed captioning of the program would have a significant negative impact on local businesses.

The local shopping program produces less than three hundred thousand dollars in revenue. After taking out the expense of sales and production cost, this program brings only a modest amount of revenue into the Station. If closed captioning is mandated, then we will have to decide whether it makes sense to do this locally produced half hour of television or whether we would be better off airing some syndicated program and losing our local program. The financial resources required to caption this program are not justified. The program produces a modest amount of revenue and the "all in" cost of production and selling expenses make the program marginal when examining the return.

WLOX(TV) is a small market television station with a small staff and limited technical capabilities. This program does not bring in enough revenue to justify hiring any other personnel. In

¹ 47 C.F.R. § 79.1(f)(2).

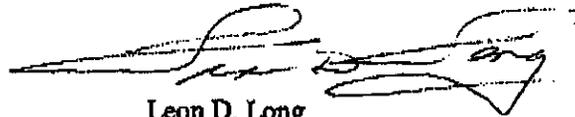
order to close caption this show each day, the Station would have to hire someone for three or four hours each day to do this job. It would not be financially feasible to do this. The Station is already investing significant amounts of its resources to produce the program. Adding another employee is not a viable option.

WLOX(TV) has explored the possibility of finding someone to do sign language for the program but at this time has not been able to find someone that could do the job on a consistent basis. WLOX(TV) is looking into voice recognition captioning but at this time has not found the equipment or the technology needed to caption this program in an economic, feasible way.

LibCo is committed to closed captioning and ensuring that television viewing is available to the many deaf and hard of hearing viewers. Nevertheless, LibCo believes that requiring the closed captioning of "Shop South Mississippi" at this time would impose an undue burden on the Station, forcing the Station to cancel the locally produced program. Because captioning the program would cause significant difficulty and expense, we respectfully submit that exempting the program from the closed captioning requirements would serve the public interest.

If you need any further information concerning this request, please contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leon D. Long", written over a horizontal line.

Leon D. Long

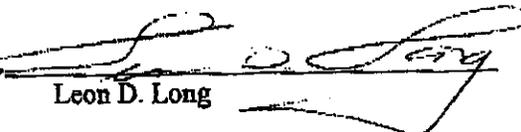
Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
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LibCo, Inc.)
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For Request for Exemption from)
Closed Captioning Requirements)

DECLARATION

I am Leon D. Long and I hold the position of Vice President, Operations of Cosmos Broadcasting Corporation, the parent company of LibCo, Inc., which is the licensee of WLOX(TV). I am also the General Manager of WLOX(TV).

The factual matters set forth in the foregoing request for exemption from the closed captioning requirements for "Shop South Mississippi" are true to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

By: 
Leon D. Long

December 29, 2005