PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: http://www.fcc.gov
TTY: 1-888-835-5322

DA 06-698

Released: March 30, 2006

CONSUMER & GOVERNMENTAL AFFAIRS BUREAU ACTION

REQUEST FOR EXEMPTION FROM COMMISSION'S CLOSED CAPTIONING RULES
CGB-CC-0440

Mr. George Newman has filed a petition for exemption from the closed captioning requirements, pursuant to Section 79.1 of the Commission's rules, 47 C.F.R. § 79.1, for his program "Bloomin' in the Garden." Petitioner claims that compliance would impose an undue burden, as defined in Section 79.1(f) of the Commission's rules, 47 C.F.R. § 79.1(f).

Comments and oppositions are due within 30 days from the date of this public notice. The case identifier, **CGB-CC-0440**, must be placed on all filings. Comments and oppositions sent via e-mail to the Commission will be considered informal and are not part of the official record.

Filing Instructions -

An original and two (2) copies of all comments, oppositions, and replies must be filed with the Commission.

Filings can be sent by hand or messenger delivery, commercial overnight courier, or by first class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Attn: CGB Room 3-B431.

* The Commission's contractor will receive hand-delivered or messenger- delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

* Commercial overnight mail (other than U.S. Postal Service, Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

* U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

In addition, comments and oppositions filed must indicate that they have been served on the petitioner. All comments and oppositions must be served on petitioner at:

George Newman
Bloomin' in the Garden
8008 Grand Teton Dr.
Potomac, MD 20854

An original and two (2) copies of petitioner's reply to the comments in the record is due 20 days after the comment deadline. Electronic filing is not available at this time. In addition, replies to comments or oppositions shall be served on the commenting or opposing party and shall include a certification that the commenter was served with a copy.

All comments, oppositions, and replies must contain a detailed, full showing, supported by affidavit, of any facts or considerations relied on.

The petition, comments, oppositions and replies will be available for public inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
202-418-7094

The petition, public notice, and decision (when issued) can also be found at http://www.fcc.gov/cgb/dro/caption_exemptions.html.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at http://www.fcc.gov/cgb/dro.

Consumer & Governmental Affairs Bureau Contact: Amelia Brown (202) 418-2799 (voice), (202) 418-7804 (TTY); e-mail amelia.brown@fcc.gov or Traci Randolph (202) 418-0569 (voice), (202) 418-0537 (TTY); e-mail traci.randolph@fcc.gov.

-FCC-