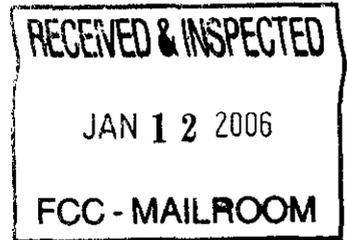


LOB CC-0346



PETITION FOR CLOSED CAPTION EXEMPTION

Petition date: January 11, 2006

- I. PETITIONER:** ISP Sports
140 Club Oaks Court
Winston-Salem, North Carolina 27104
- II. Corporate Makeup:** ISP Sports is a collegiate sports marketing company representing twenty-six (26) division 1A universities. Under a license granted by the universities, ISP Sports represents the universities in the marketing of their multi-media rights (Radio, Television, Internet, Print, venue signage).
- III. MEMBER INSTITUTIONS:**
ISP Sports is filing this petition representing the television programming produced and distributed for our following member institutions:
- | | |
|--------------------------------------|----------------------------------|
| University of California Berkeley | Tulane University |
| University of California Los Angeles | University of Alabama |
| Baylor University | University of Alabama-Birmingham |
| University of Houston | Auburn University |
| University of Southern Mississippi | Georgia Institute of Technology |
| University of Central Florida | Vanderbilt University |
| Wake Forest University | Virginia Technical Institute |
| Villanova University | Syracuse University |
| University of Pittsburgh | Marshall University |
| Ohio University | University of Cincinnati |
- IV. PROGRAMMING DESCRIPTION:** Under a license granted by the institutions listed in section III. of this document, ISP Sports produces and distributes thirty-minute coach's television programs. The programs recap highlights from the previous games along with brief interviews with the respective coaches.

V. **UNDUE BURDEN:**

ISP Sports is requesting an exemption to the closed captioning requirements pursuant to section 79.1 of the commission's rules, (47 C.F.R. section 79.1). Compliance of this rule would impose an undue burden, as defined in section 79.1 (f) of the commission's rules, based upon the following criteria:

- A) **Nature of the Programming:** Approximately 80% of the content in each of the programs is comprised of game highlights/replays. This same or similar material has been broadcast or previously distributed prior to our airing by various newsgathering and sports programming networks, meaning our programming has no significant value upon its initial airing, and represents no repeat value.
- B) **Impact on Production:** As a collegiate sports producer/distributor, the majority of the events we cover are taking place on the weekends. Our production crews travel with each of the teams and return primarily on Saturday nights/early Sunday mornings. This leaves a narrow window for post-production in order to meet distribution deadlines on Saturday evenings or Sunday mornings. Due to the nature and the various regions of travel, there is no regular timeline for production or a set time that production is completed. This prevents us from scheduling with a closed caption provider to encode our programming, as most vendors require.
- C) **Available Resources:** ISP Sports member institutions are spread throughout the United States. After researching our options for providing a timely program for the universities, while complying with closed caption guidelines, it is our determination that there were only two potential options for compliance.
 - 1) **Deliver a videotape of the program to a closed caption vendor:** Due to a turnaround time of several days to a week, this option would make our program outdated by at least a week.
 - 2) **Have the program closed caption at the point of satellite distribution:** A number of our programs are distributed via a satellite feed; however this option posed two issues.
 - a) Not every program is produced in an area where a satellite facility is accessible. In some cases the nearest facility is over an hour and a half away, impacting the production schedule.
 - b) A number of the satellite vendors that we currently utilize or have contacted do not have the hardware installed in their facility (closed caption encoders).

D) Financial Impact:

ISP Sports produces and distributes the coach's television programs primarily as a requirement based upon the license granted by the universities. In over 90% of the programs, the revenue generated by the sell of commercial inventory does not meet or exceed the production and clearance cost incurred by ISP Sports. Compliance to the closed captioning ruling could increase this deficit by approximately \$10,000 per program, which jeopardizes the ability of ISP Sports to deliver this service and program to our member institutions.

E) Alternative Solutions: ISP Sports recognizes the importance of providing closed caption programming to assist the hearing impaired. In support of this effort, ISP Sports has the ability to increase our use of graphic elements in each program, providing more information via text and graphics on screen for viewers that are hearing impaired.

It is our request that you review our petition and in consideration of our unique circumstance, grant an exemption to ISP Sports for the programs produced for our member institutions listed in section III. of this document. Based upon FCC guidelines, while our petition is under review, ISP Sports will exercise our right to be considered exempt while our petition is under consideration. ISP Sports will notify each of our television affiliates as to our filing of the petition and provide a copy of the petition to be kept on file with each affiliate until a determination has been reached. If you require any additional information, please contact ISP Sports utilizing the contact information below

Sign: Mark Covington
ISP Sports Representative

Title: Director of Television Operations

Date: 1/11/06

Correspondence: ISP Sports
34 Old Ivy Road suite 200
Atlanta, Georgia 30342
Attention: Mark Covington
Director of Television Operations