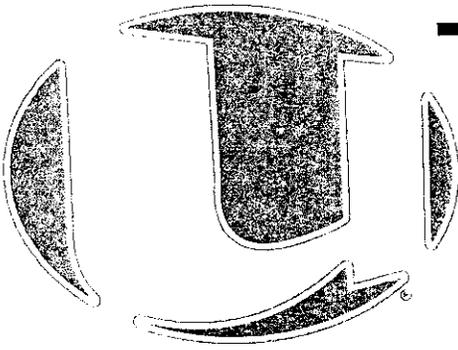
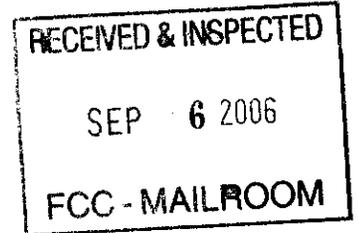


CGB-CC-0585



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August 30, 2006

Commission's Secretary
Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431
445 12th Street SW
Washington, DC 20554

Dear Secretary:

Please accept this document and the enclosed affidavit as a petition for exemption from Part 79.1(f) of the Commission's rules, implementing Section 713 of the Communications Act of 1934, as amended, on the basis of undue burden.

Type of service provided

"TVU's Most Wanted" is a non-commercial, one-hour television program showcasing the most-requested music videos of the TVU Music Television channel.

The TVU Music Television channel itself already qualifies for a Part 79.1(d) self-implementing exemption from the Commission's closed captioning rules as a channel producing less than \$3,000,000 in annual gross revenue. As required by Part 79.1(c), all programming on TVU including its "Most Wanted" program pass through existing closed captioning for music videos and other content received for airplay.

In addition to being carried by our own, already-exempt channel, the "TVU's Most Wanted" program is also carried by other channels. It is for this reason that we seek exemption for this specific program on the basis of undue burden.

**TVU Music Television
The RadioU Network**

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tvulive.com | radiou.com

The “Most Wanted” program typically features a minimum of eleven music videos on each show. These music videos pass through the captioning provided by the original recordings we obtain directly from the record industry. The balance of the program features a host whose primary role is to announce the song titles of the music videos played. Artist/Title information is also displayed visually on the screen at the beginning and end of each music video through the use of typical graphics and titling.

Financial hardship

TVU is owned and operated by Spirit Communications, Inc., a non-profit, 501(c)3 organization. TVU operates non-commercially and receives its sole funding through contributions made by its viewers. TVU does not receive funding from government programs, underwriting support, CPB grants, etc.

In 2005, TVU realized \$183,548 in fundraising revenues. In the first eight months of 2006, TVU has received \$91,297 through viewer contributions. Compared to the same period in 2005, this represents a year-over-year decline of more than 29%. These donations must fund the entire 24/7 channel’s programming including the subsidization of the “Most Wanted” program. Clearly, it is crucial that we maximize the use of our viewers’ donations, even as we experience budget shortfalls.

Inquiries regarding closed captioning costs resulted in estimates between \$530 and \$750 per hour of unscripted programming for services provided by outsourced captioning vendors, not necessarily including accommodations for the turnaround time required by the show. Aside from the TVU channel’s inherent basic operations expenses, the costs specific to the production of the “Most Wanted” program are currently only about \$117 per episode, thanks to our reliance on volunteer staff, etc. At an average cost of \$662 per show, the cost to add captioning amounts to 566% of our present expenses related to the production of this program.

Impact

The FCC defines “undue burden” to mean “significant difficulty or expense.” The impact to this program, and to the TVU channel as a whole, would be significant. With contributions from our viewership in decline, a 566% increase in production expenses for this program would be unacceptable at this time. This may result in TVU making cuts in other areas of the channel’s programming, employee layoffs, or the cancellation of this program altogether.

Further, the “Most Wanted” program is generally taped the same day it airs, and/or within a couple of days of its airing. We would therefore be required to change the entire viewer-vote-driven concept of the program in order to accommodate the turnaround time necessary to outsource the production to be captioned.

This exemption will allow TVU to maintain its 24/7 channel (which is already exempt) unaffected, and to maintain the creation of the “Most Wanted” program for airing on its various outlets including other channels.

Available alternatives

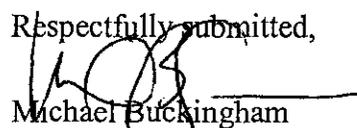
While it would indeed be burdensome to add true closed captioning for “TVU’s Most Wanted” program at this time, it is worth noting that the music videos aired during the show make up the bulk of the content – about 45 of the program’s 53 minutes, and already contain pass through captioning. During the non-captioned segments where a host speaks, the context of the speech is often easily understood through the program’s use of on-screen graphics and text which matches the subject matter being discussed. For example, if an artist’s tour schedule is being discussed, that schedule will often be shown on-screen; on-screen lower-thirds will show music news “headlines,” pictures, and graphics while the host is discussing a story, etc. As explained previously, each music video additionally contains on-screen titling, identifying the artist and title of each song.

Other factors

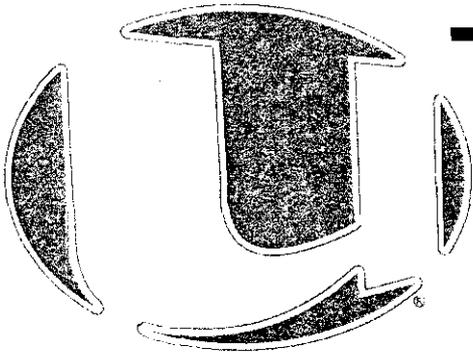
The host-driven segments of the “TVU’s Most Wanted” program are unscripted, and therefore do not follow a teleprompter. While many of these host-driven segments may follow a basic show outline, they also rely on the ability of the host to incorporate impromptu, situational content which strays from the pre-planned outline from time to time. As such, even the “electronic news room” technique for capturing closed captioning information is not a realistic option.

Thank you for your consideration of this petition. TVU wishes to maintain its current level of quality programming — including that of the “TVU’s Most Wanted” program — without incurring expenses that would be an undue burden to our non-profit organization in light of the present level of funds donated by TVU’s audience.

Respectfully submitted,



Michael Buckingham
Vice President/General Manager



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AFFIDAVIT

The information stated in the accompanying petition is true to the best of my knowledge.



 Michael Buckingham
 Vice President/General Manager

7/1/06

 Date

Notary Public State of Ohio



 Karen Seidenschmidt
 Notary Public

10-04-09

 My commission expires



KAREN A. SEIDENSCHMIDT
 Notary Public
 In and for the State of Ohio
 My Commission Expires
 October 4, 2009

TVU Music Television
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