

CGB-CC-0542

May 10, 2005

Commission's Secretary
Office of the Secretary
Federal Communications Commission
Attention: CGB Room 3-B431

To whom it may concern,

Please use this letter as a request for exemption from the closed captioning rules (found in 47 C.F.R. 79.1). In response to the FCC regulation that all new programming be closed captioned, I kindly request Today's Topic, a locally produced half hour public affairs program from New Mexico, be granted exemption status due to the undue burden ruling.

As producer of Today's Topic, I find the additional cost unbearable. Currently, the show is shot free of charge at a local PBS affiliate who uses students to assist in production. The clips are edited by a production house, (Amarillo Video) at roughly \$1100 per month. Air time is charged \$300 per week which is considerably less due to community education aspect of the show. As an Eastern New Mexico advocate, I have taken pride in offering viewers educational segments on women's health, Habitat for Humanity, and small business, just to name a few. I have assumed the financial responsibilities of the program, however the closed captioning costs would create an undue burden that I request you review. The current closed captioning cost was quoted at \$400 per show, over half of the current production cost.

I researched the requirements from an FCC site and saw that program providers who have revenues of less than \$3000 per year are exempt from the captioning requirements. Currently, Today's Topic has no revenue, only expenses as mentioned above.

I have enclosed copies of the costs incurred in production.

Thank you,



Gayla Brumfield
Executive Producer of Today's Topic

Cc: KENW, KOBR

AFFIDAVIT OF KATHY ELLIOTT

State of New Mexico

Clovis

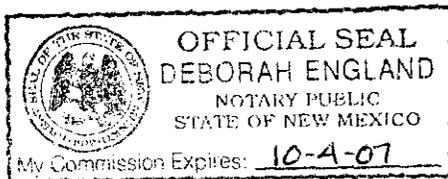
BEFORE ME, the undersigned Notary Public in and for the state, personally came and appeared Kathy Elliott, who, after being first duly sworn, deposed that:

1. My name is Kathy Elliott, I am over the age of 18 years and make this Affidavit based upon my personal knowledge.

2. I reside in Clovis, New Mexico and am currently the production coordinator for Today's Topic in Clovis, New Mexico, 1421 Main Street, Clovis, NM 88101.

3. On behalf of Today's Topic, I respectfully submit herewith to the Federal Communications Commission my May 17, 2006 letter requesting exemption from the Commission's closed captioning rules.

4. The information contained in my letter is true and correct



A handwritten signature in black ink, appearing to read 'Kathy Elliott', written over a horizontal line.

Kathy Elliott

SWORN TO AND SUBSCRIBED before me, Notary Public, on this

19th day of May, 2006.

A handwritten signature in black ink, appearing to read 'Deborah England', written over a horizontal line. Below the signature, the words 'Notary Public' are written in a smaller, simpler font.

State of New Mexico

Clovis

**AFFIDAVIT
OF
KATHY ELLIOTT**

Before me, THE UNDERSIGNED Notary Public in and for the state of New Mexico and city of Clovis, personally came and appeared Kathy Elliott, who, after being first dually sworn, deposed that:

I am currently the production coordinator for Today's Topic in Clovis, New Mexico. I have been so for one and a half years. In this position I am familiar with the finances and business operation of Today's Topic.

I am authorized to submit this affidavit in support of Today's Topic petition for exemption from Closed Captioning requirements pursuant to Federal Communications Commission rules and regulations. This affidavit is made based on my personal knowledge of the financial and business operations of Today's Topic.

I believe that compliance with the Closed Captioning Rules would cause an undue burden in the form of significant difficulty or expense.

Today's Topic broadcasts on local television once a week for a half hour of airtime on two stations. The purpose of the show is community awareness in public services, awareness in health and fitness, suggestions and advice for small business as well as many other community awarenesses.

Gayla Brumfield, Executive Producer of Today's Topic has assumed full financial responsibility for the program and has exhausted all funds for Today's Topic in production and editing for the show.

We respectfully request that Today's Topic be granted an exemption from the closed captioning requirements based on the undue burden of compliance. If you have any questions or need further information, please do not hesitate to contact us at any time. Thank you for time and consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Elliott", written in a cursive style.

Kathy Elliott
Production Coordinator

Ccs: KENW
KOBK

KOB/KOBF/KOBR

Television

Division of Hubbard Broadcasting, Inc.

KOB-TV Albuquerque 505-243-4411
 KOBF-TV Farmington 505-326-1141
 KOBR-TV Roswell 505-625-8888

REMITTANCE COPY

AGENCY ELLIOTT MARKETING COMPANY
 BILLING 1421 MAIN STREET
 ADDRESS CLOVIS, NEW MEXICO 88101

MAKE ROSWELL
 PAYMENT KOBR-TV
 TO 124 EAST 4TH STREET
 ROSWELL, NM 88201

DATE 04/30/06

REPRESENTATIVE	SALESMAN ROSALIE RILEY 924
ADVERTISER ELLIOTT MARKETING CO 9272	PRODUCT TODAYS TOPIC

ORDER TYPE	6	AGENCY EST. NO.
INVOICE NO. 1553-289566	PAGE 1	BROADCAST MONTH APRIL, 2006
SCHEDULE DATES 04/15/06-04/29/06	CONTRACT YEAR	
BILLING INSTRUCTIONS		

SCHEDULE					ACTUAL BROADCAST									RECONCILIATION						
1 DAYS	2 TIME	3 RATE DETAIL	4 RATE	5 NO THIS MO	6 DATES	7 DAY	8 TIME	9 TYPE	10 CLASS	11 P/B	12 M/G FOR	13 PRODUCT/FILM NO.	14 RATE	15 REMARKS	16 DR.	17 CR.				
					IT IS UNDERSTOOD THAT THE AGENCY MAKES THIS CONTRACT BOTH FOR ITSELF AND AS AGENT FOR THE ADVERTISER AND THAT THE AGENCY AGREES ON BEHALF OF THE ADVERTISER AND OF ITSELF THAT AGENCY AND ADVERTISER ARE AND SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL PAYMENTS TO BE MADE BY AGENCY TO STATION AND FOR ALL OBLIGATIONS UNDERTAKEN AND TO BE PERFORMED BY AGENCY.															
					30 MINUTE PAID PROGRAMMING "TODAYS TOPIC" INVOICE FOR PACKAGE CONTRACT INCLUDING ADVERTISER BONUS TRIP AT STATION EXPENSE.															
LINE# 1	400P- 430P	R	30000	3	4/15	SA	400P	O3	R			R TODAY'S TOPIC #62	30000							
					4/22	SA	400P	O3	R			R TODAYS TOPIC #63	30000							
					4/29	SA	---	---	---			R - - - - -	--N/C MISSED			3000				
MONTHLY COST PER ORDER CONFIRMATION					90000									ACTUAL GROSS BILLING			60000	SUB-TOTALS		30000
WE WARRANT THAT THE BILLING ON THE STATION'S LOGS AND ON THIS INVOICE IS ACCURATE WITHIN TWO MINUTES OF ACTUAL														AGENCY COMMISSION			9000	TOTAL RECONCILING ITEM		300000
					NET DUE												51000			

Amarillo Video Productions

P.O. Box 8941
Amarillo, TX 79114

Invoice

Date	Invoice #
4/28/2006	376

Bill To
Elliott Marketing Kathy Elliott 1421 N. Main Clovis, NM 88101 fax 505-763-0732

P.O. No.	Terms	Job Rep
	Net 30	Ed

Service	Srvc Date	Qty/Hrs	Description	Rate	Amount
Post Production		12	Today's Topic - shows 61, 62, 63, 64	75.00	900.00
Shipping		4		12.00	48.00

Please remit to the address above.
Thank you for your business!

Sales Tax (0.0%)	\$0.00
Total	\$948.00