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06-181

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

CGB

FILED/ACCEPTED

JAN - 9 2007

Federal Communications Commission
Office of the Secretary

December 11, 2006

Control No. 0602151-Pol

The Honorable Jon Kyl
United States Senate
730 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Kyl:

Thank you for your letter on behalf of your constituents, John and Jennifer Schuck, concerning recent Commission actions granting certain exemptions from our closed captioning rules. The Commission is committed to ensuring that the disability community has access to all telecommunications goods and services.

On September 11, 2006, the Commission's Consumer and Governmental Affairs Bureau adopted an *Order* resolving two petitions for exemption from the closed captioning rules, CG Docket No. 06-181. Petitioners, New Beginning Ministries and Anglers for Christ Ministries, Inc. -- nonprofit organizations whose programming was produced by in-house volunteers with limited funding -- alleged that compliance would be an undue burden and would likely cause them to discontinue their programming.

The New Beginning and Anglers petitions were put on Public Notice, and an opposition was filed by a coalition of several deaf and hard-of-hearing advocacy groups. The Bureau considered the arguments of the opponents, but ruled in favor of the petitioners. Shortly, thereafter, the Bureau issued a number of letter orders granting undue burden exemption petitions filed by other similarly situated video programming owners.

On October 12, 2006, several advocacy groups for the deaf and hard of hearing filed an application for Commission review of the Bureau *Order* and letter orders. The advocacy groups requested that all the petitions for relief from the closed captioning rules based on undue burden be placed on public notice. On November 7, 2006, the Commission released a Public Notice (PN) noting the application for review and seeking comments on all undue burden petitions not previously put on public notice. The PN states that the *Order* and letters orders granted by the Bureau will be held in abeyance until the comment cycle on the additional applications noticed is closed. The *Order* and letter orders will be reviewed by the Commission.

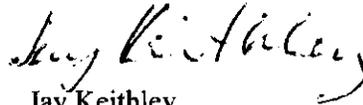
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The Honorable Jon Kyl

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We have placed a copy of your correspondence, including the Schucks' correspondence, in the public record for this proceeding, CG Docket No. 06-181. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Keithley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jay Keithley
Deputy Bureau Chief
Consumer & Governmental Affairs Bureau

JON KYL
ARIZONA

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(202) 224-4521

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September 21, 2006

Mr. John Schuck
20701 North Scottsdale Road
Scottsdale, AZ 85255

CSB
Close Caption
2151

Dear Mr. Schuck:

Thank you for contacting my office with your concerns.

In an effort to be of help, I have taken the liberty of forwarding your correspondence to officials at the Federal Communications Commission to ask that your comments be given appropriate consideration as the agency decides how to proceed.

Please feel free to contact me if I may be of assistance with any other federal matters.

Sincerely,



JON KYL
United States Senator

JK:AD
cc: Federal Communications Commission



Dear Senator Kyl:

This is to let you know that I fully support the action alerts from TDI and other national organizations to oppose the decisions taken by the Federal Communications Commission (FCC) on September 12, 2006. I respectfully ask that the FCC reverse its September 12, 2006 decisions regarding television captioning waivers.

Churches make up a very important part of every community. It is within their mission to support the basic needs of all people within their reach. When Hurricane Katrina struck the Gulf Coast one year ago, they were among the first to offer help with shelter, food, and other assistance to the survivors. Captioning TV programs does meet a legitimate basic need for access to information just like building a ramp to the church door. By providing captions to meet the needs of a significant population group, the churches will find themselves with an expanded TV viewership, which will lead to an increase in their membership and other support from the community. When children and adults are able to read captions on spiritual programs, they are influenced to live up to high moral standards and contribute their part to the community. Hearing loss is the number one growing disability among senior citizens – they will find themselves depending on captioning to listen to the message.

We want to participate fully in all programs and services at our local church because it serves as a vital resource that empowers us to be fully integrated in the community. If one of us who are deaf or hard of hearing sees the services with captions on TV, we can interact with other church members, neighbors, fellow employees, family members, and service professionals in the local community. We stand to benefit from the "local connection" that national religious programs are unable to provide.

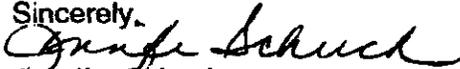
We know that all video programmers have had ten years to prepare for the captioning regulations now in place, and temporary waivers when appropriate. When you give full permanent exemptions to the two programmers, it reverses all the access we have worked on for years. We ask that programmers consider other possible revenue options such as sponsorships, long-term captioning service agreements, and aftermarket sales (videotapes or DVDs) to cover and minimize the cost of captioning. Or they can reduce other expenses in their production budgets to enable the provision of captioning.

Closed captioning allows a) access to news that is indispensable to the community, b) entertainment that is an integral part of our lives, and c) education that paves the way for us to become self-sufficient in society. The information that everyone in the community receives is also important and only can be received if it is captioned.

With these exemptions, all our hard work of acquiring them in the first place has been lost. It sets a precedent for others to do the same and where will we end up? Right back where we started? No captions at all?

Thank you for your consideration,

Sincerely,



Jennifer Schuck
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Ste 107-245
Scottsdale, AZ 85255
jenschuck@hotmail.com

cc: Monica Desai, Chief, Consumer & Governmental Affairs Bureau Jay
Keithley, Deputy Chief (Policy), Consumer & Governmental Affairs Bureau Tom
Chandler, Chief, Disability Rights Office Cheryl King, Deputy Chief, Disability
Rights Office; John McCain