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CGB-CC-0662

February 9, 2007

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

RE: Exemption to the Closed Captioning Requirements for the Coldwell Banker West Shell Sunday Morning Home Show

To Whom It May Concern:

Please accept this written request for an exemption to the closed captioning requirement for the Coldwell Banker West Shell Sunday Morning Home Show.

The Coldwell Banker West Shell Sunday Morning Home Show is a 30-minute, weekly real estate show contracted to air on Fox19 in Cincinnati, Ohio at 11:00 a.m. beginning on February 25th and subsequently appearing 42 weeks annually. Coldwell Banker West Shell is a local real estate company owned and operated by NRT Incorporated, the nation's largest residential real estate brokerage company. NRT, a subsidiary of Realogy Corporation, operates Realogy's company-owned real estate brokerage offices.

We respectfully request this exemption for the following reasons under 47 C.F.R. Section 79.1(d)(8) and 47 C.F.R. Section 79.1(f):

- A. The Coldwell Banker West Shell Sunday Morning Home Show will be a locally produced and distributed show with no repeat value and for which the 'electronic news room' technique of closed captioning is not available. Our show will be produced, edited and delivered to the station within a 10-14 day period and because of the time sensitive nature of the content, it will not be re-aired anytime in the future. It will not be news programming, instead consistent with paid programming with content consistent with entertainment programming. The show also will not employ a news script computer or teleprompter from which such captioning would be derived. For these reasons, petitioner feels that the eligibility requirement for exemption has been met.

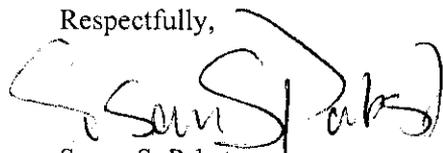


- B. Likewise, consistent with Section 79.1(f), we feel such requirement would pose an undue burden on our company to provide the Sunday Morning Home Show, using the model we have created. When we initially contracted with a local production company, ProMedia of Ohio, to handle the post-production for this show, we did not factor in the additional cost of closed captioning. Since they do not currently own the equipment to provide closed captioning, they would be required to purchase the appropriate system solely to produce our show. We would be absorbing this cost and even though it would be spread over the 42 shows scheduled for 2007, this additional cost would not allow us to offer the show to all of our agents at an affordable rate; especially those that are selling affordable housing. It would be unfair to prohibit them specifically from equal participation in this marketing opportunity. The added expense of closed captioning would essentially be cost prohibitive for a good majority of our agents rather than the minority. Our intent for this program was not to turn a profit, rather we planned on our agents purchasing the 30+ spots to advertise their listings using a more diverse method than other options that are currently employed in the Cincinnati market.
- C. Finally, each episode of the Coldwell Banker West Shell Sunday Morning Home Show will feature between 30-40 homes. Within the :30-:33 of each individual spot, a introductory 'slate' will be displayed, followed by several images of the home and ending with a final 'slate' with the Realtor's name, contact information and photo. The listing address, city/town, price, open house times and corresponding number on the show are also displayed (see attached slates). All of this information is what adds value to the program and without it, the show would be worthless. Adding the closed captioning for the hearing impaired would actually detract from the content of the show judging from the audio script that would be superimposed over this vital listing information. An attached script will also detail that the majority of the character generated information on the screen is not also included in the script. This last example provides a strong argument that this would not add benefit for the hearing impaired, actually quite the contrary.

We believe for the reasons stated above that the Coldwell Banker West Shell Sunday Morning Home Show should be exempt from the closed captioning requirements. Please understand that the petitioner supports the closed captioning resource and will pursue all avenues to provide this addition to the Sunday Morning Home Show as we move forward. As mentioned previously, the show was not created to be a profit center, however it is our intention to possibly solicit one or more advertisers to participate in the show's content and this additional revenue would allow us some flexibility to make closed captioning available to the show's viewers in the future.

Thank you for your time, we appreciate your thoughtful consideration and will be more than happy to provide further documentation as necessary.

Respectfully,



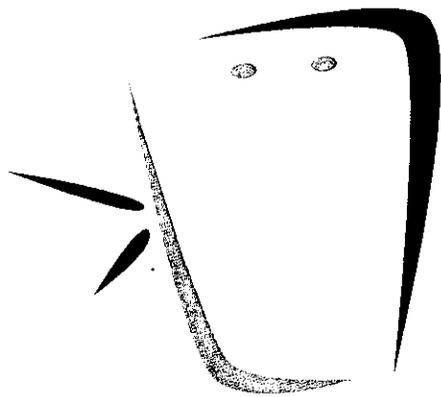
Susan S. Pabst
Marketing & Home Show Coordinator
Coldwell Banker West Shell
Coldwell Banker King Thompson

About Coldwell Banker King Thompson and Coldwell Banker West Shell:

Across Ohio, Coldwell Banker King Thompson and Coldwell Banker West Shell have 30 offices and over 1,730 sales associates serving central Ohio, greater Cincinnati, northern Kentucky and southeastern Indiana. The companies are owned and operated by NRT Incorporated, the nation's largest residential real estate brokerage company. With more than 1,000 offices and 64,000 sales associates operating in over 35 major metropolitan areas, NRT posted a real estate industry record of \$230 billion in closed sales volume in 2005. NRT, a subsidiary of Realogy Corporation, operates Realogy's company-owned real estate brokerage offices. For more information, visit www.kingthompson.com or www.cbws.com.

NRT Boilerplate:

NRT Incorporated is the nation's largest residential real estate brokerage company, with more than 1,000 offices, 64,000 sales associates and 9,000 employees operating in 35 major metropolitan areas. NRT's commercial operations rank as the 12th-largest corporate-owned commercial real estate brokerage in the United States. In 2005, the NRT family of companies achieved an industry record with \$230 billion in closed sales volume. NRT (www.nrtinc.com), a subsidiary of Realogy Corporation, operates Realogy's company-owned real estate brokerage offices under the world-renowned brand names of Coldwell Banker[®], Coldwell Banker Commercial[®], ERA[®], Sotheby's International Realty[®] and The Corcoran Group[®]. Realogy is the world's leading real estate brokerage franchisor.



SUNDAY ACQUISITION

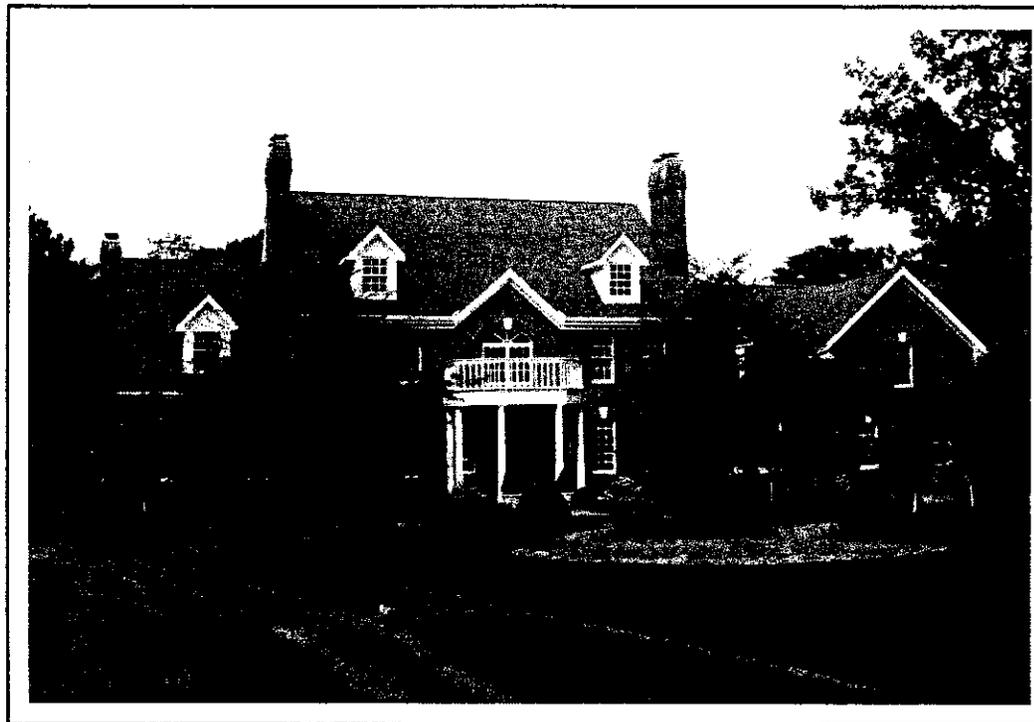
Home



Presented by



Sample slate



1234 South Main Street – Cincinnati

OPEN 1-3 \$143,500



John Galloway

513-123-4567

cbws.com/john.galloway



Show#235-02 01/30/07 :33
7880 Pinehill Rd., Lewis Center, OH.
\$234,900
Janice Katynski, Worthington

Sample Script

Lewis Center's Villages of Oak Creek is home to this one-owner Colonial offering 4 bedrooms and 2-1/2 baths.

The generous entry opens to the half bath, the Laundry Room, and the Formal Dining Room or Den.

The fully applianced Kitchen leads into the Great Room featuring a 2 foot bump-out and doors to the custom deck.

Retire in the evening to the Master Suite complete with a private bath and a large walk-in closet.

Janice Katynski will provide a full tour of this immaculate one-owner home at today's open house.

AFFIDAVIT

I, Susan S. Pabst, as the marketing coordinator and representative for the Coldwell Banker West Shell Sunday Morning Home Show, do hereby swear under oath that all the enclosed material is true to the best of my knowledge.

Susan Pabst Signature 2/12/07 Date

Kubel J Witness 2/13/07 Date

JANICE L. THOMAS, Notary Public
In and for the State of Ohio
My Commission Expires 7/9/07

Janice L. Thomas
Notary Public