



Federal Communications Commission
Washington, D.C. 20554

July 20, 2006

Reference: CGB-CC-0265

Mr. Charles K. Murdock
Kenwood Television Productions, Inc.
8939 Harperpoint Drive, Suite A
Cincinnati, OH 45249

Dear Mr. Murdock,

The Federal Communications Commission received the petition you filed on behalf of Kenwood Television Productions, Inc. ("Kenwood"), seeking an exemption from the closed captioning requirements for its program, "Passport to New Homes", based on the undue burden standard in Section 79.1(f) of the rules.

Without addressing the merits of your petition, we note that it is incomplete because, among other things, it does not include detailed information or documentation regarding financial resources and assets, the nature and cost associated with captioning the show, and it does not explain reasonable alternatives to captioning, if any. Your petition must be supported by sufficient evidence to demonstrate that compliance would cause significant difficulty or expense. Without this documentation, which is required under the Commission's rules, it is impossible for the Commission to determine whether Kenwood has sufficiently justified an exemption from the closed captioning requirements for its program, "Passport to New Homes."

We request that you promptly supplement the petition with the requested information and support it by affidavit. To assist you in supplementing your petition, enclosed is a copy of the Commission rule governing the filing and processing of petitions for exemption from the closed captioning requirements. Additional information also is available on the web at www.fcc.gov/cgb/dro/caption_exemptions.html.

In your petition, you noted that your programming consists purely of *Interstitials*, and thus you believe that you qualify for a self-implementing exemption under Section 79.1(d)(6) of the Commission's rules. That exemption states that Interstitial material, promotional announcements, and public service announcements, that are 10 minutes or less in duration are exempt from the rules. However, the programming you describe would not qualify as interstitials. Interstitial is defined in paragraph 151 of the 1997 Report & Order that adopted the closed captioning rules as "programming of brief duration that is used as a bridge between two longer programs." (See 13 FCC Rcd 3272, 1997 WL 522792). For example, where a program ends before the half hour mark and the next program is not due to begin for five minutes, the TV station might air a five minute promotion for another program. This would be considered an interstitial.

Please note that your petition remains pending. Pursuant to the Commission's rules, while your petition is pending before the Commission, the video programming that is the subject of the petition is considered exempt from the closed captioning requirements.

Please include the case identifier number **CGB-CC-0265** in all correspondence with the Commission regarding this matter. Please send an **original and two copies** of the supplementary material to

Amelia Brown, Disability Rights Office
Federal Communications Commission

Please follow the directions found on the above website for mailing or delivering materials to the Commission. Any inquiries regarding this matter should be directed to Amelia Brown at (202) 418-2799 (voice), (202) 418-7804 (TTY), or Amelia.Brown@fcc.gov. **Please refer to the case identifier number in any email correspondence or phone conversations with Commission staff.** Thank you for your attention to this matter and please do not hesitate to contact me with questions.

Sincerely,

Amelia Brown
Senior Attorney
Disability Rights Office
Consumer & Governmental
Affairs Bureau