

06-181

CGB-CC-0774

Received & Inspected

JAN 10 2008

FCC Mail Room

**Closed Captioning Compliance Statement**

FIRST CHURCH OF CREATIVE MIND certifies to station WFXG . 24 Augusta Georgia that the broadcast by the Station of our weekly church service is exempt from the closed captioning requirements of the Federal Communications Commission (47 CFR § 79.1) under the § 79.1(d)(8) exemption for "locally produced and distributed non-news programming with no repeat value" because the weekly church service program, which is co-produced in cooperation with the Station:

- is not news programming;
- is of specific local interest to residents of the Station's service area;
- is not repeated or redistributed; and
- is not scripted so that electronic news room closed captioning would be unavailable.

If there is any change in the above information, we will provide immediate written notice to the Station.

FIRST CHURCH OF CREATIVE MIND

  
T.E. Cross, Founder

January 4, 2008

Office of the Secretary  
Federal Communications Commission  
Attention: CGB Room 3-B431  
445 12<sup>th</sup> Street SW  
Washington DC 20554

## Petition for Exemption from Closed Captioning Requirements

### **Introduction**

In September of 1978, First Church of Creative Mind began its out-reach ministry via radio. First Church of Creative Mind has always been considered a world out-reach Evangelical ministry that teaches the belief that God, the Creator of Heaven and Earth, is a Living Spirit almighty, one indestructible, absolute and His Son, Jesus Christ and the Holy Spirit do have control over all the Earth and all living things that exist on the Earth.. First Church of Creative Mind's mission is to reach and teach the masses that the kingdom of God is within us and surrounds all and that we experience this kingdom to the degree that we become conscious of it. First Church of Creative Mind can show an individual how to change their life for the better by applying insightful, practical spiritual principals.

Our program broadcast title is "The Unlimited God Power Hour." The substance of the program consists of affirmations, Bible teachings, religious philosophy, and prayer and point-of-contact items. The church offers faith items via a toll-free 800 number. By way of pastoral counseling and one-on-one personal contact is another of the many ways the church achieves its mission.

Each First Church of Creative Mind broadcast episode is of 28:30 minute duration. The program airs at various broadcast times depending on available station time slots. As of the writing of this petition, our broadcast times are from 2:30 AM to 3:00 AM eastern standard time on WFXG Fox Ch. 24 - Augusta Georgia. The program is produced by T.E. Cross, in

conjunction with a hired independent production company; there are a limited number of inconsistent volunteers. Our primary demographics consists of men and women of all races and religions between the ages of 18 to 80 plus.

For the reasons set forth below, First Church of Creative Mind hereby requests an undue burden exemption from the closed captioning rules for "The Unlimited God Power Hour," pursuant to § 79.1(f) of the Commission's rules.

### **Nature and Cost of Closed Captions**

Closed captioning cost range from \$6.00 (US) per minute to \$250.00 (US) per 30 minute program. Other price quotations received were verbal and via telephone.

(See Exhibit "A" attached hereto)

First Church of Creative Mind considered other alternatives to closed captioning such as the purchase or acquisition of its own closed captioning software package. This approach was rejected due to exorbitant cost and maintenance fees.

### **Impact on the Operation of the Program provider**

The overall cost of producing the program per annum consists of additional variable costs such as, editing, studio cost, sets, lighting and shipping. Yearly cost of the "Unlimited God Power Hour" program is \$12,000.00 to \$13,000.00 per annum. Each episode cost approximately \$600.00 to \$650.00. This cost provides for one episode per week. Closed captioning would cost \$150.00 per 30 minute program, which increases the production cost more than 20%. With the increasing cost of production for the New Year 2008 – this would negatively impact the church and its ability to maintain and continue it's out reach programs.

(See exhibit "B" invoice attached hereto)

### **Financial Resources of the Provider**

First Church of Creative Mind's main financial resources are derived from its supporters in the form of tithes, donations, in-kind gifts and the sale of CD's. The church does not own stocks and bonds. The Church is a tax-exempt organization (501 ( c ) ( 3 ) .

(See IRS exempt letter attached hereto as exhibit "C")

Copy of recent First Church of Creative Mind financial statement (Exhibit "D") attached hereto.

The additional cost of programming, closed captioning would divert resources from the motivational seminar and teaching programs that so many of the supporters look forward to attending.

To the best of the Church' knowledge, captioning assistance from our program distributor, advertising agency or television station does not exist.

#### **Type of Operations of the Program Provider**

First Church of Creative Mind major operation and activities are its community out-reach programs and its motivational science teaching and seminars. First Church of Creative Mind' major purpose is mainly a non-profit religious organization.

#### **Other Factors**

Petitioner believes that the local, non-news exemption to the closed captioning rules also applies to "The Unlimited God Power Hour." As noted above, the program is produced and distributed locally, and the sermons of First Church of Creative Mind are of primarily local public interest. The episodes are not news, they do not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition in an abundance of caution and purpose of establishing certainty.

#### **Conclusion**

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would create an undue burden. The costs of captioning would be excessively high and would have a significant impact on Petitioner's operations. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under § 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

Respectfully submitted,

FIRST CHURCH OF CREATIVE MIND

By:  T. E. Cross, founder

12021 Wilshire Bl – Ph. 1-800-557-7767

Dated: 1/4/08

"A"

**Pricing Includes:**

Formatted captions  
 Script transcription or verification  
 Punctuation review  
 Electronic copy of proof script  
 Synchronized captioning

Electronic reading speed check  
 Complimentary VHS proof copy  
 Return mailing costs  
 Final master or formatting

**You Provide:**

finished Betacam or DigiBeta  
 master with continuous time code

**You Receive:**

your original plus Betacam or  
 DigiBeta encoded master or  
 compatible authoring file

media file for DVD/webcasts

compatible formatting  
 and authoring file

VHS copy of the master with  
 the master's time code on left  
 audio track at -5 dB, and mixed  
 audio on dub w/timecode  
 on the right audio track

SVHS or VHS captioned video

Advertising Spots ----- \$125.00 each  
 (10 or 30 seconds) ----(\$30 for each additional beta tape)  
**WE MUST PASS ALONG THE EXACT RETURN SHIPPING CHARGES**

**Caption Retrieval and File Conversion**

With caption retrieval we can help you reliably restructure existing captions or update new versions of productions. We can subtitle previously captioned productions without We convert captioned videos to DVD format. These time-saving methods are very economical rates are available.

<b>Retrieval &amp; Conversion</b>			
	Retrieval	Conversion	Conversion
30 minute	\$ 75	\$ 75	\$ 150
60 minute	100	100	200
90 minute	125	125	250
120 minute	150	150	150

**Translations Available**



Internal Revenue Service  
District Director

Department of the Treasury  
LA:EO:79 1124

Date: 04 MAY 1979

1124  
RECEIVED MAY 9 1979

▷ First Church of Creative Mind Corporation  
6399 Wilshire Boulevard, Suite 619  
Los Angeles, California 90048

Employer Identification Number:

Accounting Period Ending:  
June 30

Foundation Status Classification:  
509(a)(2)

Advance Ruling Period Ends:  
June 30, 1981

Person to Contact:

B. Brewer  
Contact Telephone Number:  
(213) 688-4889

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in section 509(a)(2)

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins on the date of your inception and ends on the date shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and donors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and donors may continue to rely on the advance determination until the Service makes a final determination of your foundation status. However, if notice that you will no longer be treated as a section 509(a)(2) organization is published in the Internal Revenue Bulletin, grantors and donors may not rely on this determination after the date of such publication. Also, a grantor or donor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section 509(a)(2) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section 509(a)(2) organization.

P.O. Box 2350, Los Angeles, Calif. 90053

(over)

Letter 1045(DO) (6-77)

"D"

First Church of Creative Mind Corp.  
Balance Sheet  
November 30, 2007

ASSETS

Current Assets		
Regular Checking Account	\$	<154,983.58>
Credit Card		1,254.00
Total Current Assets		<153,729.58>
Property and Equipment		
Furniture and Fixtures		690.00
Automobiles		220.00
Parish Mortgage		6,071.90
Building Improvements		1,500.00
Total Property and Equipment		8,481.90
Other Assets		
Organization Costs		1,714.02
Total Other Assets		1,714.02
Total Assets	\$	<143,533.66>

LIABILITIES AND CAPITAL

Current Liabilities		
IRS Taxes Payable	\$	<600.00>
Total Current Liabilities		<600.00>
Long-Term Liabilities		
Total Long-Term Liabilities		0.00
Total Liabilities		<600.00>
Capital		
Retained Earnings		<134,907.33>
Net Income		<8,026.33>
Total Capital		<142,933.66>
Total Liabilities & Capital	\$	<143,533.66>

First Church of Creative Mind Corp.  
Statement of Retained Earnings  
For the Five Months Ending November 30, 2007

Beginning Retained Earnings	\$	<134,907.33>
Adjustments To Date		0.00
Net Income		<8,026.33>
		-----
Subtotal		<142,933.66>
		-----
Dividends Paid		0.00
		-----
Ending Retained Earnings	\$	<142,933.66>
		=====

For Management Purposes Only