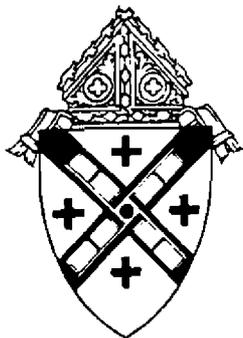


CGB-CC-0929



OFFICE OF COMMUNICATIONS
ARCHDIOCESE OF NEW YORK

Received & Inspected
NOV 25 2009
FCC Mail Room

November 23, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

ATTENTION: CGB Room 3-B431

RE: Request for Exemption from Closed Captioning Requirements Submitted by the Office of Communications of the Archdiocese of New York.

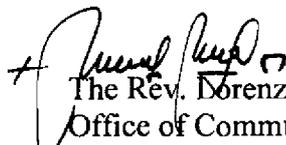
Dear Ms. Dortch:

The Office of Communications of the Archdiocese of New York submits an original and two copies of its Petition for Exemption From The Closed Captioning Requirements pursuant to 47 C.F.R. section 79.1 (f) of the Federal Communications Commission's rules and regulations for its televised Spanish Mass production, Misa Del Domingo, translated as the "Sunday Mass".

We respectfully request that the enclosed copy of this petition, marked "DUPLICATE" is stamped as received, and returned to the undersigned using the enclosed self-addressed and stamped envelope.

If there are any additional questions, please contact the undersigned directly.

Cordially,


The Rev. Lorenzo Ato
Office of Communications
Archdiocese of New York

Enclosure(s)

P E T I T I O N

In Re: Appeal for Exemption From 47 C.F.R. section 79.1 (f) of the Federal Communications Commission's Rules and Regulations Spanish Mass production, Misa Del Domingo, translated as the Sunday Mass

To: Secretary, Federal Communications Commission

SUMMARY

The Office of Communications of the Archdiocese of New York located at 1011 1st Avenue, New York, New York, 10022, hereby submits this Petition for Exemption from the Closed Captioning Requirement on the basis of undue burden, according to the Commission Rules and Regulations and pursuant to section 47 C.F.R. 79.1 (f). In support of this petition, the Office of Communications submits the following information:

1. The Office of Communications produces a weekly thirty (30) minute religious program titled *Misa Del Domingo*, translated as the "Sunday Mass," whereby the program is locally produced and distributed to the Univision Network (WXTV) Teaneck, New Jersey.
2. The aforementioned production is aired every Sunday at 6:30 a.m. and it remains the only "Hispanic" televised Mass production within the jurisdiction of the Archdiocese of New York.
3. Pursuant to section 47 C.F.R. 79.1 (d) (8) the production is a pre-recorded telecast; having no repeat value; non-news based; and it is directed by the mandates provided by the United States Conference of Catholic Bishops Committee on Divine Worship (*Constitution on the Sacred Liturgy* § 7-20).
4. In short, our compliance to section 47 C.F.R. 79.1 (f) will result in the cancellation of this religious, non-profit program. Compliance would impose an undue burden for the program in that the production; (a) operates at a loss; (b) relies upon viewer contributions as the only means of financial support; (c) no funding is obtained from advertising revenues or subscriber fees and; (d) compliance will force the cancellation of the

ARCHDIOCESE OF NEW YORK
MISA DEL DOMINGO PRODUCTION
SEPTEMBER 1, 2008 - AUGUST 31, 2009
REVENUE AND CONTRIBUTIONS

EXPENSE

VENDOR NUMBER	DESCRIPTION	
21451	LITURGICAL PRESS	\$746.96
20008	PAULIST PRESS, INC.	29.48
20161	INSTRUCTIONAL TELEVISION	15,580.93
21451	LITURGICAL PRESS	746.96
21451	LITURGICAL PRESS	747.00
20161	INSTRUCTIONAL TELEVISION	1,657.99
20161	INSTRUCTIONAL TELEVISION	1,642.99
20161	INSTRUCTIONAL TELEVISION	1,623.00
20161	INSTRUCTIONAL TELEVISION	1,638.00
20161	INSTRUCTIONAL TELEVISION	1,643.40
21451	LITURGICAL PRESS	747.04
20161	INSTRUCTIONAL TELEVISION	8,214.95
	TOTAL EXPENSES	\$35,018.70

REVENUE

MISA DEL DOMINGO Contribution	\$4,997.98
MISA DEL DOMINGO Contribution	5,695.00
MISA DEL DOMINGO Contribution	1,815.90
MISA DEL DOMINGO Contribution	895.00
TOTAL REVENUE	\$13,403.88
OPERATING DEFICIT	-\$21,614.82

CLOSED CAPTIONING INCLUSION

CLOSED CAPTION Fee	\$16,380.00
TOTAL OPERATING DEFICIT	-\$37,994.82

AFFIDAVIT

STATE OF NEW YORK

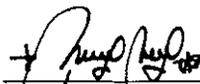
COUNTY OF NEW YORK, ss

I, REV. LORENZO ATO being duly sworn states:

1. I am a Priest of the Archdiocese of New York.
2. I serve as the Assistant Director for Hispanic Media and the Moderator of the production petitioned; Misa Del Domingo ("Sunday Mass") in the Office of Communications.
3. Closed captioning fees will total an additional \$16,380.00 per year, in addition to regular production costs increasing our current financial deficit.
4. Misa Del Domingo relies upon viewer contributions as the only means of financial support; no funding is obtained from advertising revenues or subscriber fees; the production operates at a loss; added fees incurred by closed captioning would make the production unaffordable and force the cancellation of the program.

To the best of my knowledge, these facts are a true representation of the costs associated with the production of closed captioning for the aforementioned program.

DATED this the 23 day of NOVEMBER, 2009



Deponent

SWORN to subscribed before me, this 23 day November, 2009



NOTARY PUBLIC

EILEEN F. EGAN
Notary Public, State of New York
No. 01EG485181
Qualified in Nassau County
Commission Expires July 7, 2010

program, thus, depriving the elderly and the homebound from receiving the benefit of following the televised Mass.

5. Financial information concerning Misa Del Domingo ("Sunday Mass") is included in the attachment marked *Enclosure A*, which illustrates (a) annual production costs; (b) annual donor base contributions; (c) added cost due to Closed Captioning requirement.

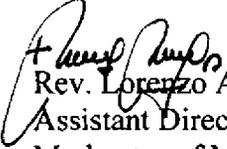
CONCLUSION

6. The attached true and accurate summary illustrates the costs of providing closed captioning to the weekly thirty (30) minute televised production of Misa Del Domingo ("Sunday Mass") imposes a significant burden on the Office of Communications of the Archdiocese of New York; whereby, the heavy cost incurred by the use of closed captioning will not result in a concomitant public service, which are the intentions of the Archdiocese of New York, where the program provides assistance to those who are unable to physically attend their local church. Accordingly, the Office of Communications of the Archdiocese of New York respectfully requests an exemption from closed captioning on the basis of undue burden for its programming.
7. Therefore, with the foregoing considered, the Office of Communications respectfully requests that the Commission declare its production of Misa Del Domingo ("Sunday Mass") exempt from complying with the closed captioned requirements of section 79.1 of the Federal Communications Commission's Rules and Regulations.

NEW YORK, New York

Date: November 23, 2009

Faithfully,


Rev. Lorenzo Ato
Assistant Director for Hispanic Media
Moderator of Misa Del Domingo
Office of Communications
Archdiocese of New York
(212) 371-1000 ext. 2994


NOTARY PUBLIC

EILEEN F. EGAN
Notary Public, State of New York
No. 01EG4609161
Qualified in Nassau County
Commission Expires July 7, 20 10

AFFIDAVIT

STATE OF NEW YORK

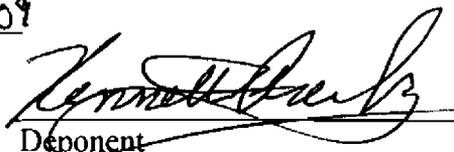
COUNTY OF NEW YORK, ss

I, Kenneth Arenholz being duly sworn states:

1. I am a Certified Public Accountant.
2. Closed captioning fees incurred at \$315.00 for 52 weeks, per production, and in addition to regular production costs will increase the financial deficit in excess of \$37,994.82 per year.

To the best of my knowledge, these facts are a true representation of the costs associated with the production of closed captioning for the aforementioned program.

DATED this the 23 day of November, 2009


Deponent

SWORN to subscribed before me, this 23 day November, 2009


NOTARY PUBLIC

EILEEN F. EGAN
Notary Public, State of New York
No. 01E04059181
Qualified in Nassau County
Commission Expires July 7, 2010