

# ANDREW S. PHIPPS

January 19, 2010

Received & Inspected

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, D. C. 20554

JAN 26 2010

FCC Mail Room

Re: Petition for Undue Burden Exemption  
From Closed Captioning Rules

Dear Ms. Dortch:

This letter is submitted pursuant to 47 C.F.R. §79.1(f) and requests an exemption on behalf of Andrew Phipps dba The Phipps Gospel Sing from the FCC's closed captioning rules based on undue burden. In accordance with 47 C.F.R. §79.1(f)(4), the original and two copies of this letter and all support are being provided.

Andrew Phipps dba The Phipps Gospel Sing is a single proprietorship under the laws of the state of Indiana. Since 1998, we have produced a weekly 60-minute video program called The Phipps Gospel Sing. The Phipps Gospel Sing is a program highlighting the best artists in Southern Gospel Music. The Phipps Gospel Sing is locally produced by the staff and students of WIWU in Marion, Indiana, associated with Wesleyan University, and is broadcast to the public on WIWU and will be again in the near future on full-power station WHMB in Indianapolis, Indiana. The Phipps Gospel Sing will be paying WHMB \$ 400.00 per week to air shows over its broadcast facilities.

Captioning the program would present an undue burden for several reasons. First, 80% of the program consists of music provided by the Southern Gospel artists themselves, who would find it an undue burden to provide closed captioning on their video pieces. Second, the added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB's air-date deadlines impossible. Finally, a captioning requirement would ultimately cause us to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program. We have discussed with both WIWU and WHMB the possibility of their assisting us in captioning the program at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf at no cost.

In addition, as permitted by §1.16 of the Commission's rules, we are providing a Declaration Under Penalty of Perjury in support of the facts set forth in this request for exemption in lieu of the affidavit required by §79.1(f)(9). Should the Commission require additional information, please contact the undersigned individual.



# ANDREW S. PHIPPS

Respectfully,

The Phipps Gospel Sing

By: *AS Phipps*

Printed Name ANDREW S. PHIPPS

Title OWNER / MANAGER.



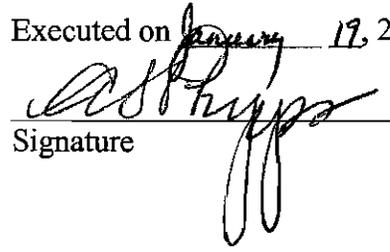
# ANDREW S. PHIPPS

## **Declaration Under Penalty of Perjury of Andrew Phipps in support of The Phipps Gospel Sing's Request for Undue Burden Exemption from Closed Captioning Rules**

I, Andrew Phipps, executive producer and host of The Phipps Gospel Sing, do hereby declare under penalty of perjury of the laws of the United States of America that the following statements are true and correct.

1. Andrew Phipps dba The Phipps Gospel Sing is a single proprietorship under the laws of the state of Indiana.
2. Since 1988, Andrew Phipps dba The Phipps Gospel Sing have produced a 60-minute video program called The Phipps Gospel Sing. The Phipps Gospel Sing is a program that highlights the best artists in Southern Gospel Music. The Phipps Gospel Sing is locally produced by the students and staff of WIWU-Marion, IN, and is broadcast to the public on WIWU and will be once again in the near future on WHMB-Indianapolis. The Phipps Gospel Sing will be paying WHMB \$400 per week to air the show over its broadcast facilities.
3. I, Andrew Phipps have discussed with WWU and WHMB the possibility of their assisting in captioning The Phipps Gospel Sing at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf at no cost.
4. Captioning The Phipps Gospel Sing would present an undue burden because we do not have the resources to caption the program ourselves, and it would have to be sent to an outside source for captioning.
5. The added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB air-date deadlines impossible.
6. A captioning requirement for The Phipps Gospel Sing would ultimately cause me to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program.

Executed on January 17, 2010.

  
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Signature