



06-181
Federal Communications Commission
Washington, D.C. 20554

2006 SEP 12 P 3:40

Reference: CGB-CC-0173

Temple Baptist Church
Charles Lawson
2100 W. Woodrow Dr.
Knoxville, TN 37918

Re: Petition for exemption from the closed captioning rules under the "undue burden" standard, 47 C.F.R. § 79.1(f)

Dear Mr. Lawson,

As you were previously notified, the Federal Communications Commission received the petition you filed on behalf of Temple Baptist Church on December 30, 2005 seeking an exemption from the closed captioning requirements set forth in section 79.1 of the Commission's rules.¹ The exemption sought was based on the undue burden standard set forth in section 79.1(f). As explained below, after careful consideration we grant your petition for exemption from the closed captioning requirements for "The Temple Baptist Hour."

Pursuant to section 79.1(f) of the Commission's rules, an exemption from closed-captioning requirements may be granted for a channel of video programming, a category or type of video programming, an individual video service, a specific video program or a video programming provider upon a finding that the closed captioning requirements will result in an undue burden upon the petitioner. Furthermore, the statute and the Commission's rules define the term "undue burden" to mean "significant difficulty or expense."² Applying this standard, the Consumer and Governmental Affairs Bureau recently issued an Order granting exemptions from the closed captioning requirements under the undue burden standard to two entities that are similarly situated to the petitioner in the instant case.³ In that Order, the Bureau noted that in addressing undue burden petitions:

[W]e must "balance the need for closed captioned programming against the potential for hindering the production and distribution of

¹ 47 C.F.R. § 79.1, implementing section 713 of the Communications Act of 1934, as amended, 47 U.S.C. § 613, which was added to the Communications Act by section 305 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified at 47 U.S.C. § 151 *et seq.*).

² 47 U.S.C. § 613(e); 47 C.F.R. § 79.1(f)(2).

³ *In the Matter of Anglers for Christ Ministries, Inc., New Beginning Ministries, Video Programming Accessibility Petitions for Exemption from Closed Captioning Requirements*, Case Nos. CGB-CC-0005 and CGB-CC-0007, Memorandum Opinion and Order, DA 06-1802, (CGB rel. Sept 11, 2006).

programming.” For these reasons, we note that, in the future, when considering an exemption petition filed by a non-profit organization that does not receive compensation from video programming distributors from the airing of its programming, and that, in the absence of an exemption, may terminate or substantially curtail its programming, or curtail other activities important to its mission, we will be inclined favorably to grant such a petition because . . . this confluence of factors strongly suggests that mandated closed captioning would pose an undue burden on such a petitioner.⁴

After careful review of the circumstances set forth in your petition, and in light of the relevant precedent discussed above, we conclude that application of the closed captioning requirements in this case would cause an undue burden. We therefore grant your petition pursuant to section 79.1(f).⁵

Any inquiries regarding this matter should be directed to the undersigned at (202) 418-1475 (voice), (202) 418-0597 (TTY), or Thomas.Chandler@fcc.gov. Please refer to the case identifier number noted above in any email correspondence or telephone conversations with Commission staff.

Sincerely,



Thomas E. Chandler
Chief, Disability Rights Office
Consumer and Governmental Affairs Bureau

⁴ *Id.* at para 11 (citation omitted).

⁵ Section 79.1(f) sets forth certain procedures to guide the Commission's consideration of undue burden petitions, including that the petition be placed on Public Notice and that the petition contain detailed facts supported by affidavit. 47 C.F.R. § 79.1(f)(5)-(9). The Commission, however, may waive its rules for good cause, and, in light of the facts set forth in your petition and the precedent discussed above, we conclude that waiving these requirements in the instant case is consistent with the public interest.



Federal Communications Commission
Washington, D.C. 20554

May 3, 2006

Temple Baptist Church
Charles Lawson
2100 West Woodrow Dr.
Box 5133
Knoxville, TN 37918

Mr. Lawson,

The Federal Communications Commission (Commission) received your letter dated April 24, 2006, informing the Commission that Temple Baptist Church of Knoxville began closed captioning its program "The Temple Baptist Hour" on March 12, 2006, and would like to "withdraw and cancel" its petition for exemption from the closed captioning requirements based on the undue burden standard.

The Commission has dismissed as moot the petition for Temple Baptist Church of Knoxville (CGB-CC-0173) and will take no further action on this petition. Please contact me directly if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Amelia Brown".

Amelia Brown
Senior Attorney
Disability Rights Office
Consumer & Governmental
Affairs Bureau
(202) 418-2799

cc: R.W. Brooks, Esq.



Temple Baptist Church



2100 WEST WOODROW DRIVE † BOX 5133 † KNOXVILLE, TN. 37918

CHARLES LAWSON, PASTOR (865) 689-4741

April 24, 2008

Ms Amelia Brown, Disability Rights Office
Federal Communications Commission
445 12th Street, S.W.
Washington DC 20554

REFERENCE: CGB-CC-0173

Dear Ms Brown;

This is to advise that Temple Baptist Church of Knoxville would like to **WITHDRAW** and **CANCEL** our petition for exemption from closed captioning for its program, "The Temple Baptist Hour" that was filed in December 2005.

We began closed captioning programming on Sunday, March 12, 2008.

If you do have any questions, please contact our church office at (865) 689-4741 or our attorney, R. W. Brooks at (865) 908-0095, or the address listed.

Cordially,

Charles Lawson, Pastor
Producer of Temple Baptist Hour

cc: R. W. Brooks, Esquire
150 Court Ave, Suite 1
Saverville TN 37862
(865) 908-0095

TEMPLE BAPTIST CHURCH

P.O. Box 5133 † 2100 W. Woodrow Drive
Knoxville, TN 37918

Jesus Saves

John 3:16 † John 14:6
KJV

website: thelionofjudah.org

KNOXVILLE TN 379

25 APR 2006 PM 6:31

9680 8 (16) 334 485 25 84
7361 MAILED FROM ZIP CODE 37918

RECEIVED & INSPECTED
MAY 1 - 2006
FCC-MAILROOM

Ms Amelia Brown, Disability Rights Office
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20564



20055440000 info@thelionofjudah.org



CGB-CC-0173
**Temple Baptist
Church**



2100 WEST WOODROW DRIVE † BOX 5133 † KNOXVILLE, TN
CHARLES LAWSON, PASTOR (865) 689-4741

RECEIVED & INSPECTED
DEC 30 2005
FCC - MAILROOM

December 28, 2005

Office of the Secretary
Federal Communications Commission
ATTN: CGB-CC
9300 East Hampton Drive
Capitol Heights MD 20743

RE: Closed Captioning

To Whom It May Concern:

Please find attached one original, plus two copies of a **PETITION FOR EXEMPTION FOR CLOSED CAPTIONING REQUIREMENTS** submitted by Temple Baptist Church of Knoxville.

Although we recognize that the present closed captioning requirements have been in place for an extended period of time, regrettably our church had not been made aware of these requirements until earlier this month. Accordingly we will be required to supplement some of our exhibits that are required with our petition.

In the interim, if you do have any questions, please do not hesitate to contact me at 865-689-4741.

Cordially,

Charles Lawson, Pastor

Enclosures

PS: Attached is a complete copy labeled as "STAMP AND RETURN COPY" plus a self-addressed stamped envelope.

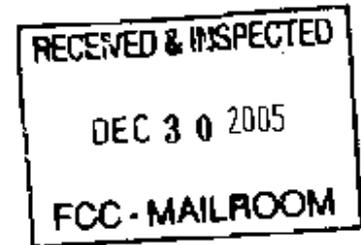


Temple Baptist Church



2100 WEST WOODROW DRIVE † BOX 5133 † KNOXVILLE, TN. 37918

CHARLES LAWSON, PASTOR (865) 689-4741



DECLARATION:

I, Charles Lawson, am Pastor of Temple Baptist Church, and I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of Temple Baptist Church in this matter, and, upon information and belief, believe the statements regarding our organization and Temple Baptist Hour to be true and accurate.

Charles Lawson, Pastor

12-28-05
Date

**PETITION FOR EXEMPTION
FROM CLOSED CAPTIONING REQUIREMENTS**

INTRODUCTION

Temple Baptist Church of Knoxville was established on September 18, 1949, in the north section of Knoxville, Tennessee. Our mission is to spread God's word to the unchurched, a lost and dying world. Our average Sunday morning attendance is approximately 250 – 300.

Our television ministry, the Temple Baptist Hour, began in 1995 and is a re-broadcast of a message taken directly from a weekly service at our church. The broadcast is for people in our community who might never hear the Gospel, homebound and/or shut-ins. In addition our programming reaches families in our community of similar or like faith who are not presently attending a local church. *Our program, the Temple Baptist Hour, is the primary outreach of our church.* Each episode is a 30-minute (28 minutes, 30 seconds) preaching segment that is taken from a Sunday morning, Sunday evening, or Wednesday evening service. It airs locally at 8:30am each Sunday morning, on Comcast cable channel 11, which is WTNZ-Fox 43 (local channel 43). The producer of each show is Charles Lawson, who is the pastor. Our programming does not target any specific demographic group.

For the reasons set forth below, Temple Baptist Church of Knoxville hereby requests an undue burden exemption from the closed captioning rules for Temple Baptist Hour, pursuant to § 79.1(f) of the Commission's rules.

NATURE AND COST OF CLOSED CAPTIONS

WTNZ-Fox 43 furnished us a short list of companies who offer closed captioning services together with their advice that our church would need to comply with the Commission's requirements for closed captioning by December 30, 2005. This information was dated December 12, 2005, but received several days later. In addition to the list provided by WTNZ-Fox 43 we performed an Internet search to locate other companies and/or entities that could assist us with compliance. Local television stations were also contacted concerning the possible

out sourcing of the services. Please see collective "Exhibit A" attached for companies with whom we have had direct or indirect correspondence.

We are presently considering other alternatives to closed captioning. However, at present, we have been unable to identify a viable option.

IMPACT ON THE OPERATION OF THE PROGRAM PROVIDER

When compared to our present cost of airing the Temple Baptist Hour the impact of the additional cost of providing closed captioning for our viewers is significant, for the reasons set forth hereinafter. In October 2005, our church experienced an approximate 7% increase in our cost per program for airtime. See Invoice of Paragon Advertising Communication dated October 31, 2005, attached as Exhibit "B". This increase was the result of the cost per program being raised from \$800.00 per 28 minute, 30 second segment to \$850.00 per segment. When combined with the cost of providing closed captioning we will experience an approximate 70% increase in airing each segment. This increase is based on quotes received to date. In that regard we have used \$300.00 per segment as an anticipated cost per segment. See collective Exhibit A.

The Pastor, at no cost to the Church, produces each segment.

FIANCIAL RESOURCES OF THE PROGRAM PROVIDER

Temple Baptist Church of Knoxville enjoys a tax-exempt status (see attached Exhibit "C") with its sole source of income being derived from the tithes and offerings received from its members. At the present time we are anticipating building an addition to our existing facilities to accommodate a larger crowd on Sunday morning. Without this addition our church will become stagnant and no longer be in a position to serve the community. Accordingly any increase in operating costs, including the cost of providing closed captioning, will reduce our ability to acquire funds for the expansion. At the present time, we are preparing necessary financial information for our lender and will provide documentation as a supplement to this petition when available.

OTHER FACTORS

The Temple Baptist Hour is produced and distributed locally, and the sermons of Temple Baptist Church of Knoxville 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 in-house.

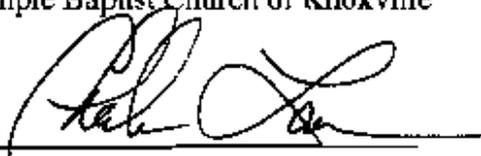
CONCLUSION

The Petitioner's operations and financial resources are appreciably different in kind and magnitude from a mainstream-programming provider. As stated above compliance at the present time would not only increase our cost for providing the Temple Baptist Hour to our listening audience by approximately 70% but would additionally hamper our ability to provide needed expanded facilities for our community. Accordingly, based on the foregoing, we respectfully submit that an undue burden waiver under Section 79.1 (f) is warranted.

Respectively,

Temple Baptist Church of Knoxville

By:



Charles Lawson, Pastor
2100 W. Woodrow Drive
Knoxville TN 37918
(865) 689-4741

Dated 12-28-05

cc: C. Zachary Smith
General Sales Manager
WTNZ-Fox 43

**Temple Baptist Church
2100 W Woodrow Drive
Knoxville TN 37918
(865) 689-4741**

Exhibit A

Investigation into Costs of Closed Captioning:

- 1) Caption Concepts
71 Orchard Place 2nd Floor
Greenwich CT 06830
203-869-8951
www.captionconcepts.biz
Contact: Alison Howe – 203-667-8023
Rate Card and Captioning Summary
Approximate rate: \$300.00 per broadcast
- 2) Video Caption Corporation
26 Highland Way
Standfordville NY 12581
1-800-705-1203
www.vicaps.com
Contact: Justin Macedonia – 1-800-705-1203
Approximate rate: \$250.00 per broadcast
- 3) Computer Prompting and Captions
1010 Rockville Pike, Suite 306
Rockville MD 20852
www.epcweb.com
Contact: Michael – 1-800-977-6678
Approximate rate: \$305 - \$390.00 per broadcast
- 4) Van Kirk Media
4128 W Commonwealth Ave, #212
Fullerton CA 92833
www.vankirkmedia.com
Contact: Jim - 1-818-381-1661
Approximate rate: \$210 - \$240.00 per broadcast
- 5) Vitac
101 Hillpointe Drive
Canonsburg PA 15317-9503
1-800-278-4822
www.vitac.com
Sent email for rate information and left voicemail at 1-888-528-4822

- 6) National Captioning Institute
1900 Gallows Rd, Suite 3000
Vienna VA 2282
703-917-7600
www.ncicap.org
Sent email requesting rate information

- 7) Caption Reporters, Inc.
9450 Pennsylvania Ave, Suite 20
Upper Marlboro MD 20772
301-599-1899
www.captionreporters.com
Sent email requesting general rate information
Contact: Lorraine Carter
Rate: \$275.00 per 30 minute offline captioning

Local television stations who were contacted regarding possibility of using their services.

1) WATE - TV6

Chief Engineer, Steve Martin (865-637-6666), advised that they "outsource their closed captioning"

2) WTNZ - Fox 43

J. B. Garner (865-693-4343) advised "they do no local programming"

3) WBIR - TV10

Gary Davis (865-637-1010) advised "they do their own closed captioning and do not offer services. He knows of no one locally who does closed captioning."



Caption Concepts

Specializing in Express and Affordable
Offline Captioning, Subtitling & Digital Media Services

Our Concept Brings Your Text To Life

CAPTION CONCEPTS, LLC, is headquartered in the New York, NY area with an additional office in Los Angeles. We are prepared to assist you with meeting your demands to comply in accordance with the Telecommunications Act of 1996. We pride ourselves in our ability to provide a cost effective, timely turn-around and quality-controlled captioning, subtitling, and digital media services. We now offer HD captioning as well.

We have the capability to handle something as simple as a 30 second spot or to caption an entire series or movie library. We welcome the opportunity to save you time and money by offering our affordable solutions and services. It would be our pleasure to work with you in an effort to cut your captioning costs and meet your stringent deadlines. Furthermore, we are FTP friendly! Please feel free to contact us for further consultation.

Turnaround Schedule with Technical Requirements

24 Hour	48 Hour	One Week-Standard	Pick Up & Delivery
VHS work tape with a window burn of Visual Timecode Or MPEG file with a window burn of Visual Timecode on a CD Rom or uploaded to our Server & Electronic Script Document	VHS work tape with a window burn of Visual Timecode Or MPEG file with a window burn of Visual Timecode on a CD Rom or uploaded to our Server & Electronic Script Document	VHS work tape with a window burn of Visual Timecode Or VHS work tape with Audio Time Code on Channel Two & Electronic Script Document or a paper script	We offer Free pick up and delivery in Fairfield and Westchester Counties A caption/subtitle file is sent by E-mail to your desired address upon completion of your project We can encode your program upon request

Rate Sheet

Rates	3 Line Roll-Up	Pop On	Subtitles	Encoding
* 30 Minute Program	\$190	\$300	\$325	\$100
60 Minute Program	\$325	\$625	\$650	\$150
Reformat-30 Minute	\$100	\$150	N/A	\$100
Reformat-60 Minute	\$175	\$275	N/A	\$150

Approximately 34 million Americans have significant hearing loss; of these almost 6 million are profoundly deaf.

- The Deaf community is separate from other disability consumer groups by the virtue of communication process, not physical disabilities.
- A typical Deaf person's thought process is more in terms of visual and logical concepts, not verbal and auditory concepts.
- CAPTION CONCEPTS, LLC's goal is to break down any type of barrier so the Deaf Community can enjoy the entertainment value of television and home entertainment by using this media as a way to enrich their lives.

71 Orchard Place-2nd Floor · Greenwich, CT 06830 · 203.889.8951
info@captionconcepts.biz · www.captionconcepts.biz



VIDEO CAPTION CORPORATION

Date: 12/28/2005
TO: Edna Moreland / Temple Baptist Church
FROM: Justin K. Macedonia / Video Caption Corporation
RE: Closed Captioning Proposal

Dear Edna:

It was a pleasure speaking with you and having the opportunity to discuss close captioning your shows. Video Caption Corporation very much appreciates the opportunity to submit this proposal to caption programming for Temple Baptist Church.

As we discussed, Video Caption Corporation (VCC) is a full service captioning communications firm specializing in offline captioning services for broadcasters, corporations, independent producers, schools, libraries, churches, and government agencies.

VCC is proposing to close caption the following programs at the discounted rates set forth below. *Reduced rates reflect discounts for volume and for religious programming.*

<u>Program Titles</u>	<u># Shows / Length</u>
Weekly Program	52 half-hour shows
Total number of shows	52

Pricing

Captioning Rate Breakdown:
Roll-up Captioning.....\$300 / 30 minutes

Reduced Rates for Temple Baptist Church:
Roll-up Captioning.....\$200 / 30 minutes

Caption Encoding.....Included

Edna, we will always do our very best to make this process as easy and affordable as we can. If you have any questions or concerns, please do not hesitate to contact me at any time. I will call you in a few days to follow up. I am certain we can develop a partnership that is mutually beneficial.

Thank you for your time and your consideration of our proposal. We look forward to working with you.

Contact Information

I am available if you have any questions about this proposal. Please contact me anytime.

Telephone: (800) 705-1203
Facsimile: (845) 868-1188
Email: jkmacedonia@vicaps.com
Website: www.vicaps.com

Justin K. Macedonia
Video Caption Corporation

CPC Computer Prompting & Captioning Co.

1010 Rockville Pike, Suite 306
Rockville, MD 20852, USA
Copyright © 1995-2005. All Rights Reserved.

E-mail: info@cpcweb.com

Post Production Captioning/Subtitling

Satisfaction Guarantee

CPC provides a free approval copy to guarantee satisfaction.

Quality

Top quality captioning is our highest priority. It is achieved by:

- State-of-the-art software
- Experienced, highly trained captioners
- Teamwork of captioners & software developers
- 15 years of experience
- Triple quality control

Video Media

- **Videotape:** All formats from VHS to Digital Betacam
- **DVD:** Caption and subtitle files for most major DVD authoring systems
- **Webcast:** Video-on-Demand

Specials

- Major discounts for bulk work
- Extreme discounts to caption Webcasts of previously captioned videos.

Transcription & Translation

Professional Transcription and translation to most major languages available at competitive price.

Approximate rate
\$305 - \$390

Caption/Subtitle Rates Made Simple

Pop-on mode: \$7/min. of video

+ \$150 setup fee

Roll-up mode: \$5/min. of video

+ \$150 setup fee

(You provide transcript & blank tape)

Add \$3/min. of video if CPC transcribes.

Special Bulk Rate for VHS Tapes - \$6.00/Minute

For any VHS job over 5 hours, CPC has a great price of \$6.00/min. of video. You provide the video, we transcribe and caption it in the Roll-up mode.

Retrieve/Convert Captions Between Different Formats

- Webcasting with Captions
- DVD Captioning/Subtitling

Click [here](#) for rates and details of all file formats supported.

Sample Video w/ Captions

Sample Video captioned for the Web

DSL/Cable users: Click [here](#)

56K users: Click [here](#)

VanKirk Media

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To find out how we can help you reach out to your audience, please contact us at info@vankirk-media.com

Or call 714.992.4590

VanKirk Media
4128 W. Commonwealth Ave., #212
Fullerton, CA 92833



Your Name:

Address:

Phone:

Email:

Comments:

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Contact NCI



NCI provides domestic and international captioning, subtitling and described video for broadcast and cablecast television programs, home video programs, TV commercials, corporations and government agencies.

Marketing Division

NCI Virginia Office

1900 Gallows Road, Suite
3000, Vienna, VA 22182
V/TTY (703) 917-7600;
Fax (703) 917-9853
[Send Email to Karen
O'Connor \(National
Director of Sales &
Marketing\)](#)

NCI California Office:

303 North Glenoaks
Boulevard, Suite 200,
Burbank, CA 91502
V/TTY (818) 238-0068;
Fax (818) 238-4266
[Send Email to Elissa Sarna
\(Manager of Sales &
Marketing\)](#)

NCI Dallas Office:

comcast

From: Lorraine Carter <lcarter@captionreporters.com>
To: templebaptist@comcast.net
Subject: Re: Closed Captioning
Date: Wed, 28 Dec 2005 13:46:49 +0000

Good morning: We can provide you a quote of \$275 per 30 minute tape
offline captioning. Stock not included. Lorraine

[[Back](#)]

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Caption Reporters, Inc.



Realtime Broadcast - Office - CART - Text to Internet - Nationwide



Our Services

Caption Reporters, Inc. has been providing a variety of captioning communication services to clients throughout the United States since 1993.

Superior personnel, world-class engineering and rigid quality control assure our clients of the best, most cost-effective trouble-free captioning services available.

CRI Captioning Communications Services include:

- Television Broadcast Captioning
- Radio Broadcast Captioning
- Webcast Captioning
- On-Site / Event Captioning - C.A.R.T. Captioning
- Instant Transcripts
- Offline Captioning

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Broadcast Captioning

Broadcast captioning is the instant writing of captions that accompany live events such as news programs, political debates, and sports events.



Broadcast captioning used to be limited to television and webcast broadcasting. But Caption Reporters, Inc. opened a new channel for the deaf and hard of hearing, and a new market for broadcasters and advertisers by opening radio broadcasting via text to internet services.

State-of-the-art technology allows the captioner to write at speeds up to 265 words per minute. Similar technology allows us to caption live through remote facilities to clients in every U.S. time zone.

CRI has a tradition of providing quality captioning services in a variety of broadcast formats. We were the first company to caption live, local evening and late night news broadcasts to WUSA 9 (CBS affiliate/Washington, D.C.).

We continue to caption programs for broadcast stations across the country and to federal government agencies, local broadcast stations, universities, corporate clients and to entertainment venues.

Webcast Captioning

Streaming video, like other visual broadcast media, is readily available to millions of deaf and hard of hearing Americans. Captioning these messages insures access to this segment of the viewing population.

Webcasts use "open captioning," which are essentially live subtitles which can be seen by the entire audience.

The captions are placed on the screen in such a way as not to appear over the video to obstruct graphics or other important information.



Learn About Earize Communications

Exhibit B

Paragon Advertising & Communication, Inc.

Statement

PO Box 335
Florence, KY 41022
Telephone: 800-451-4300

Date
10/31/2005

Temple Baptist
PO Box 5133
Knoxville, TN 37918
Rev. Charles Lawson

Terms	Rep	Account #
Net 20	SL	TEMPLE

Date	Transaction	Amount	Balance		
07/31/2005	Balance forward		4,000.00		
08/11/2005	PMT #15221 - Payment-7038	-4,000.00	0.00		
08/31/2005	INV #05-8034 - Aug 2005	3,200.00	3,200.00		
09/12/2005	PMT #15299 - Payment-8034	-3,200.00	0.00		
09/30/2005	INV #05-9034 - Sept 05	3,200.00	3,200.00		
10/11/2005	PMT #15367 - Payment-9034	-3,200.00	0.00		
10/31/2005	INV #05-10033 - Oct 2005	4,050.00	4,050.00		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	TOTAL DUE
4,050.00	0.00	0.00	0.00	0.00	54,050.00

