

## FCC Closed Captioning Requirements

SEP - 8 2010

FCC Mail Room

The Federal Communications Commission has required closed captioning for the hearing impaired in virtually all new video programming for English-language programming since January 1, 2006 and for Spanish-language programming since January 1, 2010. Generally, no television station, cable operator, or satellite provider will be able to accept programming that does not include closed captions, open captions, or subtitles. The FCC rules permit only a few exceptions:

- Programs that air between 2:00 AM and 6:00 AM;
- Commercial advertisements of five minutes or less;
- Political candidate advertisements;
- Programs that are not in English or Spanish; and,
- Programs that are subject to an FCC "undue burden waiver."

Programmers may ask the FCC to grant an "undue burden waiver" when captioning would cause significant difficulty or expense. A programmer must request this waiver by sending a letter (with two copies) to the FCC at: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. There is no filing fee. Be sure to include as much information and detail as possible, including the following:

1. **The nature and cost of captioning your programming** (for example, the number of episodes per year, captioning cost quotes from several captioning providers, financial information showing that captioning costs would be a high percentage of overall production costs, evidence that you have tried and failed to find captioning at a reasonable cost, whether you are able to provide sign language interpretation as a less burdensome alternative to closed captioning, etc.);
2. **The impact of captioning on your operations** (for example, the necessity to air the Sunday service "live" or soon after taping, detailed information that shows the drastic effects of the captioning requirement such as ceasing production, etc.);
3. **Your financial resources** (for example, why you cannot afford to caption your programming – the FCC will look at your organization's overall budget and revenues and not simply the resources the organization chooses to devote to a particular program); and,
4. **Your type of operation** (for example, a very small number of staff, limited technical capabilities, or other information that would help the FCC conclude that a small operation cannot feasibly caption the program).

FCC review of the request may take a year or more. In the meantime, television stations may elect to broadcast uncaptioned programming while the FCC reviews the waiver request. If the FCC grants the waiver request, the program may be aired without captions. If the FCC denies the waiver request, however, the program thereafter must include captions.

Our television station broadcasts new programming only if we have received a signed certification of compliance with the FCC's closed captioning requirements. Accordingly, please complete the attached certification and provide it to us with your next order.

*For more information, visit the FCC Closed Captioning Exemptions website:  
[http://www.fcc.gov/cgb/dro/caption\\_exemptions.html](http://www.fcc.gov/cgb/dro/caption_exemptions.html)*

**CERTIFICATION OF COMPLIANCE  
TO TELEVISION STATION OR NETWORK  
REGARDING FCC CLOSED CAPTIONING REQUIREMENTS  
(to be delivered with the commercial order)  
(do NOT send to the FCC)**

Client: Texas Boardhouse Live / TRU INTERESTS

Name of Program: A Homeland Salute to our Troops

Television Station: \_\_\_\_\_  
Call letters City, State

OR Television Network: White Knight Broadcasting  
Network Name

The undersigned hereby certifies compliance with Federal Communications Commission closed captioning requirements with respect to the program identified above for broadcast on the station or network identified above as indicated below (check either A or B):

A. The program identified above is closed captioned in full compliance with FCC requirements.

(or)

B. The program identified above is not closed captioned because (check either 1 or 2):

1. The FCC granted a waiver on \_\_\_\_\_ that remains in effect until \_\_\_\_\_. A copy of the FCC decision granting the waiver is attached.

(or)

2. The client requested an "undue burden" waiver from the FCC closed captioning requirements on 9-1-2010. The client will notify the station within 36 hours after the FCC issues a decision on its waiver request.

Sign: Alan Award

Name: Alan Award

Title: Producer

Date: 9-1-2010

# TEXAS ROADHOUSE LIVE



1322 Chestnut Ridge Rd. Humble, Texas 77339 [www.TexasRoadhouseLive.com](http://www.TexasRoadhouseLive.com)

## **Response to "Undue Burden Waiver" Request**

1. Due to this broadcast being a live television simulcast, which is a derivative of a live satellite broadcast to our US Troops in Afghanistan being hosted by DIVIDS HUB .Net (Gov), we are unable to guarantee the ability to insert closed captioning into the multiple remote interfaces which are subordinate to the "Troop Salute" satellite broadcast.
2. Our necessity to air is predicated on the one hour window of time on September 5<sup>th</sup> 10:30-11:30 PM. That the armed forces and DIVIDS have negotiated on the broadcast's behalf.
3. The television simulcast is a last minute "add on" to the original event & satellite broadcast to Bagram Military Base in Afghanistan and as such no funds were allocated to CC expenses. The television simulcast is a courtesy to all of the Armed Forces' families in our limited broadcast footprint of Texas and parts of Louisiana.
4. We are a small start up company of only two people with limited capabilities bringing together opportunities like this to support our military personnel serving in harms way. This television simulcast in an exception to our usual two-way Troop Salutes with limited broadcast to the participants only.