

CGB-CC-1112

Received & Inspected

Video Programming Accessibility

MAY 9 X 2011

To: WFXB Fox 43 TV – Florence, SC

FCC Mail Room

Subject: "Request for Waiver" CIMS00002802856 EXEMPTIONS FROM CLOSED CAPTIONING RULES

Greater Gethsemane Apostolic Church of Jesus Christ, Inc. (501 c 3), pursuant to Section 79.1(f) (1) of the Commission's rules and Section 713 (d) (3) of the Communications Act of 1934, as amended (the "Act") / hereby requests a waiver of Section 79.1(b) of the Commission's rules requiring video programming distributors to provide closed captioning of their programming.

Greater Gethsemane Apostolic Church of Jesus Christ, Inc. offers a television ministry through WFXB Fox 43 TV for the spiritual benefit of the community. The ministry is supported by donations from friends of the ministry and cannot afford the weekly cost of closed captioning. Volunteer editors and production people have only a few hours during the week to devote to the television ministry.

Section 79.1(f) (1) of the Commission's rules and Section 713 (d) (3) of the Act provides that exemptions from the captioning rules may be granted upon finding that the closed captioning requirements will result in an "undue burden." Section 79.1 (f) (2) of the Rules and Section 713 (e) of the Act define undue burden as "significant difficulty or expense." In the case of Greater Gethsemane Apostolic Church of Jesus Christ, Inc., we would suffer both significant difficulty and extreme expense under the burdens of the closed caption rules.

Section 79.1 (f) (2) of the Commission's Rules and Section 713 (e) of the Act establish four factors to be considered in an undue burden analysis:

- i. The nature and cost of the closed captions for the programming;
- ii. The impact on the operation of the provider or program owner;
- iii. The financial resources of the provider or program owner;
- iv. The type of operations of the provider or program owner.

Under Section 79.1 (f) 2 (i): Closed captioning services are not available locally, requiring the produced video programming to be sent to an outside service for encoding. The cost of the service is unknown.

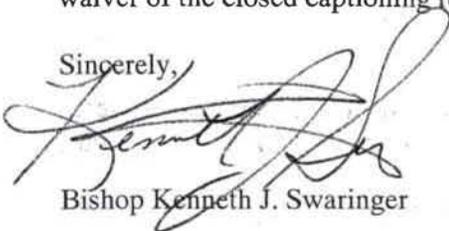
Under Section 79.1 (f) 2 (ii): Once post production is complete each week, additional time would be required to apply closed captioning, delaying the transmission of the programs to the public.

Under Section 79.1 (f) 2 (iii): Our television ministry relies solely on donations from the friends of the ministry, which varies from week to week.

Under Section 79.1 (f) 2 (iv): The ministry utilizes donated equipment and software to provide the television ministry.

In view of the foregoing, Greater Gethsemane Apostolic Church of Jesus Christ, Inc. respectfully requests that a waiver of the closed captioning requirements for its church services and programming be granted.

Sincerely,



Bishop Kenneth J. Swaringer

Pastor, Greater Gethsemane Apostolic Church Of Jesus Christ, Inc.