Federal Communications Commission
Washington, D.C. 20554

October 25, 2011

Case Identifier: CGB-CC-0271

CrossTV
370 W. Camino Gardens Blvd.
Suite 300
Boca Raton, FL 33432

Dear CrossTV,

This is to advise you that by the attached Order, the Federal Communications Commission ("FCC" or "Commission") recently reversed the closed captioning exemption that you received in September 2006 for "Word Pictures." The FCC issued the attached Order in response to an Application for Review (filed on October 12, 2006) that had challenged your exemption. Under the terms of the Order, your petition for exemption from the Commission's closed captioning rules will be dismissed on January 18, 2012, which is 90 days after the release date of the attached Order.

If you wish to continue receiving a closed captioning exemption, you must file a new petition requesting an exemption for this programming by January 18, 2012, which is 90 days from the release of the attached Order. Once the Commission receives your petition, the programming for which you seek an exemption shall be considered exempt from the closed captioning requirements while the new petition is pending. **Note that if you do not file a new petition by January 18, 2012, you must begin providing closed captions for this programming by January 19, 2012.**

If you choose to file a new petition, your petition must include up-to-date evidence, supported by affidavit, demonstrating that it would be economically burdensome to provide closed captioning on the specific programming for which an exemption is sought. Below we have described some of the requirements for filing a new petition. We advise you to carefully review the attached Order and corresponding Commission rules which describe the requirements in detail.[1]

Your petition should contain current and detailed documentation to support a claim that providing closed captions on this video programming would result in a "significant difficulty or expense" as defined by the following criteria: (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.

In order to make the above showing that providing captioning would be economically burdensome, you must:

- provide documentation of your financial status to demonstrate your inability to afford closed captioning;
- verify that you have obtained information about the costs of captioning your specific program;

[1] 47 CFR § 79.1(f)(2)-(3).

- verify that you have sought closed captioning assistance from your video programming distributor and note the extent to which such assistance has been provided or rejected; and
- indicate whether you have sought additional sponsorship sources or other sources of revenue for captioning, and show that, even if these efforts have not been fruitful, you do not otherwise have the means to provide captioning for your programming.

You may describe other factors that you deem relevant to an exemption determination, as well as any alternatives that could be a reasonable substitute for the closed captioning requirement. Your petition should contain a specific list of names of the program(s) for which you are seeking an exemption.

It is your responsibility to determine exactly what documentation and evidence is needed to make the above showing in your particular case, and what form your petition will take. The FCC does not provide a form for this purpose. Failure to support your exemption request with adequate explanation and evidence to make such a showing will result in dismissal of your request.

Your petition, as well as any supporting financial information provided, will be available for public inspection. If your petition contains confidential information, you may request "confidential treatment," *i.e.*, that it not be shared with members of the public, pursuant to Commission rules. *See* 47 C.F.R. § 0.459. Along with your request for confidential treatment, you must also submit a second version of your petition with the confidential information redacted. The redacted version will be publicly disclosed. If your request for confidential treatment is granted, the "public version" of your petition must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. Your petition must include this documentation so that the public understands the basis for your exemption request and can comment on its merits.

If the FCC's Consumer and Governmental Affairs Bureau (CGB) determines that your petition provides sufficient information upon which to make a determination of whether or not to grant a closed captioning exemption, your petition will be placed on public notice in CG Docket No. 06-181 at http://fjallfoss.fcc.gov/ecfs/. Members of the public will then have 30 days to file comments on and/or oppositions to your petition, after which you will have 20 days to respond. At the end of this timeframe, CGB will review your petition, along with information provided in any comments and responses received, to determine the extent that providing captioning would be economically burdensome for you. If CGB denies your new request for an exemption, you will have 90 days from the date of the denial to begin captioning.

If you have additional questions pertaining to the filing of an exemption request, please contact the Commission's Disability Rights Office at captioningexemption@fcc.gov.

Joel Gurin
Chief, Consumer and Governmental Affairs Bureau

Enclosure