

**REQUEST FOR EXEMPTION
FROM CLOSED CAPTION REQUIREMENTS**

Section 79.1 of the Commission's Rules

**Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
9300 East Hampton Drive
Capitol Heights, MD 20743**

**Received & Inspected
JAN 18 2012
FCC Mail Room**

PETITION FOR EXEMPTION

Pursuant to the Notice of Proposed Rulemaking dated October 20, 2011, as well as any other applicable law or regulations, **Luke 4:18 Fellowship**, a church and religious outreach organization located in Mobile, Alabama and serving the Mobile/Baldwin County area, respectfully submits this petition for exemption from the applicable FCC Closed Captioning Rules and Requirements.

Pursuant to Sections 79.1(d) and (f) of the Commission's Rules and Regulations, 47 C.F.R. § 79.1, Luke 4:18 Fellowship hereby respectfully requests an exemption from the closed captioning requirements and the undersigned alleges as follows:

Luke 4:18 Fellowship seeks the exemption from the closed-captioning requirements for its thirty minute-long weekly services. These services are broadcast on Sundays at 6:30 AM on WFNA, CW Channel 55, serving the Mobile, Alabama and Pensacola, Florida markets. The exemption should be granted because Luke 4:18 Fellowship's services are locally produced non-news programming with no repeat value, and additionally, because compliance with the closed-captioning requirements will likely

result in the imposition of an undue burden on Luke 4:18 Fellowship that would be contrary to the public interest. Documentation showing Luke 4:18 Fellowship's current financial status is enclosed herewith.

The FCC's rules expressly recognize that waiver of the closed-captioning requirements is appropriate under several circumstances. Specifically, the rules exempt any locally produced non-news programming "with no repeat value." See 47 C.F.R. 79.1(d)(8). Unlike other "local religious programming" the FCC may have found not to qualify for this exemption, Luke 4:18 Fellowship's programming is not intended for any repeat or rebroadcast, has never in fact been repeated or rebroadcast, and is not otherwise disseminated or distributed after its initial broadcast. Luke 4:18 Fellowship's services are taped weekly at its church facility and rebroadcast shortly thereafter. This makes closed-captioning problematic as it takes significant time and carries a likelihood that that it will rob the services of their intended topicality. This combined with the fact that the services have no repeat value and are in fact not repeated or disseminated in any other form thereafter establishes entitlement to an exemption pursuant to section 79.1(d)(8).

Alternatively, the rules provide for an exemption for any television broadcast programming for which the closed-captioning requirement will place an undue burden on the programming producer. See 47 C.F.R. § 79.1(f). In this case, Luke 4:18 Fellowship not only qualifies for the exemption discussed above, but also for the "undue burden" exemption. The imposition of the closed-caption requirements with regard to Luke 4:18 Fellowship's services would present substantial difficulties and crippling expenses. The

undersigned reasonably estimates that the cost of closed captioning the weekly services would be \$10,000 annually. This cost would be prohibitive and is likely to result in the cancellation of the broadcasts. The undersigned has researched the availability of closed-captioning and found that the equipment and software required to closed-caption the broadcast would exceed \$10,000 exclusive of additional manpower and related time. The total costs would therefore place an undue financial burden on Luke 4:18 Fellowship and its weekly broadcast, as the total cost to air each thirty minute service as quoted to us by WFNA is \$100, whereas the per broadcast cost for captioning our services has been quoted to us as approximately \$175. Luke 4:18 Fellowship has searched for alternative means of funding and assistance for the closed-captioning of its weekly services without success and has no other financial resources which can be dedicated to this purpose. Unlike many other private programming providers, Luke 4:18 Fellowship is a non-profit charitable entity.

The above arguments also strongly weigh in favor of the grant of an exemption under the public interest factors applicable. Without an exemption, the broadcasts of the weekly services will have to be cancelled. As a result, homebound, elderly, and disabled worshippers and congregants of the Luke 4:18 Fellowship as well as others in the Mobile/Baldwin County area would effectively be denied access to their chosen church, religion, religious traditions, and effectively denied their opportunity to practice their faith via television. This includes potentially large numbers of disabled, sick, and frail elderly residents in the area, as well as a number of other family members and caretakers

of same, who cannot otherwise attend weekly services at the church facilities and are dependent upon the broadcast to satisfy their spiritual needs.

In conclusion, for all the foregoing reasons an exemption from the FCC closed-captioning requirements for this weekly program is not only warranted but would clearly best serve the public interests.

Respectfully submitted:



MARTIN DORSETT
CHURCH ADMINISTRATOR

RETURN ADDRESS:
Luke 4:18 Fellowship
P.O. Box 850695
Mobile, AL 36685
251-281-1418
INFO@luke4-18fellowship.org

Closed Captioning

Greg Golden [gregwgolden@hotmail.com]

Sent: Monday, January 16, 2012 11:19 AM**To:** Dorsett, Martin**Received & Inspected**

JAN 18 2012

FCC Mail Room

Hello, Martin --

Thank you for the opportunity to share information about the Closed Captioning service that I offer. My experience doing this sort of thing has involved multiple hundreds of sermons and scores of infomercials, documentaries, concerts, as well as projects for the Department of Defense.

Accuracy is crucial to me, and working within deadlines is part of the weekly process that is normal for me.

The workflow is as follows:

Using an audio MP3 file of the final, edited, video timeline, I transfer that in real time to a dictating tape system, and then transcribe everything spoken or sung from the audio file into a Word document. The text is proofed "on-the-fly" and re-checked once the document is finished. That file is converted to a Text-Only file and ingested using MacCaption software.

The MP3 audio is also imported into MacCaption, and then the television program is "timed" so that each of the 700 or 800 lines of text appears on-screen as a caption when it is spoken.

A third proofing and editing is done at this time. Archaic language and biblical terms are checked against dictionaries or the internet to ensure the most accurate portrayal of the spoken word as is possible.

The end product is a small file that is used by the person who is creating the DVD of the program for eventual airplay on television.

I begin with the MP3 audio file of the EXACT timeline sequence (e-mailed to me) and I conclude with a file (xxx.scc) that I e-mail to the video editor who has been creating your DVD.

In terms of turnaround time and deadlines, I request 24 hours ahead of your need to create and deliver your DVD. I understand that emergencies occur in the video world, and in a real crunch I can sometimes give you your file in less than 12 hours.

The cost for my services for Luke 4:18 Fellowship is \$150 for everything that I described above. (I charge \$175 and up to other clients for the same work.) I would invoice via e-mail each week when I have completed my part of the job. My online invoicing allows for a traditional check. A PayPal payment or direct-deposit is fine, too, if either of these is more convenient.

The lower cost option that I described by phone would be \$90 per 30 minutes if you had a volunteer who could transcribe the exact audio that came from the video timeline, and I was e-mailed that as a Word document. Their accuracy is paramount. If their efforts required me to correct misspellings and edit their work, the whole process gets slowed down and becomes a potential problem.

If your program ever included any music selections, I request that the lyrics be typed out and e-mailed to me, too. Recordings and acoustics often make it difficult to clearly understand what is being sung by a choir.

All of my work is known as off-line captioning. Unlike on-line captioning (which is what you would see on LIVE programs like a Fox New channel broadcast), I can be far more accurate and deliver results that are timed to match the words as the viewer would hear them. I researched what I should charge when I began doing this 4 or 5 years ago, and I found that the same service I offer was available for between \$175 and \$350 per 30 minutes. I was paid \$175 per 30 minute program while I performed this service 3 1/2 years ago for Dauphin Way United Methodist Church.

Several years ago I asked the Lord to allow Debbie and me give more offerings to His kingdom, and the result of that prayer seems to have been this Closed Captioning work. Amazingly it is a real ministry to the hearing-impaired world.

If I can serve you in any way, please know that I am willing.

Warmly, in Christ,
Greg

Current Agency Contract

WFNA CW
WALA / WFNA 1501 SATCHEL PAIGE DRIVE MOBILE AL 36605

TO LUKE 4 18 FELLOWSHIP
SALES MARY MALLETTE

TAPES - ATTN: MARY MALLETTE
Payment Due 10 Days In Advance
14 Day CXL POLICY

PROGRAMS REQUIRED TO BE IN HOUSE TWO (2) FULL BUSINESS DAY PRIOR TO AIR DATE
Tape formats accepted are Beta SP, or DVC Pro

DAY	DATE	TIME	TITLE	RATE
SUN	01/01/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	01/08/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	01/15/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	01/22/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	01/29/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	02/05/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	02/12/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	02/19/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	02/26/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	03/04/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	03/11/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	03/18/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	03/25/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	04/01/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	04/08/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	04/15/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	04/22/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	04/29/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	05/06/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	05/13/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	05/20/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	05/27/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	06/03/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	06/10/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	06/17/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	06/24/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	07/01/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	07/08/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	07/15/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	07/22/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	07/29/2011	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	08/05/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	08/12/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	08/19/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	08/26/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	09/02/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	09/09/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	09/16/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	09/23/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	09/30/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	10/07/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	10/14/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	10/21/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	10/28/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	11/04/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	11/11/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	11/18/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	11/25/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	12/02/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	12/09/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	12/16/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	12/23/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
SUN	12/30/2012	8:30 AM	LUKE 4 18 FELLOWSHIP	\$100.00
				\$5,300.00

Please sign and return
Signed: Martin Dorsett Date: 11/28/11
Administrator

SWORN STATEMENT OF MARTIN DORSETT

STATE OF ALABAMA }

COUNTY OF MOBILE }

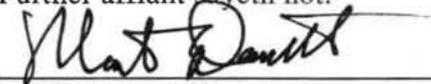
COMES NOW Martin Dorsett, being duly sworn, under oath, and deposes and sets forth as follows:

I am Martin Dorsett and I am over the age of nineteen (19) years and am a resident of Mobile County, Alabama. I make this affidavit from personal knowledge. I am the church administrator for Luke 4:18 Fellowship and am personally familiar with the day-to-day operations of the church and its ministries, including the operations and finances connected with the weekly filming and broadcast of church services.

I have read the attached petition for an exemption from the FCC's closed-captioning requirements on behalf of Luke 4:18 Fellowship, which generally seeks an exemption from the requirement to provide closed captioning for the church's weekly services. These services have heretofore been broadcast on Sundays on WFNA, CW Channel 55, serving the Mobile, Alabama and Pensacola, Florida markets. I am personally familiar with all of the factual matters discussed therein, and I hereby verify the factual statements contained therein are correct including with limitation: (a) all statements regarding the nature of the programming, and more specifically, its character as locally produced non-news programming with no repeat value; (b) all matters related to the undue burden which would be imposed upon the church by requiring the weekly services be captioned including the quoted costs; and (c) all facts relating to the public interest factors affecting the application.

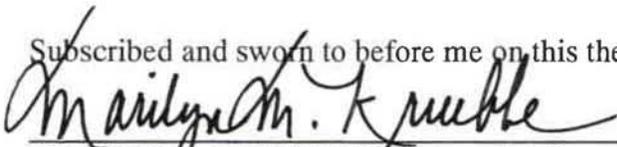
I specifically affirm that unless Luke 4:18 Fellowship receives this exemption from the closed-captioning rules and requirements that we will be forced to consider cancellation of the broadcast.

Further affiant sayeth not.



MARTIN DORSETT

Subscribed and sworn to before me on this the 17th day of January, 2012.



MARILYN M. KRUEBBE, Notary Public
My commission expires: 04/26/2014