

January 12, 2012

Petition For Exemption From Closed Captioning Due To Economic Burden

Dear Sirs:

Victory Temple is a local church of approximately 300 members in Beaumont, Texas that has had a weekly television program for over 50 years. We currently air a one hour program of our Sunday morning service on the local ABC (KBMT) affiliate in Beaumont. The title of our program is "The World We Live In". We were granted a petition for exemption in September, 2006 due to Economic Burden.

Our program consists of a portion of our Sunday morning services which oftentimes includes congregational singing, choir singing, and always includes the sermon preached. We do not solicit any giving or offerings from our viewers, the program is paid for in its entirety by the members of our congregation through tithe and offerings of the church. On occasion, we will offer a CD or DVD of the messages that can be purchased for a minimal amount (CD's \$10 and DVD's \$20), but most of the time the CD's and DVD's are offered at no charge to the viewer.

The program is recorded in the Sanctuary of the church and is edited here on site as well. Our program has no repeat value and is not a news program.

We have contacted several different companies to enquire the cost to have our services Closed Captioned on a weekly basis. I have quotes ranging from \$250 up to \$800 per program for the roll-up style captions. We have even looked into purchasing the software required to do the captions here in house, but the cost of that is approximately \$7000 for the software, and we would be required to purchase or upgrade some of our existing equipment to work with the software. In addition, if we were to do the captions in-house, we would need to hire additional help to do the transcription and timing of the captions. We also have spoken to representatives from the station that airs our program to see if they have Captioning services available to us, but they do not offer this service.

Our congregation is made up primarily of blue collar type workers. A large portion of our membership work in the Refineries in the area. We also have a large number of construction workers, and retired persons. We currently do not have Business owners or people in management positions who would be able to sponsor the programs Closed Captioning within the membership of the church.

The turn-around time to send the programs out for captioning would also factor in for us. We try to stay approximately 3-4 weeks ahead in our programming. However, due to technical difficulties and other circumstances, that is not always possible. The engineer that services our facility lives in Houston, approximately 1 ½ hours from here. So when we have technical problems it may be several days before he can get over here to assess the problem and get it taken care of. Some other circumstances such as Pastor choosing not to air a certain program on television, or special services (example Christmas cantatas) that we would not be recording for television, do not allow us to have the lead time that we like to have for the program. The turn-around time for most places that we heard from is 2-4 business

days. There are times that the program recorded on Sunday will need to air the following Sunday. The Media Director here at the church works a 4 day work week, from 8 AM till 2 PM. The programs would need to be timed out for editing, edited and rendered to the required format for the captioning service before it could even be sent for the captioning to be performed. Then with the turn-around time factored in, it may not get back in time for us to have it ready to go the station on Thursday. If we were to do the captioning here in-house, the time frame may actually take longer, especially until we would learn how the process would work.

The financial burden upon the church is a tremendous factor to us. Currently we air our program on Sunday mornings from 11 AM till 12 NOON, and then it is rerun from 11:30 PM till 12:30 AM on Sunday evenings, all on the same ABC affiliate. Our weekly cost for these airings is \$1075.00. If we are required to Close Caption our services that will increase our weekly cost to \$1325.00 - \$1875.00. During the fourth quarter of 2011, the church averaged approximately \$23,000.00 per week and solely bears the expense of this program. The church has a staff of full time and part time employees that work here 32-37 hours per week which makes up approximately 40% of our monthly budget. Along with all of the other operating expenses that accompany a church, the budget for the TV program has really about reached it maximum. It currently is around 3% of our monthly budget as it currently airs. If the cost increases due to the Closed Captioning expenses that will increase the percentage to approximately 4-5%, which at a glance does not seem to be much, but would actually increase our cost \$1000.00 – \$3200.00 per month (based on a 4 week airing period). At this time it is our belief that if our expense will increase at this rate it could affect our ability to continue with our weekly program.

We are enclosing copies of the letter that accompanied our petition request in 2006 for you to review along with all of the other information you requested. Our program format has not changed since we were granted our first exemption, and we have not added any additional program times or stations.

We respectfully ask that you would grant our Petition for Exemption.



Daniel St.Clergy <dsaint08@gmail.com>

MacCaption and YouCaption software

1 message

McLean Anderson <mclean@cpcweb.com>

Wed, Nov 16, 2011 at 1:01 PM

To: "dsaint08@gmail.com" <dsaint08@gmail.com>

Danny,

As per our conversation I'm including more product information and some videos demonstrating how our products work.

The prices and order form can be found at <http://www.cpcweb.com/order>. If going to SD tape from Final Cut you would only need the WebPlus flavor of MacCaption for \$3995 as it can output an SCC file which you can marry to a Final Cut sequence for play out to a deck. Any other delivery methods will require the DTV version which is \$6995. With both versions you can also output for the web in a variety of formats including Flash, Quicktime, YouTube and Windows Media.

Please check this link to see the details of all our products: <http://www.cpcweb.com/products>.

Here's a page with a video demonstrating YouCaption. <http://cpcweb.com/youcap/>

Here's another page showing tutorials on using MacCaption. http://cpcweb.com/tutorial/mac_index.htm

Automatic Time Stamp (ATS)

We have an exciting new Add-on called ATS (Automatic Time Stamp). It saves you enormous amount of time by having speech recognition technology do the timing automatically. For details, click on www.cpcweb.com/ats.

Free demo software

We encourage you to try out our free demo software (<http://www.cpcweb.com/demo>), which will show you how powerful and easy it is to use.

You might also want to watch some of our video tutorials (<http://www.cpcweb.com/tutorial>), which demonstrate many of the capabilities that are available in our software.

Live online demo

If you would like us to walk you through the demo software, please let us know. We can even connect to your computer and remotely demonstrate the software on your computer screen via the internet.

Our Customers

CPC's software is used by Apple, Google, Microsoft, Verizon, NBC Universal, Fox, Sony Pictures, and many others.

GSA Schedule

We are approved by GSA (General Services Administration - a federal procurement agency). GSA Schedule #GS-35F-4672G. Details are at: http://www.cpcweb.com/gsa_schedule.

Closed Captioning & Subtitling Service

If you decide that our software is not for you, we also have a closed captioning & subtitling service department that can do all of the captioning work for you, and simply e-mail you a file that adds closed captions or subtitles to your media. The rates can be found at: http://www.cpcweb.com/caption-service/rates/CPC_caption_rates.pdf.

If you're not sure whether software or service is right for you, we have a software vs. service comparison page <http://www.cpcweb.com/softwarevsservice>

We look forward to providing solutions for your closed captioning needs.

With best regards,

McLean Anderson

mclean@cpcweb.com

[1-800-977-6678](tel:1-800-977-6678) (U.S.A. and Canada)

[301-738-8487](tel:301-738-8487) (Worldwide)

Fax: [301-738-8488](tel:301-738-8488)

"Closed Captioning: It's the Law"

[CPC - Home of e-Captioning](#)

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Heather York
VP, Marketing
1325 G Street NW
Washington DC 20005

November 3, 2011

Shannan Pridgen
Media Director
Victory Temple
2630 S. 11th Street
Beaumont, TX 77701

Ms. Pridgen:

It was a pleasure speaking with you yesterday! Please accept this document as VITAC's quotation to provide captioning services for Victory Temple. The captioning process, as we discussed, is as follows:

1. You upload a proxy of your final video to our FTP site. As I mentioned, we accept just about any video format. You may find our preferred specifications here: http://www.vitac.com/files/pdf/VITAC_VIDEO_SPECS_r1_08-2011.pdf
2. We will create a 100% accurate, roll-up style caption file – transcribing the video, breaking the transcript into captions and then timing and placing those captions so that they appear in sync with audio.
3. Finally, we will export our file into the format which works best with your editing system – normally SCC format.

Our standard turnaround for a one-hour program is 2-3 business days. I understand you can fit this into your production timeline.

The total charge to create the captions will be \$250 per hour-long program.

To get started, please contact me or our client services department at clientservices@vitac.com, 724-514-4077. We'll set you up with an account, a secure FTP login and password, and a schedule. Our client services department is available 9:00 a.m. to 11:00 pm, Monday-Friday, and captioners and supervisors are on staff 24/7.

We look forward to the opportunity to work with you in the near future! Please let me know if I may provide further details.

Sincerely,

Heather York
VP, Marketing
VITAC
301-881-7534
Heather-y@vitac.com

November 29, 2011

Director of Media
 Victory Temple
 2630 South 11th Street
 Beaumont, TX 77701

Director of Media:

I understand Victory Temple may be required to caption previously exempt television programming as the result of recent FCC action. I'm writing to offer creative captioning solutions at special rates from the nation's leading closed captioning company, VITAC. These solutions include:

CAPTIONS FORMATTED FOR YOUR EDITING SYSTEM

Easy and 100% accurate, VITAC will create a caption file that is formatted to work with your nonlinear editing system (.aaf for Avid HD or SD or .scc for Final Cut). Simply upload a low-resolution proxy of your video to our secure FTP site. We will create your caption file and deliver within 2-3 business days. You then lay the caption file into your video timeline and export a captioned video. The total charge to create the captions this way is **\$250 per 60:00 program, \$125 per 30:00 program.**

WEEKDAY LIVE CAPTIONING

VITAC captions 190,000 hours of live programming per year, most of it airing in the morning, evenings and weekends. We're offering a discount to organizations with the ability to encode captions live to tape, between 9:00 a.m. and 6:00 p.m. EST, Monday through Friday. If you have your own caption encoder and the ability to feed us audio, contact us to learn more about this option, which costs **\$110 per 60:00 program, \$55 per 30:00 program.**

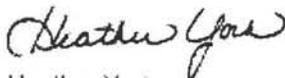
TURNKEY LIVE TO TAPE

Don't have an encoder or editing system? Don't worry! VITAC will accept your video in any format and add live-to-tape captions ourselves. We'll ship back a captioned master within two days of receipt of the video. This option will cost **\$230 per 60:00 for SD videotape, \$115 per 30:00, plus shipping.**

VITAC also offers additional "no worries" solutions including tapeless file delivery with embedded captions. Popular file formats include MXF, QuickTime, MPEG2 Transport and Program streams.

To learn more, please contact VITAC's Client Sales & Services department at clientservices@vitac.com or call 724-514-4077. Please mention our "Anglers Order Special." We look forward to the opportunity to work with you in the near future!

Sincerely,



Heather York
 VP, Marketing
 301-861-7534
Heather-y@vitac.com

101 Hillpointe Drive | Canonsburg, PA 15317 | Phone 724.514.4000 | Fax 724.514.4111
 4605 Lankershim Boulevard, Suite 250 | North Hollywood, CA 91602 | Phone 818.755.0410 | Fax 818.755.0411
 1501 Wilson Boulevard, Suite 1003 | Arlington, VA 22209 | Phone 703.807.2766 | Fax 703.807.2761

Re: East Texas Captioning | Roy Keiningham

From: Roy Keiningham

Sent: Wed, Nov 2, 2011 at 3:14 pm

To: Shannon

You too. Let me know if we can do anything for you.

On 11/2/11 1:46 PM, "Shannon" <spridgen@VictoryTemple.org> wrote:

Thank you so much for your reply. Like I said I am trying to do my research and gather as much info as I can on this whole process since we are new to this whole idea. I may be getting back in touch with you in the coming weeks with further questions. Hope you have a great week.

-----Original Message-----

From: "Roy Keiningham" <roy@rkmediacru.com>

Sent: Wednesday, November 2, 2011 2:34pm

To: "Shannon" <spridgen@VictoryTemple.org>

Subject: East Texas Captioning | Roy Keiningham

Hello Shannon. I applogize for the delay in getting back to you. For some reason your email went to the "junk folder". I'm sorry to hear that you have to refile your exemption status. I have receive 2 notices in the past 48 hours from the FCC that they are repealing exemptions that they have given to religious broadcasters. For a 1 hour show on beta sp it would cost \$300.00. This includes transcription, timestamping and one Beta Sp video tape master but does not include shipping. If you were able to do it with Final Cut Pro 7 the price would drop significantly. The first week or two it would be about the same price. This is because I find that I usually have to spend significant time teaching the end user how to output the video with captions. Also I would need to know the hardware set up of the FCP 7. Mainly what capture card is being used. After the first couple of weeks I could drop the price to about \$200.00. I usually have my clients send me the audio file first (I can walk you through this process) so that we can begin transcribing immediately. Then you would have to send me a broadcast quality master. I can walk you through that process as well. Let me know if you have any further questions. Oh, and congratulations on your church's 55th anniversary. That's a huge milestone in this day and age. Blessings.

Roy Keiningham | East Texas Captioning

Roy Keiningham – Owner

Ph.903.216.2216

roy@easttexascaptioning.net

www.easttexascaptioning.net

Shannon Pridgen
Media Director
Victory Temple
(409) 842-3954 ext.119

Roy Keiningham | East Texas Captioning
Roy Keiningham – Owner
Ph.903.216.2216
roy@easttxascaptioning.net
www.easttxascaptioning.net



2NEWSNOW.com

Victory Temple
2630 South 11th Street
Beaumont, TX 77701

December 19, 2011

Shannon,

We do not have the staffing or equipment to provide closed captioning for outside programming. I'm sorry we cannot offer this to you for your weekly program.

Sincerely,

Don Davis
General Sales Manager

RE: USA Studios - Closed Captioning Services

From: Cody Greene

Sent: Wed, Nov 2, 2011 at 3:09 pm

To: spridgen@victorytemple.org

[image001.png](#) (16.4 KB)

Thank you, Shannon - I'll be here for you when you are ready.

-Cody

From: spridgen@victorytemple.org [mailto:spridgen@victorytemple.org]**Sent:** Wednesday, November 02, 2011 3:02 PM**To:** Cody Greene**Subject:** RE: USA Studios - Closed Captioning Services

Thank you so much for your response. I am currently trying to gather as much information on this process as I can. In the coming weeks I may be getting back in touch with you with more questions as I do more research. Thanks again and have a good week.

—Original Message—

From: "Cody Greene" <Cody.Greene@usastudios.tv>

Sent: Wednesday, November 2, 2011 2:54pm

To: spridgen@VictoryTemple.org

Subject: USA Studios - Closed Captioning Services

Hi Shannon,

Thanks for contacting us! I received your online inquiry regarding the closed captioning of your weekly worship service. We do a fairly large number of church services now – captioning, dubbing and distributing programs in both HD and SD for evangelists and various church organizations. I can give you an idea of costs to closed captioning tape to tape, though there's several ways to go about closed captioning depending on what resources you are provided with and your intended use of the captions.

For basic rates - if you just wanted to send us an SD tape of the service to our NY facility, we could transcribe the service and create a roll-up caption file (the most common) and output to an SD tape for \$800. For HD programs it's about \$250 more. Our standard turnaround is 3-4 days, and we ship with FedEx direct from our office. We could set up a billable account and you'd receive invoices payable within 30-days or use a credit card to pay per dub. I'm available anytime to discuss your needs and the intended purpose/venue for the captions in greater detail. And I should be able to help guide you towards the most appropriate service given your resources, budget, timing and how you intend to broadcast the program with the captions.

Best,

Cody Greene
Senior Account Manager
253 West 35th Street
New York, NY 10001
212-398-6400 ext 7009



Create+Manage+Distribute

Shannon Pridgen
Media Director
Victory Temple
(409) 842-3954 ext.119

January 10, 2006

Federal Communications Commission
Attn: Secretary's Office
Closed Captioning
445 12th Street SW
Washington, DC 20554

RE: REQUEST FOR EXEMPTION FROM COMMISSION'S CLOSED
CAPTIONING RULES

Victory Temple and *The World We Live In* program respectfully submit a petition requesting exemption from the closed captioning requirements under Section 79.1 of the Commissions rules.

We believe we qualify for the exemption for the following reasons:

Part 79.1 Section (d)(8):

The World We Live In is a program that is produced by Victory Temple in Beaumont, Texas. *The World We Live In* airs twice on Sundays (11:00 AM till 12 Noon; and then again 12:35 AM – 1:35 AM) on the local ABC affiliate (KBMT) and is not networked outside our local market. We are not a news program, and the "electronic news room" technique of captioning is unavailable.

Part 79.1 Section (f): Compliance would impose an undue burden to Victory Temple Church for the following reasons:

- (1) It is going to be necessary for us to send the programs to an outside source to be captioned. This is going to greatly impact us in meeting air date deadlines, and the additional production cost would make production unaffordable.
- (2) Victory Temple totally funds the production of the program, *The World We Live In*. No funds are solicited during the program to help with the cost of production or air time.
- (3) Victory Temple had an income of less than \$3,000,000 during the last year.

The World We Live In is an outreach ministry of Victory Temple whose sole purpose is to share the Gospel of Jesus Christ with the people of this community.

We again respectfully request that we be exempted from the closed captioning requirements. If you would need to contact us, we can be reached, Monday thru Thursday 8:00 AM till 4:00 PM and Friday 8:00 AM till 12 Noon, at:

Victory Temple
Attn: Pastor Robert Turnage
2630 South 11th Street
Beaumont, Texas 77701
(409) 842-3954
(409) 842-9658 (Fax)

Sincerely,

Robert Turnage
Pastor

RT/sp
Enclosure: Affidavit of Costs from Accountants
Cavett, Turner, and Wyble