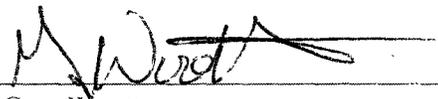


MAY 14 2012

FCC Mail Room

AFFIDAVIT

I the undersigned being first duly sworn verify under oath that I am the Church Administrator at First Baptist Church of Fort Smith, Arkansas and prepared the material consisting of 3 pages which is attached to this affidavit and swear that is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Greg Wootten

Subscribed and sworn to before me the undersigned notary public on this seventh day of May, 2012.



  
\_\_\_\_\_  
Reesa Carroll

Commission Expires: June 19, 2012

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

## **Petition for Exemption from Closed Captioning Requirements**

### ***(Response to Request for Additional Information)***

Reference CGB-CC-0203

The original petition for exemption is attached (Attachment 1) along with the request for additional information dated April 18, 2012. The following will attempt to answer the request for additional information.

**Costs and period of time covered by estimate:** In short the three bids received are for services covering weekly 60-minute programs with no specified end date on the agreement. If the church is required to caption the *live* broadcasts and is satisfied with the services provided by the chosen vendor, then it will continue to caption indefinitely. In essence, the agreements are “evergreen.” One (Aberdeen Captioning, Inc.) of three bids received for captioning services is attached (Attachment 2) for your review. The actual cost of this service by Aberdeen is \$110 per weekly 60-minute program. Extended times will be subject to additional expenses. The two other bids received are more expensive options than Aberdeen. The church’s annual on-going expense would then be in excess of \$5,720 depending on which vendor is chosen just for the captioning service alone. Aberdeen recommends additional equipment (see bid for an HD480 Smart Encoder V from eeg) totaling \$7,850 bringing total start-up costs to a minimum of \$13,570 plus the expense of installation and service of additional devoted phone lines. Again, this amount is based on the cheapest bid received.

**Video programming services:** the video programming distributor doesn't offer closed captioning services, but a bid from their closed captioning vendor is attached (Attachment 3). It appears to be in the same general price range as the estimates noted in the preceding item. The programming distributor has also provided us with a partial document (Attachment 4) they obtained from the National Association of Broadcasters (NAB) that states one of several exemptions is "...Locally produced and distributed non-news programming with limited repeat value, such as local parades or school sporting events." It is the programming distributor's opinion that this accurately describes our weekly, *live* broadcast. The church's broadcast is produced *live* by one full-time staff member and multiple volunteers on-site here at the church and then submitted via fiber optic connection to the programming distributor in which they simply televise at that exact time each week. They do not record it nor replay it at any other time therefore it has no "...repeat value..." at all.

**Sponsorship:** As a church, we do not feel it is appropriate to pursue financial sponsorship from other entities to fund closed captioning services required by the FCC. These services should be something that the church provides out of its budget for viewers of the program not something that it asks a third party(ies) to fund which likely creates a subsequent request for promotion of the sponsorship during the program similar to what is seen during non-religious programming. The church has not and does not plan to solicit direct sponsorship from others. If the FCC requires the church to implement closed captioning services, it will simply budget accordingly hopefully in a manner that does not penalize nor take away from other ministries.

**Impact of required captioning:** As stated in the original petition for exemption, our worship services have been broadcast *live* each Sunday morning since 1953. This *live* broadcast is a critical component of the ministry at First Baptist Church, Fort Smith, and if we are required to implement closed captioning service by the FCC, we will not cease to broadcast. The original petition included a description of the logistical and financial burdens of closed captioning on our *live* broadcast with an additional summary description to follow:

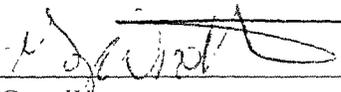
1. Contemporaneous preaching doesn't allow scripting for captioning services (more risk for errors, omissions, etc).
2. Expensive captioning services (services and required equipment and phone lines)
3. Current broadcast is produced by one paid staff member and multiple volunteers. Additional volunteers and/or paid staff would be required to meet the demands of captioning vendors pre- and post-production to alleviate additional expenses for captioning services (see Aberdeen estimate).

Greg Wootten  
Church Administrator  
First Baptist Church  
Fort Smith, AR 72901  
479-788-6100  
[gwootten@fsfbc.org](mailto:gwootten@fsfbc.org)

Attachment 1

AFFIDAVIT

I the undersigned being first duly sworn verify under oath that I am the Church Administrator at First Baptist Church of Fort Smith, Arkansas and prepared the material consisting of 4 pages which is attached to this affidavit and swear that is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Greg Wootten

Subscribed and sworn to before me the undersigned notary public on this fifth day of January, 2012.



  
\_\_\_\_\_  
Reesa Carroll

My commission expires: June 19, 2012

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

### **Petition for Exemption from Closed Captioning Requirements**

Reference CGB-CC-0203

The intent of First Baptist Church of Fort Smith, Arkansas is to keep HOPE FROM ABOVE which is the television broadcast of the Sunday morning service, a live program. The purpose is to provide this service to those people in northwestern and western Arkansas and northeastern and eastern Oklahoma who cannot attend a worship service. We currently generate the words to songs on an in-house screen and this has proven to be relatively simple given that we know what songs will be sung in our services ahead of time.

As stated above, our services are broadcast live each Sunday morning and have been since 1953. Our pastor uses abbreviated notes in his sermons each week and will frequently vary from those abbreviated notes, so generation of his actual sermon isn't possible using the methodology used for songs noted in the previous paragraph. We have researched options for live captioning and have attached the bid we received for outsourcing live captioning to Aberdeen Captioning (see Attachment 1). The cost associated with the captioning service alone would be approximately \$7,700. In addition to the captioning service, we would need additional phone lines, and additional hardware needed for our current broadcast arrangement. Our bids for these products have totaled approximately \$8,000. This brings the total financial burden for closed captioning to the \$15,000-\$16,000 range to continue our live broadcast.

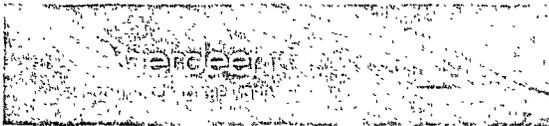
Furthermore, additional human resources (man-hours, wages, etc.) would be needed to set up the closed captioning and also insure that the system is ready for each live broadcast. If required to close

caption our webcasts and re-broadcasts, our Media staff would require approximately 1.5 days per week to edit the broadcast to prepare it for the webcasts and re-broadcast production. This would obviously take them away from their existing workload which would require us to seek additional paid staff. In order to record a live broadcast, we would need additional equipment that runs in the \$8,000 range.

In conclusion, I ask that the Federal Communications Commission consider continuing the exemption from closed captioning requirements for First Baptist Church, Fort Smith, Arkansas because the requirements would create undue burden on human resources and finances; man-hours, additional wages, and equipment. The fact that our services are initially broadcast live creates further difficulty in captioning the Pastor's sermon each week to the quality we would desire to achieve.

If more information is needed, please contact me at the address below.

Greg Wootten  
Church Administrator  
First Baptist Church  
Fort Smith, AR 72901  
479-788-6100  
[gwootten@fsfbc.org](mailto:gwootten@fsfbc.org)



## CLOSED CAPTIONING

Aberdeen Captioning is the leader in providing closed captioning to the Christian broadcasting community. We produce live and post-production closed captioning, subtitles, DVDs, webcasts and other services to fit your budget. We provide captioning to 100+ ministries including: KTBN... The Church of Jacksonville...Daystar...Tony Evans/The Urban Alternative...Hillsong (Australia)... Cornerstone TV...Joseph Prince (Singapore)...In Touch Ministries...Carroll Roberson Ministries... Amazing Facts...Oral Roberts University...Bill Winston Ministries...Victory Christian Center... Balanced Living and many, many more!

Visit our website at [www.abercap.com](http://www.abercap.com) and then give us a call and we'll help you determine the best solution at a price that meets your budget.

We are...Committed to the WORD!

### LIVE CAPTIONING SERVICES & RATES

LIVE CAPTIONING	30 MIN. PROGRAM	\$75-105 PER PROGRAM
	60 MIN. PROGRAM	\$110-145 PER PROGRAM
<ul style="list-style-type: none"> <li>This is what you need if your program is broadcasting live</li> </ul>		

LIVE-TO-TAPE CAPTIONING AT YOUR LOCATION	30 MIN. PROGRAM	\$75-105 PER PROGRAM
	60 MIN. PROGRAM	\$110-145 PER PROGRAM
	INITIAL SETUP COSTS	\$3,500
<ul style="list-style-type: none"> <li>Caption a tape at your location.</li> <li>Easy setup allows for a quick turnaround and lower cost over time.</li> </ul>		

### POST-PRODUCTION CAPTIONING SERVICES & RATES

(30 MINUTE WEEKLY SHOW)

LIVE-TO-TAPE CAPTIONING	30 MIN. PROGRAM	*\$175 PER PROGRAM
<ul style="list-style-type: none"> <li>Roll-up closed captions created in a live format. 98%+ accuracy</li> <li>An excellent product that exceeds FCC requirements</li> </ul>		

STANDARD ROLL-UP CAPTIONING	30 MIN. PROGRAM	*\$250 PER PROGRAM
<ul style="list-style-type: none"> <li>Roll-up closed captions created and synched to spoken word. 99.5% accuracy</li> <li>At Aberdeen, we call this "Standard" and in comparison, you'll find this quality better than most other captioning companies' premium level.</li> </ul>		

PREMIUM ROLL-UP CAPTIONING	30 MIN. PROGRAM	*\$315 PER PROGRAM
<ul style="list-style-type: none"> <li>Roll-up closed captions created and synched to spoken word (DCMP guidelines). 100% accuracy</li> <li>If you want the best roll-up captioning in the industry, this is it!</li> </ul>		

POP-ON CAPTIONING & SUBTITLES	CALL FOR PRICING	PHONE: 800-688-6621
<ul style="list-style-type: none"> <li>Typically used for movies and DVDs.</li> </ul>		

\* INCLUDES NLE/DIRECT FILE, BETA SP, DVCAM, DVCPRO OR MINIDV STOCK

ATTACHMENT 2

FIRST BAPTIST CHURCH  
FORT SMITH, ARKANSAS

SUMMARY OF INCOME – EXPENSE  
2011

<u>MONTH</u>	<u>INCOME</u>	<u>EXPENSE</u>
JANUARY	\$319,301	\$206,096
FEBRUARY	\$272,722	\$286,579
MARCH	\$299,085	\$282,532
APRIL	\$264,250	\$269,580
MAY	\$354,926	\$321,378
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AUGUST	\$276,636	\$273,953
SEPTEMBER	\$279,757	\$295,118
OCTOBER	\$319,213	\$319,260
NOVEMBER	\$248,690	\$240,467
DECEMBER	\$388,691	\$300,981
TOTAL	\$3,670,888	\$3,334,697

Aberdeen Captioning, Inc.

22362 Gilberto, Suite 120  
Rancho Santa Margarita, CA 92688  
abercap.com 800-688-6621

Attachment 2

Price Quote

Account First Baptist Church Fort Smith  
1400 Grand Avenue  
Fort Smith AR 72901

Quote ID 00963  
Status Won  
Quote Good until: 04/03/2012

Quote Detail

Project Name: Live Captioning of Weekly 60 Minute TV Broadcast

Specifications: General Service Overview.

Aberdeen Captioning will provide live closed captioning services to First Baptist Church Fort Smith (client) as described directly below and following line item(s) Service good for the purpose of providing real-time closed captioning services of client's approximately 60 minute weekly, live, local TV broadcast Client providing own set-up (caption encoder, audio coupler, and 2 phone POTS phone lines)

Billing Notes.

Minimum charge of \$110 00/hour each week Session will be charged if less than 24 hour notice provided for cancellation of any kind

Captioners will typically dial-in 3-5 minutes prior to start time of an event An additional charge will apply if the captioner is required to dial-in earlier than 5 minutes prior to the start of the event or if required to caption or stand-by past scheduled time even if shift in times is due to technical or other issues. Extended time fees calculated and charged in 30 minute increments

Timeline

Day, Date, Time & Time Zone of Event/Meeting: 11:00 AM - Noon (Central) every Sunday

# of Blocks/Sessions & Approx. Time of Each. One single weekly 60min session

Emergency Contact Bob Dyer or Greg Wootten (to be verified by client)

Encoder Make & Model EEG (to be verified and tested with client)

Audio Line #: To be provided by client

Modem Line #: same as above

Support Materials

A Rundown, song lyrics, and other possible .txt files to be provided by client every Tuesday Becky Isaacs - becky@abercap.com - to be placed on music dept (or other) distribution list

Song, welcome, prayer, solo, songs, choir, pastor are common program elements

Special Notes

Program airing since 1953

Comments: Thank you for the opportunity to partner with your ministry!

Effective Date: 03/03/2012

Acc. Exec: STIVE

Ship Via:

Line Items

No.	Product	Description	Qty	Unit	Unit Price	Line Total
1	Live Captioning	Live Captioning Services (60 Min Wkly Program)	1	EA	110 00	110 00

Payment Policy

One-time projects: Prepayment Required

Daily/Weekly/Continuous work contracts: Prepayment Required for first two months after which billing may revert to monthly.

Accepted forms of payment: Check thru ACH (physical check or ask for Aberdeen electronic form), Credit Card, Cash or Cashier's Check.

AberdeenCaptioning

COMMITTED TO THE WORD

Aberdeen will provide live captioning service with a live steno writer at a 98% accuracy rate or better for dialogue spoken at 200 wpm or less. This excludes multiple speakers speaking over each other's dialogue.

Billing is a 60 minute minimum. Time beyond minimum due to client technical or other issues will be billed in 30 minute increments.

Client to provide 2 dedicated, analog (POTS) phones (one for the encoder and one for audio connection). Client will provide to Aberdeen a show rundown and/or a list of uncommon words and acronyms, glossary terms, names of presenters and topic of content via e-mail a day (Tuesday per distribution list is preferred as indicated in note above) before captioning is scheduled. This information is required to guarantee 98% accuracy.

The following credit in closed captions will be placed at the beginning or end of each program "Captions by Aberdeen Captioning, www.abercap.com, 1-800-688-6621". This helps you since we field calls from viewers about captioning and can either answer a simple question or direct them to your company.

2 Credit Card Convenience Fee (3%) 1 EA 3 30 3 30

There is a 3% convenience fee for credit card transactions. Credit card (AMEX, VISA, or M/C) information still required with ACH (electronic check) option and will be authorized (hold placed on card) until ACH payment has processed. Regardless of payment preference, payment to be processed prior to scheduled live closed captioning session on a weekly basis for an approximately two month introductory period. Monthly invoicing/billing (Net15) will be an option extended to the client after initial two month payment history has been established. Please see box below for more information.

Quote Total: 113.30

### Contacts

<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	<u>Business</u>	<u>Mobile</u>	<u>EMAIL ADDR</u>
Dyer	Bob		(479) 788-6133		bdyer@isfbc.org

### Payment Policy

**One-time projects:** Prepayment Required

**Daily/Weekly/Continuous work contracts:** Prepayment Required for first two months after which billing may revert to monthly.

**Accepted forms of payment:** Check thru ACH (physical check or ask for Aberdeen electronic form), Credit Card, Cash or Cashier's Check

AberdeenCaptioning

COMMITTED TO THE WORD

# ***Caption Associates, LLC***

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## **Cost Proposal for Van Comer, KFSM, Fort Smith, Arkansas. Real-time Broadcast Captioning Services**

--\$102.00\* per hour for real-time captioning of newscasts, with a 30-minute minimum charge and billed in 15-minute increments thereafter with a contract for a minimum of 1200 hours per year of real-time captioning services per year. We charge exactly half of our hourly rate for a 30-35 minute newscast, so you would pay \$51.00 per 30-35 minute newscast.

--\$102.00\* per hour for real-time captioning of broadcasts of emergencies and late-breaking stories, with an initial one-hour minimum charge and billed in 15-minute increments thereafter.

--\$ 40.00 per each 3-5 minute "cut-in" during morning shows, such as "The CBS Morning Show."

--We pay the long-distance phone charges incurred when captioning your broadcasts. We do not require you to provide toll-free lines or pay us for long-distance phone charges.

--Real-time captioning rates quoted are based on a two-three year exclusive contract, and are guaranteed for the length of the contract.

--There are no standby retainers for your station. Caption Associates, LLC is available to you 24/7 via pager access at no additional cost for that standby service. We are always available to you in case a technical problem occurs during a broadcast or if you have an emergency or late-breaking story that needs to be captioned.

--Caption Associates, LLC charges no "up front" or "set-up" charges for services. You will be billed on a monthly basis for the hours of captioning provided to you.

--KFSM will be responsible for installing a compatible closed-caption encoder with a built-in modem and providing two dedicated telephone lines, one of which would allow the captioner to automatically connect to the program audio and the other would automatically connect the captioner to the encoder modem.

--KFSM will provide Caption Associates, LLC with access to pre-scripted material by allowing internet or dial-in access to its newsroom script system.

\*\$105.00/hour for a minimum of 520 hours per year; \$110.00/hour for less than 520 hours per year. 30-minute newscast price is based on the contracted hourly rate.

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### **Kansas Office:**

3514 Clinton Parkway, Suite A324  
Lawrence, Kansas 66047-2145  
(866)838-3933 toll-free office  
(785)838-3933 office  
(785)838-3951 fax

### **Illinois Office:**

1355 West Shubert Avenue  
Chicago, IL 60614  
  
(773) 817-2404 office

# ***Caption Associates, LLC***

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## **References**

---

Roger Herring or Pat Baldwin  
KTUL TV8  
Tulsa, OK  
918-445-8888

Tom Henderson  
WTVC News Channel 9  
Chattanooga, TN  
423-757-7431

John Felton  
WCVB PBS  
Richmond, VA  
804-320-1301

Jim Ferguson  
McDougal-Littell  
Evanston, IL  
847-869-2300, Ext #3895

Jim Saliba  
Burke Video  
Troy, Michigan  
248-689-42

---

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3514 Clinton Parkway, Suite A324  
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ten-year transition period (i.e., by January 1, 2008), with a single benchmark specified during the transition period. Longer transition periods are established under the rules for Spanish-language programming.

Television broadcasters are also required to continue to provide closed captioning at a level substantially the same as the average level they provided during the first six months of 1997, even if that amount exceeds the amounts required under the specific benchmarks established by the rules. Broadcast television stations must also pass through to consumers any programming they receive with closed captioning when they do not edit the programming, regardless of whether they have already met the established captioning benchmark.

### Exemptions

Not all television programs are required to be closed captioned. The FCC exempted from the captioning requirements certain classes of programs, including:

1. Programs in languages other than English or Spanish;
2. Primarily textual programming, such as program schedules or community bulletin boards;
3. Interstitial material, promotional announcements and public service announcements of ten minutes or less;
4. Advertisements of five minutes or less;
5. Programs shown between 2:00 a.m. and 6:00 a.m. local time;
6. Non-vocal musical programming;
7. Locally produced and distributed non-news programming with limited repeat value, such as local parades or school sporting events;
8. Instructional Television Fixed Service programming and certain other educational programming locally produced by public television stations;
9. Programs shown on a new network for the first four years of the network's operation.

Other than the obligation to pass through video programming already captioned when received, no broadcaster is required to caption any channel of video programming producing annual gross revenues of less than \$3,000,000. In addition, no broadcaster is required to spend on captioning more than 2% of the gross revenues received from any channel of video programming. Stations may also file with the Commission petitions requesting an exemption from the closed captioning rules if the requirements would impose an "undue burden" (i.e., a significant difficulty or expense).

### Technical Standards

Television stations are required to deliver intact the closed captioning they receive as part of the programming they distribute to viewers where the captions do not need to be reformatted. Stations must also maintain and monitor their equipment to ensure the technical quality of the closed captioning they transmit. As yet, captioning does not have to meet any particular quality or accuracy standards.

With regard to live programming, the four major broadcast networks (ABC, CBS, Fox and NBC), and television stations in the top 25 television markets that are affiliated with those

ATTACHMENT 2

FIRST BAPTIST CHURCH  
FORT SMITH, ARKANSAS

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