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JUL 05 2012

FCC Mail Room

Community Television Show in Spanish

CH 18 Univision

38 Sinclair Street  
Windsor, Connecticut 06095  
860-881-6088

To: Federal Communications Commission  
Washington, DC

June 25, 2012

Dear Commissioner:

Re: Affirmation for Closed Captioned Exemption - Case Identifier: CGB-CC-0944

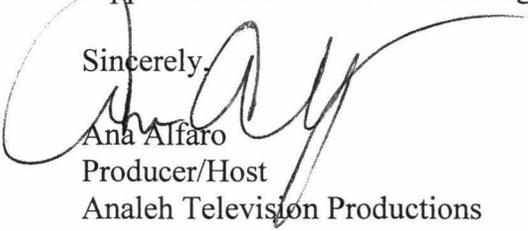
As requested in April 2012, please accept this letter as the formal communication to inform that I affirm the information provided in my previously submitted petition, dated December 25, 2009, continues to be accurate and up-to-date.

Thanks for the opportunity to submit this affirmation about the Analeh TV Show, a Spanish Community TV Show, which airs on CH18 Univision on Saturdays at 11:00AM.

The Analeh TV Show was created about five years ago to fill an informational void for Latinos residing in Connecticut and Western Massachusetts. We produce and present a broad range of educational topics encompassing businesses, politics, government, education, environment, healthcare and social advocacy.

On behalf of our volunteer production team and the Latino community, I thank you for the support and interest in maintaining this production in a closed captioning exemption status.

Sincerely,

  
Ana Alfaro  
Producer/Host  
Analeh Television Productions

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of: )  
 )  
The Analeh TV Production ) CGB-CC-\_\_\_\_\_  
 )  
Petition for Exemption )  
from Closed Captioning Requirements )

To: The Secretary

**PETITION FOR EXEMPTION FROM CLOSED CAPTIONING REQUIREMENTS**

The Analeh TV Production, pursuant to Section 79.1(f) of the Commission's Rules, hereby petitions for an "undue burden" exemption from the closed captioning requirements of § 79.1(b)(1) of the Commission's Rules pertaining to "new" Spanish-language programming, if, given other exemptions applicable to Analeh TV Production, such undue burden exemption is deemed necessary. In support thereof, Analeh TV Production states as follows.

The Analeh TV Production is a "Community Program," as defined in Section 79.1(a)(3) of the Commission's Rules. Analeh produces "Spanish TV Show-TV," a program featuring local and regional interviews/events covering issues of interest to the Latino community involving topics such as businesses, government, healthcare, education, social, environment, advocacy and the arts. *See www.analeh.com.*

While Analeh Production desires to include the hearing impaired in its audiences as soon as practicable, at the present time, Analeh's limited resources are exhausted by programming production and distribution costs, and Analeh Production is not in a financial position to provide captioning services. Analeh currently qualifies for the "revenues under \$3,000,000" exemption

for video programming providers contained in Section 79.1(d)(12) of the Commission's Rules. As recognized by the Commission in establishing this exemption, closed captioning costs impose too great a financial burden on video program providers with revenues under \$3,000,000.<sup>1</sup>

In addition, Analeh Production submits that it may be entitled to an exemption under Section 79.1(d)(8) of the Commission's rules dealing with locally produced and distributed non-news programming with no repeat value. While the Commission has provided limited guidance as to what community programming may be encompassed by this exemption, the community program should qualify for exemption.

Consistent with (d)(8) exemption, Analeh Production wishes to note that community television programming requires little in the way of audio input. The shows are visual in nature and involve short segments featuring more video scenes and information clips in an effort to connect with viewers in a more visual manner. As a result, there is little that the audio portion assists those who are unable to hear.

Finally, Analeh Production wishes to confirm that there are no resources to support the closed captioning of these programs. This television program is a labor of love, not a means to

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<sup>1</sup> Analeh is aware of the expenses of closed captioning. Computer Prompting & Captioning Co. ("CPC") of Rockville, Maryland quotes the following costs for software Analeh would need for post-production captioning: \$4,995 for Mac Caption DV and \$6,895 for CPC700 NL and C-Captioned NLE. For real-time captioning, Analeh would have to acquire an encoder with modem for approximately \$3,300. If Analeh wished to use CPC's post-production captioning services, the cost would be \$150 set-up and \$7 per minute. If Analeh wished to use CPC's real-time captioning services, the cost would be \$100 for set-up and at least \$35 per 15 minute segment. *See* [www.cpcweb.com](http://www.cpcweb.com). This investment is especially burdensome to Analeh as Analeh provides a limited amount of programming and would have to allocate its limited budget to production and programming.

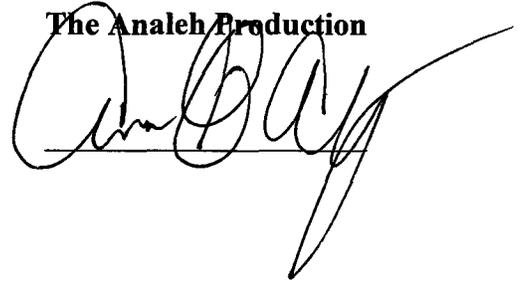
make a profit on Analeh's part. Simply said, community programming do not rank high in the public's eye. The Analeh Production reaches a special target Latino population in Connecticut and one that does not provide a basis for advertisers or broadcasters to support Analeh. At bottom, Analeh cannot produce this program and close caption in the absence of a revenue stream, which Analeh does not now have and cannot expect now or in the future. Analeh Production currently qualifies for the "revenues under \$3,000,000" exemption for video programming providers contained in Section 79.1(d)(12) of the Commission's Rules. As recognized by the Commission in establishing this exemption, closed captioning costs impose

Notwithstanding Analeh's qualification for the above-stated exemption, out of abundance of caution, and for the benefit of viewers who tune in to the program, Analeh requests an undue burden exemption under Section 79.1(f) of the Commission's Rules. As demonstrated above, the requirement to close-caption Analeh TV Show imposes significant costs on Analeh Production that Analeh is not currently in a financial position to meet. Accordingly, Analeh Production should be granted an exemption from closed captioning requirements based on the undue burden captioning costs would impose on Analeh Production.

WHEREFORE, for the reasons stated above, and pursuant to Section 79.1(f) of the Commission's Rules, The Analeh Production requests an exemption based on undue burden from the Commission's "new" Spanish-language programming closed captioning requirements.

Respectfully submitted,

**The Analeh Production**



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