

Bay Shore

COB-CC-1103

Community Church

Received & Inspected

APR 4 X 2012

FCC Mail Room

March 26, 2012

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, DC 20554

To Whom It May Concern:

We have received correspondence from the FCC in a letter dated March 14, 2012 which stated the previous petition submitted did not contain all of the information necessary to consider a closed captioning exemption. The purpose of this letter and its containing documents is to supplement the previous petition with the requested information.

I've attached the previous exemption letter dated November 2, 2011 that was determined incomplete. This letter submitted that the basis for the closed captioning request derives from rule number eight under "Exempt Programs and Providers" which states, "Locally produced and distributed non-news programming with no repeat value. Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the 'electronic news room' technique is unavailable." This letter is labeled **Document 1**.

In addition to the previously submitted document and in response to the letter received from the FCC we will be expanding upon our previous submission with the following information and documents:

1. I've attached documentation of our financial status in order to demonstrate the hardship and/or inability to afford closed captioning. I've included a Profit and Loss Statement for February 2012. The net income recorded is \$1,364.47. The most recent closed captioning service quote we received would cost \$13,000 annually/\$1,083.33 monthly ("A 30 minute program is \$250, we would take DVCam, MiniDV, BetaSP or DVD."). Our organization operates on a \$1.7 million income budget annually and our most recent net income recorded doesn't create the margin necessary to incorporate closed captioning into our programming. The P&L statement is labeled **Document 2**.

2. The costs associated with captioning the program vary but are relatively expensive. We have contacted our video distributor and they do not offer closed captioning assistance. However, they did provide a company based out of Philadelphia, PA that would provide closed captioning to our 30 minute program at \$250 per show. We air approximately 52 shows per year which would cost \$13,000 annually from this particular company. We have also inquired from other companies and received various quotes varying from \$115-\$150 per 30 minute program. The received quotes are labeled **Document 3**.

Making The Word Relevant For This Generation

Danny R. Tice, Senior Pastor

36759 Millsboro Hwy. · Millsboro, Delaware 19966-9440 · Telephone (302) 238-7370 · Toll Free (866) 432-7370
Fax (302) 238-7066 · Email: info@bayshorecc.org · Web Site: www.bayshorecc.org

Bay Shore

Community Church

3. I have verified that our video programming distributor does not offer closed captioning assistance. On March 21, 2012, I contacted our representative at the Video Distributor through which our program is aired with the intention requesting what closed captioning services are available through their company. Dave Speicher, representative of WBOC, responded with the following statement, "We, the station, do not have cc services in house other than what takes place through our news scripting. We do not have a cc resource that is available." The email in which that correspondence occurred is attached and labeled **Document 4**.

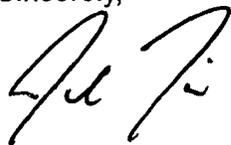
4. We have not been successful in obtaining additional sponsorship or other sources of revenue for captioning.

5. The impact that providing closed captioning would have on our programming is most certainly that we would not be able to renew our annual contract to air the show. Closed captioning services would increase the weekly expense of the show by 35.3%-76.9% based on the quotes received. Our operating budget simply cannot support this significant increase in this particular budget area.

Bay Shore Community Church is formally requesting to be granted exemption status from closed captioning of video programming by the Federal Communications Commission. The basis for this request derives from rule number eight under "Exempt Programs and Providers" and the items listed herein. Additionally, the programming that Bay Shore Community Church is producing is simply a weekly video of the sermon that is preached at our facility each week and will be broadcasted locally. The program is locally produced (Bay Shore Community Church produces each show weekly). The program has no repeat value (each episode is based off of the previous week's episode and is understood in a sequential format). The program is of local public interest (each episode contains religious insight that is of interest to Christians and non-Christians alike in the broadcasting area). The program is not news programming (The program contains religious insight and is in no way an avenue for broadcasting news). Bay Shore Community Church currently does not have "electronic news room" technique of captioning available.

Based on the statements provided, Bay Shore Community Church is requesting exemption to the closed captioning requirements on the basis of undue burden.

Sincerely,



Joel Tice
Administrator

Making The Word Relevant For This Generation

Danny R. Tice, Senior Pastor

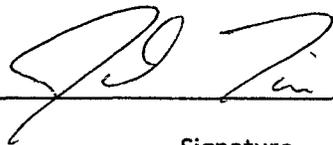
36759 Millsboro Hwy. · Millsboro, Delaware 19966-9440 · Telephone (302) 238-7370 · Toll Free (866) 432-7370
Fax (302) 238-7066 · Email: info@bayshorecc.org · Web Site: www.bayshorecc.org

STATE OF DELAWARE

County of Sussex

Before me this day personally appeared Joel Tice, who being duly sworn, deposes and says:

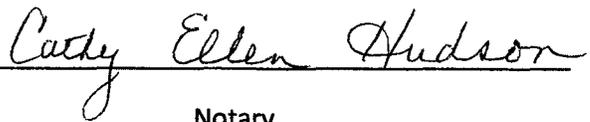
Based on the attached statement provided, Bay Shore Community Church is requesting exemption to the closed captioning requirements on the basis of undue burden.



Signature

Sworn to (or subscribed) before me this 27th day of March
2012.

My commission for the state of Delaware expires on July 24, 2013.



Notary

Bay Shore Community Church

November 2, 2011

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

To Whom It May Concern:

Bay Shore Community Church is formally requesting to be granted exemption status from closed captioning of video programming by the Federal Communications Commission. The basis for this request derives from rule number eight under "Exempt Programs and Providers" which states, "Locally produced and distributed non-news programming with no repeat value. Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the "electronic news room" technique of captioning is unavailable."

The programming that Bay Shore Community Church is producing is simply a weekly video of the sermon that is preached at our facility each week and will be broadcasted locally. The program is locally produced (Bay Shore Community Church produces each show weekly). The program has no repeat value (each episode is based off of the previous week's episode and is understood in a sequential format). The program is of local public interest (each episode contains religious insight that is of interest to Christians and non-Christians alike in the broadcasting area). The program is not news programming (The program contains religious insight and is in no way an avenue for broadcasting news). Bay Shore Community Church currently does not have "electronic news room" technique of captioning available.

Additionally, Bay Shore Community Church is requesting exemption to the closed captioning requirements based on undue burden. Currently, Bay Shore Community Church does not own software to add closed captioning to our programming. Upon further research, costs to attain such programming would be in excess of \$10,000 annually (\$199 per show, 52 shows per year, \$10,348 total investment) which is not within our current yearly budget as we're operating on a negative cash flow year to date.

Based on the statements provided, Bay Shore Community Church is requesting exemption to the closed captioning requirements on the basis of undue burden.

Sincerely,



Joel Tice
Administrator

Making The Word Relevant For This Generation

Danny R. Tice, Senior Pastor

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Fax (302) 238-7066 · Email: info@bayshorecc.org · Web Site: www.bayshorecc.org

9:47 AM

03/27/12

Accrual Basis

Bay Shore Community Church

Profit & Loss

February 2012

	Feb 12
Income	
Designated Gifts	
Building Fund	100.00
Blessings Unlimited	3,800.20
Building Improvements	420.00
Total Designated Gifts	4,320.20
Restricted Income	
Food program	321.00
Day School	38,798.00
Events-Day School	270.00
Tapes/Books/Material Sales	210.00
Ticket Sales	92.00
Total Restricted Income	39,691.00
Unrestricted Income	
Tithes & Offerings	
Tithe & Offerings	82,985.81
Total Tithes & Offerings	82,985.81
Total Unrestricted Income	82,985.81
Total Income	126,997.01
Gross Profit	126,997.01
Expense	
Departmental Expenses	
Conferences & Training	2,640.80
Bay Shore Kids	1,376.39
General Church Ministry	1,283.96
Bay Shore Babies	247.62
Pastoral Care	73.88
Bay Shore Students	2,986.00
Worship Team	400.04
Total Departmental Expenses	9,008.69
Mission Expense	
Television Ministry	1,125.00
Celebrate Recovery	77.73
Blessings Unlimited	2,113.57
Mission Expense - Other	4,000.00
Total Mission Expense	7,316.30
Operational Expenses	
Rent & CAM Charge (Rehoboth)	9,205.92
Automobile Expense	426.51
Bank Service Charges	852.02
Business Meals	44.87
Computer & Electronics	1,325.32
Events-Day School	176.75
Utilities	3,890.54
Equipment & Furniture	-152.19
Facility Upkeep & Upgrade	10,295.56
General Supplies	1,410.27
Leased Equipment	841.77
Mileage reimbursement	142.63
Office Supplies	1,337.85
Snacks	541.00
Teaching Supplies	612.71
Telephone & Internet	1,013.66
Training	450.00
Total Operational Expenses	32,415.19
Other Expenses	
Interest - Consolidated Loan	769.92

9:47 AM

03/27/12

Accrual Basis

Bay Shore Community Church
Profit & Loss
February 2012

	<u>Feb 12</u>
Total Other Expenses	769.92
Payroll Expenses	
Retirement & IRA Match	2,167.04
Auto Allowance	351.16
Health Insurance	4,260.00
Housing Allowance	7,027.96
HRA Reimbursement	1,222.92
Payroll Taxes	3,586.16
Professional Expenses	511.14
Salaries & Wages	56,996.06
Total Payroll Expenses	<u>76,122.44</u>
Total Expense	<u>125,632.54</u>
Net Income	<u><u>1,364.47</u></u>

From: Dave Speicher <dspeiche@wboc.com>
Subject: Re: FCC & CC Regulations
Date: March 23, 2012 7:45:55 AM EDT
To: Joel Tice <joel@bayshorecc.org>

Joel - Here's the quote I received from a source in Philadelphia. Ouch! A 30 minute program is \$250, we would take DVCam, MiniDV, BetaSP or DVD. We do a (letter perfect) transcription. We also provide you with the Word File. The video is digitized to our computer system and the cc file is then added, rendered and output to BetaCam SP or DVD. Do you think you'll be able to have your waiver renewed?

Dave

From: "Joel Tice" <joel@bayshorecc.org>
To: "Dave Speicher" <dspeiche@wboc.com>
Sent: Wednesday, March 21, 2012 12:11:20 PM
Subject: Re: FCC & CC Regulations

Thanks for the response Dave. Yeah, any resources you're aware of would be great. Do you know what other local, low budget shows do to meet CC requirements? From what I can tell, it costs about \$100+ per show to have CC'ing embedded. That'll make us take a serious look if at our budget to see if we can continue. It puts us in a tough spot. Any info would be great.

Joel Tice
Administrator

Connect to God.
Connect to Others.
Serve the Community.
www.BayShoreCommunityChurch.com
302.238.7370 w 302.238.7066 f

On Mar 21, 2012, at 11:43 AM, Dave Speicher wrote:

Joel - I appreciate you following up on this. We, the station, do not have cc services in house other than what takes place through our news scripting. We do not have a cc resource that is available. I am aware of some companies that offer this service. If you'd like I can check for you.

Dave

From: "Joel Tice" <joel@bayshorecc.org>
To: "Dave Speicher" <dspeiche@wboc.com>
Sent: Wednesday, March 21, 2012 9:56:02 AM
Subject: FCC & CC Regulations

Good morning Dave,

FCC
requires captioning

ClosedCaption Maker

SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS
1955 Kensington Street • Harrisburg PA 17104
wGallant@CCmaker.com • www.CCmaker.com • 1-800-527-0551

FCC Closed-Captioning Exemption Rule Changed

You have options:

1. The least expensive way is to supply the TV station a CCed DVD.
We create a 'caption file' you add to the DVD; Apple DVD StudioPro/Encore.
Cost is \$100/per.half-hour weekly program.

2. We sell a turnkey closed-captioning system; cost is \$1600.
Designed to be easy to use and creates a CCed BetaSP tape.
30-day money back guarantee. System is called AddRollupCC.

 3. You can send us a DV/BetaSP tape, we create a CCed BetaSp
and forward it to the TV station. Cost is \$150/per program.

November 29, 2011

Director of Media
Bay Shore Community Church
36759 Millsboro Highway
Millsboro, DE 19966-9440

Director of Media:

I understand Bay Shore Community Church 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
301-981-7534

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

From: Dave Speicher <dspeiche@wboc.com>
Subject: Re: FCC & CC Regulations
Date: March 21, 2012 11:43:41 AM EDT
To: Joel Tice <joel@bayshorecc.org>

Joel - I appreciate you following up on this. We, the station, do not have cc services in house other than what takes place through our news scripting. We do not have a cc resource that is available. I am aware of some companies that offer this service. If you'd like I can check for you.

Dave

From: "Joel Tice" <joel@bayshorecc.org>
To: "Dave Speicher" <dspeiche@wboc.com>
Sent: Wednesday, March 21, 2012 9:56:02 AM
Subject: FCC & CC Regulations

Good morning Dave,

You may be aware that the FCC has tightened regulations on providing closed captioning to programming. We had previously petitioned for exemption and were permitted to show our program without providing CC'ing. However, we have until April 13 to resubmit additional information to keep our exemption status. One of the things I need to check into is what type of closed captioning assistance is available through WBOC. I don't know if that's a service you offer to your customers or if you have any resources for this. I'm sure other clients have run into this and any input you have would be greatly appreciated.

Thanks Dave.

Joel Tice
Administrator

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