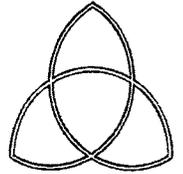


CGB-CC-1265

Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
Administrative
Pastor
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
Associate Pastor
Visitation & Christian Care
nab@t-lutheran.org

LEAH KORTMEYER
Director of Christian
Education
dceleah@t-lutheran.org

DIANE MAURER
Principal
dmaurer@t-utheranschool.org

KAREN DRURY
Preschool Director
daycare@t-lutheran.org

September 9, 2012

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Received & Inspected

SEP 18 2012

FCC Mail Room

Ref.: (1) Your letter dated 24 August 2012 (Case Identifier : CGB-CC-~~XXXX~~)
(2) Your letter dated 7 March 2012 (Case Identifier: CGB-CC-~~XXXX~~)
(3) Our letter dated 2 April 2012 (With Complete Package as you requested.)

Dear Mr. Holberg:

We are as a congregation disappointed by the FCC's lack of thoroughness regarding our response (3) to your (2), as stated in (1).

As per your "guidance" in (2), we humbly, respectfully, and with sincerity prepared our waiver package in a timely fashion and submitted such package to you and have a "**signed receipt**" from your FCC mailroom.

Please take the time to read our request (3) and then act favorably on our petition.

The sole purpose of Living Hope is to broadcast Trinity Lutheran's church services. Thus, it is difficult to imagine a clearer case of purely religious speech intended to spread Christian ministry. **The First Amendment to the U.S. Constitution protects Trinity Lutheran from government interference with the manner in which it delivers its ministry.** Accordingly, the FCC's efforts to force the Church to spend its limited resources to implement closed captioning in its Living Hope's broadcasts represents an **unconstitutional interference with the Church's ministry.** Indeed, this interference amounts to a government mandate that the Church minister to a particular group of people (i.e., the hearing impaired). **Requiring any church to deliver its religious message to a particular group clearly is in violation of the First Amendment.**

Earlier this year, the U.S. Supreme Court unanimously rebuked the federal government's effort to regulate the Lutheran Church Missouri Synod's ministry. Such regulation is unconstitutional. **The FCC's efforts are remarkable in that it appears to completely ignore the Supreme Court's holding in *Hosanna-Tabor Evangelical Lutheran Church and School vs. Equal Employment Opportunity Commission*.**

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to not only Trinity Lutheran Church in Cape Girardeau, MO, but to all not-for-profit religious broadcasts to keep these most important missions alive!!

Ronald P. Lessmann, D.D.S
President, Trinity Lutheran Church

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SEP 18 2012

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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: Office of the Secretary Federal Communications Commission Attn: Disability Rights Office Room 3- B431 445 12th Street, SW Washington, DC 20554</p>		<p>B. Received by (Printed Name) J. Scott</p> <p>C. Date of Delivery APR 05 2012</p>	
<p>2. Article Number (Transfer from service label) EG992925494US</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Enter delivery address below:</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	



EG 992925494 US

ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code 63701	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$ 18.95	
Date Accepted 4-3-12	Scheduled Date of Delivery Month Day 4-4	Return Receipt Fee \$ 2.35	
Mo. Day Year	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$	Insurance Fee \$
Time Accepted 2:26 PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 21.30	
Flat Rate <input type="checkbox"/> or Weight 0 lbs. 4 ozs.	Int'l Alpha Country Code	Acceptance Emp. Initials 111	

FROM: (PLEASE PRINT) PHONE (635) 334-3966
Trinity Lutheran Church
Attn: Ken Kossmann
100 W. Frederick, St.
Cape Girardeau, MO 63701

FOR PICKUP OR TRACKING

visit www.usps.com

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Mo. Day		<input type="checkbox"/> PM	
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day		<input type="checkbox"/> PM	
Delivery Date	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day		<input type="checkbox"/> PM	

CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer requests waiver of signature. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	

NO DELIVERY
 Weekend Holiday Mailer Signature

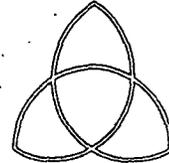
TO: (PLEASE PRINT) PHONE ()
Office of the Secretary
Federal Communications Commission
Attn: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, D.C. 20554

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2 0 5 5 4 + [] [] [] []

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

SEP 18 2012

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SENT 3 APR 12
RAK

Trinity Lutheran Church & School

Cape Girardeau, MO 63701

REV. DOUGLAS C. BREITE
Administrative Pastor
(573) 651-3038
dcb@t-lutheran.org

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ELC Director
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daycare@t-lutheran.org

April 2, 2012

Federal Communications Commission
Washington, DC 20554

Enclosures: 1 Trinity weekly newsletter item of Feb 2012
2 Ron Duff CC weekly estimate
3 Congregational 2011 financial status and F/Y 2013 budget proposal

Dear Mr. Holberg:

Trinity Lutheran Church, Cape Girardeau, MO, has had its Sunday church service (Living Hope), broadcast over the TV airwaves continuously in our surrounding area for almost 30 years. **WHAT A WONDERFUL MISSION AND OUTREACH THIS PROVIDES FOR OUR COMMUNITY!!**

Our production has been primarily financed by a one-time bequest 30 years ago which **does not go into perpetuity, and is almost out of asset!**

We have (enclosure 1) made our congregation aware of our financial circumstances regarding this mission. To date we have funds left for 20 months of broadcasting which would take us through (Oct/Nov 2013), assuming no additional weekly expenditures are added to the production costs, ie, closed captioning. By incurring an additional weekly expense for closed captioning, we would have to cease our broadcast by July/Aug 2013.

This is a **most important ministry to our area, watched by thousands of people weekly of diverse backgrounds (not all Lutheran or even churched)**. Our pastors and office personnel have received, over the years, nothing but positive feedback from the community and quad state area (Missouri, Illinois, Kentucky and Arkansas).

There **has never** been a viewer request for closed captioning – **no one has ever let us know that this would be helpful.**

By incurring an additional expense of \$225/wk (\$11,700/yr) with mandatory closed captioning – (our video programmer is willing to reduce his cost to us by \$25/wk from \$250/wk – enclosure 2), our weekly production and airing costs would go from \$500/wk now to \$725/wk

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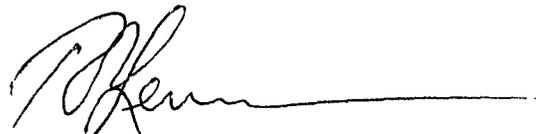
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or \$37,700/yr. **Our congregational budget proposal for F/Y 2013 shows a probable deficit of \$51,000 (enclosure 3).**

Trinity Lutheran Church also supports a parochial school, K-8, whose financial obligation annually is in excess of \$800,000. We are not in a financial position to appropriate or discover any additional funds for our TV broadcast. We are afraid that this **30 year tradition** will end if our annual outlay for Living Hope is increased from \$26,000 to \$37,700 because of closed captioning. We currently are trying to raise the \$500/wk contributions (which have been slow), **but \$725/wk will be impossible!!**

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to Trinity Lutheran Church in Cape Girardeau, MO, to keep this most important mission alive!!



Ronald P. Lessmann, D.D.S.

President, Trinity Lutheran Church

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ENCLOSURE 1 -- Trinity weekly newsletter item of Feb 2012

2. EASTER CANTATA

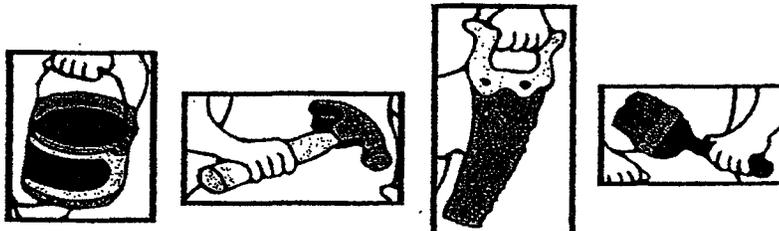
Mark on your calendar the Saturday/Sunday weekend of April 14/15 to be in attendance at the Trinity Sing presentation of "You Are The Christ", an Easter Cantata. This will reinforce the powerful Easter message that our Pastoral staff will stir into our hearts. The choir would still welcome additional help with your voices. The choir will practice the cantata for 30-40 minutes each Wednesday night in March immediately after the 7 p Lenten service. **COME JOIN US!**

3. LIVING HOPE AND RADIO BROADCAST

As mentioned before, we currently have approximately \$41,000 remaining in our TV accounts, which equate about 21 months left of paid (non budgeted) TV outreach ministry – current costs are about \$2,000/mo. So we have no word from the FCC on our request for our closed captioning waiver which would add additional costs. Our radio broadcast currently has \$32,000 remaining which at approximately \$380/mo will see us monthly through 2019. Please remember Living Hope in your specially marked offering envelopes, memorials, love offerings and outreach contributions.

Ron Lessmann

Trinity Sr. High Youth
Mark Your Calendars to Make a Difference!



Senior High Missouri District Youth Gathering
"Strong, Firm and Steadfast in Christ for Joplin"

And after you have suffered a little while, the God of all grace, who has called you to his eternal glory in Christ, will himself restore, confirm, strengthen and establish you.

(1 Peter 5:10)

June 21-24, 2012

Missouri Southern State University – Joplin, MO

Plans are well underway for this year's District Youth Gathering to be held in Joplin. We will partner with Immanuel Lutheran Church in Joplin to provide service in the Joplin community. The Gathering schedule provides for two full days of service and

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ENCLOSURE 2 -- Ron Duff CC weekly estimate

RON DIFF VIDEO PRODUCTS

1025 Broadway

Cape Girardeau, MO 63701

573-334-1189

Services provided for:

Trinity Lutheran Church

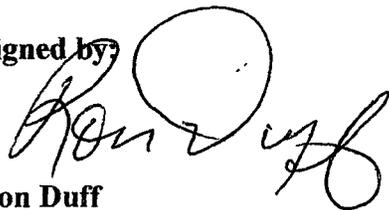
100 N. Frederick St.

Cape Girardeau, MO 63701

Half Hour TV Program "Living Hope" Projected Costs:

Weekly Closed Caption/Transcription Service \$225

Signed by:

A handwritten signature in black ink, appearing to read "Ron Duff", written over a large, faint circular stamp or watermark.

Ron Duff

ENLOCURE 3 -- 2011 financial status and F/Y 2013 budget proposal

Trinity Lutheran Church		
2011 Actual and year ended July 2013 budget		
	2011 actual	Aug12-Jul13 budget
Income		
Envelope - General Offerings	489,068	510,000
Thanksgiving Offerings	8,162	8,000
Sunday School Offerings	695	600
Memorials	5,935	2,000
Interest Income	1,380	1,400
Dial - A - Prayer/ Sr. Aid	400	450
VBS Donations	860	450
Office Receipts	250	
Portals of Prayer	205	250
Misc.	4,154	7,000
Rent 13N Pacific	8,650	8,650
Total Church Income	519,759	538,800
School Income		
Trinity Tuition	236,158	236,000
St. Andrew Tuition	169,847	170,000
Good Shepherd Tuition	9,552	9,500
Hanover Tuition	39,000	39,000
Non-Member Tuition	93,608	93,000
School Endowment Interest	1,380	1,300
Registration Fees	28,080	28,000
Rent - School Property	2,426	2,400
School Parents Tuition	125,526	121,000
Gifts/Donations	1,520	0
TLC School Envelope Offerings	554	600
Thrivent Matching Gifts	5,623	4,000
Athletic Admissions	3,982	3,800
Misc.	1,688	2,000
Total School Income	718,944	710,600
Cafeteria Income		
Children Receipts	52,667	50,000
Adult Receipts	1,845	1,500
State Reimbursements	13,622	15,000
Non - Program Receipts		
Total Cafeteria Income	68,134	66,500
Early Learning Center Income		
ELC Fees	214,524	218,000
Total ELC Income	214,524	218,000
Synod & District Income		
Envelope Offerings	56,000	56,000
Special Envelope Offerings	4500	4,500
Total Synod & District Income	60,500	60,500

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	2011	Aug12-Jul13
	actual	budget
Regular Envelope Offerings	2,904	2,800
Total Campus Ministry	2,904	2,800
Principle payment		
Love offerings	0	0
Total Receipts	1,584,765	1,597,200
Church Expenses		
Car and Util Allowance	17,612	19,500
Guest Speakers	150	500
Office Equipment Rental	1,441	2,000
Dial - A - Prayer	397	500
Stewardship	291	400
Office Supplies	6,930	9,000
Insurance	18,019	20,000
Janitor Supplies	833	1,500
Organist	4,375	4,700
Maintenance and General Repair	21,559	20,000
Choir Music	933	750
Youth Program	6,371	10,000
Parish Education	3,240	4,700
Christian Care	1,188	1,700
LFCS	2,000	2,000
Communion Supplies	13	0
Adult Bible Study	389	500
Banner Ministry	49	600
DCE - Conf. & Cont. Ed.	598	800
Envelopes	1,989	2,500
Gospel Outreach	8,878	8,000
Conferences	747	3,000
Employer Soc Sec + offset	6,896	7,829
Worship Folders	1,954	2,500
Utilities	25,846	28,500
Sewer/Trash	1,321	1,400
Telephone	5,050	5,500
Telephone - Pastors	276	400
Camp Semo	646	600
Bank Charges	599	600
Vacation Bible School	944	1,500
Saxony High School	10,920	11,000
Devotional Materials	1,236	1,100
Concordia Retirement Plan	16,911	16,753
Concordia Disability	3,400	3,464
Concordia Health Plan	28,728	31,194
Deductible Reimbursement	700	1,000
Salary Music Coordinator		

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	2011	Aug12-Jul13
	actual	budget
Salary DCE	36,541	38,349
Salaries - Office	41,675	44,677
Contract- Custodian	16,800	16,800
Handbell Director	690	600
Brass Director	315	300
Choir Director/Organist Scheduler	3,125	4,200
Repairs-13 N Pacific	2,899	1,000
Other expenses - 13 N Pacific	1,473	1,500
Interest exp - 13 N. Pacific	3,628	4,000
Total Church Expenses	426,360	455,453
SCHOOL EXPENSES		
Textbooks	26,328	28,000
Art Supplies	577	650
Medical - First Aid	0	150
Office Supplies	1,831	3,100
Postage	416	700
Music/Band	92	300
Teacher Classroom Supplies	1,076	3,250
Test Scoring	1,766	2,100
Professional Admin. Dues	1,036	1,100
Music/Choir Handbells	304	300
Science supplies	0	500
Nat'L Lutheran School Accr.	1,308	600
Pest Control	1,050	1,100
Office Equip. Repair	0	200
Facility Maintenance	16,109	16,000
Office Equip. Rental	2,234	2,600
Janitorial Supplies	4,528	4,000
School Credit Card fees	-80	0
Moving Expenses	0	3,000
Mileage	1,605	2,000
Conference	522	3,000
Continuing Education	1,000	1,000
Advertising	1,250	1,250
Misc.	-157	2,300
Utilities	26,172	30,000
Sewer/Trash	4,319	4,400
Telephone	2,486	2,800
Insurance	18,019	18,000
Athletic Events - Officials	2,700	2,500
Pre-K Snack	675	675
Concordia Retirement Plan	36,338	38,196
Concordia Disability Plan	8,359	8,764
Concordia Health Plan	125,586	131,067
Deductible Reimbursement	1,003	2,000
Salary - Principal	48,996	51,207
Salary - Secretary	22,834	23,673
Salary - Teachers	688,814	678,888

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	2011	Aug12-Jul13
	actual	budget
Salary - School Stipends	2,250	3,375
Social Security	17,074	18,798
Deductible Reimbursement		2,000
Total School Expenses	801,643	854,489
Cafeteria Expenses		
Food	26,661	28,000
Salaries	18,414	17,995
Concordia Retirement Plan	1,916	976
Concordia Disability Plan	435	253
Concordia Health Plan	13,751	6,446
Social Security	1,332	1,377
Equipment Purchases	785	500
Supplies	1,170	1,500
Total Cafeteria Expenses	64,464	57,047
ELC Operations		
ELC Operations	23,697	23,200
Utilities	8,265	10,000
Maintenance	1,926	2,000
Social Security	10,073	10,000
Telephone	794	1,000
Insurance	7,379	7,400
Concordia Retirement Plan	7,187	7,000
Concordia Disability Plan	1,859	1,700
Concordia Health Plan	22,675	22,000
Deductible Reimbursement	700	700
Salaries	130,446	130,000
Custodian	3,000	3,000
Total ELC Expenses	218,001	218,000
Synod & District Expenses		
Mo District/Synod	56,000	56,000
Adopt A Mission	4,500	4,500
Total Synod & District Expenses	60,500	60,500
Campus Ministry Expenses		
Campus Ministry Expenses	2,903	2,900
Principle paymts-Love offerings		
Principle paymts-Love offerings	0	0
Total Disbursements	1,573,871	1,648,389
Receipts Less Disbursements	10,894	(51,189)

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AFFIDAVIT

This letter, with its three (3) enclosures, is accurate, factual and true.

This 3rd day of April, 2012, before me personally appeared Ronald P. Lessmann, to Michelle Jones, known to be the person described executed the foregoing instrument. Acknowledgement that he executed the same in his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state, aforesaid, the day and year first above written.



Notary Public

My commission expires: 4-26-2012

