

SEP 18 2012

OFFICIAL DESIGNEE AFFIDAVIT

FCC Mail Room

I, Kirk Fallah, of the City of Homewood, in the Province/State (Country) of Illinois, HEREBY MAKE OATH AND SAY:

1. THAT I hereby state that Jax 50k Cash Game owned by Fallah Productions Inc. is unable to afford Closed Captioning due to the lack of funding for the project. The exemption from Closed Captioning is vital to the existence of the program, without the exemption. The show would no longer be in production due to lack of available funds.

2. I am a copyright owner, or an authorized officer or director of the corporate entity, Fallah Productions Inc., which is a copyright owner of the production/series CGB-CC-1093.

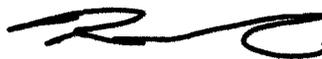
SWORN before me at the City of

Homewood, in the

Province/State of Illinois,

this 10th day of September, 2012

Nancy Elaine Fallah
Notary Public or Commissioner of Oaths (Affix seal)



Signature

Kirk Fallah

Print Name

President Fallah Productions Inc.

Title and company name (where applicable)

9-10-12

Date



Fallah Productions, Inc.
Kirk Fallah
18728 Center Ave.
Homewood, IL. 60430
(708) 935-2861

Received & Inspected
SEP 18 2012
FCC Mail Room

September 10th, 2012

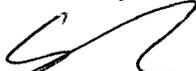
Commission's Secretary, Office of the Secretary
Federal Communications Commission
Attn: CGB Room 3-B431
9300 East Hampton Drive
Capital Heights, MD. 20743

To Whom It May Concern,

I am Kirk Fallah, sole owner and sole operator of Fallah Productions Inc. and at this time would like to re-submit the enclosed updated petition, as requested, for exemption to the "closed captions" requirements for the "Jax50k" TV program.

Thank You.

Sincerely Yours,



Kirk Fallah

Fallah Productions, Inc.

SEP 18 2012

FCC Mail Room

**Fallah Productions, Inc.
Kirk Fallah
18728 Center Ave.
Homewood, IL. 60430**

September 10th, 2012

**Commissions Secretary, Office of the Secretary
Federal Communications Commission
Attn: CGB Room 3-B431
9300 East Hampton Drive
Capital Heights, MD. 20743**

Fallah Productions Inc. hereby, re-submits this up-dated petition for exemption to the “closed captions” requirements for a single show we produced titled “Jax50k” (here in referred to as **50k**).

I hereby re-submit this petition, as requested, for exemption to the “closed captions” requirements for our show. I am requesting this exemption due to the fact it would cause my company and I severe economical financial burden and therefore would force me to cancel any broadcasts of the program.

Undue Burden

50k is a Florida based poker cash game show that highlighted one event held in the Jacksonville Florida area. Other than myself, my entire staff/production crew consists of students and recent graduates from Columbia College Chicago that I hired for the event.

50k has no sales department to generate revenue and no additional advertisement budget was raised to supplement the production budget. This project was organized by Jacksonville Greyhound Racing and Poker in Orange Park Florida. It included a minimum budget to produce the project.

The budgets available for the first ever Florida based poker cash game only covered equipment rental, crew TV production, airfare, hotel, and a food per diem. There was not enough money available for post production which is the most important part of any show.

All of the editing is done by Kirk Fallah. The episode produced exceeded the available budget leaving me in charge of editing, writing, graphic design. I personally had to edit the show consuming 150+ man hours with no compensation.

More Detailed Breakdown

The below numerically detailed information will highlight the fact that my situation is easily explainable with arithmetic.

Let's begin with the numbers. (1) Episode was produced in 2010 and aired on multiple sports networks nationally which include but are not limited too. Comcast SportsNet Chicago, Comcast Mid Atlantic, Comcast SportsNet Philadelphia, Tuff TV, Mav-TV, KHLM, KHQ-SWX, America One, Bright House Sports Network, Cox-CST Cable, MidCo Sports, Metro Sports, and Time Warner Sports New York.

This episode broadcasted minimally 3 times on the networks, with additional repeats up to 5 broadcasts per episode. These networks range from HD broadcasts to SD broadcasts, some networks accept data files and some require physical tapes.

HD-Cam Closed Captioning Rates = \$750-\$1,000 per 1 hour program
HD-Mini DV Closed Captioning Rates = \$250-\$300 per 1 hour program
SD-Mini DV Closed Captioning Rates = \$250-\$300 per 1 hour program
Live Closed Captioning Option = \$100-\$200 per 1 hour live program

1 episodes x 3 plays per = 3 broadcasts x 13 networks = 39 hours of programming

HD-Cam CC rates = \$100 HD Cam tape per episode per broadcast (\$1,300) + 1 x 13 networks x (\$750-\$1,000) = \$11,500-\$14,300

HD or SD -Mini DV CC rates = 1 x 13 networks x (\$250-\$300) = \$3,250-\$3,900

Live Closed Captioning Option = 13 x \$100 = \$3,900

As you can see in the above figures....Closed Captioning is a very expensive option for the minimum amount of broadcasts. This also eliminates ANY option of re-edits or changes to the program. I would not be able to update graphics that have dated references, nor add or change any promotional spots during the show. Each change would require a new tape, and new closed captioning as the timing of the program would change. Since the shows are finished, there is no ability to sell additional sponsorships to cover any new costs or new networks that may want to air the program.

When you break down the role I have in the program, I do the work of multiple employees just to be able to produce and air the show. This keeps costs down because I am able to put my heart and soul into the project to retain maximum quality. This gives me a program I can be proud of which may get me to the national spotlight or a national budget that networks such as ESPN can acquire.

Fallah Productions, Inc.

From finding a network to air the show, to hiring local Chicago area students as crew members, I am also the person responsible for getting the supplies, equipment, and staff needed to produce the events. I also have to organize and plan travel arrangements such as airline travel, hotel accommodations, and car rental to and from the airport.

Once I secure all the above elements, and the game is finished and taped for TV. I then sit down to do the editing, graphics, and all post production. The reason I do it this way is not only to save on costs but to maintain a specific level of quality that I want for the show.

For the past 3 years I have been building a name for myself and my company, by producing high quality shows with little or no budget to be aired on cable networks in the United States. I make sure that my graphics are so detailed that anyone can easily follow the game without sound specifically for those times it is shown in a public setting where there is a higher level of noise, such as a local sports bar or restaurant with multiple channels shown at one time or a tavern where there maybe music or conversations as the main sounds. The graphics I use keep an even flow to the game itself so even a beginner player or a non-player can understand and follow the different hands being played.

I am more than able to offer financial information to support my petition, however I am unsure of what exactly is needed. I can give a list of the budget paid for by Jacksonville Greyhound Racing and Poker, as well as my expenses which include broadcast time buys and employee payments. The trouble is that the information is sensitive, and rates are private. I am not allowed to publicly mention the amount paid by Jacksonville Greyhound Racing and Poker so as to not create issues with other sponsors or clients. Reputation is everything...and I have to keep my employee and client information secure. I do not know how to submit that information without worrying it will be scanned and loaded online for anyone to Google search which may anger the networks, employees, or sponsors of the program.

Specifically when it comes to acquiring and receiving sponsorships and advertising, I fall short of my goals of selling commercial space, or advertisements into the program. Poker TV shows are paid for in most part by the online poker websites.

Those websites were shut down by the Department of Justice and no longer invest in American broadcasts of Poker TV shows. When these websites did sponsor programs, it was for national shows only. Rarely will they consider a smaller program like **50k** due to the lack of total broadcast range.

Fallah Productions, Inc.

The only options left are local companies or business that benefit from the advertisement during the show. In order to get these companies to sponsor the program, I have to provide rates at 30% of an independent marketing agency. These rates allow for the local sponsors to advertise during the show in order to be able to raise some revenue to cover the budget. However, there are few companies that will invest in Poker TV shows because of the lack of understanding of the game.

Specifically to this project, there very few Florida companies that would sponsor the show and had no interest in sponsorship outside the local market.

When you see programs that have “Closed Captioning brought to you by”. These programs are generally nationally syndicated, or a local program that has premium prime time broadcasts with significant viewer ship. Closed Captioning sponsorship happens to be the only available slot to advertise in the show. It also tends to be near the end of the show or right at the end which is also a cheaper placement due to the fact that people generally change the channel during that time or do other things during the commercial break. Finding a sponsor for that specific option would still leave me extremely short of any budget for closed captioning.

I can guarantee to you the following...

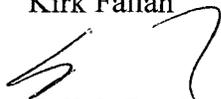
- #1 - CC is FAR too expensive for this project to ever be broadcasted again.
- #2 - CC would cause me to have to cancel any future projects of this type
- #3 - My budgets are far lower then they should be, and ZERO production companies would take on these projects due to that fact
- #4 - Sponsorships are not an option for these programs since they are no longer in production.
- #5 - I have nothing to hide, no reason to ask for something I do not deserve, and have the mathematical proof that it is a financial burden to the project.

With sincere thanks and hopes I formally submit this affirmation of my petition for closed captioning exemption.

To watch these programs you can go to “youtube.com” and keyword search: “*Jax50k Cash Game*”.

Thank You,

Sincerely Yours,
Kirk Fallah



Fallah Productions, Inc.