



Federal Communications Commission
Washington, D.C. 20554

October 17, 2012

Case Identifier: CGB-CC-1269

Salve Vargas Edelman
8550 West Desert Inn Road
Las Vegas, NV 89117

Re: *Isla Vegas, the Ninth Island*

Dear Mr. Edelman:

The Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission ("FCC") has reviewed your petition for exemption from the closed captioning rules. CGB has found that your petition is deficient because it does not contain the information needed for us to make a determination as to whether or not the FCC closed captioning requirements would be economically burdensome for you. Accordingly, as we explain below, we hereby dismiss your petition without prejudice to re-filing and require you to begin captioning within 90 days of the date of this letter.

As an initial matter, you state that the program "will produce well under the \$3,000,000 minimum." Section 79.1(d)(12) of the FCC's Rules (47 C.F.R. § 79.1(d)(12)) states, "[n]o video programming provider shall be required to expend any money to caption any channel of video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received pursuant to paragraph (c) of this section." Your petition seeks an exemption for an individual video program, not a channel of video programming. Therefore, the specific \$3,000,000 general revenue exemption of Section 79.1(d)(12) does not appear to apply to your particular circumstances.

Your petition included information on the impact that captioning would have on your programming operations. We conclude, however, that your petition lacks sufficient information for further processing. As a result, your petition will not be placed on public notice. Accordingly, the FCC is hereby dismissing your petition and you are required to begin providing closed captions for the programming **by January 15, 2013**. Please note that this dismissal is without prejudice, which means you may file a new petition at any time containing the necessary information and documentation.

For your convenience, we have enclosed additional information that may help you better understand how the FCC processes individual requests for captioning exemptions. If you have additional questions pertaining to the filing of an exemption request, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov.

Roger Holberg
Attorney, Disability Rights Office
Consumer and Governmental Affairs Bureau

Enclosure