



Federal Communications Commission
Washington, D.C. 20554

October 17, 2012

Case Identifier: CGB-CC-0856

First Presbyterian Church of Atlanta
Attn: Rev. Craig N. Goodrich, Associate Pastor
1328 Peachtree Street, N.E.
Atlanta, GA 30309-3209

Dear Rev. Goodrich:

The Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission (“FCC”) has reviewed your petition for exemption from the closed captioning rules. As an initial matter, you state that the First Presbyterian Church of Atlanta is a tax-exempt organization. The FCC’s Rules do not provide for an across-the-board captioning exemption for such organizations. As discussed in further detail below, CGB has found that the petition provides some, but not all, of 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.

Additionally, your petition states that your programming should be exempt based on Section 79.1(d)(8), which exempts from the closed captioning rules “locally produced and distributed non-news programming with no repeat value.” This exemption applies to “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” (emphasis added). Video programming distributor is defined in Section 79.1(a)(2) as follows: “Any television broadcast station licensed by the Commission and any multi-channel video programming distributor as defined in Section 76.1000(e) of the rules, and any other distributor of video programming for residential reception *that delivers such programming directly to the home and is subject to the jurisdiction of the Commission*” (emphasis added). We note that this self-implementing exemption is a narrowly focused exemption.¹ First Presbyterian Church of Atlanta does not explain or provide adequate support for its contention that its programming falls within the scope of this exemption. Further, we note that First Presbyterian Church of Atlanta is not a video programming distributor within the meaning of the FCC’s Rules. As a result, based on the information before us, it does not appear that this exemption applies to First Presbyterian Church of Atlanta’s particular circumstances.

Your petition included information about the costs associated with captioning. That information, however, was from 2009. We conclude, however, that because your petition is missing required information, we cannot take further action on your petition.

If you wish for this petition to receive further consideration for a closed captioning exemption, you must supplement your petition by providing us with the information described below **by November 16, 2012**, which is 30 days from the date of this letter:

- Documentation of your financial status sufficient to demonstrate your inability to afford closed captioning – for example, profit and loss statements or bank statement

¹ See, e.g., *New Life Team*, Memorandum Opinion and Order, 20 FCC Rcd 3679, 3680, ¶3 (MB, 2005).

information (This should not just include the resources devoted to or the costs associated with the television program at issue (see TIP #1 on accompanying information sheet);

- Current information about the costs associated with captioning the specific program(s) for which you are requesting an exemption;
- Verification that you have sought closed captioning assistance (*e.g.*, funding, services) from your video programming distributor, including the extent to which such assistance has been provided or rejected (see TIP #3 on accompanying information sheet);
- Verification that you have sought additional sponsorship sources or other sources of revenue for captioning, and that, even if these efforts have not successfully produced assistance, you do not otherwise have the means to provide captioning for the program(s)(see TIP #3 on accompanying information sheet); and
- Information on the type of your operation(s) and the impact that providing captions would have on your programming activities, for example, the extent to which your programming might not be shown if you are required to provide captions.

You also may provide any additional information that you deem relevant to an exemption determination, as well as any alternatives that could be a reasonable substitute for the closed captioning requirement. Please note that all supplemental information must be accompanied **by an affidavit** (*i.e.*, a written sworn statement made under oath before an official attesting to the truthfulness and accuracy of the material in your petition) **or be signed under penalty of perjury**. If you do not file the additional information **by November 16, 2012**, or the information that you provide is still deficient, your petition will be dismissed without prejudice to re-filing **on January 15, 2013**, and you will be required to begin providing closed captioning for the above-referenced programming **on January 16, 2013**.

If you decide to supplement your petition, your petition, as well as any supporting financial information provided, will be available for public inspection. If your petition contains confidential information, the FCC's rules provide a way for you to request "confidential treatment," while still providing enough information on a second version of your petition, so that the public can understand the basis for your exemption request and comment on its merits. See TIP #4 on the accompanying information sheet for more information on how to seek confidential treatment.

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

Enclosures