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November 26, 2012

*via hand delivery*

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TW-A325  
Washington, DC 20554

**Attn: CGB Room 3-B431**

**Re: Cruise'n with E-Rider Petition for Exemption from the  
Commission's Closed Captioning Rules  
Case No. CGB-CC-0448  
CG Docket No. 06-181**

**FILED/ACCEPTED**

NOV 26 2012

Federal Communications Commission  
Office of the Secretary

Dear Ms. Dortch:

Pursuant to the Commission's Request for Comment, Telecommunications for the Deaf and Hard of Hearing Inc. (TDI), the National Association of the Deaf (NAD), the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN), the Association of Late-Deafened Adults (ALDA), California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH), and the Cerebral Palsy and Deaf Organization (CPADO), collectively, "Consumer Groups," respectfully submit these comments on the petition of Cruis'n with E-Rider ("CWE") to exempt its program from the Commission's closed captioning rules, 47 C.F.R. § 79.1.<sup>1</sup> Because it appears that CWE currently

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<sup>1</sup> *Public Notice, Request for Comment: Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181 (October 26, 2012), [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-1729A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1729A1.pdf); *CWE Petition for Exemption*, Case No. CGB-CC-0448, CG Docket No. 06-181 (February 23, 2006), <http://apps.fcc.gov/ecfs/document/view?id=6518526535> ("*CWE Petition*"). The Consumer and Governmental Affairs Bureau requested an update to the *CWE Petition*. *Letter from the Consumer and Governmental Affairs Bureau*, Case No. CGB-CC-0448, CG Docket No. 06-181 (April 5,

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operates on an extremely limited budget, we agree that the Commission should grant a temporary exemption of no longer than one year in order to facilitate captioning of its programming.

Consumer Groups acknowledge CWE's efforts to broadcast "an automotive show about Car Shows, Drag racing and the people who enjoy the car culture."<sup>2</sup> CWE's requested exemption, however, would deny equal access to its programming to community members who are deaf or hard of hearing. Maximizing accessibility through the comprehensive use of closed captions is critical to ensuring that all viewers can experience the important benefits of video programming on equal terms.

Because the stakes are so high for the millions of Americans who are deaf or hard of hearing, it is essential that the Commission grant petitions for exemptions from captioning rules only in the rare case that a petitioner conclusively demonstrates that captioning its programming would impose a truly untenable economic burden. To make such a demonstration, a petitioner must present detailed, verifiable, and specific documentation that it cannot afford to caption its programming, either with its own revenue or with alternative sources.

It appears that CWE operates on an annual budget of less than \$6000 in sponsorships and sales.<sup>3</sup> Although we are skeptical that CWE's estimates of the price to caption its programming represent the most reasonable rates for doing so, we agree that incurring the annual cost of captioning may not be tenable under CWE's current budget.

We note, however, that CWE's programming has been exempt from the Commission's rules for more than 6 years since CWE originally petitioned the

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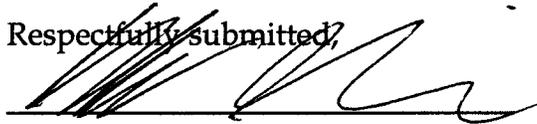
2012), <http://apps.fcc.gov/ecfs/document/view?id=7021908785> ("CGB Letter"). CWE then filed a supplement. *CWE Supplement*, Case No. CGB-CC-0448 (June 20, 2012), <http://apps.fcc.gov/ecfs/comment/view?id=6017097184>.

<sup>2</sup> *CWE Supplement* at Part 1, p. 2.

<sup>3</sup> *Id.* at Part 3, p. 26.

Commission for an exemption without any apparent progress toward captioning. It is unacceptable for programs to remain permanently inaccessible to members of the community who are deaf or hard of hearing. Accordingly, we respectfully urge the Commission to limit an exemption for CWE's programming to no more than one year, during which CWE must undertake diligent efforts to fund captioning of its programming and implement captioning as soon as the exemption expires.

Respectfully submitted,



Blake E. Reid†  
November 26, 2012

*Counsel for Telecommunications for the  
Deaf and Hard of Hearing, Inc.*

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cc: Roger Holberg, Consumer &  
Governmental Affairs Bureau  
Traci Randolph, Consumer &  
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† Counsel thanks Georgetown Law student Hillary Hodsdon for her assistance in preparing these comments.

**Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)**

\_\_\_\_\_/s/\_\_\_\_\_  
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**National Association of the Deaf (NAD)**

\_\_\_\_\_/s/\_\_\_\_\_  
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**Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN)**

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

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3951 Pender Drive, Suite 130, Fairfax, VA 22030

**Association of Late-Deafened Adults (ALDA)**

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

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**California Coalition of Agencies Serving the Deaf and Hard of Hearing (CCASDHH)**

\_\_\_\_\_/s/\_\_\_\_\_  
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**Cerebral Palsy and Deaf Organization (CPADO)**

\_\_\_\_\_/s/\_\_\_\_\_  
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**CERTIFICATION**

Pursuant to 47 C.F.R. §§ 1.16 and 79.1(f)(9), I, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), hereby certify under penalty of perjury that to the extent there are any facts or considerations not already in the public domain which have been relied on in the foregoing document, these facts and considerations are true and correct to the best of my knowledge.

*Claude L. Stout*

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Claude Stout  
November 26, 2012

**CERTIFICATE OF SERVICE**

I, Niko Perazich, Office Manager, Institute for Public Representation, do hereby certify that, on November 26, 2012, pursuant to the Commission's aforementioned Request for Comment, a copy of the foregoing document was served by first class U.S. mail, postage prepaid, upon the petitioner:

Cruise'n with E-Rider  
6378 Burkwood  
Clayton, OH 45315



Niko Perazich  
November 26, 2012