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FCC Mail Room



FIRST UNITED METHODIST
512 NORTH MAIN STREET | HIGH POINT, NC 27260

First United Methodist Church

512 N. Main Street
High Point, NC 27260

Chris Fitzgerald, Senior Pastor
Fran Moran, Associate Pastor

pastorchris@fumc-highpoint.org
pastorfran@fumc-highpoint.org

Phone: 336-889-4429
Fax: 336-889-0262
www.fumc-highpoint.org

November 23, 2012

Original and two(2) copies via Express Mail

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

Attn: CGB Room 3-B431

Re: First United Methodist Church Petition for Exemption from the Commission's Closed Captioning Rules, Case No. CGB-CC-0570, CG Docket No. 06-181

Dear Ms. Dortch:

On behalf of First United Methodist Church (FUMC), I would like to respond to the letter of certain Consumer Groups (specified in the letter and referred to herein as "Consumer Groups") dated November 5, 2012, filed in opposition to FUMC's request for exemption from Closed Captioning Rules of the Commission.

The Consumer Groups contends that 1) FUMC does not demonstrate that it "cannot afford to caption its programming" or 2) "that it has not exhausted all alternative avenues for captioning assistance."

Consumer Groups further contend that FUMC's thirty minute broadcast on the local High Point, NC channel would "deny equal access to its programming to community members who are deaf or hard of hearing." FUMC produces its programming internally through the use of member volunteers who have limited expertise in production of television programming; they perform these services without compensation. They are a dedicated group of volunteers, yet still produce programming that is cherished by the loyal viewers who live in and around the High Point, NC area. These viewers have many impairments (physical, emotional, economic; and, yes, some with hearing impairment, and many with sight impairments); yet to presume that taking the programming off the air because of lack of funding for closed captioning seems to be a denial of the rights of the great majority of our loyal viewers (even those who have hearing impairments and sight impairments).

1. **FUMC's Ability to Afford Captioning** - FUMC has secured quotes from two vendors: one in Tulsa, Oklahoma (New Day Media), which submitted the quote of \$140 to \$155 depending upon amount of transcription required, and a quote from a local vendor of \$350 per broadcast. Consumer Groups contends that the programming could be funded for "as little as \$140 per program without any concerns over timeliness or having to hire additional help." That contention is inaccurate and misleading in that the New Day Media quote is variable because the amount of

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transcription varies. An outside transcription service would be required for that purpose as the sermon, the children's sermon, the music, etc. all would require transcription if included in the broadcast. If Consumer Groups has a list of providers that do perform the full Closed Captioning package for as little as \$140, we would appreciate references.

Consumer Groups further contend that the FUMC pastor secured closed captioning quotes only for the purpose of submission with the application for an exemption request. That assertion is preposterous and completely taken out of context. FUMC secured quotes because that is what the FCC rules require, not because we have an aversion to closed captioning. FUMC advocates closed captioning as our ministry is to all peoples who are disenfranchised or otherwise face physical, mental, socioeconomic and other debilitating circumstances in their lives; however, we would contend that our congregation cannot support adding another \$7280 to in excess of \$18000 to this television ministry. If the technical side of our broadcast was outsourced to the open market, FUMC would be spending in excess of \$70,000 per annum for this television ministry. The local TV station does not offer transcription/closed captioning services. The only all inclusive quote adding closed captioning to our weekly taped broadcast was from New Day Media. FUMC is only able to provide this outreach for \$36,400 because of the work of many non-compensated member/volunteers.

2/ FUMC's Financial Status - Consumer Groups contends FUMC's financial information indicates that "it had more than \$500,000 in total net assets on hand as of April 2012, including more than \$500,000 in cash on hand." This is another erroneous conclusion drawn from Consumer Groups review of the financial information. The "Restricted Funds" on the balance sheet are divided into two categories. One deals with "Members Designated Funds" which represent donations to the church for purposes specified by the donor. The church honors those restrictions; to do otherwise would violate a trust reposed in the church and substantially impact future giving. An example is "Debt Retirement" which totaled \$60,448 which represents donations specifically solicited for the purpose of retiring debt the church had outstanding. The "Trustee Managed" funds also have restrictions generally made applicable by the donor at the time the gift was made. For example, the Wilson Fund was donated for the sole purpose of utilizing the income only (not principal) to supplement the salary of the senior minister, and for property maintenance. In addition, you will note on the balance sheet under Other Assets an item entitled Due From Operating Fund (\$305,478). This asset is offset under Other Liabilities where it is listed as A/P-Trustees \$5,478 and A/P-Wills & Legacies \$300,000. This entry represents funds borrowed by the Trustees from the Trustee managed funds (those earmarked for a particular purpose) to pay off outstanding debt. The Trustees had hoped to be able to repay this internal borrowing, however, FUMC has since agreed to remove that from the balance sheet as it is not likely that the church will ever be able to repay itself these internally borrowed funds. The source of repayment was expected to be leasing real estate purchased with purchase money financing provided by the prior owners. The furniture showroom industry in High Point has collapsed; therefore, the property is no longer leasable for that purpose. The church has decided to accept this reality and cancel the borrowing from itself as there is no possibility of leasing the acquired real estate at this time. The real property is now incorporated into the ministries of the church. The \$300,000 amount, if repaid to trustees, would have gone back into the Wills and Legacies Fund, which fund provides income to alleviate property maintenance concerns. The Wills & Legacies Fund contained \$26,376 as per the balance sheet in April 2012. The Consumer Groups contends these funds could be spent to pay for closed captioning. If so, where will the funding come from should the roof leak, the boiler go out, or the HVAC system requires replacement and/or repair? The church has no cash available (other than these restricted funds which all have a compelling purpose) and continues to pay based on

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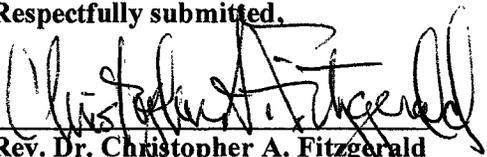
what it receives monthly from its congregation. This is the very reason the television ministry was to be funded outside the budget and continues to be so funded today.

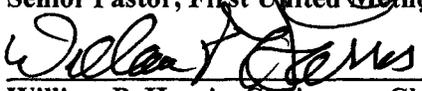
3/ Alternative Avenues for Captioning Assistance - FUMC has requested funding from the Western North Carolina Conference of the United Methodist Church (UMC), and for grants from the UMC without success. Because of the financial difficulties of the church at large, it is not expected that any such financial assistance can be reasonably expected over the next few years. FUMC has requested assistance from its video programming distributor (Channel 8 WGHP) without success. We know of no other place to search for funding other than from our congregation. That is not realistic considering the dire economic circumstances of our congregants, and the financial plight of greater High Point, NC area where the number of citizens unemployed (over 10%) and on food stamps has risen dramatically..

The truth of the matter is that this low budget attempt to provide a television ministry to the local area residents will be discontinued unless this exemption request is granted. Not because FUMC doesn't want to provide for closed captioning, but simply because the funds are not available.

The undersigned certify foregoing is true and accurate to their best knowledge, information and belief.

Respectfully submitted,


Rev. Dr. Christopher A. Fitzgerald
Senior Pastor, First United Methodist Church


William P. Harris, Chairman, Church Council

pc: Blake E. Reid, Esq.
Counsel for Consumer Groups
Institute for Public Representation
Georgetown Law
600 New Jersey Ave., NW
Washington, DC 20001