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January 14, 2013

via hand delivery

FILED/ACCEPTED

JAN 14 2013

Federal Communications Commission
Office of the Secretary

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: **Opposition to Petitions for Exemption from the Commission's Closed Captioning Rules**
CG Docket No. 06-181

CGB-CC-0203
First Baptist Church of Fort Smith, Arkansas ("First Baptist") / *Hope From Above*

CGB-CC-0287
Paul Gray / *Exploring Alaska*

CGB-CC-0572
The Justice Foundation ("TJF") / *Faces of Abortion*

CGB-CC-0923
Five & Dime Productions ("F&D") / *You've Got To Be Kidding Me, America*

CGB-CC-1019
Iglesia de Cristo MI-EL Longmont ("Iglesia")

CGB-CC-1032
C & G Productions, LLC ("C&G") / *DC Contigo*

CGB-CC-1170
Sheffield Entertainment Television ("Sheffield") / *Gracie's Friends*

CGB-CC-1240
Watch Fatboy Films ("Fatboy") / *Industry Chaos*

CGB-CC-1252
Springfield Community Church ("Springfield") / *Living Word of Faith*

CGB-CC-1253
Sharing Faith Ministries ("Sharing Faith") / *Your Sunday Worship*

CGB-CC-1256
Ocala First United Methodist Church, ("Ocala") / *Sunday Morning Service*

Dear Ms. Dortch:

Pursuant to the Commission's Request for Comment and 47 C.F.R. § 79.1(f)(6), 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), and the Cerebral Palsy and Deaf Organization (CPADO), collectively, "Consumer Groups," respectfully submit this opposition to the petitions of the above-referenced entities, collectively, "Petitioners," to exempt their programming from the Commission's closed captioning rules.[1]

The petitions each fail to sufficiently demonstrate that compliance with closed captioning rules would be economically burdensome. Several of the Petitioners also mistakenly request a determination that their programming qualifies for a self-executing categorical exemption or assert other unavailing arguments for exempting their programming. We hope that highlighting the shortcomings common to these petitions will aid the Commission in reaching determinations consistent with applicable statutory requirements and provide useful guidance to future petitioners seeking exemptions from the Commission's closed captioning rules.

Consumer Groups acknowledge Petitioners' efforts to engage with the public through the medium of video programming. Petitioners' requested exemptions, however, would deny access to their programming to community members who are deaf or hard of hearing. Maximizing accessibility through the comprehensive use of closed captions is a critical component of 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

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[1] *Public Notice, Request for Comment: Request for Exemption from Commission's Closed Captioning Rules*, CG Docket No. 06-181 (Nov. 30, 2012), http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1923A1.pdf. Detailed information on the petitions is included in the attached Appendix.

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. In doing so, a petitioner must make clear that it has engaged in a diligent, good faith effort to caption its programming and is turning to the exemption process only as a last resort.

I. Legal Standard

Under Section 713(d)(3) of the Communications Act of 1934 ("1934 Act"), as added by the Telecommunications Act of 1996 Act ("1996 Act") and amended by Section 202(c) of the 21st Century Communication and Video Accessibility Act of 2010 ("CVAA"), "a provider of video programming or program owner may petition the Commission for an exemption from the [closed captioning] requirements of [the 1934 Act], and the Commission may grant such petition upon a showing that the requirements . . . would be economically burdensome."[2] In its *Economically Burdensome Standard Order*, the Commission interpreted the term "economically burdensome" as being synonymous with the term "undue burden" as defined in Section 713(e) of the 1934 Act, and ordered the Consumer and Governmental Affairs Bureau to continue to evaluate all exemption petitions using the "undue burden" standard pursuant to Rule 79.1(f)(2)-(3).[3]

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[2] 47 U.S.C. § 613(d)(3); Pub. L. 111-260, 124 Stat. 2751 § 202(c); Pub. L. 104-104, 110 Stat. 56 § 305.

[3] *Report and Order, Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility,* CG Docket No. 11-175, 27 FCC Rcd. 8831, 8834-35, ¶ 8 (2012) (*"Economically Burdensome Standard Order"*). The *Economically Burdensome Standard Order* formally adopted the analysis and interim standard proposed in a multi-part 2011 decision, *Anglers for Christ Ministries, Inc., New Beginning Ministries, Petitioners Identified in Appendix A, Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility,* Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, CG Docket Nos. 06-181 and 11-175, 26 FCC. Rcd. 14941 (Oct. 20, 2011) (*"Anglers 2011"*). *See generally id.*

In some early adjudications, the Commission specifically analyzed exemption petitions under the four-factor rubric in Section 713(e), analyzing whether each of the four factors weighed for or against granting a particular petition.[4] Over the past decade, however, this factor-based analysis has evolved into several specific evidentiary requirements that must be satisfied to support a conclusion that a petitioner has demonstrated an undue economic burden sufficient to satisfy the requirements of Section 713(e).[5]

Under Section 713(e), a petitioner must first demonstrate its inability to afford providing closed captions for its programming.[6] If a petitioner sufficiently demonstrates an inability to afford captioning, it must also demonstrate that it has exhausted alternative avenues for obtaining assistance with captioning.[7] Where a petition fails to make either of those showings, it fails to demonstrate that providing captions would be economically burdensome, and the Commission must dismiss the petition.[8]

II. Ability to Afford Captioning

To sufficiently demonstrate that a petitioner cannot afford to caption its programming, a petition must provide both verification that the petitioner has diligently sought out and received accurate, reasonable information regarding the costs of captioning its programming, such as competitive rate quotes from established providers, and detailed information regarding the petitioner's financial status.[9] Both showings must demonstrate that the petitioner in fact cannot afford to caption its programming and eliminate the possibility that captioning would be possible if the

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[4] *E.g., Home Shopping Club L.P.*, Case No. CSR 5459, 15 FCC Rcd. 10,790, 10,792-94 ¶¶ 6-9 (CSB 2000).
[5] *See generally Anglers 2011*, 26 FCC Rcd. at 14,955-56, ¶ 28.
[6] *See id.*
[7] *See id.*
[8] *See id.*
[9] *See id.*

petitioner reallocated its resources or obtained more reasonable price quotes for captioning its programming.

A. Cost of Captioning

To successfully demonstrate that captioning would be economically burdensome, a petitioner must demonstrate a concerted effort to determine "the most reasonable price" for captioning its programming.[10] To allow the Commission and the public to evaluate whether a petitioner's cost estimates are reasonable, it is essential that a petition provide, at a bare minimum, detailed information about the basis and validity of its cost estimates for captioning, such as competitive hourly rate quotes and associated correspondence from several established captioning providers.[11]

None of the petitions satisfy these requirements. More specifically:

- Paul Gray and Sharing Faith apparently did not seek an individualized estimates, and instead provide only a general price sheet from a captioning provider's website.[12]
- Sheffield provides two estimates but offers no documentation or explanation of their basis.[13]
- First Baptist, TJF, Iglesia, C&G, Fatboy, Springfield, and Ocala document only one individualized estimate.[14]

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[10] *See The Wild Outdoors*, Case No. CSR 5444, 16 FCC Rcd. 13,611, 13,613-14 ¶ 7 (CSB 2001), *cited with approval in Anglers 2011*, 26 FCC Rcd. at 14,956, ¶ 28 n.101.

[11] *Compare, e.g., Outland Sports, Inc.*, Case No. CSR 5443, 16 FCC Rcd. 13,605, 13,607, ¶ 7 (CSB 2001) (approving of a petitioner's inclusion of rate quotes and associated correspondence from at least three captioning providers in its petition) *with The Wild Outdoors*, 16 FCC Rcd. at 13,613-14, ¶ 7 (disapproving of a petitioner's bald assertion of the cost to caption a program without supporting evidence).

[12] *Paul Gray Supplement II* at 3; *Sharing Faith Supplement I* at 3..

[13] *Sheffield Petition* at 2 (unsubstantiated $2500 estimate for closed captioning software); *Sheffield Supplement* at 1 (unsubstantiated $270 estimate for closed captioning services).

[14] *First Baptist Supplement* at 8, 10; *TJF Supplement I* at 4-5; *Iglesia Supplement II* at 19; *C&G Supplement II* at 5; *Fatboy Supplement III* at 1; *Springfield Supplement* at 2; *Ocala Supplement* at 2. First Baptist also attached another quote for services provided to a broadcast

F&D documents only two individualized estimates.[15]

Moreover, no petition appears to document any attempt to negotiate with captioning providers to seek a more affordable rate after receiving an estimate. For example, F&D does not assert or provide evidence that it followed up with additional correspondence with the captioning providers after receiving an "initial" estimate.[16]

It is critical that petitioners seek out and document several personalized, negotiated estimates to establish what it would actually cost to caption their programming. Just as with any other service, no sensible business owner would simply engage the first captioning provider he or she was able to locate regardless of cost. A prudent owner would diligently seek out the most affordable and highest quality provider to suit his or her specific needs. Without documentation that a petitioner has undertaken such a search, it is simply impossible to conclude that the petitioner has established the most reasonable price for captioning its programming and turned to the exemption process only as a last resort because it cannot afford that price. Because Petitioners have each failed to satisfy this threshold, the Commission should deny their petitions.

B. Financial Status

Even where a petition successfully establishes the most reasonable price for captioning the petitioner's programming, it must also include detailed information regarding the petitioner's finances and assets, revenues, expenses, and other documentation "from which its financial condition can be assessed" that demonstrates that captioning would impose an undue economic burden.[17]

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television station, KFSM. *Id.* at 12-13. Fatboy also attached a general price from a captioning provider's website. *Fatboy Supplement II* at 6-8.

[15] *F&D Supplement I* at 3-4.

[16] *Id.* at 4

[17] *See, e.g., Survivors of Assault Recovery*, Case No. CSR 6358, 20 FCC Rcd. 10,031, 10,032, ¶ 3 (MB 2005), *cited with approval in Anglers 2011*, 26 FCC Rcd. at 14,956, ¶ 28 n.100.

Several of the Petitioners, including TJF, Iglesia, Sheffield, and Springfield, initially note that they are non-profit entities.[18] But as the Commission has plainly stated, "grant[ing] [petitioners] favorable exemption treatment because of their non-profit status [is] inconsistent with . . . Commission precedent."[19] In fact, the Commission has "specifically rejected requests by commenters to adopt a categorical exemption for all non-profit entities based solely on their non-profit status" and has "chose[n] instead to adopt revenue-based exemption standards that . . . focus on the economic strength of each [petitioner]."[20] A petitioner's non-profit status does not suggest, much less preclude, the possibility that it cannot afford to caption its programming.

Nearly all of the Petitioners, including Paul Gray, TJF, Iglesia, C&G, Sheffield, Fatboy, Springfield, and Ocala evaluate their ability to afford captioning in comparison to the budget allocated for or expenses incurred by the specific programming at issue or argue that the failure of the program to generate revenue in and of itself suggests an economic burden.[21] The specific budget for or revenue generated by a particular program, however, is irrelevant to the Commission's determination. When evaluating the financial status of a petitioner, the Commission "take[s] into account the overall financial resources of the provider or program owner," not "only the resources available for a specific program."[22]

While the failure of any of the Petitioners to sufficiently document the most reasonable cost of captioning their programming obviates the need for the Commission

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[18] *TJF Petition* at 1; *Iglesia Petition* at 1; *Sheffield Petition* at 1; *Springfield Petition* at 1.
[19] *Anglers* 2011, 26 FCC Rcd. at 14,951, ¶ 18.
[20] *Id.* at 14,950-51, ¶ 18 (citations omitted).
[21] *See Paul Gray Petition* at 1; *Paul Gray Supplement* at 1; *TJF Petition* at 1; *TJF Supplement* at 10-11; *Iglesia Supplement II* at 2; *C&G Supplement II* at 2; *Sheffield Petition* at 1-2; *Fatboy Supplement I* at 1; *Springfield Petition* at 1-4 (comparing the amount of money brought in from programming sponsors to the amount spent on programming); *Ocala Supplement* at 1.
[22] *Anglers 2011*, 26 FCC Rcd. at 14,950, ¶ 17.

to conduct a full-fledged analysis of their financial information, we note that most of the petitions appear to lack sufficient information to conclude that captioning would impose an undue financial burden.

Some of the Petitioners, including First Baptist, Iglesia, and Ocala document expenses and revenues that are self-evidently sufficient to support captioning even at the costs listed in their insufficiently supported estimates.[23] First Baptist even admits that if it is "required to implement closed captioning," it "will not cease to broadcast" and "will simply budget accordingly."[24] Others, including Paul Gray, F&D, and Sheffield do not appear to provide concise statements of their financial information, such as annual revenues and expenses and available assets. And many of the Petitioners who indicate that they operate at a loss, including TJF, C&G, Springfield, and Sharing Faith do not appear to offer a tenable explanation of how they are able to shoulder the ongoing costs of creating and distributing of their programming but not the cost of closed captions.[25] The 1996 Act and the CVAA do not permit the Commission to grant exemptions on the basis of undue economic burden to petitioners who plainly can afford to caption their programming or who cannot concisely establish why captioning would impose an undue economic burden.

Finally we note that at least one of the Petitioners, Sharing Faith, fails to provide relevant financial information for one or more affiliated entities that are directly involved in the creation of the relevant programming. More specifically, Sharing Faith's program *Your Sunday Worship* appears to be under the direct control of the Smith

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[23] *Compare First Baptist Petition* at 2 (estimating a $15,000-$16,000 annual captioning cost) *with First Baptist Petition* at 5 (showing a $336,191 surplus); *Iglesia Supplement II* at 2 (estimating a $16,900 annual captioning cost) *with Iglesia Supplement II* at 13 (noting an $18,935 surplus for 2011); *Ocala Supplement* at 1 (estimating a $7150 annual captioning cost) *with Ocala Supplement* at 15 (noting an $80,859.71 surplus for 2011).
[24] *First Baptist Supplement* at 2.
[25] *See TJF Supplement II* at 6; *C&G Supplement II* at 4; *Springfield Supplement* at 3, 5; *Sharing Faith Supplement* at 1.

Chapel African Methodist Episcopal Church. The *Your Sunday Worship* website specifically references an affiliation with the Smith Chapel and Dr. Cecelia GreeneBarr.[26] Dr. GreeneBarr apparently serves as the Pastor of the Smith Chapel, and the Chapel's website displays a Sharing Faith-branded video clip of Dr. GreeneBarr on its front page.[27] Sharing Faith notes that it brings in only $5285.84 in revenue against at least $31,200 in expenses, but provides no information about the extent to which *Your Sunday Worship* is funded and controlled by Smith Chapel. The Commission cannot reasonably conclude that a separately incorporated but wholly controlled video programming arm of a larger entity responsible for funding and controlling the programming cannot afford to caption the programming without information about the larger entity.

III. Alternative Avenues for Captioning Assistance

Even where a petition succeeds at demonstrating that a petitioner cannot afford to caption its programming, the petitioner must also demonstrate that it has exhausted all alternative avenues for attaining assistance with captioning its programming.[28] A petitioner must provide documentation showing that it has sought assistance from other parties involved with the creation and distribution of its programming,[29] sought sponsorships or other sources of revenue to cover captions, and is unable to obtain alternative means of funding captions.[30]

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[26] Your Sunday Worship, *Your Sunday Worship Television Program* (last visited Jan. 11, 2013), http://www.yoursundayworship.com/Your_Sunday_Worship/Welcome.html.
[27] Smith Chapel AME Church, *Pastor: Rev. Dr. Cecelia GreeneBarr* (last visited Jan. 11, 2013), http://www.smithchapelame.org/Smith_Chapel_Church_Index/Pastor.html; *Welcome* (last visited Jan. 11, 2013), http://www.smithchapelame.org/Smith_Chapel_Church_Index/Welcome.html.
[28] *Anglers 2011*, 26 FCC Rcd. at 14,955-56, ¶ 28 (internal citations omitted).
[29] *See, e.g., Engel's Outdoor Experience*, Case No. CSR 5882, 19 FCC Rcd. 6867, 6868, ¶ 3 (MB 2004), *cited with approval in Anglers 2011*, 26 FCC Rcd. at 14,956, ¶ 28 n.102.
[30] *See Outland Sports*, 16 FCC Rcd. at 13607-08, ¶ 7, *cited with approval in Anglers 2011*, 26 FCC Rcd. at 14,956, ¶ 28 n.103.

Several of the Petitioners, including First Baptist, F&D, C&G, and Ocala apparently have not sought out sponsors specifically for closed captioning either because they are unwilling to accept commercial sponsorship or do not believe that they will be able to succeed in recruiting sponsors.[31] Petitioners cannot decline to seek sponsors for the cost of captioning and simultaneously establish that providing captioning would impose an undue economic burden, and a preference not to engage sponsors cannot relieve a petitioner of its obligation to comply with the Commission's closed captioning rules.

Several of the other Petitioners, including Paul Gray, TJF, Iglesia, and Sheffield indicate that they have sought sponsorship, but provide limited or no documentation of these efforts.[32] Petitioners must describe and document their attempts to seek out sponsorships, as it is impossible for the Commission and the public to conclude that all alternative avenues have been exhausted without information about which of those avenues a petitioner has even pursued.

IV. Requests for Categorical Exemptions

In addition to asserting that captioning would constitute an undue economic burden, some Petitioners argue that they also qualify for one of the categorical exemptions under Rule 79.1(d)(1).[33] As a general matter, the Consumer and Governmental Bureau has repeatedly noted that these exemptions are self-implementing.[34] As such, they are not properly the subject of, and cannot be considered under, an economic burden petition filed pursuant to Rule 79.1(f).[35]

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[31] *First Baptist Supplement* at 3; *F&D Supplement II* at 1; *C&G Supplement II* at 2-3; *Ocala Supplement* at 1.
[32] *See Paul Gray Supplement II* at 1; *TJF Supplement I* at 1; *Iglesia Supplement II* at 2; *Sheffield Supplement I* at 1.
[33] 47 C.F.R. 79.1(d).
[34] *E.g., Letter from the Consumer and Governmental Affairs Bureau to TJF*, at 1 (Sept. 26, 2012).
[35] 47 C.F.R. § 79.1(f).

Several of the Petitioners, including First Baptist, F&D, C&G, and Springfield apparently believe that their programming qualifies for the locally produced and distributed, non-news, non-repeating exemption to the closed captioning rules for video programming distributors.[36] But as the Consumer and Governmental Affairs Bureau has repeatedly recognized, the narrow exemption in Rule 79.1(d)(8) applies only to "[p]rogramming that is locally produced **by [a] 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."[37] Entities like First Baptist, Five & Dime, and C&G are plainly not video programming distributors under the meaning of the Commission's rules and cannot qualify for this exemption.[38]

Sharing Faith also argues that it is eligible for an exemption under Rule 79.1(d)(11) because captioning its programming would be in excess of 2 percent of its annual gross revenues.[39] At the outset, Sharing Faith misstates the two-percent exemption, which only exempts additional captioning expenditures in *excess* of two percent of revenue.[40] As the Commission has plainly explained, video programming producers that qualify for the exemption still must "devote a reasonable portion of their revenue stream [i.e., 2%] to closed captioning," thereby "help[ing] to avoid an 'all or nothing' approach."[41] It is unclear that Sharing Faith spends 2 percent of its revenues on captioning. And in any case, Sharing Faith is not eligible for the exemption because it is not a video programming producer that offers a channel of programming. As the Consumer and

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[36] *First Baptist Supplement* at 1; *F&D Supplement I* at 1; *C&G Supplement II* at 2; *Springfield Petition* at 2.
[37] 47 C.F.R. § 79.1(d)(8) (emphasis added); *e.g., Letter from the Consumer and Governmental Affairs Bureau to Red Bradley*, CGB-CC-1239 (June 20, 2012), http://apps.fcc.gov/ecfs/document/view?id=7021977573.
[38] *See* 47 C.F.R. § 79.1(a)(2) (defining "video programming distributor").
[39] *Sharing Faith Petition* at 1.
[40] 47 C.F.R. § 79.1(d)(11).
[41] *Closed Captioning and Video Description of Video Programming*, 13 FCC Rcd. 3272, 3399, ¶ 295 (1997).

Governmental Affairs Bureau has noted, the two-percent exemption is only available on a "per channel basis, as opposed to applying to individual program providers."[42] Shared Faith offers no evidence that it offers a channel of programming, and it cannot qualify for this categorical exemption.

V. Closed Captioning and the First Amendment

TJF, "[a]s a religious based [sic] organization[,] . . . also assert[s] [its] First Amendment right not to be required to expend these funds [for captioning] as directed by the government."[43] Fatboy similarly argues that requiring captioning "would create an enormous obstruction while speaking in terms of freedom of speech."[44]

While the precise nature of these cursory arguments is unclear, the First Amendment does not excuse video programmers like TJF and Fatboy from complying with the closed captioning rules. Federal courts and the Commission have consistently affirmed that captioning requirements are consistent with the First Amendment because they merely "present a verbatim translation of [a] program's spoken words" and do "not significantly interfere with program content."[45]

To whatever extent that TJF additionally argues that the captioning rules impermissibly burden its free exercise of religion, it must demonstrate that providing closed captioning to viewers who are deaf or hard of hearing somehow runs counter to its religious beliefs. Presuming that TJF acted in good faith in obtaining an estimate for closed captioning its programming, it impliedly disclaimed the possibility that it has

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[42] *E.g., Letter from the Consumer and Governmental Affairs Bureau to Berean Bible Study Association*, CGB-CC-1237 (Aug. 8, 2012), http://apps.fcc.gov/ecfs/document/view?id=7022004499.

[43] *TJF Supplement II* at 1.

[44] *Fatboy Petition* at 1.

[45] *See MPAA v. FCC*, 309 F.3d 796, 798 (D.C. Cir. 2002); *Gottfried v. FCC*, 655 F.2d 297, 312 n.54 (D.C. Cir. 1981), *rev'd on unrelated grounds, Cmty. Television v. Gottfried*, 459 U.S. 498 (1983); *see also Report and Order, Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket 11-154, 27 FCC Rcd. 787, 803-04 ¶ 25 (2012).

any non-economic objection to communicating its message to viewers who are deaf or hard of hearing.[46]

Regardless, the Supreme Court has plainly recognized that "if prohibiting the exercise of religion . . . is not the object of [a law] but merely the incidental effect of a generally applicable and otherwise valid provision, the First Amendment has not been offended."[47] The Commission's captioning rules are generally applicable to television video programming, and there is no evidence that the Commission has intentionally applied the rules to burden the free exercise of religion in TJF's case or in any other, or that the rules have ever had such an effect. To the contrary, the plain and obvious goal and frequently realized effect of the Commission's rules is to make video programming accessible to viewers who are deaf or hard of hearing.

VI. Conclusion

Petitioners have not sufficiently demonstrated that captioning their programming would impose an undue economic burden. Accordingly, we respectfully urge the Commission to dismiss the petitions and require the Petitioners to bring their programming into compliance with the closed captioning rules.

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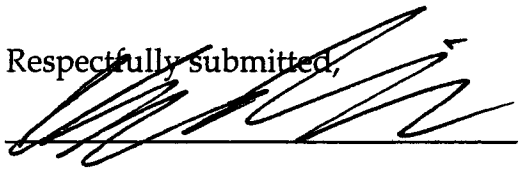
[46] *See TJF Supplement I* at 4-5.

[47] *See, e.g., Employment Division, Oregon Department of Human Resources v. Smith*, 494 U.S. 872, 878 (1990).

Respectfully submitted,



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† Counsel thanks Georgetown Law student Hillary Hodsdon for her assistance in preparing this document.

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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

Claude Stout
January 14, 2013

CERTIFICATE OF SERVICE

I, Niko Perazich, Office Manager, Institute for Public Representation, do hereby certify that, on January 14, 2013, 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 petitioners at the addresses listed in the attached Appendix.

Niko Perazich
January 14, 2013

Appendix

Case No.	Petitioner	Short Name	Program Name	Mailing Address	Relevant Case Documents
CGB-CC-0203	First Baptist Church of Fort Smith, Arkansas	First Baptist	*Hope From Above*	PO Box 609 Fort Smith, AR 72902	*First Baptist Petition* (January 20, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (April 18, 2012) *FBC Supplement* (May 14, 2012)
CGB-CC-0287	Paul Gray	N/A	*Exploring Alaska*	35555 Spur Highway, #232 Soldotna, AK 99669	*Paul Gray Petition* (January 9, 2006) *Letter from the Consumer and Governmental Affairs Bureau* (April 5, 2012) *Paul Gray Supplement I* (June 27, 2012) *Paul Gray Supplement II* (October 18, 2012)
CGB-CC-0572	The Justice Foundation	TJF	*Faces of Abortion*	7210 Louis Pasteur Drive, Suite 200 San Antonio, TX 78229	*TJF Petition* (February 8, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (June 13, 2012) *TJF Supplement I* (September 4, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (September 26, 2012) *TJF Supplement II* (October 26, 2012)
CGB-CC-0923	Five & Dime Productions	F&D	*You've Got to Be Kidding Me, America*	2405 Porter Street, S.W. Wyoming, MI 49519	*F&D Petition* (October 14, 2009) *Letter from the Consumer and Governmental Affairs Bureau* (April 5, 2012) *F&D Supplement I* (June 26, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (August 22, 2012) *F&D Supplement II* (September 17, 2012)
CGB-CC-1019	Iglesia de Cristo, MI-EL Longmont	Iglesia	*N/A*	1602 9th Avenue Longmont, CO 80501	*Iglesia Petition* (June 4, 2010) *Letter from the Consumer and Governmental Affairs Bureau* (April 5, 2012) *Iglesia Supplement I* (May 30, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (July 18, 2012) *Iglesia Supplement II* (August 15, 2012) *Iglesia Supplement III* (August 30, 2012)
CGB-CC-1032	C & G Productions, LLC	C&G	*DC Contigo*	936 North Kenmore Street Arlington, VA 22201	*C&G Petition* (August 5, 2010) *Letter from the Consumer and Governmental Affairs Bureau* (April 5, 2012) *C&G Supplement I* (June 25, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (September 19, 2012) *C&G Supplement II* (October 18, 2012)

CGB-CC-1170	Sheffield Entertainment Television	Sheffield	*Gracie's Friends*	1800 Eastwood Road #130 Wilmington, NC 28403	*Sheffield Petition* (December 1, 2011) *Letter from the Consumer and Governmental Affairs Bureau* (March 7, 2012) *Sheffield Supplement I* (May 8, 2012) *Sheffield Supplement II* (October 9, 2012)
CGB-CC-1240	Watch Fatboy Films	Fatboy	*Industry Chaos*	817 Henry Street Portsmouth, VA 23704	*Fatboy Petition* (February 22, 2011) *Letter from the Consumer and Governmental Affairs Bureau* (February 29, 2012) *Fatboy Supplement I* (May 30, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (July 3, 2012) *Fatboy Supplement II* (August 2, 2012) *Fatboy Supplement III* (August 14, 2012) *Fatboy Supplement IV* (September 18, 2012)
CGB-CC-1252	Springfield Community Church	Springfield	*Living Word of Faith*	615 Transmitter Road Panama City, FL 32401	*Springfield Petition* (July 14, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (August 8, 2012) *Springfield Supplement* (September 10, 2012)
CGB-CC-1253	Sharing Faith Ministries	Sharing Faith	*Your Sunday Worship*	PO Box 714 Walled Lake, MI 48390	*Sharing Faith Petition* (January 20, 2011) *Letter from the Consumer and Governmental Affairs Bureau* (April 18, 2012) *Sharing Faith Supplement I* (July 31, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (August 29, 2012) *Sharing Faith Supplement II* (October 30, 2012)
CGB-CC-1256	Ocala First United Methodist Church	Ocala	*Sunday Morning Service*	40 South East 11th Avenue Ocala, FL 34471	*Ocala Petition* (August 9, 2012) *Letter from the Consumer and Governmental Affairs Bureau* (August 22, 2012) *Ocala Supplement* (September 13, 2012)