

NPG takes its captioning responsibilities very seriously. See Appendix A (Sworn Statement of Lyle Leimkuhler). After making detailed advance plans to comply with the recent deadline for the closed captioning of live (and near-live) TV programming streamed over the internet, NPG has experienced intractable problems at the subject four (4) TV stations. Id.

NPG timely acquired streaming encoders for the Stations, from Elemental Technologies, that are capable of generating captioning-compliant streaming. Id. Problems arose, however, because the Stations' web provider, Internet Broadcasting Systems ("IBS") has failed, to this date, to honor its commitment to timely provide the Stations with a compatible player to display the required closed captions; both a proper encoder and compatible player technology are required, together, to produce closed captioning for streaming live TV programs over the internet. Id.⁴

Moreover, various proposed "fixes" in recent weeks have not been successful. First, many player suppliers appear to be backlogged, because of the widespread station demand in recent months. In addition, the NPG Stations considered streaming "open captions" over the internet; but, NPG has tentatively concluded that such a "fix" for these Stations and their significant audiences is not acceptable, given the widespread public "annoyance" because open captions often obscure important, bottom-third-screen graphics for all viewers. Id.⁵

In any event, NPG can wait on IBS no longer, as that vendor has been unable to solve the "player" problem for many weeks. NPG is, therefore, now determined to finalize a "compliant player" deal with a third-party supplier that can fix this problem on a rushed basis -- certainly within the next few months and, hopefully, in only a matter of a few more weeks. Id.

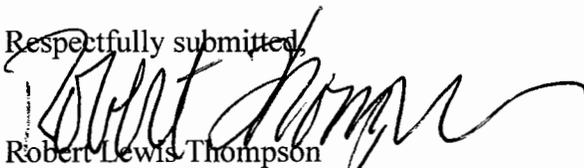
On an interim basis, however, NPG also has concluded, after thorough internal discussions, that it would be contrary to the public interest to suspend all internet streaming of these four

⁴ The Stations' current live encoders from Adobe do not support sending closed captions over the internet. See Appendix A.

⁵ See "Solving the Challenge of Online Captioning," *TVNewsCheck*, November 29, 2012.

particular Stations' live local newscasts until the captioning solutions are in place. To that point, for example, is the recent experience of station KVIA-TV, El Paso, TX. When that ABC affiliate was forced to suspend its streaming over the internet of the Station's highly acclaimed local newscasts – because the streamed news programming lacked captioning -- there was an immediate outcry and numerous complaints from the public in western Texas and southeast New Mexico. Id.⁶

Accordingly, in the public interest of effecting a reasonable accommodation of competing interests, and given the short time during which “temporary relief” is sought,⁷ NPG requests that the FCC grant these four Stations a temporary, 90-day waiver from the IP captioning rules, supra. Good cause has been shown for a grant of this very limited, brief “temporary” waiver.⁸

Respectfully submitted,

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⁶ Indeed, the four Stations' collective audiences – totaling hundreds of thousands of persons in four states – should not be deprived of these Stations' internet streaming of local news, when the temporary captioning problem is certain to be solved soon. See Appendix A.

⁷ The Stations are informed that the problem can be solved in the next 90 days, if not much sooner. Id. The DRO will be promptly notified by email just as soon as the captioning problems are corrected

⁸ See, e.g., Charter Communications, Inc., CS Docket No. 97-80 and MB Docket No. 12-328, released April 18, 2013 (two-year waiver granted); Implementation of Commercial Advertisement Loudness Mitigation (CALM) Act, MB Docket No. 11-93, released December 11, 2012 (two temporary waiver requests--for compliance with FCC rules--granted); Waiver of Digital Testing et al., MB Docket No. 05-317, released May 1, 2006 (six-month waiver granted).

Sworn Statement of Lyle Leimkuhler

I, Lyle Leimkuhler, am EVP and CFO of News-Press & Gazette Company, parent of the licensees of KESQ-TV, KIFI-TV, KRDO-TV and KVIA-TV ("Stations").

I have read the foregoing "Joint Petition for Temporary Waiver," to be filed with the FCC on behalf of the Stations, and believe in good faith and under penalty of perjury that the facts stated therein are true and complete.


Lyle Leimkuhler

April 29, 2013