



The Justice Foundation

Advancing Life, Liberty, and Justice

CG Docket 06-181 Received & Inspected
OCT 28 2013

October 25, 2013

FCC Mail Room

VIA FEDEX

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-C438
445 12th Street, SW
Washington, D.C. 20554

RE: Case Identifier: CGB-CC-0572
Faces Of Abortion Television Show
Response to Request or Supplement to Petition for Exemption for Closed Captioning

Gentlemen:

The Justice Foundation's program "*Faces of Abortion*" qualifies for the exemption set forth in #5 and #11 which are self-implementing exemptions under the Rule, Section 79.1(d) as follows:

"Captioning expense in excess of 2% of gross revenues. No video provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues from that channel during the previous calendar year."

"Programming that is distributed to residential households between 2 a.m. and 6:00 a.m. local time." See attached email from programmer showing airtimes at 2:30 a.m., 4:00 a.m., and 4:30 a.m..

As an attorney, it is my legal opinion that the program "*Faces of Abortion*" qualifies for the exemptions set forth above and is not required to be close-captioned.

The Justice Foundation's program "*Faces of Abortion*" has had no gross revenues for the program from the channel or any other source for the calendar years from August 1, 2005 through the present. It is a "free program" and it airs for free. Therefore, "*Faces of Abortion*" is not required to be close-captioned.

Also, in compliance with your letter dated September 26, 2013, enclosed please find the following:

- 1) TJF's Financials for 2011

The Justice Foundation is a non-profit, 501(c) (3) organization.

- 2) TJF's Financials for 2012
- 3) Affidavit of Allan E. Parker
- 4) Estimates of Close Captioning for "*Faces of Abortion*"
- 5) Copy of Email from Sky Angel with times of airing of "*Faces of Abortion*".

All previous data and requests for a burdensome exemption are incorporated here the same as if set forth in full. Please consider all previous data and all previous requests for exemption as well.

Sincerely,



Allan E. Parker
President

The Justice Foundation is a non-profit, 501(c) (3) organization.

The Justice Foundation | 7210 Louis Pasteur Drive, Suite 200 | San Antonio, Texas 78229 | 210-614-7157 | 210-614-6656 fax
info@txjf.org | www.thejusticefoundation.org | www.operationoutcry.org

THE STATE OF TEXAS

COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared **ALLAN E. PARKER**, who, after being by me duly sworn, upon oath stated as follows:

“My name is Allan E. Parker and I am the President of The Justice Foundation, a 501 (c) 3 non-profit organization.”

“Based on my personal knowledge, information and belief, the facts stated in this request and supplemental data are true and correct, to the best of my knowledge.”

“I have personal knowledge that our television show “*Faces of Abortion*” was produced at substantially very little cost to us. The use of cameras, studios, and time of guests were all mostly donated to The Justice Foundation, or at far below market value. It would be economically burdensome to The Justice Foundation to pay for close captioning of said programs. The facts stated in this letter are true and correct.”

The attached email correctly shows that our television program airs between 2:00 a.m. and 6:00 a.m. local time, specifically at 2:30 a.m., 4:00 a.m. and 4:30 a.m..

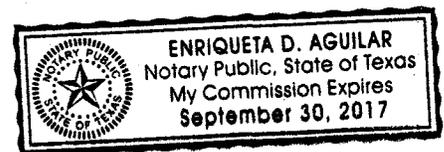
“In fact, since 2008 our overall budget as an organization has declined substantially since our previous exemption was granted, so we are financially less able to close caption than we were under the government first said we were exempt.”

SIGNED this the 25th day of October, 2013.



Allan E. Parker

SUBSCRIBED AND SWORN TO BEFORE ME, this the 25th day of October, 2013.


NOTARY PUBLIC In and for
T E X A S .

Queta Aguilar

From: Amy Derrick <Amy.Derrick@SkyAngel.com>
Sent: Monday, July 01, 2013 1:17 PM
To: Queta Aguilar
Cc: Jordan Gallup
Subject: Faces of Abortion on Sky Angel

Your show will now have another airing on Sky Angel. Your new slot will be on Thursday/ Early Friday mornings at 4:30am beginning on Th 7/11 / Early Fri 7/12.

Your line up as of Monday 7/08 @ 5a will be:

Tuesday / Early Wednesday Mornings @ 2:30am
Thursday / Early Friday Mornings @ 4:30am
Sunday / Monday Mornings @ 4:00am

Amy "Lis" Derrick
Angel One Traffic Coordinator
Sky Angel
4922 La Collina Way
Ooltewah, TN 37363
423-396-8111
www.skyangel.com

NOTE: Confidential This E-mail and any attachments are private and are intended only for the use of the addressee(s), and may contain privileged and/or confidential information. If you are not the intended recipient, you are hereby notified that the use, dissemination, distribution, or copying of this E-mail and/or the attachments is strictly prohibited.

The Justice Foundation
Income Statement
For the Three Months Ending March 31, 2013

	March	YTD
Income		
Contributions - General	\$8,930.00	\$119,256.89
Contributions - Non-Cash	0.00	300.00
Contributions - Restricted	0.00	50,000.00
Contributions - TJF Missionaries	25.00	50.00
Miscellaneous Income	0.00	4.00
Total Income	8,955.00	169,610.89
Operating Expenses		
Salaries and Wages	14,562.12	41,113.86
Salaries used for Attorney's Fees	(4,000.00)	(4,000.00)
Payroll Taxes	1,127.09	3,260.54
Employee Insurance Expense	1,180.46	3,338.03
Benevolence	200.00	653.31
Charitable Contributions	1,075.00	7,250.00
Contract Labor	945.00	1,680.23
Credit Card Processing Fees	144.72	419.25
Depreciation Expense	86.74	86.74
Dues, Subscriptions and Membership	28.00	28.00
Education and Training	0.00	16.09
Equipment Rental	202.59	774.77
Late Fees and Finance Charges	105.20	106.68
Legal Case Expense	(14.83)	500.00
Meals and Entertainment	30.00	360.00
Media Services	0.00	140.00
Missionary Support	0.00	450.00
Office Expense	168.49	2,431.99
Operation Outcry - Conference Expense	1,500.00	3,900.50
Operation Outcry - Meals and Entertainment	6.96	805.12
Operation Outcry - Office Expense	0.00	212.00
Operation Outcry - Travel and Lodging	804.08	5,777.85
Operation Outcry - 3PV	0.00	3,777.00
Overnight Charges	333.95	384.45
Postage, Freight and Shipping	368.00	548.00
Rent - Advanced Services	80.85	80.85
Rent - Louis Pasteur	(13,500.00)	4,500.00
Restricted Fund Expense	4,045.18	34,616.55
Scholarships Expense	25.00	25.00
Special Events - General	(1,500.00)	150.00
Telephone Expense	574.78	1,098.96
Travel - Airfare	531.60	531.60
Travel - Auto Mileage	80.00	320.00
Travel - Auto Rental	40.00	40.00
Travel - Lodging	1,817.11	1,817.11
Travel - Meals	151.06	168.70
Travel - Parking, Cabs and Miscellaneous	201.48	210.48
Utilities	89.89	276.40
Webpage Expense	43.97	98.97
Total Operating Expenses	11,534.49	117,949.03
Income (Loss) from Operations	(2,579.49)	51,661.86
Other Income / Expenses		
NET INCOME (LOSS)	(\$2,579.49)	\$51,661.86

PRELIMINARY

The Justice Foundation
Balance Sheet
For the Twelve Months Ending December 31, 2012

ASSETS

CURRENT ASSETS

Cash - Operating	\$33,549.69	
Cash - Escrow (Unrestricted Funds)	20,377.16	
Cash - Escrow (Restricted Funds)	30,241.54	
Cash - Byron Trotter Memorial Scholarship Fund	0.00	
Cash - TD Ameritrade	0.02	
Accounts Receivable - Employee	200.00	
Total Current Assets		84,368.41

FIXED ASSETS

Furniture and Fixtures	5,151.00	
Office Equipment	30,275.54	
Accumulated Depreciation	(34,703.83)	
Total Fixed Assets		722.71

OTHER ASSETS

TOTAL ASSETS		\$85,091.12
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LIABILITIES AND FUND BALANCE

CURRENT LIABILITIES

Accounts Payable - Trade	29,979.43	
Total Current Liabilities		29,979.43

LONG-TERM LIABILITIES

FUND BALANCE

Fund Balance - Prior Period	11,549.00	
Fund Balance - Current	43,562.69	
Total Fund Balance		55,111.69

TOTAL LIABILITIES AND FUND BALANCE		\$85,091.12
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OCT 28 2013

The Justice Foundation
Income Statement
For the Twelve Months Ending December 31, 2011

	<u>December</u>	<u>YTD</u>	FCC Mail Room
Income			
Contributions - General	\$36,220.00	\$317,752.91	
Contributions - Restricted	13,925.00	65,575.00	
Contributions - Special Events	0.00	100.00	
Contributions - T.J.F Missionaries	390.00	2,940.00	
Contributions - Project Liberty	0.00	160.00	
Total Income	<u>50,535.00</u>	<u>386,527.91</u>	
Operating Expenses			
Salaries and Wages	16,661.53	192,940.55	
Salaries used for Attorney's Fees	(10,000.00)	(10,000.00)	
Payroll Taxes	993.96	14,171.00	
Employee Insurance Expense	3,981.65	14,586.99	
Bank Charges	2,614.85	2,614.85	
Charitable Contributions	10,250.00	12,725.00	
Conference Expense	(40.00)	1,625.65	
Contract Labor	(1,735.00)	23,700.00	
Credit Card Processing Fees	0.12	1,253.51	
Depreciation Expense	65.08	464.97	
Dues, Subscriptions and Membership	102.50	738.30	
Equipment Rental	1,117.85	5,354.98	
Fundraising - General	0.00	(100.00)	
Fundraising - Meals and Entertainment	0.00	69.03	
Gifts	0.00	194.64	
Late Fees and Finance Charges	104.35	1,886.79	
Legal and Accounting	0.00	1,550.00	
Legal Case Expense	0.00	78.88	
Lobbying Expense	(10,000.00)	0.00	
Meals and Entertainment	76.81	370.72	
Media Services	(393.50)	205.00	
Miscellaneous Expense	0.00	(0.20)	
Moving Expenses	2,125.00	2,444.99	
Office Expense	1,756.97	6,741.64	
Operation Outcry - Conference Expense	0.00	625.00	
Operation Outcry - Media	2,633.50	7,828.50	
Operation Outcry - Office Expense	0.00	239.45	
Operation Outcry - Travel and Lodging	298.14	298.14	
Operation Outcry - 3PV	36.00	285.00	
Overnight Charges	104.99	346.11	
Payroll Service Fees	741.01	1,146.46	
Postage, Freight and Shipping	60.99	1,036.99	
Project Liberty - Adversing/Media	0.00	140.00	
Relocation Expense	716.00	716.00	
Rent - Advanced Services	259.55	906.35	
Rent - Ashford Building	0.00	44,035.88	
Rent - Louis Pasteur	7,500.00	7,500.00	
Repair and Maintenance	420.00	782.50	
Restricted Fund Expense	0.00	39,350.00	
Restricted Fund - Lobbying	13,000.00	13,000.00	
Special Events - General	557.50	660.00	
Tax and License	112.45	112.45	
Telephone Expense	323.90	5,148.40	
Travel - Airfare	25.00	2,771.61	
Travel - Auto Mileage	1,440.31	4,548.81	
Travel - Auto Rental	0.00	307.36	
Travel - Lodging	0.00	3,002.41	
Travel - Meals	110.93	1,562.21	
Travel - Parking, Cabs and Miscellaneous	74.50	667.83	
Travel - Fuel	48.60	48.60	
Utilities	107.87	795.16	
Webpage Expense	78.00	1,648.88	
Total Operating Expenses	<u>46,331.41</u>	<u>413,127.39</u>	
Income (Loss) from Operations	<u>4,203.59</u>	<u>(26,599.48)</u>	
Other Income / Expenses			
Interest and Dividend Income	42.97	43.42	
Gain (Loss) on Sale of Assets	0.00	(239.12)	
Total Other Income / Expenses	<u>42.97</u>	<u>(195.70)</u>	
NET INCOME (LOSS)	<u>\$4,246.56</u>	<u>(\$26,795.18)</u>	

The Justice Foundation
Balance Sheet
For the Twelve Months Ending December 31, 2011

ASSETS

CURRENT ASSETS		
Cash - Operating	\$6,068.38	
Cash - Escrow (Unrestricted Funds)	11,301.22	
Cash - Escrow (Restricted Funds)	16,125.00	
Cash - Byron Trotter Memorial Scholarship Fund	1,270.99	
Cash - TD Ameritrade	0.02	
Accounts Receivable - Employee	0.00	
Securities - B. Trotter Memorial Scholarship Fund	6,438.84	
Total Current Assets		41,204.45
 FIXED ASSETS		
Furniture and Fixtures	5,151.00	
Office Equipment	34,631.10	
Accumulated Depreciation	(39,315.58)	
Total Fixed Assets		466.52
 OTHER ASSETS		
TOTAL ASSETS		<u><u>\$41,670.97</u></u>

LIABILITIES AND FUND BALANCE

CURRENT LIABILITIES		
Accounts Payable - Trade	29,421.97	
Medicare Payable	0.00	
TEC Payable	0.00	
Total Current Liabilities		29,421.97
 LONG-TERM LIABILITIES		
 FUND BALANCE		
Fund Balance - Prior Period	39,044.18	
Fund Balance - Current	(26,795.18)	
Total Fund Balance		<u>12,249.00</u>
TOTAL LIABILITIES AND FUND BALANCE		<u><u>\$41,670.97</u></u>

Aberdeen Broadcast Services

22362 Gilberto, Suite 120
 Rancho Santa Margarita, CA 92688
 abercap.com 800-688-6621

Price Quote

Account Texas Justice Foundation
 70210 Louis Pasteur, Ste 200
 San An TX 78229

Quote ID 02047
Status Open
Quote Good until: 11/24/2013

Project Name: "Faces of Abortion"R1

Specifications: Aberdeen Broadcast Services to provide Texas Justice Foundation (client) with closed captioning services using our budget minded, live style, roll-up option. Aberdeen will either accept client BetaSP masters from client directly or possibly from existing files provided by Sky Angel, but only if files in proper format for digital delivery workflow. Either way, each of the 26 approximately 30 minute programs will be captioned, then transcoded and electronically delivered to Angel One in their preferred preferred format. Other charges may or may not apply in addition to line items below should there be other workflow elements not yet discussed.

Comments: Thank you for the opportunity to partner with your ministry!

Effective Date: 10/24/2013

Acct. Exec.: STEVE

Ship Via: Standard Overnite (Before 3P)

Description	Qty	Unit	Unit Price	Line Total
Roll-Up Live-Style Live-Style roll-up captioning done in real-time by a live captioner with no additional reviews or quality control. Captions are done in all uppercase text and are placed in one position on the screen throughout the program. Captions are generally delayed 1 to 4 seconds. The quality will be 98% accuracy or better for speech spoken at 200 WPM or less with no overlapping speakers. For more detail: http://knowledgebase.abercap.com/index.php?/article/AA-00437	26	EA	250.00	4,550.00
Digital File Delivery SD - Angel One (Sky Angel) Aberdeen will transcode each standard definition 28:30 video file to the specs that matches exactly to the play server of the TV Station.	26	EA	45.00	1,170.00
Credit Card Convenience Fee (3%) There is a 3 % convenience fee for credit card transactions. Only major (AMEX, VISA, or MasterCard) credit cards accepted. Credit card information is still required with ACH (electronic check/"check by phone") option and will be authorized (hold placed on card for total project amount) until ACH payment has processed. Regardless of payment preference, payment to be processed upon submission of each program for an introductory period of two complete invoicing periods. Monthly invoice/billing (NET15) will be an option extended to clients who meet a certain criteria after the introductory period is over. All clients who are switched to monthly invoicing/billing (NET15) will be switched on the first business day of the month following their introductory period.	1	EA	171.60	171.60

Quote Total: 5,891.60

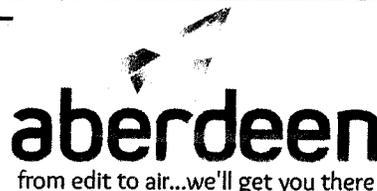
Payment Policy

One-time projects: Prepayment Required

Daily/Weekly/Continuous work contracts: : Prepayment required for two complete invoicing periods, after which clients who meet a certain criteria may be switched to monthly invoice/billing (NET15) on the first business day of the following month

Accepted forms of payment: Check thru ACH (physical check or ask for Aberdeen electronic form), Credit Card, Cash or Cashier's Check.

TRT/Pricing Guidelines: As per industry standards, TRT of each individual file will be rounded up to the next full minute for billing purposes. If TRT changes amount to more than a 10% increase in price over quote, Client will receive order confirmation with updated price total and Client approval is needed to move forward. If TRT changes result in less than a 10% increase in price over quote, project will automatically be moved into production and client will see final price on order confirmation.



<u>Last Name</u>	<u>First Name</u>	<u>Title</u>	<u>Business</u>	<u>Mobile</u>	<u>EMAIL ADDR</u>
Aguilar	Marisol		(210) 614-7157		marisol.aguilar20@yahoo.com

Payment Policy

One-time projects: Prepayment Required

Daily/Weekly/Continuous work contracts: : Prepayment required for two complete invoicing periods, after which clients who meet a certain criteria may be switched to monthly invoice/billing (NET15) on the first business day of the following month

Accepted forms of payment: Check thru ACH (physical check or ask for Aberdeen electronic form), Credit Card, Cash or Cashier's Check.

TRT/Pricing Guidelines: As per industry standards, TRT of each individual file will be rounded up to the next full minute for billing purposes. If TRT changes amount to more than a 10% increase in price over quote, Client will receive order confirmation with updated price total and Client approval is needed to move forward. If TRT changes result in less than a 10% increase in price over quote, project will automatically be moved into production and client will see final price on order confirmation.

Queta Aguilar

From: McLean Anderson <mcleana@telestream.net>
Sent: Thursday, October 24, 2013 3:52 PM
To: eaguilar@txjf.org
Subject: captioning service

Hi Queta,

Since CPC was acquired by Telestream we've stopped offering captioning services. CaptionDepot.com can assist you though.

If you did want to do the work yourself our current lineup starts at \$3,995. We'll be introducing a less expensive web product soon but it will still be pretty expensive in comparison to a few shorts.

Best Regards,

McLean Anderson