

Received & Inspected

DEC 13 2013

FCC Mail Room

Travis R. Kearbey
 Direct: 314-259-2482
 Fax: 314-552-8482
 travis.kearbey@bryancave.com



December 12, 2013

VIA FEDERAL EXPRESS

Perlesta Hollingsworth, Attorney
 Disability Rights Office, Room 3-C438
 Consumer and Governmental Affairs Bureau
 Office of the Secretary
 Federal Communications Commission
 9300 East Hampton Drive
 Capitol Heights, MD 20743

Re: Case Identifier: CGB-CC-1265
 Docket No. 06-181
 Petition for Closed Captioning Exemption
 Request for Supplemental Information

Dear Ms. Hollingsworth:

As indicated in my prior correspondence to you, I represent Trinity Lutheran Church in Cape Girardeau, Missouri (the "Church") with respect to this matter. This letter responds to your correspondence on behalf of the Federal Communications Commission ("FCC") dated November 13, 2013. On behalf of the Church, I request that the FCC acknowledge the constitutional and other federal-law limitations on its authority to regulate the Church's broadcasting of its religious services. Furthermore, even if such authority existed, the closed-captioning mandate in Section 79.1 of the FCC's Rules has no application to the Church's televised services, and alternatively, exemptions to that mandate apply to the Church's worship services.

I. Background.

The Church and its school, which provides a pre-kindergarten through 8th-grade education, were established in 1854. The Church has produced *Living Hope*, its television and Internet broadcast of the Church's religious services, for more than 30 years.¹ *Living Hope* serves the purpose of spreading the Church's ministry by allowing viewers to participate remotely in the worship experience of a Church service. Notably, hearing-impaired persons are welcome to participate in this virtual worship

¹ Of course, *Living Hope* did not originally broadcast over the Internet, but it has been available for Internet consumption for years.

Bryan Cave LLP
 One Metropolitan Square
 211 North Broadway
 Suite 3600
 St. Louis, MO 63102-2750
 Tel (314) 259-2000
 Fax (314) 259-2020
 www.bryancave.com

Bryan Cave Offices

Atlanta
 Boulder
 Charlotte
 Chicago
 Colorado Springs
 Dallas
 Denver
 Frankfurt
 Hamburg
 Hong Kong
 Irvine
 Jefferson City
 Kansas City
 London
 Los Angeles
 New York
 Paris
 Phoenix
 San Francisco
 Shanghai
 Singapore
 St. Louis
 Washington, DC

**Bryan Cave
 International Consulting**
 A TRADE AND CUSTOMS CONSULTANCY
 www.bryancaveconsulting.com

Bangkok
 Jakarta
 Kuala Lumpur
 Manila
 Shanghai
 Singapore
 Tokyo

experience; however, closed captioning is not provided for broadcasts of *Living Hope*. To be clear, the Church harbors no bias against the deaf. Instead, the decision not to offer closed captioning for *Living Hope* emanates from the Church's purely ecclesiastical analysis of how to best spread the Gospel with limited resources.

As demonstrated by the enclosed financial information, *see* Exhibit 1, the Church has operated at a deficit for years. Accordingly, the Church has had to make tough choices regarding how to use limited resources in spreading its Christian ministry. The decisions the Church makes with respect to how it spends resources in pursuit of its ministry are purely ecclesiastical. Those choices include the selection of those who will deliver its ministry, the means by which the Gospel will be spread (*e.g.*, literature, music, television, community outreach, hospital visits, etc.), and the audiences that the Church will target with its ministry. It is within this context that the Church has faced and made the decision that it cannot afford to provide closed captioning for its *Living Hope* broadcasts. The decision to avoid the cost of closed captioning amounts to a choice to prolong the period of time in which the Church will be able to continue broadcasting *Living Hope* and a choice to fund other aspects of the Church's ministry. Of course, the Church would welcome the opportunity to expand the audience for its *Living Hope* ministry to include all people, but the Church must operate within its resources.

The Church respectfully submits that the FCC has no authority and should have no interest in dictating to the Church what audience of persons the Church should target in professing its faith. Yet, the FCC has sought to do precisely that by attempting to impose its closed-captioning mandate on *Living Hope*—a regulatory maneuver that amounts to a demand that the Church preach to a particular audience of persons: the hearing impaired. Once again, the Church desires the opportunity to minister to the deaf community, but that aspiration is immaterial to the question of whether the FCC has any authority to invade the Church's apostolic mission.

While the FCC has for many years treated the Church (and *Living Hope*) as being exempt from Section 79.1 of the FCC's Rules, last year the FCC abruptly changed its position and threatened to impose the closed-captioning mandate on *Living Hope* if the Church failed to convince the FCC that closed captioning would be economically burdensome. In response to the Church's December 29, 2011 petition for exemption from the closed-captioning requirement, the FCC informed the Church by letter dated March 7, 2012, that the Church must submit information regarding the Church's finances (among other things) by April 6, 2012, to support the Church's petition for exemption. *See* Exhibits 2 (Dec. 29 Petition), 3 (March 7th Ltr. from the FCC). The Church complied with this demand, sending a certified letter, dated April 2, 2012, with numerous enclosures to the FCC, which received the Church's submission on April 5, 2012. *See* Exhibits 4 (April 2nd Ltr.), 5 (Executed Certificate of Receipt, dated April 5th).

Nevertheless, more than four months later and approximately eight months after the Church submitted its December 2011 petition for exemption, the FCC wrote the Church on August 24, 2012, asserting erroneously that the Church failed to comply with the FCC's directive to submit information on or before April 6, 2012. *See* Exhibit 6 (Aug. 24 Ltr.). Notably, the FCC not only ignored the Church's submission in April 2012, but it also violated federal law by failing to grant or deny the Church's December 2011 petition for exemption within six months of the petition's filing date. *See* 47

U.S.C. § 163(d)(3) (“The Commission shall act to grant or deny any such petition, in whole or in part, within 6 months after the Commission receives such petition, unless the Commission finds that an extension of the 6-month period is necessary to determine whether such requirements are economically burdensome.”).² Rather than acknowledge its mistake, the FCC took the position that the Church had filed a new petition for exemption from the closed captioning mandate when the Church responded on September 9, 2012, to the FCC’s August 2012 letter. *See* Exhibit 7 (Sept. 9 Ltr.). And, in continued disregard for the statutory requirement that the FCC decide a petition within six months of receiving it, the FCC offered no response whatsoever to the Church’s September 2012 correspondence for more than a year until November 13, 2013, when you wrote the Church once again seeking more information from the Church. In doing so, you set December 13, 2013, as the deadline for the Church to submit the information you have requested.

I. Discussion.

The Church urges the FCC to conclude that it lacks authority under the U.S. Constitution to apply Section 79.1 of the FCC’s Rules to the *Living Hope* ministry. Alternatively, and subject to its constitutional objections to the FCC’s position, the Church asserts that the Religious Freedom Restoration Act precludes application of the closed-caption requirement to *Living Hope*. Finally, and once again subject to its objections, the Church contends that the *Living Hope* ministry does not fit within the statutory definition of “video programming” and, even if it did, statutory and regulatory exemptions to the closed-captioning rule apply to *Living Hope*.

A. The U.S. Constitution Prohibits the FCC from Applying the Closed-Captioning Mandate to *Living Hope*.

The First Amendment to the U.S. Constitution bars the FCC from applying Section 79.1 to the Church. The First Amendment’s protections applicable here include the Free Exercise Clause, the Establishment Clause, the church-autonomy doctrine embodied within the Amendment, the Free Speech Clause, and the Amendment’s implied freedom of association. Likewise, the Equal Protection Clause of the Fifth Amendment to the U.S. Constitution precludes imposition of the closed-captioning requirement in this case.

1. The First Amendment.

The FCC’s analysis of this matter should begin and end with a review of the First Amendment.

² The Church has not received any notice of the FCC issuing a decision that more time was necessary to determine whether the closed-captioning requirements were economically burdensome for the Church. Furthermore, the FCC’s denial that it ever received the Church’s submission in April 2012 and its subsequent characterization of the Church’s follow-up correspondence in September 2012 as a new petition for exemption belie any notion that the FCC made a decision that more time was necessary to consider the Church’s December 2011 petition.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONST. Amend. I.

In a unanimous decision last year, the U.S. Supreme Court rebuked the “remarkable view” of the FCC’s sister agency, the EEOC, “that the Religion Clauses [of the First Amendment] have nothing to say about a religious organization’s freedom to select its own ministers.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S.Ct. 694, 706 (2012). The FCC’s apparent position that the Religion Clauses have nothing to say about the Church’s freedom to select the audience for its ministry is equally remarkable. In your November 13th letter, you took a very narrow view of *Hosanna-Tabor*, asserting that it has no application to this matter because it arose in an employment-law context. However, the Supreme Court’s broad pronouncements about the First Amendment in *Hosanna-Tabor* will not permit such a cavalier rejection of it as controlling authority.

Indeed, *Hosanna-Tabor*, which incidentally involved the application of the First Amendment to the Lutheran Church, articulates the following critical mandates that the FCC—like all other government agencies—must honor:

- “[T]he Free Exercise Clause, which protects a religious group’s right to shape its own faith and mission...” *id.* at 706;
- “[T]he Establishment Clause...prohibits government involvement in...ecclesiastical decisions...” *id.*;
- The “freedom of association—a right ‘implicit’ in the First Amendment” applies to the Lutheran Church, *id.* (quoting *Roberts v. United States Jaycees*, 468 U.S. 609, 622, 104 S.Ct. 3244, 82 L.Ed.2d 462 (1984));
- “[T]he First Amendment...gives special solicitude to the rights of religious organizations...” *id.*; and
- The U.S. Supreme Court’s holding in *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U.S. 872, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990), has no application in cases “concern[ing] government interference with an internal church decision that affects the faith and mission of the church itself.” *Id.* at 707.

These rules transcend the facts at play in *Hosanna-Tabor*, applying seamlessly to the circumstances presented in this matter. First, the Free Exercise Clause protects the Church’s right to shape its mission, including the scope of its ministry and the audience to which it will seek to deliver its ministry given the limited resources of the Church. Furthermore, the Establishment Clause prohibits the FCC’s involvement in the Church’s entirely ecclesiastical decision about what audience it will target

with its ministry. In other words, the FCC has no authority to demand that the Church minister to the hearing-impaired population through its *Living Hope* ministry just as it would have no authority to demand that the Church minister to non-English-speaking audiences (*e.g.*, Icelandic audiences, Russian audiences, etc.).

Notably, the Establishment Clause also prohibits application of the closed-captioning requirement to *Living Hope* because the FCC's exemptions to the requirement have the effect of elevating some faiths over others. This is the case because the FCC has categorically exempted from the requirement all programming broadcasted in a language other than English or Spanish. *See* 47 C.F.R. § 79.1(d)(11). Applied to the broadcast of religious services, this categorical exemption imposes greater burdens on some religions than others. For instance, the FCC would require the Church to bear the expense of providing closed captioning while presumably no such requirement would apply to Catholic Churches broadcasting their Latin Masses. And, by requiring that English and Spanish speaking churches minister to the hearing-impaired community, the FCC effectively endorses those religions to the hearing impaired. Meanwhile, the FCC's position effectively communicates that the Latin Mass does not merit the federal government's endorsement to the deaf population. The Establishment Clause does not permit the FCC to draw such distinctions.

Similarly, the First Amendment's freedom of association prohibits the FCC from demanding the Church's association with the hearing-impaired population through its *Living Hope* ministry. Finally, it is difficult to imagine a clearer case of government interference with an internal church decision affecting the mission of the church than the FCC's attempt to regulate the audience to which the Church chooses to distribute its ministry.

Moreover, and to the contrary of the FCC's cursory analysis, the focus in *Hosanna-Tabor* on the unfettered right of a religious organization to choose its own minister actually supports the Church's position in this matter. This is the case because the Church's choice of minister and the Church's choice of audience to receive its ministry are two sides of the same coin. The First Amendment's Free Exercise Clause and Establishment Clause unambiguously protect the Church against any interference from the FCC with respect to those ministry choices. And, as the Seventh Circuit Court of Appeals has recently explained, "[t]he church-autonomy doctrine respects the authority of churches to 'select their own leaders, define their own doctrines, resolve their own disputes, and run their own institutions' free from governmental interference." *Korte v. Sebelius*, 735 F.3d 654, 677 (7th Cir. 2013).

Of course, this concept is not novel. Instead, the notion that our federal government has no business interfering with a church's decision about the content of and audiences targeted by its ministry is well established in decades-old, binding precedent. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by work or act their faith therein." *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). And, importantly, the Church does not challenge the FCC's authority to mandate closed captioning outside the context of religious ministry; however, as the Supreme Court explained in *Hosanna-Tabor*, "the First Amendment...gives special solicitude to the rights of religious organizations"; thus, authority may exist to regulate the secular where no such authority exists in the religious sphere.

Finally, the FCC misplaces reliance on *Smith* in an attempt to justify application of the closed-captioning requirement to *Living Hope* merely because the requirement is neutral. *Hosanna-Tabor* succinctly rejects that position as applied to circumstances involving government interference with ministry decisions. Notably, *Smith* enjoys no factual alignment whatsoever with this matter in that *Smith* involved a conflict between laws prohibiting peyote use and a religious endorsement of such drug use. Seizing upon this point, *Hosanna-Tabor* explains that “[i]t is true that the ADA’s prohibition on retaliation, like Oregon’s prohibition on peyote use, is a valid and neutral law of general applicability. But a church’s selection of its ministers is unlike an individual’s ingestion of peyote. *Smith* involved government regulation of only outward physical acts. The present case, in contrast, concerns government interference with an internal church decision that affects the faith and mission of the church itself.” *Hosanna-Tabor*, 132 S.Ct. at 707. See also *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94, 116 (1952) (the First Amendment grants churches “independence from secular control or manipulation—in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.”). As emphasized above, this analysis applies directly to the Church’s internal decision about how to pursue its mission through *Living Hope*; thus, *Smith* has no application here. For these reasons, the FCC should conclude that it lacks authority to impose the closed-captioning mandate to *Living Hope*.

2. The Fifth Amendment.

The Fifth Amendment’s Equal Protection Clause prohibits application of the closed-captioning requirement to *Living Hope*, as well. As noted above, the FCC’s closed-captioning exemption for non-English and non-Spanish broadcasts accords more favorable treatment under the law to certain religious traditions over the Church’s practices. See 47 C.F.R. § 79.1(d)(11). No rational basis supports that distinction; thus, it denies the Church equal protection under the law.

B. RFRA Prohibits the FCC from Applying the Closed-Captioning Mandate to *Living Hope*.

Additionally, the Religious Freedom Restoration Act of 1993 (“RFRA”), 42 U.S.C. §§ 2000bb *et seq.*, which prohibits the federal government from placing substantial burdens on “a person’s exercise of religion,” *id.* § 2000bb–1(a), unless it can demonstrate that applying the burden is the “least restrictive means of furthering...[a] compelling governmental interest,” *id.* § 2000bb–1(b), also precludes the FCC from applying Section 79.1 to the Church. Under RFRA, the phrase, “exercise of religion,” means “any exercise of religion, whether or not compelled by, or central to, a system of religious belief.” 42 U.S.C. § 2000cc–5(7)(A) (emphases added). Furthermore, “the substantial-burden inquiry does *not* invite the court to determine the centrality of the religious practice to the adherent’s faith; RFRA is explicit about that.” *Korte v. Sebelius*, 735 F.3d 654, 683 (7th Cir. 2013). “Put another way, the substantial-burden inquiry evaluates the coercive effect of the governmental pressure on the adherent’s religious practice and steers well clear of deciding religious questions.” *Id.* In light of this analytical framework, there can be no doubt that the FCC’s application of Section 79.1 to the Church imposes a substantial burden on the Church’s exercise of religion—namely its decision to deliver its ministry via *Living Hope* without allocating its limited resources to provide for closed captioning. While the Church regrets that *Living Hope* does not reach a broader audience, including hearing-impaired persons, the Church’s

decisions regarding the audience that it targets and to which it delivers its ministry is without question an ecclesiastical decision and exercise of religion. By seeking to regulate how the Church allocates its resources toward the delivery of its ministry and the audiences to which the Church chooses to minister, the FCC seeks to impose a substantial burden on the Church's exercise of religion without the support of any compelling interest.

To the Church's knowledge, the FCC has not attempted to establish a compelling interest to justify its intrusion into the Church's ministry, but no such showing can be made. "[I]n this highly sensitive constitutional area, only the gravest abuses, endangering paramount interests, give occasion for permissible limitation..." *Sherbert v. Verner*, 374 U.S. 398, 406 (1963) (internal quotation marks and alteration omitted). Indeed, "some substantial threat to public safety, peace[,] or order" must exist to satisfy the FCC's burden. *Id.* at 403, 83 S.Ct. 1790. While the FCC's interest in expanding access of hearing-impaired persons to television broadcasts is laudable, that interest fails to satisfy the stringent "compelling interest" standard for it does not involve any substantial threat to public safety, peace, or order. *Id.*

Moreover, even if a compelling government interest existed to support the FCC's position, the FCC could not establish that application of Section 79.1 to the Church amounts to the "least restrictive means" of furthering the interest pursued. "RFRA requires the government to shoulder the burden of demonstrating that [application of its regulatory mandate] 'is the least restrictive means of furthering [a] compelling governmental interest.'" *Korte v. Sebelius*, 735 F.3d at 685 (7th Cir. 2013) (quoting 42 U.S.C. § 2000bb-1(b)). Just as in *Korte*, where the government had made numerous exceptions to the mandate that certain employers provide contraception coverage to employees, the FCC's numerous exceptions—many of which are categorical—to its closed-captioning mandate, *see* 47 C.F.R. § 79.1(d), preclude it from satisfying the "least restrictive means" test in this matter.

C. *Living Hope* Is Not Covered by the Closed-Captioning Requirement.

Section 79.1 of the FCC's Rules do not apply to the Church's broadcasts of *Living Hope* because *Living Hope* does not fit within the definition of "video programming" under the Twenty-First Century Communications and Video Accessibility Act of 2010 ("the Act"). "The term 'video programming' means programming by, or generally considered comparable to programming provided by a television broadcast station, but not including consumer-generated media." 47 U.S.C. § 613(h)(2). *See also* 47 C.F.R. § 79.1(a)(1) ("Programming provided by, or generally considered comparable to programming provided by, a television broadcast station that is distributed and exhibited for residential use. Video programming includes advertisements of more than five minutes in duration but does not include advertisements of five minutes' duration or less.").

Living Hope is a broadcast of the Church's Sabbath services. In other words, the Church provides *Living Hope* as a form of purely religious speech and as part of its religious ministry. In light of its content and purpose, *Living Hope* is fundamentally different from any programming provided by a typical "television broadcast station." As such, *Living Hope* falls outside the statutory definition of "video programming" and thus outside the FCC's regulatory authority. Additionally, as the Church has previously explained to the FCC, *Living Hope* is created and made available to the public via the

Internet, which qualifies *Living Hope* as a type of “consumer-generated media,” which the Act excludes from its definition of “video programming.” See 47 U.S.C. § 613(h)(2); 47 U.S.C. § 153 (“The term ‘consumer generated media’ means content created and made available by consumers to online websites and services on the Internet, including video, audio, and multimedia content.”). For these reasons, the FCC should abandon its efforts to regulate *Living Hope*.

D. *Living Hope* Fits within Multiple Exemptions to the Closed-Captioning Mandate.

Exemptions to the closed-captioning rule cover *Living Hope*. Namely, the Church’s enclosures with this letter demonstrate that the Church has long operated at a deficit, see Exhibit 1; thus, any additional expense would clearly constitute an “economically burdensome” expense. Nevertheless, the Church has made reasonable efforts to mitigate this harm, including efforts to negotiate down the cost of closed-captioning from the Church’s video-services vendor. While those efforts have produced a lower cost for closed captioning (down from \$250 per week to \$225 per week), see Exhibit 8 (Nov. 25 Cost Estimate), the expense remains too high in that it would add \$11,700 per year to the Church’s operating deficit. Likewise, the Church, which resides in a small city of fewer than 40,000 people and with limited access to closed-captioning vendors, has searched without success for a vendor that would provide closed captioning services at a lower cost. See Exhibit 9 (Nov. 25 Email Exchange with Digital Media). Furthermore, the Church understands that Fox 23, KBSI, in Cape Girardeau, Missouri – the channel that carries *Living Hope* – is not in a position to provide closed-captioning services to the Church. The Church seeks donations to continue *Living Hope*, see Exhibit 10 (Example of Newsletter Solicitation), but in the face of a difficult economy and escalating budget deficit, the prospect of additional donations attributed to the provision of closed captioning for *Living Hope* is grim.

Additionally, the FCC categorically exempts from its closed-captioning requirement any video programming that would require a provider “to expend any money to caption any video programming [in excess of] 2 percent of the gross revenues received from that channel during the previous calendar year.” 47 C.F.R. § 79.1(d)(11). The Church receives no gross revenues from *Living Hope*, and as noted above, the Church operates at a deficit; thus, the cost of closed captioning obviously exceeds the 2% threshold of this exemption.

III. CONCLUSION

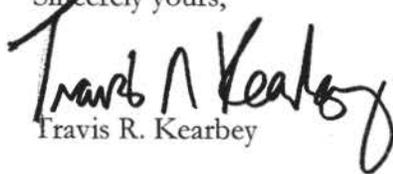
For the foregoing reasons, the Church respectfully asserts that the FCC has no authority to impose upon the Church or its *Living Hope* ministry a closed captioning requirement. Furthermore, even if such authority existed, *Living Hope* does not qualify as “video programming” as defined in the Act and, in any event, the programming should be granted an exemption for the reasons articulated in this letter.

December 12, 2013

Page 9

Bryan Cave LLP

Sincerely yours,


Travis R. Kearbey

TRK/crs

Enclosures

Received & Inspected

DEC 13 2013

U.S. FEDERAL COMMUNICATIONS COMMISSION

FCC Mail Room

In the Matter of
Trinity Lutheran Church

)
)
)

Case Identifier: CGB-CC-1265
Docket No. 06-181
Petition for Closed Captioning

Exemption

AFFIDAVIT OF RONALD LESSMANN

Comes now RONALD LESSMANN, and for his Affidavit states and affirms as follows:

1. I am over the age of twenty-one (21) years and competent to testify with respect to the statements in this Affidavit.

2. I am the President of Trinity Lutheran Church in Cape Girardeau, Missouri.

3. I have read the December 12, 2013 letter to which this Affidavit is attached in response to the Federal Communications Commission's request for supplemental information, dated November 13, 2013. Based on my review of relevant records and information recollected and thus far discovered, I affirm that the factual representations and assertions made in the December 12th letter to which this Affidavit is attached and that the exhibits enclosed with the December 12th letter are true and accurate to the best of my knowledge, information, and belief.

FURTHER, AFFIANT SAYETH NOT.


RONALD LESSMANN

STATE OF MO)
COUNTY OF CAPE)

SS

Subscribed and sworn to before me on this 11th day of December 2013.

Michelle M. Jones
Notary Public

My Commission Expires:

4-26-16

MICHELLE M. JONES
Notary Public - Notary Seal
STATE OF MISSOURI
Cape Girardeau County
Commission # 12413377
My Commission Expires: April 26, 2016

Received & Inspected
 DEC 19 2013
 FCC Mail Room

Trinity Lutheran Church
 Treasurer's Report - October 2013
 Statement of Assets, Liabilities and Net Assets

Exhibit 1

Assets		
	Oct. 31, 2013	Aug. 1, 2013
Cash In Bank:		
Bank of Missouri - Church Checking	\$ (25,206.67)	\$ (34,122.15)
Bank of Missouri - School Clearing House Checking	107,320.07	104,951.72
Bank of Missouri - Church Clearing House Checking	218,353.53	256,890.87
Bank of Missouri - Trinity Lutheran School Building Fund	12,499.33	9,926.01
Alliance Bank - School Special A/C, Chkg	190.99	92.79
Bank of America - School Scrip A/C, Chkg	9,641.30	8,326.26
Inventory:		
School Scrip Program	5,110.00	5,195.00
Investments:		
Bank of MO - Housing Equity-Burgell, M/M	11,487.30	11,046.64
Lutheran Church Extension Fund - School Bldg Fund, M/M	184,898.27	184,865.45
Alliance - Mural Fund Savings Account	654.44	654.03
Bank of MO - TV Ministry, C.D.	23,353.85	23,353.85
Bank of MO - Scholarship/Church, C.D.	83,950.89	83,950.89
Bank of MO - Radio Ministry, C.D.	31,955.61	31,955.61
First MO, State Bank - TV Ministry, C.D.	0.00	0.00
Bank of MO. - Student Aid/Ebert C/D	105,541.84	105,541.84
Bank of MO - Church Endowment, C.D.	87,000.00	87,000.00
Bank of Mo - School Endowment, C.D.	87,000.00	87,000.00
Thrivent - Young Musloian, C.D.	4,000.00	4,000.00
Thrivent - Schnare Memorial, Mutual Fund	27,870.54	27,022.30
Thrivent - Church Maintenance, Mutual Fund	96,048.66	93,125.44
Thrivent - Parsonage, Mutual Fund	70,766.75	67,567.38
Thrivent - Parsonage, Mutual Fund	27,706.48	26,863.24
Lutheran Church Extension Fund - Inher./Special Gifts	138,255.14	138,081.04
Lutheran Church Extension Fund - Inher./Schrader/Office Use	8,604.10	8,593.27
Accounts Receivable:		
Due from other Funds	0.00	0.00
Fixed Assets:		
13 N. Pacific	95,000.00	95,000.00
Total Assets	\$ 1,392,002.22	\$ 1,408,681.26

Liabilities		
	Oct. 31, 2013	Aug. 1, 2013
Notes Payable:		
Bk of MO - Church Loan	0.00	0.00
Bk of MO - Bldg Loan	0.00	0.00
Bk of MO - 13 N Pacific	45,876.37	45,876.37
Total Notes Payable	\$ 45,876.37	\$ 45,876.37
Due to other Funds	90,000.00	50,000.00
Accruals:		
Payroll Withholdings	\$ 2,044.00	\$ 2,019.40
Deferred Payables:		
Church Clearing House	308,353.53	306,890.87
School Clearing House	107,320.07	104,951.72
School Bldg Fund	12,499.33	9,926.01
Total Liabilities	\$ 668,093.30	\$ 519,664.37
Net Assets		
Unrestricted	(117,260.67)	(86,141.55)
Restricted (Dedicated)	\$ 943,159.59	\$ 973,158.44
Total Net Assets	\$ 825,908.92	\$ 887,016.89

* Indicates Dedicated Account

Account:	Income and Expenses					
	Month			Year to Date		
	Income	Expenses	Income Less Expenses	Income	Expenses	Income Less Expenses
Church	\$ 31,793.76	\$ 35,495.10	\$ (3,701.34)	\$ 105,827.10	\$ 108,218.56	\$ (389.46)
School	58,057.31	83,588.72	(5,531.41)	177,019.46	214,847.41	(37,827.95)
Cafeteria	7,393.35	5,449.08	1,944.27	19,128.61	11,793.18	7,335.43
Preschool	16,915.38	17,093.09	(177.71)	51,728.84	52,155.98	(427.14)
Synod & District	5,041.87	5,791.87	(750.00)	15,125.01	15,125.01	0.00
Campus Ministry	214.67	214.67	0.00	691.16	691.16	0.00
Total Budgeted Items	119,416.14	127,632.33	(8,216.19)	369,520.18	400,629.30	(31,109.12)
Other Income/Expenses						
Funds Released	0.00	0.00	0.00	0.00	0.00	0.00
Dedicated Accounts	23,809.08	8,987.08	14,822.00	62,618.50	37,441.26	15,077.24
Total	143,225.22	136,619.41	6,605.81	422,038.68	438,070.56	(16,031.88)

2011 2012

8/7/2013
10:57a

Trinity Lutheran Church
2013 BALANCE SHEET
Aug 1, 2012 through Jul 31, 2013

Account	Balance As Of Aug 1, 2012	Balance As Of Jul 31, 2013	Current Year Change	Percent Change
Fund 01 - CHURCH				
Assets				
Major 10, ACCOUNT RECAP				
Minor 10, CHECKING				
011-10-10-15, CHURCH CKG - BANK OF MO	-7,150.92	-34,122.15	-26,971.23	377.17%
011-10-10-25, SCHOOL CLRGHSE - BK OF MO	89,545.82	104,951.72	15,405.90	17.20%
011-10-10-30, CHURCH CLRGHSE - BK OF MO	58,505.01	256,890.87	198,385.86	339.09%
011-10-10-35, TLC BLDG FUND - BK OF MO	22,331.30	9,926.01	-12,405.29	-55.55%
011-10-10-99, DUE FROM OTHER FUNDS	0.00	50,000.00	50,000.00	0.00%
Minor 10, CHECKING	163,231.21	387,646.45	224,415.24	137.48%
Major 10, ACCOUNT RECAP				
Minor 20, MONEY MARKET				
011-10-20-05, HOUSING EQUITY - BURGELL	9,279.02	11,046.64	1,767.62	19.05%
011-10-20-12, SCHOOL BUILDING FUND-LCEF	54,019.31	184,665.45	130,646.14	241.85%
011-10-20-88, TLC MURAL FUND-ALLIANCE	641.34	654.03	12.69	1.98%
Minor 20, MONEY MARKET	63,939.67	196,366.12	132,426.45	207.11%
Major 10, ACCOUNT RECAP				
Minor 30, CD				
011-10-30-03, TV MINISTRY - BANK OF MO	23,353.85	23,353.85	0.00	0.00%
011-10-30-05, SCHOLARSHIP/CHUR-BK OF MO	63,205.62	63,950.89	745.27	1.18%
011-10-30-23, RADIO MINISTRY/BK OF MO	31,955.61	31,955.61	0.00	0.00%
011-10-30-24, TV MINISTRY/1ST MO BANK	0.00	0.00	0.00	0.00%
011-10-30-25, EBERT FD-BK OF MO	102,026.89	105,541.64	3,514.75	3.44%
011-10-30-30, CHURCH ENDOW-BK OF MO	87,000.00	87,000.00	0.00	0.00%
011-10-30-35, SCHOOL ENDOW-BK OF MO	87,000.00	87,000.00	0.00	0.00%
011-10-30-60, YOUNG MUSICIAN/THRIVNT BK	4,000.00	4,000.00	0.00	0.00%
Minor 30, CD	398,541.97	402,801.99	4,260.02	1.07%
Major 10, ACCOUNT RECAP				
Minor 40, MUTUAL FD/STOCK				
011-10-40-09, SCHNARE FUND - THRIVENT	20,232.44	27,022.30	6,789.86	33.56%
011-10-40-10, CHURCH MAINT - THRIVENT	73,975.40	93,125.44	19,150.04	25.89%
011-10-40-13, PARSONAGE - THRIVENT	57,940.74	67,567.36	9,626.62	16.61%
011-10-40-14, PARSONAGE - THRIVENT	22,817.69	26,863.24	4,045.55	17.73%
Minor 40, MUTUAL FD/STOCK	174,966.27	214,578.34	39,612.07	22.64%
Major 10, ACCOUNT RECAP				
Minor 50, LUTH EXT FUND				
011-10-50-11, INHERITANCE/SPECIAL GIFTS	125,676.74	138,081.04	12,404.30	9.87%
011-10-50-18, INHERITANCE-SCHRADER(LEF)	8,541.61	8,593.27	51.66	0.60%
Minor 50, LUTH EXT FUND	134,218.35	146,674.31	12,455.96	9.28%
Major 10, ACCOUNT RECAP				
Minor 60, ANNUITY/BONDS				
011-10-60-15, INVESTMENTS- 13 N PACIFIC	95,000.00	95,000.00	0.00	0.00%
Minor 60, ANNUITY/BONDS	95,000.00	95,000.00	0.00	0.00%
Major 10, ACCOUNT RECAP				
Minor 70, CAFETERIA FUND BALANCE				
011-10-70-05, DUE FROM CAFETERIA	0.00	0.00	0.00	0.00%
Minor 70, CAFETERIA FUND BALANCE	0.00	0.00	0.00	0.00%
Major 99, Ded. Receivable				
Minor 99, Ded. Receivable				
017-xx-xx-xx, Dedicated Funds Receivable	427.68	3,142.81	2,715.13	634.85%
Dedicated Funds Receivable	427.68	3,142.81	2,715.13	634.85%
Total Assets	1,030,325.15	1,446,210.02	415,884.87	40.36%

Liabilities

8/15/2012
11:14 AM

Trinity Lutheran Church
JULY 2012 BALANCE SHEET
Jan 1, 2012 through Jul 31, 2012

PAGE 2

Account	Balance As Of Jan 1, 2012	Balance As Of Jul 31, 2012	Current Year Change	Perce Chang
Fund 01 - CHURCH				
Assets				
Major 10, ACCOUNT RECAP				
Minor 10, CHECKING				
011-10-10-15 CHURCH CKG - BANK OF MO	9,097.95	-7,150.92	-16,248.87	-178.60%
011-10-10-25 SCHOOL CLRGHSE - BK OF MO	62,311.16	89,545.82	27,234.66	43.71%
011-10-10-30 CHURCH CLRGHSE - BK OF MO	35,779.70	58,505.01	22,725.31	63.51%
011-10-10-35 TLC BLDG FUND - BK OF MO	13,937.09	22,331.30	8,394.21	60.23%
Minor 10, CHECKING	121,125.90	163,231.21	42,105.31	34.76%
Major 10, ACCOUNT RECAP				
Minor 20, MONEY MARKET				
011-10-20-05 HOUSING EQUITY - BURGELL	8,283.44	9,279.02	995.58	12.02%
011-10-20-12 SCHOOL BUILDING FUND-LCOEF	35,789.10	54,019.31	18,230.21	50.94%
011-10-20-88 TLC MURAL FUND-ALLIANCE	636.71	641.34	4.63	0.73%
Minor 20, MONEY MARKET	44,709.25	63,939.67	19,230.42	43.01%
Major 10, ACCOUNT RECAP				
Minor 30, CD				
011-10-30-03 TV MINISTRY - BANK OF MO	23,353.85	23,353.85	0.00	0.00%
011-10-30-05 SCHOLARSHIP/CHUR-BK OF MO	63,205.62	63,205.62	0.00	0.00%
011-10-30-23 RADIO MINISTRY/BK OF MO	31,955.61	31,955.61	0.00	0.00%
011-10-30-24 TV MINISTRY/1ST MO BANK	18,484.48	0.00	-18,484.48	-100.00%
011-10-30-25 EBERT FD-BK OF MO	102,026.89	102,026.89	0.00	0.00%
011-10-30-30 CHURCH ENDOW-BK OF MO	87,000.00	87,000.00	0.00	0.00%
011-10-30-35 SCHOOL ENDOW-BK OF MO	87,000.00	87,000.00	0.00	0.00%
011-10-30-60 YOUNG MUSICIAN/THRIVNT BK	4,000.00	4,000.00	0.00	0.00%
Minor 30, CD	417,026.45	398,541.97	-18,484.48	-4.43%
Major 10, ACCOUNT RECAP				
Minor 40, MUTUAL FD/STOCK				
011-10-40-09 SCHNARE FUND - THRIVENT	19,011.79	20,232.44	1,220.65	6.42%
011-10-40-10 CHURCH MAINT - THRIVENT	69,321.43	73,975.40	4,653.97	6.71%
011-10-40-13 PARSONAGE- THRIVENT	55,709.45	57,940.74	2,231.29	4.01%
011-10-40-14 PARSONAGE - THRIVENT	21,382.18	22,817.69	1,435.51	6.71%
Minor 40, MUTUAL FD/STOCK	165,424.85	174,966.27	9,541.42	5.77%
Major 10, ACCOUNT RECAP				
Minor 50, LUTH EXT FUND				
011-10-50-11 INHERITANCE/SPECIAL GIFTS	125,565.03	125,676.74	111.71	0.09%
011-10-50-18 INHERITANCE-SCHRADER(LEF)	8,498.26	8,541.61	43.35	0.51%
Minor 50, LUTH EXT FUND	134,063.29	134,218.35	155.06	0.12%
Major 10, ACCOUNT RECAP				
Minor 60, ANNUITY/BONDS				
011-10-60-15 INVESTMENTS- 13 N PACIFIC	95,000.00	95,000.00	0.00	0.00%
Minor 60, ANNUITY/BONDS	95,000.00	95,000.00	0.00	0.00%
Major 10, ACCOUNT RECAP				
Minor 70, CAFETERIA FUND BALANCE				
011-10-70-05 DUE FROM CAFETERIA	0.00	0.00	0.00	0.00%
Minor 70, CAFETERIA FUND BALANCE	0.00	0.00	0.00	0.00%

Trinity Lutheran Church Income and expenses (Cash basis) For the period ended:				
	12 months 12.31.11 ACTUAL	7 months 7.31.12 ACTUAL	12 months 7.31.13 ACTUAL	12 months 7.31.14 Budget
PAGE 1 Income				
Envelope - General Offerings	489,068	301,239	531,294	510,000
Thanksgiving Offerings	8,162	0	9,862	9,000
Sunday School Offerings	695	392	604	600
Memorials	5,935	6,374	8,224	2,000
Interest Income	1,380	0	1,568	2,000
Dial - A - Prayer/ Sr. Aid	400	200	41	450
VBS Donations	860	254	240	450
Office Receipts	250	450	35	0
Portals of Prayer	205	124	80	250
Misc.	4,154	2,561	10,042	7,000
Thrivent Matching Gifts	0	757	0	4,000
Rent 13N Pacific	8,650	4,950	6,850	8,650
Total Church Income	519,759	317,301	568,840	544,400
School Income				
Trinity Tuition	236,158	118,076	202,584	236,000
St. Andrew Tuition	169,847	95,865	170,816	170,000
Good Shepherd Tuition	9,552	4,740	10,112	10,000
Hanover Tuition	39,000	17,889	29,417	38,000
Non-Member Tuition	93,608	47,137	97,368	93,000
Transfer from Trinity Foundation		0	17,125	0
School Endowment Interest	1,380	0	0	0
School Interest		0	1,568	2,500
Registration Fees	28,080	21,210	28,895	28,000
Rent - School Property	2,426	1,775	2,215	0
School Parents Tuition	125,526	83,581	112,774	120,000
Memorial Gifts		155	6,018	0
Gifts/Donations	1,520	0	521	1,000
TLC School Envelope Offerings	554	0		600
Thrivent Matching Gifts	5,623	1,431	2,588	2,500
Athletic Admissions	3,982	1,176	2,062	2,000
Dinner auction for band/choir	0	0		2,500
Misc.	1,688	1,267	1,444	2,000
Total School Income	718,944	394,302	685,507	708,100
Cafeteria Income				
Children Receipts	52,667	24,664	45,842	47,000
Adult Receipts	1,845	932	1,201	925
State Reimbursements	13,622	10,193	13,639	0
Total Cafeteria Income	68,134	35,789	60,682	47,925
Trinity Preschool				
Trinity preschool recpts	214,524	121,001	201,781	222,000
Total preschool Income	214,524	121,001	201,781	222,000
Synod & District Income				
Envelope Offerings	56,000	32,670	56,000	56,000
Special Envelope Offerings	4,500	2,625	4,500	4,500
Total Synod & District Income	60,500	35,295	60,500	60,500
Campus Ministry Income				
Regular Envelope Offerings	2,904	1,680	2,938	2,800
Designated Offerings				
Total Campus Ministry	2,904	1,680	2,938	2,800
Principal payment				
Love offerings	0			
Borrowings	79,365	19,095	16,755	0
Total Receipts	1,664,130	924,463	1,597,003	1,585,725
	1,584,765	905,368	1,580,248	1,585,725

	12 months 12.31.11 ACTUAL 12.31.11	7 months 7.31.12 ACTUAL 7.31.12	12 months 7.31.13 ACTUAL 7.31.13	12 months 7.31.14 Budget 7.31.14
PAGE 3				
Postage	416	337	604	700
Music/Band	92	0	78	300
Teacher Classroom Supplies	1,076	2,029	2,242	2,250
Test Scoring	1,766	1,864	1,139	1,600
Professional Admin. Dues	1,036	583	985	1,100
Music/Choir Handbells	304	0	15	250
Science supplies	0	0	485	1,000
Nat'L Lutheran School Accr.	1,308	75	350	600
Pest Control	1,050	650	950	1,100
Office Equip. Repair	0	(320)		200
Facility Maintenance	16,109	9,039	16,953	16,000
Office Equip. Rental	2,234	1,317	2,113	4,100
Janitorial Supplies	4,528	4,221	4,370	4,500
School Credit Card fees	-80	60		0
Mileage	1,605	274	980	1,500
Conference	522	436	3,130	4,000
Continuing Education	1,000	107		1,000
Advertising	1,250	0	913	1,250
Misc	-157	610	1,338	2,100
Utilities	26,172	17,051	29,543	30,300
Sewer/Trash	4,319	3,289	4,995	4,400
Telephone	2,486	1,608	2,392	2,800
Insurance	18,019	4,689	43,279	27,100
Athletic Events - Officials	2,700	1,050	1,360	2,500
Pre-K Snack	675	275	883	675
Concordia Retirement Plan	36,338	21,854	37,884	38,861
Concordia Disability Plan	8,359	4,873	8,158	8,917
Concordia Health Plan	125,586	76,518	132,193	135,463
Deductible Reimbursement	1,003	2,661	1,053	4,300
Salary - Principal	48,996	29,279	51,207	52,231
Salary - Secretary	22,834	13,535	23,673	23,962
Salary - Teachers	363,014	214,266	382,897	392,600
Sub - Teachers	1,925	2,853	1,856	2,000
Salary - Aids	2,639	4,680	0	5,440
Salary - Custodian+contract	54,459	31,599	50,294	56,216
Salary - School Stipends	2,250	750	500	3,100
Social Security	17,074	9,667	17,493	19,077
Total School Expenses	801,643	468,032	863,560	885,392
Cafeteria Expenses				
Food	26,681	12,206	24,898	21,000
Salaries	18,414	10,823	18,380	18,268
Concordia Retirement Plan	1,916	874	812	991
Concordia Disability Plan	435	226	210	256
Concordia Health Plan	13,751	5,985	0	0
Deductible Reimbursement				200
Social Security	1,332	781	1,412	1,397
Purchased Services		138	7	0
Equipment Purchases	785	0		500
Supplies	1,170	625	643	1,500
Total Cafeteria Expenses	64,464	31,658	46,362	44,112

8/7/2013
10:57a

Trinity Lutheran Church
2013 BALANCE SHEET
Aug 1, 2012 through Jul 31, 2013

Account	Balance As Of Aug 1, 2012	Balance As Of Jul 31, 2013	Current Year Change	Percent Change
Major 00, Group 00				
Minor 30, LOAN				
012-00-30-15, CHURCH LOAN - BK OF MO	0.00	0.00	0.00	0.00%
012-00-30-20, BLDG LOAN - BK OF MO	0.00	0.00	0.00	0.00%
012-00-30-30, N/P 13 N. PACIFIC	62,630.87	45,876.37	-16,754.50	-26.75%
012-00-30-99, DUE TO OTHER FUNDS	0.00	50,000.00	50,000.00	0.00%
Minor 30, LOAN	62,630.87	95,876.37	33,245.50	53.08%
Major 00, Group 00				
Minor 40, PAYROLL W/H				
012-00-40-14, Federal Payroll Taxes	0.00	0.00	0.00	0.00%
012-00-40-19, SOCIAL SECURITY - CHURCH	-27.40	-27.40	0.00	0.00%
012-00-40-20, MEDICARE TAX - CHURCH	-7.52	-7.52	0.00	0.00%
012-00-40-34, SOCIAL SECURITY - SCHOOL	0.00	0.00	0.00	0.00%
012-00-40-35, MEDICARE TAX - SCHOOL	0.00	0.00	0.00	0.00%
012-00-40-40, SOCIAL SECURITY-CAFETERIA	0.00	0.00	0.00	0.00%
012-00-40-41, MEDICARE TAX - CAFETERIA	0.00	0.00	0.00	0.00%
012-00-40-47, SOCIAL SECURITY-ELC	0.00	0.00	0.00	0.00%
012-00-40-48, MEDICARE TAX - ELC	0.00	0.00	0.00	0.00%
012-00-40-49, State Payroll Taxes	0.50	0.50	0.00	0.00%
012-00-40-50, Tax Shelter Annuity	-330.00	-330.00	0.00	0.00%
012-00-40-51, Accident Insurance	-171.05	-170.25	0.80	-0.47%
012-00-40-52, State Tax Compensation	2,458.47	2,568.47	110.00	4.47%
012-00-40-53, GROUP TERM LIFE INSURANCE	-14.40	-14.40	0.00	0.00%
012-00-40-56, CRSP Tax Shelter Annuity	0.00	0.00	0.00	0.00%
012-00-40-60, Wage Garnishment	0.00	0.00	0.00	0.00%
Minor 40, PAYROLL W/H	1,908.60	2,019.40	110.80	5.81%
Major 99, Ded. Payable				
Minor 99, Ded. Payable				
017-xx-xx-xx, Dedicated Funds Payable	943,252.57	1,386,098.67	442,846.10	46.95%
Dedicated Funds Payable	943,252.57	1,386,098.67	442,846.10	46.95%
Total Liabilities	1,007,792.04	1,483,994.44	476,202.40	47.25%
<u>Fund Balance</u>				
Totals for Fund Balance	22,533.11	-37,784.42	-60,317.53	-267.68%
Total Fund Balance/Equity	22,533.11	-37,784.42	-60,317.53	-267.68%
Total Liability and Fund Balance	1,030,325.15	1,446,210.02	415,884.87	40.36%

8/15/2012
11:14 AM

Trinity Lutheran Church
JULY 2012 BALANCE SHEET
Jan 1, 2012 through Jul 31, 2012

Account	Balance As Of Jan 1, 2012	Balance As Of Jul 31, 2012	Current Year Change	Percent Change
Major 99, Ded. Receivable				
Minor 99, Ded. Receivable				
017-xx-xx-xx Dedicated Funds Receivable	1,247.48	427.68	-819.80	-65.72%
Dedicated Funds Receivable	1,247.48	427.68	-819.80	-65.72%
Total Assets	978,597.22	1,030,325.15	51,727.93	5.29%
Liabilities				
Major 00, Group 00				
Minor 30, LOAN				
012-00-30-15 CHURCH LOAN - BK OF MO	6,163.97	0.00	-6,163.97	-100.00%
012-00-30-20 BLDG LOAN - BK OF MO	0.00	0.00	0.00	0.00%
012-00-30-30 N/P 13 N. PACIFIC	75,562.00	62,630.87	-12,931.13	-17.11%
Minor 30, LOAN	81,725.97	62,630.87	-19,095.10	-23.36%
Major 00, Group 00				
Minor 40, PAYROLL W/H				
012-00-40-14 Federal Payroll Taxes	0.00	0.00	0.00	0.00%
012-00-40-19 SOCIAL SECURITY - CHURCH	-27.40	-27.40	0.00	0.00%
012-00-40-20 MEDICARE TAX - CHURCH	-7.52	-7.52	0.00	0.00%
012-00-40-34 SOCIAL SECURITY - SCHOOL	0.00	0.00	0.00	0.00%
012-00-40-35 MEDICARE TAX - SCHOOL	0.00	0.00	0.00	0.00%
012-00-40-40 SOCIAL SECURITY-CAFETERIA	0.00	0.00	0.00	0.00%
012-00-40-41 MEDICARE TAX - CAFETERIA	0.00	0.00	0.00	0.00%
012-00-40-47 SOCIAL SECURITY-ELC	0.00	0.00	0.00	0.00%
012-00-40-48 MEDICARE TAX - ELC	0.00	0.00	0.00	0.00%
012-00-40-49 State Payroll Taxes	0.50	0.50	0.00	0.00%
012-00-40-50 Tax Shelter Annuity	-330.00	-330.00	0.00	0.00%
012-00-40-51 Accident Insurance	-177.05	-171.05	6.00	-3.39%
012-00-40-52 State Tax Compensation	2,382.47	2,458.47	76.00	3.19%
012-00-40-53 GROUP TERM LIFE INSURANCE	-14.40	-14.40	0.00	0.00%
012-00-40-56 CRSP Tax Shelter Annuity	0.00	0.00	0.00	0.00%
012-00-40-60 Wage Garnishment	0.00	0.00	0.00	0.00%
Minor 40, PAYROLL W/H	1,826.80	1,908.60	82.00	4.49%
Major 99, Ded. Payable				
Minor 99, Ded. Payable				
017-xx-xx-xx Dedicated Funds Payable	875,278.77	943,252.57	67,973.80	7.77%
Dedicated Funds Payable	875,278.77	943,252.57	67,973.80	7.77%
Total Liabilities	958,831.34	1,007,792.04	48,960.70	5.11%
Fund Balance				
Totals for Fund Balance	19,765.88	22,533.11	2,767.23	14.00%
Total Fund Balance/Equity	19,765.88	22,533.11	2,767.23	14.00%
Total Liability and Fund Balance	978,597.22	1,030,325.15	51,727.93	5.29%

	12 months 12.31.11 ACTUAL 12.31.11	7 months 7.31.12 ACTUAL 7.31.12	12 months 7.31.13 ACTUAL 7.31.13	12 months 7.31.14 Budget 7.31.14
PAGE 2				
Church Expenses	-111	(375)	(647)	
Car and Util Allowance	17,612	10,140	16,878	19,500
Guest Speakers	150	0	300	500
Office Equipment Rental	1,441	841	(1,923)	2,000
Dial - A - Prayer	397	276	(107)	500
Stewardship	291	521	0	400
Office Supplies	6,930	5,246	8,340	9,000
Insurance	18,019	4,689	43,279	27,100
Janitor Supplies	833	440	1,190	1,500
Organist	4,375	2,625	4,550	7,400
Maintenance and General Repair	21,559	18,605	22,434	20,000
Defibulator one time exp		0		2,000
Accounting procedures		0	3,000	0
Choir Music	933	457	1,162	750
Youth Program	6,371	5,205	9,263	10,000
Parish Education	3,240	1,900	2,982	4,700
Christian Care	1,188	848	1,672	1,700
New generation				1,000
Blended Service				1,000
LFCS	2,000	1,170	2,000	2,000
Communion Supplies	13	4	(156)	0
Handbell/Brass	0	0	181	150
Adult Bible Study	389	231	221	500
Banner Ministry	49	(21)	0	600
DCE - Conf & Cont. Ed	598	295	37	800
Envelopes	1,989	1,882	1,891	2,500
Gospel Outreach	8,878	2,403	4,337	8,000
Conferences	747	1,294	2,021	3,000
Employer Soc Sec + offset	6,896	3,834	7,480	8,240
Worship Folders	1,954	1,724	2,602	2,500
Utilities	25,846	16,759	28,522	29,000
Security (new account)		3,950		2,000
Sewer/Trash	1,321	933	1,873	1,500
Telephone	5,050	3,688	4,619	5,500
Telephone - Pastors	276	167	303	400
Camp Semo	646	640	618	600
Bank Charges	599	350	602	600
Vacation Bible School	944	1,035	1,332	1,500
Saxony High School	10,920	10,840	10,520	11,000
Devotional Materials	1,236	555	856	1,100
Concordia Retirement Plan	16,911	9,730	15,719	17,950
Concordia Disability	3,400	2,020	3,204	3,755
Concordia Health Plan	28,728	17,794	31,379	33,064
Deductible Reimbursement	700	0	700	1,800
Sal Music Coor (charlie/Dottie)	15,000	8,750	15,000	15,000
Misc. Add	306	848	219	2,000
Pastors Housing Allowance	10,139	5,940	10,250	15,094
Salaries - Pastors (3)	90,451	53,419	99,251	98,350
Salary DCE	36,541	21,910	38,349	39,234
Salaries - Office	41,675	24,264	45,277	48,279
Contract- Custodian	16,800	9,800	12,400	16,800
Handbell Director	690	390	735	1,000
Brass Director	315	90	435	500
Choir Director/Organist Scheduler	3,125	1,750	3,000	3,000
Repairs-13 N Pacific	2,899	318	1,369	1,000
Other expenses - 13 N Pacific	1,473	484	620	1,500
Interest exp - 13 N. Pacific	3,628	4,035	2,450	2,700
Total Church Expenses	426,360	264,694	462,589	491,566
SCHOOL EXPENSES		(107)	2,922	
Textbooks	26,328	3,952	31,063	28,000
Art Supplies	577	327	573	650
Medical - First Aid	0	0	148	150
Office Supplies	1,831	2,081	2,549	3,100

PAGE 4	12 months	7 months	12 months	12 months
	12.31.11	7.31.12	7.31.13	7.31.14
	ACTUAL	ACTUAL	ACTUAL	Budget
	12.31.11	7.31.12	7.31.13	7.31.14
Trinity Lutheran Preschool Operations	23,697	15,353	15,289	15,000
Utilities	8,265	5,384	9,329	9,945
Maintenance	1,926	896	793	2,000
Social Security	10,073	5,304	9,179	10,300
Telephone	794	665	639	1,000
Insurance	7,379	1,787	16,487	11,750
Concordia Retirement Plan	7,187	3,556	8,407	7,500
Concordia Disability Plan	1,859	920	2,174	2,200
Concordia Health Plan	22,675	15,866	31,462	27,000
Deductible Reimbursement	700	0	700	700
Salaries	130,446	69,232	126,038	130,000
Custodian	3,000	1,750	875	3,000
Total TLP Expenses	218,001	120,713	221,372	220,395
Synod & District Expenses				
Mo District/Synod	56,000	32,670	56,000	56,000
Adopt A Mission	4,500	2,250	4,500	4,500
Total Synod & District Expenses	60,500	34,920	60,500	60,500
Campus Ministry Expenses	2,903	1,680	2,938	2,800
Principle paymts-Love offerings				
Total Disbursements	1,573,871	921,697	1,657,321	1,704,765
Receipts Less Disbursements	90,269	2,766	(60,318)	(119,040)
Internal transfers	(79,365)	(19,095)	(16,755)	0
Adj receipts less disbursemt	10,894	(16,329)	(77,073)	(119,040)
Department summary				
	12 months	7 months	12 months	12 months
	12.31.11	7.31.12	7.31.13	7.31.14
	ACTUAL	ACTUAL	ACTUAL	Budget
Church income	519,759	317,301	568,840	544,400
Church expenses	426,360	264,694	462,589	491,566
Net	93,399	52,607	106,251	52,834
School income	718,944	394,302	685,507	708,100
School expenses	801,643	468,032	863,560	885,392
Net	(82,699)	(73,730)	(178,053)	(177,292)
Cafeteria income	68,134	35,789	60,682	47,925
Cafeteria expense	64,464	31,658	46,362	44,112
Net	3,670	4,131	14,320	3,813
Trinity Preschool	214,524	121,001	201,781	222,000
Trinity Preschool expense	218,001	120,713	221,372	220,395
Net	(3,477)	288	(19,591)	1,605
Synod & District income	60,500	35,295	60,500	60,500
Synod & District expense	60,500	34,920	60,500	60,500
Net	0	375	0	0
Campus Ministry income	2,904	1,680	2,938	2,800
Campus Ministry expense	2,903	1,680	2,938	2,800
Net	1	0	0	0
Total	1,584,765	905,368	1,580,248	1,585,725
	1,573,871	921,697	1,657,321	1,704,765
Deficit in contributions over expenses	10,894	(16,329)	(77,073)	(119,040)



Federal Communications Commission
Washington, D.C. 20554

December 29, 2011

Trinity Lutheran Church
100 North Frederick St.
Cape Girardeau, MO 63701

Case Identifier #: CGB-CC-0475

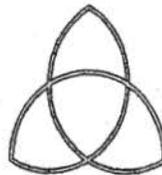
The Federal Communications Commission received your new request for exemption from the closed captioning rules on December 28, 2011. A copy of the first-page of the filing, date stamped, is attached hereto. Your filing is pending as of the date noted on the stamped filing.

This filing, and any other documents related to it, can be found through the Commission's Electronic Comment Filing System at http://fjallfoss.fcc.gov/ecfs/comment_search/input?z=yqbow. To access this filing and any related documents, key 06-181 in the box labeled "Proceeding Number" and the four numerical digits of the above case identifier number in the "Advanced Options" section in the box labeled "File Number"; then click on the Search for Comments button at the bottom.

You should use the above case identifier number in any correspondence with the Commission concerning your filing. Please retain a copy of this letter for your records.

Exhibit 2

Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
Administrative
Pastor
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
Associate Pastor
Visitation & Christian Care
nab@t-lutheran.org

LEAH KORTMEYER
Director of Christian
Education
dceleah@t-lutheran.org

DIANE MAURER
Principal
dmaurer@t-lutheranschool.org

KAREN DRURY
ELC Director
daycare@t-lutheran.org

CASE IDENTIFICATION # CGB-CC-0475

Office of the Secretary
Federal Communication Commission
Attn: Disability Rights Office, Room 3-B431
445 12th Street SW
Washington, DC 20554

Received & Inspected

DEC 28 2011

FCC Mail Room

Trinity Lutheran Church
100 North Frederick Street
Cape Girardeau, MO 63701

Case Identification: CGB-CC-0475

Subject: Exemptions to closed captioning requirements
on basis of undue burden.

TO WHOM IT MAY CONCERN:

Please consider our congregation of 1200 people, more or less, that has been producing and airing **LIVING HOPE** since 1983 at great expense to our supporters.

Our cost of producing and airing this 30 minute worship program is \$450.00 per week. With the added expense of closed caption of \$250.00 per week would put an undue burden on our supporters of **LIVING HOPE**. This increase represents almost 60% of our production cost.

You are invited to view this program by going to www.t-lutheran.org and clicking on **LIVING HOPE**. You can view the sermons, children's message and the special music from each weeks church service. This additional expense is \$75.00 per week.

When **LIVING HOPE** began in 1983 it was the decision of the congregation to not make this a budget line item for our congregation, but would be supported by special gifts and memorials above our member's regular contributions to the church budget. Needless to say this has been successful for the past 28 years and we pray that it will continue.



Federal Communications Commission
Washington, D.C. 20554

March 7, 2012

Case Identifier: CGB-CC-0475

Trinity Lutheran Church
Attn: Dale F. Kester
Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701

Dear Mr. Kester,

This is to advise you that the Consumer and Governmental Affairs Bureau (CGB) of the Federal Communications Commission ("FCC") has reviewed your petition for exemption from the closed captioning rules. CGB has found that your petition provides some, but not all, of the information needed for us to make a determination as to whether or not the FCC closed captioning requirements would be economically burdensome for you. If you wish for this petition to receive further consideration for a closed captioning exemption, you must supplement your petition by providing us with the information described below, **by April 6, 2012**. The information we need is:

- Documentation of your financial status sufficient to demonstrate your inability to afford closed captioning – for example, profit and loss statements or bank statement information. (This should not just include the resources devoted to or the costs associated with the television program at issue. Your petition only included financial information for your television ministry.);
- Verification that you have sought closed captioning assistance (*e.g.*, funding, services) from your video programming distributor; also the extent to which such assistance has been provided or rejected;
- Verification that you have sought additional sponsorship sources or other sources of revenue for captioning, and that, even if these efforts have not successfully produced assistance, you do not otherwise have the means to provide captioning for the program(s);
- Information on the type of your operation(s) and the impact that providing captions would have on your programming activities, for example, the extent to which your programming might not be shown if it is required to provide captions; and
- An affidavit (*i.e.*, a written sworn statement made under oath) supporting the petition.

Exhibit 3

If you do not file this additional information **by April 6, 2012**, or the information that you provide is still not sufficient for us to make a determination, your petition will be dismissed without prejudice to re-filing on **June 5, 2012**, which is 90 days from the date of this letter, and you will be required to begin providing closed captions for your programming on **June 6, 2012**.

Here is some information to help you better understand how the FCC processes individual requests for captioning exemptions:

THE PETITION PROCESS – What a Petition Must Contain

The FCC's process for handling closed captioning exemption petitions has multiple steps. CGB is responsible for reviewing and deciding the merits of exemption petitions.

When CGB receives a petition, it must first determine whether a petition contains sufficient information to be placed on public notice (*i.e.*, released to the public) so that the public can comment on its merits. CGB looks to whether the petition contains up-to-date evidence, supported by affidavit, to show that it would be economically burdensome to provide closed captioning for the specific programming for which an exemption is sought. Section 713(e) of the Communications Act and the FCC's rules at 47 C.F.R. § 79.1(f)(2) define "economically burdensome" as "significant difficulty or expense." In determining whether the provision of closed captions will cause significant difficulty or expense, these provisions require the FCC to consider four factors: (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.

In order to prove that the provision of closed captioning would impose an economic burden when applying the above four factors, a petition must contain the following:

1. Documentation of the petitioner's financial status sufficient to demonstrate the petitioner's inability to afford closed captioning – for example, profit and loss statements or bank statement information. (This should not just include the resources devoted to or the costs associated with the television program at issue);
2. Information about the costs associated with captioning the specific program(s) for which the petitioner is requesting an exemption;
3. Verification that the petitioner has sought closed captioning assistance (*e.g.*, funding, services) from its video programming distributor; also the extent to which such assistance has been provided or rejected;
4. Verification that the petitioner has sought additional sponsorship sources or other sources of revenue for captioning, and that, even if these efforts have not successfully produced assistance, the petitioner does not otherwise have the means to provide captioning for the program(s); and
5. Information on the type of the petitioner's operation(s) and the impact that providing captions would have on its programming activities, for example, the extent to which its programming might not be shown if it is required to provide captions.

Each petition should contain a specific list of names of the program(s) for which an exemption is being sought and it may describe other factors that the petitioner deems relevant to an exemption determination, as well as any alternatives that could be a reasonable substitute for the closed captioning requirement. Finally, each petition **must be accompanied by an affidavit** (*i.e.*, a written sworn statement made under oath) supporting the petition.

We advise petitioners to carefully review the FCC's recently adopted *Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking in Anglers for Christ Ministries, Inc.*, which can be found at <http://transition.fcc.gov/cgb/dro/caption.html> and corresponding FCC rules (47 CFR § 79.1(f)(2)-(3)). These documents describe the requirements for obtaining an economically burdensome exemption in detail.

If CGB determines that the petition provides *sufficient* information upon which to make a determination of whether or not to grant a closed captioning exemption, it will place the petition on public notice in CG Docket No. 06-181 at <http://fjallfoss.fcc.gov/ecfs/>. Members of the public will then have 30 days to file comments on and/or oppositions to the petition, after which the petitioner will have 20 days to respond. At the end of this timeframe, CGB will review the petition, along with information provided in any comments and responses received, to determine whether providing captioning would be economically burdensome for the petitioner. While a petition is pending, the program at issue does not need to be captioned.

If, however, CGB determines that the petition and supporting documents do not provide sufficient information needed for the FCC to make a determination as to the merits of its petition, the petition will be considered *deficient* and CGB will not place the petition on public notice.

YOUR PETITION

As noted above, CGB has determined that the petition that you filed with the FCC on December 28, 2011, is deficient, because although it provided some information, it failed to provide sufficient information for us to make a determination as to whether the provision of closed captioning would be economically burdensome for you. We therefore conclude that your petition is not sufficient to be placed on public notice. As mentioned above, if you wish to receive further consideration for a closed captioning exemption for your programming, you must supplement your petition by filing the information listed in the first paragraph of this letter **by April 6, 2012**, which is 30 days from the date of this letter. If you do not file this additional information by that date or the information that you provide is still deficient, your petition will be dismissed without prejudice to re-filing, and you will be required to begin providing closed captions for this programming on **June 6, 2012**.

If you decide to supplement your petition, your petition, as well as any supporting financial information provided, will be available for public inspection. If your petition contains confidential information, you may request "confidential treatment," *i.e.*, that it not be shared with members of the public, pursuant to FCC rules. *See* 47 C.F.R. § 0.459. If you provide information for which you want "confidential treatment," you must also submit a second version of your petition with the confidential information redacted (this must be submitted *along with* your request for confidential treatment). The redacted version will be publicly disclosed. If your request for confidential treatment is granted, the "public version" of your petition must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that the public understands the basis for your exemption request and can comment on its merits.

If you have additional questions pertaining to the filing of an exemption request, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov. Thank you.



Roger Holberg
Attorney, Disability Rights Office

Instructions for Filing a Supplement to a Closed Captioning Exemption Petition

You must send the FCC an original and two (2) copies of the information supplementing your previously filed petition for a closed captioning exemption. Filings must be sent by hand or messenger delivery, commercial overnight courier, or by first class or overnight U.S. Postal Service mail.

For U.S. Postal Service mail, including Express Mail, Priority Mail, and First Class Mail, please use the following address:

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
445 12th Street, SW
Washington, DC 20554

For commercial overnight mail, such as Federal Express or United Parcel Service, please use the following address:

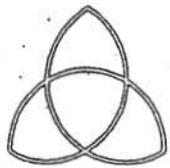
Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
9300 East Hampton Drive
Capitol Heights, MD 20743

Electronic filing and faxes of petitions will not be accepted.

Please wait *at least two weeks* before contacting FCC staff to make inquiries about whether your petition has been received. **You must include the case identifier number at the top of the acknowledgement you previously received, which is also at the top of this letter, in all correspondence with the FCC regarding your petition.**

Sent 3 APR 12
RAK

Trinity Lutheran Church & School Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
Administrative Pastor
(573) 651-3038
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
Associate Pastor
Visitation & Christian Care
(573) 335-8916
nab@t-lutheran.org

LEAH KORTMEYER
Director of Christian
Education
(573) 579-4134
dceleah@t-lutheran.org

DIANE MAURER
Principal
(573) 339-7175
dmaurer@t-lutheranschool.org

KAREN DRURY
ELC Director
(573) 651-3079
daycare@t-lutheran.org

April 2, 2012

Federal Communications Commission
Washington, DC 20554

Exhibit 4

- Enclosures:
- 1 Trinity weekly newsletter item of Feb 2012
 - 2 Ron Duff CC weekly estimate
 - 3 Congregational 2011 financial status and F/Y 2013 budget proposal

Dear Mr. Holberg:

Trinity Lutheran Church, Cape Girardeau, MO, has had its Sunday church service (Living Hope), broadcast over the TV airwaves continuously in our surrounding area for almost 30 years. **WHAT A WONDERFUL MISSION AND OUTREACH THIS PROVIDES FOR OUR COMMUNITY!!**

Our production has been primarily financed by a one-time bequest 30 years ago which **does not go into perpetuity, and is almost out of asset!**

We have (enclosure 1) made our congregation aware of our financial circumstances regarding this mission. To date we have funds left for 20 months of broadcasting which would take us through (Oct/Nov 2013), assuming no additional weekly expenditures are added to the production costs, ie, closed captioning. By incurring an additional weekly expense for closed captioning, we would have to cease our broadcast by July/Aug 2013.

This is a **most important ministry to our area, watched by thousands of people weekly of diverse backgrounds (not all Lutheran or even churchd)**. Our pastors and office personnel have received, over the years, nothing but positive feedback from the community and quad state area (Missouri, Illinois, Kentucky and Arkansas).

There **has never** been a viewer request for closed captioning – **no one has ever let us know that this would be helpful.**

By incurring an additional expense of \$225/wk (\$11,700/yr) with mandatory closed captioning – (our video programmer is willing to reduce his cost to us by \$25/wk from \$250/wk

enclosure 2) ...

or \$37,700/yr. **Our congregational budget proposal for F/Y 2013 shows a probable deficit of \$51,000 (enclosure 3).**

Trinity Lutheran Church also supports a parochial school, K-8, whose financial obligation annually is in excess of \$800,000. We are not in a financial position to appropriate or discover any additional funds for our TV broadcast. We are afraid that this **30 year tradition** will end if our annual outlay for Living Hope is increased from \$26,000 to \$37,700 because of closed captioning. We currently are trying to raise the \$500/wk contributions (which have been slow), **but \$725/wk will be impossible!!**

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to Trinity Lutheran Church in Cape Girardeau, MO, to keep this most important mission alive!!



Ronald P. Lessmann, D.D.S.
President, Trinity Lutheran Church

ENCLOSURE 1 -- Trinity weekly newsletter item of Feb 2012

2. EASTER CANTATA

Mark on your calendar the Saturday/Sunday weekend of April 14/15 to be in attendance at the Trinity Sing presentation of "You Are The Christ", an Easter Cantata. This will reinforce the powerful Easter message that our Pastoral staff will stir into our hearts. The choir would still welcome additional help with your voices. The choir will practice the cantata for 30-40 minutes each Wednesday night in March immediately after the 7 p Lenten service. **COME JOIN US!**

3. LIVING HOPE AND RADIO BROADCAST

As mentioned before, we currently have approximately \$41,000 remaining in our TV accounts, which equate about 21 months left of paid (non budgeted) TV outreach ministry – current costs are about \$2,000/mo. Since we have no word from the FCC on our request for our closed captioning waiver which would add additional costs. Our radio broadcast currently has \$32,000 remaining which at approximately \$380/mo will see us monthly through 2019. Please remember Living Hope in your specially marked offering envelopes, memorials, love offerings and outreach contributions.

Ron Lessmann

**Trinity Sr. High Youth
Mark Your Calendars to Make a Difference!**



**Senior High Missouri District Youth Gathering
"Strong, Firm and Steadfast in Christ for Joplin"**

And after you have suffered a little while, the God of all grace, who has called you to his eternal glory in Christ, will himself restore, confirm, strengthen and establish you.

(1 Peter 5:10)

June 21-24, 2012

Missouri Southern State University – Joplin, MO

Plans are well underway for this year's District Youth Gathering to be held in Joplin

ENCLOSURE 2 -- Ron Duff CC weekly estimate

RON DUFF VIDEO PRODUCTIONS

**1025 Broadway
Cape Girardeau, MO 63701
573-334-1189**

Services provided for:

**Trinity Lutheran Church
100 N. Frederick St.
Cape Girardeau, MO 63701**

Half Hour TV Program "Living Hope" Projected Costs:

Weekly Closed Caption/Transcription Service \$225

Signed by:

A handwritten signature in cursive script, appearing to read "Ron Duff". The signature is written in black ink and is positioned to the right of the printed name "Ron Duff".

Ron Duff

ENLOCURE 3 -- 2011 financial status and F/Y 2013 budget proposal

Trinity Lutheran Church		
2011 Actual and year ended July 2013 budget		
	2011 actual	Aug12-Jul13 budget
Income		
Envelope - General Offerings	489,068	510,000
Thanksgiving Offerings	8,162	8,000
Sunday School Offerings	695	600
Memorials	5,935	2,000
Interest Income	1,380	1,400
Dial - A - Prayer/ Sr. Aid	400	450
VBS Donations	860	450
Office Receipts	250	
Portals of Prayer	205	250
Misc.	4,154	7,000
Rent 13N Pacific	8,650	8,650
Total Church Income	519,759	538,800
School Income		
Trinity Tuition	236,158	236,000
St. Andrew Tuition	169,847	170,000
Good Shepherd Tuition	9,552	9,500
Hanover Tuition	39,000	39,000
Non-Member Tuition	93,608	93,000
School Endowment Interest	1,380	1,300
Registration Fees	28,080	28,000
Rent - School Property	2,426	2,400
School Parents Tuition	125,526	121,000
Gifts/Donations	1,520	0
TLC School Envelope Offerings	554	600
Thrivent Matching Gifts	5,623	4,000
Athletic Admissions	3,982	3,800
Misc.	1,688	2,000
Total School Income	718,944	710,600
Cafeteria Income		
Children Receipts	52,667	50,000
Adult Receipts	1,845	1,500
State Reimbursements	13,622	15,000
Non - Program Receipts		
Total Cafeteria Income	68,134	66,500
Early Learning Center Income		
ELC Fees	214,524	218,000
Total ELC Income	214,524	218,000
Synod & District Income		
Envelope Offerings		

	2011	Aug12-Jul13
	actual	budget
Regular Envelope Offerings	2,904	2,800
Total Campus Ministry	2,904	2,800
Principle payment		
Love offerings	0	0
Total Receipts	1,584,765	1,597,200
Church Expenses		
Car and Util Allowance	17,612	19,500
Guest Speakers	150	500
Office Equipment Rental	1,441	2,000
Dial - A - Prayer	397	500
Stewardship	291	400
Office Supplies	6,930	9,000
Insurance	18,019	20,000
Janitor Supplies	833	1,500
Organist	4,375	4,700
Maintenance and General Repair	21,559	20,000
Choir Music	933	750
Youth Program	6,371	10,000
Parish Education	3,240	4,700
Christian Care	1,188	1,700
LFCS	2,000	2,000
Communion Supplies	13	0
Adult Bible Study	389	500
Banner Ministry	49	600
DCE - Conf. & Cont. Ed.	598	800
Envelopes	1,989	2,500
Gospel Outreach	8,878	8,000
Conferences	747	3,000
Employer Soc Sec + offset	6,896	7,829
Worship Folders	1,954	2,500
Utilities	25,846	28,500
Sewer/Trash	1,321	1,400
Telephone	5,050	5,500
Telephone - Pastors	276	400
Camp Semo	646	600
Bank Charges	599	600
Vacation Bible School	944	1,500
Saxony High School	10,920	11,000
Devotional Materials	1,236	1,100
Concordia Retirement Plan	16,911	16,753
Concordia Disability	3,400	3,464
Concordia Health Plan	28,728	24,104

	2011	Aug12-Jul13
	actual	budget
Salary DCE	36,541	38,349
Salaries - Office	41,675	44,677
Contract- Custodian	16,800	16,800
Handbell Director	690	600
Brass Director	315	300
Choir Director/Organist Scheduler	3,125	4,200
Repairs-13 N Pacific	2,899	1,000
Other expenses - 13 N Pacific	1,473	1,500
Interest exp - 13 N. Pacific	3,628	4,000
Total Church Expenses	426,360	455,453
SCHOOL EXPENSES		
Textbooks	26,328	28,000
Art Supplies	577	650
Medical - First Aid	0	150
Office Supplies	1,831	3,100
Postage	416	700
Music/Band	92	300
Teacher Classroom Supplies	1,076	3,250
Test Scoring	1,766	2,100
Professional Admin. Dues	1,036	1,100
Music/Choir Handbells	304	300
Science supplies	0	500
Nat'L Lutheran School Accr.	1,308	600
Pest Control	1,050	1,100
Office Equip. Repair	0	200
Facility Maintenance	16,109	16,000
Office Equip. Rental	2,234	2,600
Janitorial Supplies	4,528	4,000
School Credit Card fees	-80	0
Moving Expenses	0	3,000
Mileage	1,605	2,000
Conference	522	3,000
Continuing Education	1,000	1,000
Advertising	1,250	1,250
Misc.	-157	2,300
Utilities	26,172	30,000
Sewer/Trash	4,319	4,400
Telephone	2,486	2,800
Insurance	18,019	18,000
Athletic Events - Officials	2,700	2,500
Pre-K Snack	675	675
Concordia Retirement Plan	36,338	38,196
Concordia Disability Plan	8,359	8,764
Concordia Health Plan	125,586	131,067
Deductible Reimbursement	1,000	2,000

	2011	Aug12-Jul13
	actual	budget
Salary - School Stipends	2,250	3,375
Social Security	17,074	18,798
Deductible Reimbursement		2,000
Total School Expenses	801,643	854,489
Cafeteria Expenses		
Food	26,661	28,000
Salaries	18,414	17,995
Concordia Retirement Plan	1,916	976
Concordia Disability Plan	435	253
Concordia Health Plan	13,751	6,446
Social Security	1,332	1,377
Equipment Purchases	785	500
Supplies	1,170	1,500
Total Cafeteria Expenses	64,464	57,047
ELC Operations		
ELC Operations	23,697	23,200
Utilities	8,265	10,000
Maintenance	1,926	2,000
Social Security	10,073	10,000
Telephone	794	1,000
Insurance	7,379	7,400
Concordia Retirement Plan	7,187	7,000
Concordia Disability Plan	1,859	1,700
Concordia Health Plan	22,675	22,000
Deductible Reimbursement	700	700
Salaries	130,446	130,000
Custodian	3,000	3,000
Total ELC Expenses	218,001	218,000
Synod & District Expenses		
Mo District/Synod	56,000	56,000
Adopt A Mission	4,500	4,500
Total Synod & District Expenses	60,500	60,500
Campus Ministry Expenses		
Campus Ministry Expenses	2,903	2,900
Principle paymts-Love offerings		
Principle paymts-Love offerings	0	0
Total Disbursements	1,573,871	1,648,389
Receipts Less Disbursements	10,894	(51,189)

AFFIDAVIT

This letter, with its three (3) enclosures, is accurate, factual and true.

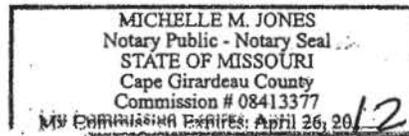
This 3rd day of April, 2012, before me personally appeared Ronald P. Lessmann, to Michelle Jones, known to be the person described executed the foregoing instrument. Acknowledgement that he executed the same in his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state, aforesaid, the day and year first above written.



Notary Public

My commission expires: 4-26-2012



SENDER: COMPLETE THIS SECTION

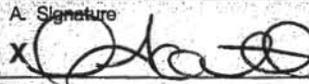
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Office of the Secretary
 Federal Communications Commission
 Attn: Disability Rights Office
 Room 3- B431
 445 12th Street, SW
 Washington, DC 20554

2. Article Number
 (Transfer from service label)
EG992925494US

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent Addressee

B. Received by (Printed Name)
J. Scott C. Date of Delivery

D. Is delivery address different from item 1? Yes No
 Received & Inspected
 Enter delivery address below:

APR 05 2012
EC Mail Room

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



EG 992925494 US



Customer Copy
 Label 11-B, March 2004

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)

ZIP Code: **63701** Day of Delivery: Next 2nd 2nd Del. Day

Date Accepted: **4-3-12** Scheduled Date of Delivery: **4-4** Postage: \$ **18.95**

Mo. Day Year Month Day Return Receipt Fee: \$ **2.35**

Time Accepted: **2:26** Scheduled Time of Delivery: Noon 3 PM COD Fee: \$ Insurance Fee: \$

Flat Rate or Weight: **0** lbs. **4** ozs. Int'l Alpha Country Code: Military 2nd Day 3rd Day

Total Postage & Fees: \$ **21.30** Acceptance Emp. Initials: **P11**

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			
Delivery Date	Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day			

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT WAIVER OF SIGNATURE (Domestic Mail Only)
 Express Mail Corporate Acct. No. Additional merchandise insurance is void if customer requests waiver of signature.

Federal Agency Acct. No. or Postal Service Acct. No. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY Miler Signature
 Weekend Holiday

FROM: (PLEASE PRINT) PHONE: (573) 334-3966
 Trinity Lutheran Church
 Attn: Rev. Kassmann
 100 W. Frederick, St.
 (Home Address: 440 63701)

TO: (PLEASE PRINT) PHONE:
 Office of the Secretary
 Federal Communications Commission
 Attn: Disability Rights Office, Room 3-B431
 445 12th Street, SW
 Washington, DC 20554

Exhibit 5



Federal Communications Commission
Washington, D.C. 20554

August 24, 2012

Case Identifier: CGB-CC-0475

Trinity Lutheran Church
School and Early Learning Center
Attn: Dale F. Kester
100 North Frederick Street
Cape Girardeau, MO 63701

RE: *Living Hope*

Dear Mr. Kester:

By this letter, we are advising you of the current status of your above-referenced petition for exemption from the Federal Communications Commission's (FCC's) closed captioning rules. On March 7, 2012, the Consumer and Governmental Affairs Bureau (the Bureau) advised you by letter that, absent further action on your part by April 6, 2012, the petition would be dismissed on June 5, 2012. We did not receive the requested information or a new petition from you prior to that date. Accordingly, as stated in the Bureau's letter, your petition was dismissed without prejudice on June 5, 2012. Given that your petition was dismissed without prejudice, you may file a new petition for exemption at any time. In addition, the Bureau advised you that if your petition was dismissed, you were required to comply with the FCC's closed captioning rules by June 6, 2012. Thus, as of such date, broadcast of the program that was the subject of your petition must be closed caption unless and until such time as you again request an exemption from the FCC's captioning requirements.

For your convenience, we have enclosed additional information that may help you better understand how we process individual requests for captioning exemptions. If you have additional questions pertaining to the filing of an exemption request, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov.

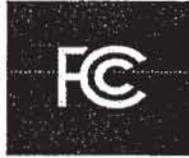
Sincerely,

A handwritten signature in black ink, appearing to read "R. Holberg", written over a large, stylized "H" that is part of the signature.

Roger Holberg
Attorney, Disability Rights Office
Consumer and Governmental Affairs Bureau

Enclosure

Exhibit 6



**READ THIS IN ITS ENTIRETY!
IMPORTANT INFORMATION AND TIPS ON
OBTAINING A CLOSED CAPTIONING EXEMPTION**

In 1996, Congress passed a law requiring closed captioning on television programming. The Federal Communications Commission (FCC) implements this law, which requires closed captions on nearly all English and Spanish language programming. There are some instances where captioning is not required – *i.e.*, there are some exemptions from the captioning requirements. There are two types of exemptions: categorical and individual exemptions.

Categorical Exemptions:

The FCC's rules contain categorical exemptions from the captioning requirements. These exemptions are self-implementing. In other words, **if you are a programming provider that meets one of the following criteria, you are automatically exempt from having to caption your programming and do not need to first request an exemption from the FCC.** Here are the self-implementing exemptions:

- Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the electronic newsroom technique of captioning is unavailable (such as a homecoming parade)
- Channels that produce revenues under \$3,000,000 per year; this applies only to the revenues of providers that caption an entire channel of video programming and **not** to the revenues from a single video program
- The program's primary language is not English or Spanish
- The program is primarily text programming
- Non-vocal musical programming (note that vocal music must be captioned if it is combined with non-vocal music in the same program)
- Locally produced educational programming for use in schools (although there may be requirements to caption that program under other disability laws)
- If the cost of captioning is in excess of 2% of a company's annual gross revenue from the previous calendar year **and** the company has already spent 2% of its previous year's gross revenue on captioning; this applies only where the revenues are received from a channel of video programming and does **not** apply to the revenues from a single video program
- "Interstitial" material including advertisements, promotional announcements, and public service announcements that are less than 10 minutes in duration

- Video programming on a new network for its first four years of operation
- Video programming transmitted by an Educational Broadband Service (formerly the Instructional Fixed Television Service) licensee
- Programming distributed to viewers between 2 a.m. and 6 a.m. local time, except where the channel consists of a service that is distributed and exhibited for viewing in more than a single time zone can be exempt from closed captioning for any continuous four-hour time period that the video programming distributor may select, commencing not earlier than 12 a.m. local time and ending not later than 7 a.m. local time in any location where the service is intended for viewing
- Video programming subject to a contract in effect prior to February 8, 1996, where captioning would constitute a breach of that contract. This does not apply to extensions or renewals of such contracts.

Individual Exemptions Based on Economic Burden:

Even if you do not meet one of the above criteria, you may still request an individual exemption from the closed captioning requirements if you can demonstrate to the FCC that providing captioning would be economically burdensome. The Communications Act defines "economically burdensome" as "significant difficulty or expense." In order to demonstrate that it would be economically burdensome for you to provide captions, you must submit the following in your captioning exemption petition to the FCC:

- *Name of the programs or channels for which the exemption(s) are sought*
- *Documentation of your financial status* – For this factor, you must demonstrate your inability to afford captions. For example, you may include bank statement information showing profits/losses. It is critical for this information to (1) be as current as possible and (2) include the financial resources of your overall organization or entity, and not just the resources for the TV programming in question. **See TIPS #2 and #3.**
- *Captioning cost quotes* – For this factor, you should ascertain and submit the reasonable costs of captioning your program. Make sure that these are recent quotes and applicable to your programming. If you plan on buying equipment to do captioning on your own, you should also provide estimates that show how much it will cost you to provide the captioning services as well. **See TIP #4.**
- *Verification that you have sought assistance (e.g., funding, services) from your video programming distributor* – For this factor, state whether you have asked your distributor to help you provide captions, and whether this request was accepted or rejected. Your distributor is the TV broadcast station, cable provider, or satellite system that shows your program. **See TIP #5.**
- *Verification that you have sought additional sponsorships (other than from your distributor) or other sources of revenue* – For this factor, state your efforts to obtain such revenue, and whether these requests was accepted or rejected. If rejected, state whether you do not otherwise have the means to provide captioning. If you cannot solicit and/or accept such sponsorship, instead provide the reason why you are unable to do so. **See TIP #5.**

**TIPS FOR FILING CAPTIONING EXEMPTIONS PETITIONS
BASED ON ECONOMIC BURDEN:**

TIP #1: Definitions

Q. What are the definitions of "video programming provider" and "video programming distributor"?

A. A "video programming provider" is any video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television networks and the owners of such programming. Typically, this will include the petitioner if it is the party producing the programming. A "video programming distributor" is any television broadcast station licensed by the FCC and any multi-channel video programming distributor and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. Typically, this is the television station, cable channel, or satellite provider that shows delivers the petitioner's programming to the public and is licensed by the Commission.

TIP #2: Provide documentation of your overall financial status.

Q. If the profit on my programming is less than the cost of captioning that programming, am I automatically entitled to a captioning exemption?

A. No. The FCC does not compare the cost of producing a program with the amount of money you make from that program to determine whether a petitioner should receive a captioning exemption. In other words, the FCC does not consider the costs of and resources devoted to or from the specific program. Rather, the FCC looks at the extent to which your organization or company can afford the cost of captioning, and therefore looks at the overall revenues of your company or organization.

TIP #3: Include up-to-date documentation about your financial status.

Q. What financial information must be provided?

A. Current FCC rules do not specify what financial information must be provided. It should, however, include documentation such as a profit and loss statement, a bank record, or something of that nature. Most importantly, it should be as recent as possible. Finally, you should remove sensitive information such as account numbers, social security numbers, etc. before submitting it and should never submit copies of cancelled checks.

TIP #4: Provide captioning costs for the program for which you are seeking an exemption.

Q: What captioning costs must be provided?

A.: You must provide information about the reasonable and costs of captioning for your program, not just the costs of captioning any programs.

- *Information about the type of your operations and the impact that providing captions will have on your programming activities. (For example, tell us whether you will be unable to show the program if you have to pay for captions.)*
- *Any other factors you think are relevant to your exemption request, including alternatives that could be a reasonable substitute for captioning.*

IMPORTANT:

You must include with your petition either a signed affidavit (a written statement made under oath – e.g., affirmed by a notary – that the information is truthful and accurate) or your signature affirming that you attest to the truthfulness and accuracy of the statements made in your petition under penalty of perjury.



TIP #5: Affirm, under penalty of perjury, that you have sought captioning assistance.

Q. What do I have to do to "verify" that I have sought assistance from my video program distributor and additional sponsorship sources?

A. All you have to do is tell us that you sought assistance from your video program distributor and other possible sources of support for captioning. You do not have to provide letters demonstrating that you have done so, although you may if you wish. You are encouraged to also provide information on the results of your solicitations. If your organization is precluded from seeking outside assistance, you should explain the reason for this. Also, remember that all statements you make in your petition must be affirmed as truthful and accurate under penalty of perjury (either by affidavit or signature).

TIP #6: You may request confidential treatment of your information, but must publicly disclose enough for others to comment on your petition.

Q. How can I obtain confidentiality regarding information I submit?

A. Because of the public nature of FCC proceedings, your petition, as well as any supporting financial information provided, will be available for public inspection. If your petition contains confidential information, you may request "confidential treatment," i.e., that it not be shared with members of the public, pursuant to FCC rules (47 C.F.R. § 0.459). If you provide information for which you want "confidential treatment," you must also submit a second version of your petition with the confidential information redacted (removed). This second version must be submitted along with your request for confidential treatment. The redacted version (i.e., the version that does not contain the confidential information) will be publicly disclosed. If your request for confidential treatment is granted, the "public version" of your petition must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that the public understands the basis for your exemption request and can comment on its merits.

TIP #7: While your petition is pending, you are exempt from the closed captioning rules.

Q. Once I file a petition, do I have to caption my program?

A. Under the FCC's rules, once you have filed a petition seeking an economically burdensome exemption from our captioning requirements, the programming is exempt from the captioning requirements unless and until the petition is dismissed or denied. However, remember that once you have received a notice from the FCC seeking additional information on your petition, you have only 30 days from the date of that notice to deliver all of the necessary information to the FCC. After that, if your petition is still not complete, it will be dismissed and you will have 90 days from the date of the FCC's notice (seeking additional information) to begin captioning. We understand that at times, video programming distributors request programming to be captioned even while a petition is pending. If your distributor makes this request, this is an issue between you and your video programming distributor.

TIP #8: When your petition contains all the necessary information, the FCC will release it to the public (put it on "public notice") to get feedback on its merits.

Q: What happens to my petition after I provide all the information requested by the FCC?

A: After you provide all the information that the FCC believes is necessary to make a determination of whether or not to grant a closed captioning exemption, the FCC will release your petition to the public (put it on "public notice.") At that point, the FCC will add it to the closed captioning exemption docket: "CG Docket No. 06-181" and you and others will be able to find it on the FCC's website at <http://fjallfoss.fcc.gov/ecfs/>. Members of the public will then have 30 days to file comments on or oppositions to your petition. You will then have 20 days to respond to those comments. At the end of that time, the FCC will review your petition, along with the comments and responses received, to determine the extent that providing captioning would be economically burdensome for you. The FCC will then either grant or deny your petition. If the FCC denies your request for an exemption, you will have 90 days from the date of the denial to begin captioning.

TIP #9: Be sure to mail or transmit your document in sufficient time to meet filing deadlines.

Q: When does the FCC consider a petition or response to a letter seeking additional information to have been filed?

A.: The FCC considers a document to have been filed when it is received by the Commission, not when it is mailed or postmarked. The actual date of when a document is filed with the Commission is indicated by an FCC date-stamp on the face of the document. When submitting a document to the FCC that is subject to a filing deadline, be sure to allow enough time for it to be transported to and arrive at the FCC by the deadline.



Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
Administrative
Pastor
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
Associate Pastor
Visitation & Christian Care
nab@t-lutheran.org

LEAH KORTMEYER
Director of Christian
Education
dceleah@t-lutheran.org

DIANE MAURER
Principal
dmaurer@t-utheranschool.org

KAREN DRURY
Preschool Director
daycare@t-lutheran.org

September 9, 2012

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Ref.: (1) Your letter dated 24 August 2012 (Case Identifier : CGB-CC-0475)
(2) Your letter dated 7 March 2012 (Case Identifier: CGB-CC-0475)
(3) Our letter dated 2 April 2012 (With Complete Package as you requested.)



Dear Mr. Holberg:

We are as a congregation disappointed by the FCC's lack of thoroughness regarding our response (3) to your (2), as stated in (1).

As per your "guidance" in (2), we humbly, respectfully, and with sincerity prepared our waiver package in a timely fashion and submitted such package to you and have a "signed receipt" from your FCC mailroom.

Please take the time to read our request (3) and then act favorably on our petition.

The sole purpose of Living Hope is to broadcast Trinity Lutheran's church services. Thus, it is difficult to imagine a clearer case of purely religious speech intended to spread. Christian ministry. **The First Amendment to the U.S. Constitution protects Trinity Lutheran from government interference with the manner in which it delivers its ministry.** Accordingly, the FCC's efforts to force the Church to spend its limited resources to implement closed captioning in its Living Hope's broadcasts represents an **unconstitutional interference with the Church's ministry.** Indeed, this interference amounts to a government mandate that the Church minister to a particular group of people (i.e., the hearing impaired). **Requiring any church to deliver its religious message to a particular group clearly is in violation of the First Amendment.**

Earlier this year, the U.S. Supreme Court unanimously rebuked the federal government's effort to regulate the Lutheran Church Missouri Synod's ministry. Such regulation is unconstitutional. **The FCC's efforts are remarkable in that it appears to completely ignore the Supreme Court's holding in *Hosanna-Tabor Evangelical Lutheran Church and School vs. Equal Employment Opportunity Commission.***

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to not only Trinity Lutheran Church in Cape Girardeau, MO, but to all not-for-profit religious broadcasts to keep these most important missions alive!!

Ronald P. Lessmann, D.D.S
President, Trinity Lutheran Church

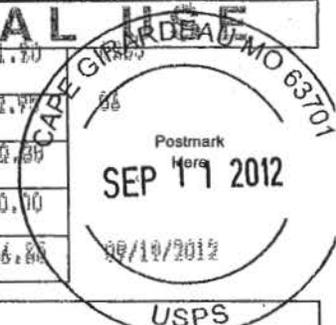
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7010 2780 0001 9849 8411

Postage	\$ 11.70
Certified Fee	\$ 2.77
Return Receipt Fee (Endorsement Required)	\$ 0.00
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 14.47



Sent To FCC

Street, Apt. No., or PO-Box No. _____

City, State, ZIP+4 20554

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Office of the Secretary
 Federal Communications Commission
 Attn: Mr. Halberg - disability
 Rights Office
 Room 3 - B431
 445 12th Street SW
 Washington, DC 20554

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A: Signature [Signature] Agent Addressee

B: Received by (Printed Name) [Signature] C: Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, print delivery address below: No

Received & Inspected
 SEP 18 2012
 FCC Mail Room

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7010 2780 0001 9849 8411



Federal Communications Commission
Washington, D.C. 20554

October 2, 2012

Trinity Lutheran Church
Attn: Ronald P. Lessmann, D.D.S.
100 N. Frederick Street
Cape Girardeau, MO 63701

Case Identifier #: CGB-CC-1265

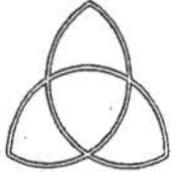
Re: *Living Hope*

The Federal Communications Commission received your request for exemption from the closed captioning rules on September 18, 2012. A copy of the first-page of the filing, date stamped, is attached hereto. Your filing is pending as of the date noted on the stamped filing.

This filing, and any other documents related to it, can be found through the Commission's Electronic Comment Filing System at http://fjallfoss.fcc.gov/ecfs/comment_search/input?z=yqbow. To access this filing and any related documents, key 06-181 in the box labeled "Proceeding Number" and the four numerical digits of the above case identifier number in the "Advanced Options" section in the box labeled "File Number"; then click on the Search for Comments button at the bottom.

You should use the above case identifier number in any correspondence with the Commission concerning your filing. Please retain a copy of this letter for your records.

Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
Administrative
Pastor
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
Associate Pastor
Visitation & Christian Care
nab@t-lutheran.org

LEAH KORTMEYER
Director of Christian
Education
dceleah@t-lutheran.org

DIANE MAURER
Principal
dmaurer@t-utheranschool.org

KAREN DRURY
Preschool Director
daycare@t-lutheran.org

September 9, 2012

Received & Inspected

SEP 18 2012

FCC Mail Room

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

- Ref.: (1) Your letter dated 24 August 2012 (Case Identifier : CGB-CC-0475)
(2) Your letter dated 7 March 2012 (Case Identifier: CGB-CC-0475)
(3) Our letter dated 2 April 2012 (With Complete Package as you requested.)

Dear Mr. Holberg:

We are as a congregation disappointed by the FCC's lack of thoroughness regarding our response (3) to your (2), as stated in (1).

As per your "guidance" in (2), we humbly, respectfully, and with sincerity prepared our waiver package in a timely fashion and submitted such package to you and have a "signed receipt" from your FCC mailroom.

Please take the time to read our request (3) and then act favorably on our petition.

The sole purpose of Living Hope is to broadcast Trinity Lutheran's church services. Thus, it is difficult to imagine a clearer case of purely religious speech intended to spread Christian ministry. The First Amendment to the U.S. Constitution protects Trinity Lutheran from government interference with the manner in which it delivers its ministry. Accordingly, the FCC's efforts to force the Church to spend its limited resources to implement closed captioning in its Living Hope's broadcasts represents an unconstitutional interference with the Church's ministry. Indeed, this interference amounts to a government mandate that the Church minister to a particular group of people (i.e., the hearing impaired). Requiring any church to deliver its religious message to a particular group clearly is in violation of the First Amendment.

Earlier this year, the U.S. Supreme Court unanimously rebuked the federal government's effort to regulate the Lutheran Church Missouri Synod's ministry. Such regulation is unconstitutional. **The FCC's efforts are remarkable in that it appears to completely ignore the Supreme Court's holding in *Hosanna-Tabor Evangelical Lutheran Church and School vs. Equal Employment Opportunity Commission*.**

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to not only Trinity Lutheran Church in Cape Girardeau, MO, but to all not-for-profit religious broadcasts to keep these most important missions alive!!

Ronald P. Lessmann, D.D.S
President, Trinity Lutheran Church

November 25, 2013

ENCLOSURE 1 -- Ron Duff CC weekly estimate

RON DUFF VIDEO PRODUCTONS
1025 Broadway
Cape Girardeau, MO 63701
573-334-1189

Services provided for:

Trinity Lutheran Church
100 N. Frederick St.
Cape Girardeau, MO 63701

Half Hour TV Program "Living Hope" Projected Costs:

Weekly Closed Caption/Transcription Service \$225

Signed by:



Ron Duff

Exhibit 8

11/26/13

Fw: Closed Captioning - Yahoo! Mail

rless69 Profile Sign Out Home

UnitedHealthcare®

Medicare Advantage Plans

Sponsored

Fw: Closed Captioning

From: "John Muench" <johnmuench@charter.net>

To: "Lessman Ron" <rless69@yahoo.com>

ENCLOSURE 2

— Original Message —

From: McWilson, Randal

To: John Muench

Sent: Monday, November 25, 2013 3:19 PM

Subject: Re: Closed Captioning

To whom it may concern:

We do not and cannot provide closed captioning services at this time.

thank you
Randy McWilson
Instructor, Digital Media

On Mon, Nov 25, 2013 at 3:07 PM, John Muench <johnmuench@charter.net> wrote:
Randy,

The FCC is wanting to require our congregation, Trinity Lutheran in Cape, to provide closed captioning for Living Hope, a program that we air weekly on KBSI. It is an edited half hour program of one of our three Sunday church services.

We have submitted information (looking for relief) to the FCC as to the additional expense to air the program as well as difficulty finding anyone in the local area that will provide this service. They are now requiring us to substantiate that we have exhausted all courses of action to provide closed captioning for the program.

Would you please reply to this email and state your capabilities if you can provide this service along with the cost to do so. If you cannot provide the service please also reply with the appropriate answer.

Thanks.

John Muench

Exhibit 9

Trinity weekly newsletter item of Feb 2012

2. EASTER CANTATA

Mark on your calendar the Saturday/Sunday weekend of April 14/15 to be in attendance at the Trinity Sing presentation of "You Are The Christ", an Easter Cantata. This will reinforce the powerful Easter message that our Pastoral staff will stir into our hearts. The choir would still welcome additional help with your voices. The choir will practice the cantata for 30-40 minutes each Wednesday night in March immediately after the 7 p Lenten service. **COME JOIN US!**

3. LIVING HOPE AND RADIO BROADCAST

As mentioned before, we currently have approximately \$41,000 remaining in our TV accounts, which equate about 21 months left of paid (non budgeted) TV outreach ministry – current costs are about \$2,000/mo. Since we have no word from the FCC on our request for our closed captioning waiver which would add additional costs. Our radio broadcast currently has \$32,000 remaining which at approximately \$380/mo will see us monthly through 2019. Please remember Living Hope in your specially marked offering envelopes, memorials, love offerings and outreach contributions.

Ron Lessmann

**Trinity Sr. High Youth
Mark Your Calendars to Make a Difference!**



Exhibit 10

**Senior High Missouri District Youth Gathering
"Strong, Firm and Steadfast in Christ for Joplin"**

And after you have suffered a little while, the God of all grace, who has called you to his eternal glory in Christ, will himself restore, confirm, strengthen and establish you.

(1 Peter 5:10)

Time 21-24, 2012