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February 24, 2014

VIA FEDERAL EXPRESS

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-C438
9300 East Hampton Drive
Capitol Heights, MD 20743

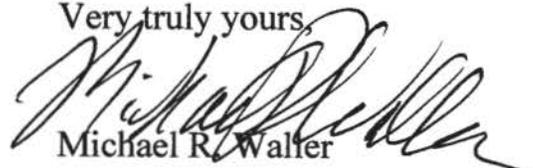
RE: Request for clarification of FCC letter order in docket CG No. 06-181,
CGB-CC-1293

Dear Secretary:

Enclosed for filing are the original and two counterparts of the Request of St. Paul United Methodist Church for Clarification of the Letter Order dated February 7, 2014 in the above matter. Also enclosed is a second counterpart of this cover letter which I request be file stamped showing the filing date and returned to me.

Thank you for your attention to this matter.

Very truly yours,


Michael R. Waller

Enclosures:

Original and 2 counterparts of Request for Clarification
Counterpart of this letter

No. of Copies rec'd _____
List ABCDE _____

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FEB 25 2013

FCC Mail Room

**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION**

CG DOCKET NO. 06-181

CGB-CC-1293

**REQUEST OF ST. PAUL UNITED METHODIST
CHURCH FOR CLARIFICATION OF THE LETTER
ORDER DISMISSING ITS AMENDED PETITION**

St. Paul United Methodist Church, Abilene, Texas, ("St. Paul") requests that the Federal Communications FCC ("FCC") clarify its letter order dated February 7, 2014 dismissing its Amended Petition (as supplemented by St. Paul's Response to Request for Supplemental Information) for a determination that its television programming is exempt from the FCC's rules for closed captioning at 47 C.F.R. § 79.1 (f) promulgated under § 713 of the Communications Act, 47 U.S.C. § 613.

The persons authorized to receive notices and other pleadings in this proceeding are:

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Rev. Felicia Hopkins
Senior Pastor
St. Paul United Methodist Church
525 Beech Street
Abilene, Texas 79604
Telephone (325) 672-7814

Email: fhopkins@stpaulabilene.org

I. BACKGROUND

This matter was initiated by the filing by St. Paul, on March 20, 2013, of a Petition for a determination that the telecasts of its weekly worship services were exempt under the FCC's rules requiring closed captioning, both because the cost to St. Paul of providing closed captioning would be

economically burdensome, and on the further ground that St. Paul's telecasts were self-exempt from closed captioning under applicable provisions of the FCC's rules and regulations. This proceeding was not the result of any public complaint that St. Paul's weekly worship service telecasts were not closed captioned, but was initiated because KTXS, the television station with which St. Paul contracts for the broadcast of its programming, advised St. Paul that closed captioning of its telecasts was required under recently promulgated FCC rules and regulations. No complaint has ever been made about St. Paul not providing closed captioning of its telecasts.

The FCC first responded to St. Paul's Petition in a letter dated October 1, 2013, in which the FCC requested supplemental information in support of St. Paul's request that it be held exempt from closed captioning because the cost of providing closed captions would be economically burdensome. In that letter the FCC advised that the self-exemption provision initially relied upon by St. Paul was inapplicable because St. Paul does not fall within the definition of a "video programming distributor" as used in that particular self-exemption of the closed captioning rules.

St. Paul responded to the request for supplemental information and provided in good faith the information it was able to obtain responsive to that request. St. Paul's response included two estimates of the cost of closed captioning equipment, one from a third party purveyor of such equipment as part of a proposal to replace all of St. Paul's television equipment; and one as part of a proposal from KTXS which also included the an estimate of the cost of closed captioning services to be provided to KTXS by the National Closed Captioning Institute at St. Paul's expense. KTXS does not have the in-house capability to provide closed captioning services to St. Paul. These proposals were all the information that St. Paul had been able to obtain at the time it filed its response St. Paul because there are no local providers of either the equipment necessary to close caption its telecasts and no local providers of closed captioning services.

Contemporaneously with its response to the request for supplemental information St. Paul filed an Amended Petition for exemption from closed captioning in which it again asserted that it is self-exempt from closed captioning under subparagraph (12) of the applicable FCC rules. St. Paul, in its Amended Petition, requested that the FCC confirm St. Paul's self-exempt status because KTXS was reluctant to continue to carry St. Paul's telecasts without closed captions based on St. Paul's self-exempt status

unless St. Paul agreed to indemnify KTXS from any liability that this station might incur if St. Paul was later held to be required to provide closed captions for its telecasts. St. Paul made clear in its request that the FCC confirm its self-exempt status because it was financially unable to assume such an open ended indemnification obligation.

The FCC's letter order dismissing St. Paul's Amended Petition, rather than confirming St. Paul's self exempt status, states that "you (i.e. St. Paul) must comply with the FCC's closed captioning requirements...unless you file a new petition for exemption...", without explanation of what the ordered compliance would require. Thus St. Paul does not know whether the FCC has concluded that St. Paul is self-exempt, nor does St. Paul have any way of knowing what action, if any, is required of it at this point. Obviously if St. Paul is self-exempt from closed captioning no action would be required of it in order to be in compliance with the FCC's closed captioning rules.

II. ST. PAUL IS SELF-EXEMPT FROM THE FCC'S CLOSED CAPTION REQUIREMENTS

Section 79.1 (d) of the FCC's rules concerning closed captioning contains a list of thirteen categories of self-exemption from the requirements to provide closed captioning of telecasts. The self-implementing exemption at subparagraph (11) states that "no video programming provider shall be required to expend any money to caption any video programming if such expenditure would exceed 2% of the gross revenues received from that channel during the previous calendar year." The self-implementing exemption at subparagraph (12) states that "No video programming provider shall be required to expend any money to caption any channel or video programming producing annual gross revenues of less than \$3,000,000 during the previous calendar year other than the obligation to pass through video programming already captioned when received pursuant to paragraph (c) of this section." St. Paul's sworn Amended Petition and the financial statements and other materials it has already provided to the FCC clearly demonstrate that St. Paul is exempt from closed captioning its telecasts under the FCC's own rules, since because those submitted by St. Paul irrefutably prove that St. Paul has receivers and has received no revenue from its worship service telecasts.

III. THE FCC SHOULD PROVIDE ST. PAUL SOME DETERMINATION THAT IT QUALIFIES AS SELF-EXEMPT

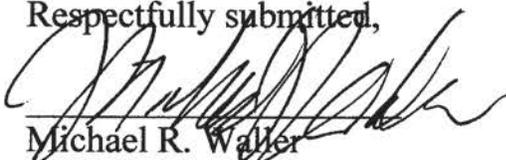
St. Paul is aware that the FCC's closed captioning rules state that it does not "certify" that a provider of programming qualifies as self-exempt under any of the self- exemptions it included in those rules. However, the FCC's February 7, 2014 order directing St. Paul to "comply" with the closed captioning rules creates an untenable situation for St. Paul in which it is left with three untenable options, none of which leads to a satisfactory outcome: (i) it can continue to have its weekly worship services broadcast by KTXS without closed captioning and assume the risk of indemnifying KTXS for potential penalties for non-compliance with the closed captioning rules, or (ii) it can unnecessarily bear the cost of closed captioning its telecasts even though it is self-exempt from closed captioning the applicable FCC rules, or (iii) it can cease telecasting its weekly worship services. The FCC's action (or inaction) under the February 7, 2014 letter order is arbitrary and capricious and calls into question the fundamental regulatory fairness of the FCC's closed captioning rules. St Paul does not believe that the FCC contemplated or intended such an outcome when it announced that it would not "certify" eligibility for the self-implementing exemptions it promulgated in section 79 (d) of its rules. Indeed, such a result effectively nullifies the self-implementing portions of section 79 ineffective in this case.

CONCLUSION AND REQUEST FOR RELIEF:

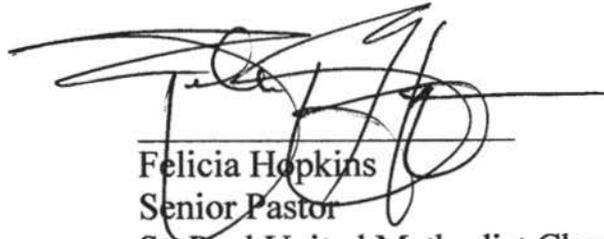
St.Paul therefore requests that the FCC clarify its February 7, 2014 letter order to confirm that St. Paul is self-exempt from the closed captioning requirements of section 79.1(d). Therefore, St. Paul respectfully requests that the FCC grant such relief.

Dated: February 24, 2014.

Respectfully submitted,



Michael R. Waller
Attorney for St.Paul United
Methodist Church
Texas Bar # 20783000



Felicia Hopkins
Senior Pastor
St. Paul United Methodist Church
Abilene, Texas

STATE OF TEXAS §

COUNTY OF TAYLOR §

BEFORE ME, the undersigned Notary Public, on this 24th day of February, 2014, personally appeared Felicia Hopkins, who being first duly sworn on her oath stated that she is the Senior Pastor of St. Paul United Methodist Church in Abilene, Texas, and that the information stated in the above and foregoing pleading is true and correct based on her personal knowledge.

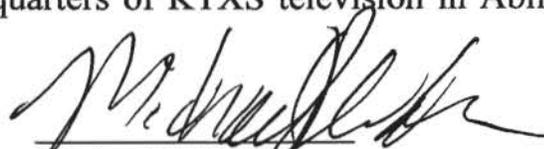


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that a true and complete counterpart of this document was deposited with Federal Express for next day delivery to the FCC and hand delivered to the station headquarters of KTXS television in Abilene, Texas on February 24, 2014



Michael R. Waller