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February 18, 2014

Via Hand Delivery

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Attn: CGB Room 3-C438

**Re: Reply to Opposition to Petition for Exemption from the
Commission's Closed Captioning Rules
CG Docket No. 06-181
CGB-CC-0144
Dawson Memorial Baptist Church**

ACCEPTED/FILED

FEB 18 2014

Federal Communications Commission
Office of the Secretary

COPY

Dear Ms. Dortch:

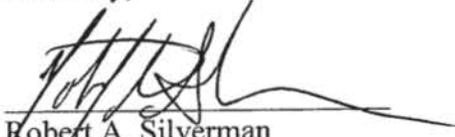
On behalf of the Dawson Memorial Baptist Church ("Dawson"), please find enclosed an original and two (2) copies of Dawson's above-referenced Reply to Opposition to Petition for Exemption from the Commission's Closed Captioning Rules.

In addition, we have included a return copy of the filing for our records. Please kindly date-stamp and return via our courier.

If you have any questions regarding this filing, please contact the undersigned.

Sincerely,

By:


Robert A. Silverman
Its Counsel

Enclosures

February 18, 2014

Via Hand Delivery

Federal Communications Commission
Office of the Secretary
Attention: Disability Rights Office
445 12th Street, SW
Room TW-A325
Washington, DC 20554

ACCEPTED/FILED

FEB 18 2014

Federal Communications Commission
Office of the Secretary



Dawson Memorial Baptist Church
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Birmingham, Alabama 35209

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E-MAIL
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WEB
www.dawsonchurch.org

**Re: Reply to Opposition to Petition for Exemption
from the Commission's Closed Captioning Rules
CG Docket No. 06-181
CGB-CC-0144
Dawson Memorial Baptist Church**

Dawson Memorial Baptist Church ("Dawson") hereby replies to the January 27, 2014 comments filed with the Federal Communications Commission ("Commission") by the Telecommunications for the Deaf and Hard of Hearing, Inc., the National Association of the Deaf, the Deaf and Hard of Hearing Consumer Advocacy Network, Cerebral Palsy and Deaf Organization, California Coalition of Agencies Serving the Deaf and Hard of Hearing, NorCal Service for Deaf & Hard of Hearing, and Association of Late-Deafened Adults (collectively, "Consumer Groups").¹ Dawson maintains that its request for relief is consistent with the public interest and the Commission's "economically burdensome" standard. Though the Consumer Groups suggest that captioning would not be economically burdensome to Dawson based on a snapshot of Dawson's circumstances, Dawson reminds the Commission of the long-term and growing costs of maintaining its television ministry, which is but one of dozens of vital ministries supported by Dawson's budget.

As demonstrated in Dawson's petition and supplement, the estimated costs of captioning Dawson's program have increased and, along with growing broadcasting costs, would be economically burdensome. In 2011, estimates received by Dawson indicated that closed captioning services would cost between \$230 to \$250 per week (\$11,960 to \$13,000 annually), not including separate shipping charges and additional personnel costs.² Two years later, estimates received by Dawson indicate that closed captioning services would cost between \$500 to \$760 per week (\$26,000 to \$39,520 annually), not including separate shipping charges and

¹ Dawson Memorial Baptist Church Petition for Waiver, CG Docket No. 06-181, CGB-CC-0144, *Opposition to Petitions for Exemption from the Commission's Closed Captioning Rules* (filed January 27, 2014).

² Dawson Memorial Baptist Church Petition for Waiver, CG Docket No. 06-181, CGB-CC-0144 (filed January 18, 2012).

To Be Found Faithful
As God's People

additional personnel costs.³ Conditional offers by captioning providers to discount their services down to \$400 or \$350 per week (e.g., by staggering Dawson's program by one week) were not viable, particularly considering that the discounted rates exceeded the captioning estimates that Dawson received just two years prior.⁴ Dawson's program is a reflection of the church's ongoing television ministry and remaining current is a top priority. Dawson's program must air as timely as possible in order to reach those members who are unable to attend Dawson's weekly religious services. Accordingly, Dawson has continued to explore more affordable options, such as providing closed captioning in-house.⁵

Dawson also reminds the Commission that the burden of captioning costs would be compounded by the increased broadcasting costs of Birmingham, Alabama station WIAT/CBS, channel 42 ("WIAT") that Dawson continues to bear. Since 2009, the weekly cost for WIAT to air Dawson's programming has continually increased by over 18%, particularly as WIAT converted its equipment to digital and high definition. The most recent increase imposed in September 2013.⁶ Though Dawson has kept the costs of its television ministry to a minimum by relying on volunteers for its operation, the cost of broadcasting Dawson's weekly sermons to its members over-the-air remains significant.

Lastly, Dawson reminds the Commission that, as an alternative form of relief, Dawson has remained willing to include closed captioning with its program in accordance with the Commission's rules provided that the Commission offer Dawson sufficient additional time to reassess its budget and incorporate the needed funds for the service. A temporary waiver would also provide Dawson with regulatory certainty. Since 2006, Dawson reasonably relied on its previously-granted permanent exemption from the Commission's closed captioning rules.⁷ More recently, and since the Commission's reversal of its 2006 *Anglers Order*, Dawson has reasonably awaited the possibility that the Commission might grant

³ *Dawson Memorial Baptist Church Supplement to Petition for Waiver*, CG Docket No. 06-181, CGB-CC-0144, 2 and Exhibit B (filed November 4, 2013) (*Dawson Supplement*).

⁴ *Dawson Supplement* at Exhibit B.

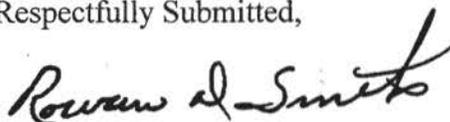
⁵ *Dawson Supplement* at 2 and Exhibit C.

⁶ *Dawson Supplement* at 2.

⁷ *Anglers for Christ Ministries, Inc., New Beginning Ministries, Video Programming Accessibility, Petitions for Exemption from Closed Captioning Requirements*, CGB-CC-0005 and CGB-CC-0007, Memorandum Opinion and Order, 21 FCC Rcd 10094 (2006) (*2006 Anglers Order*).

Dawson with a permanent closed captioning exemption.⁸ Dawson does not claim to be surprised by the Commission's closed captioning rules, as the Consumer Groups suggest. Should the Commission determine that Dawson does not qualify for a permanent exemption, then Dawson has requested a temporary waiver that would provide a limited amount of additional time (i.e., one year) to finalize its closed captioning plans and incorporate those costs into its budget. Because the cost of providing closed captioning would impact Dawson's other ministries throughout the Birmingham community, a limited waiver providing Dawson with additional time to comply with the Commission's closed captioning rules is reasonable and consistent with the public interest.

Respectfully Submitted,



Rowan D. Smith
Business Administrator

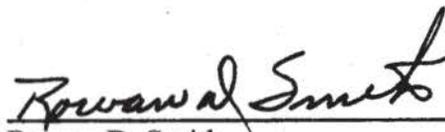
⁸ *Anglers for Christ Ministries, Inc., New Beginning Ministries, Petitioners Identified in Appendix A, Interpretation of Economically Burdensome Standard; Amendment of Section 79.1(f) of the Commission's Rules; Video Programming Accessibility, Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking, CG Docket Nos. 06-181 and 11-175, 26 FCC Red 14941 (2011) (2011 Anglers Order).*

AFFIDAVIT OF ROWAN B. SMITH

BEFORE ME, the undersigned authority, on this 14th day of February 2014, personally appeared Rowan D. Smith, who being by me duly sworn on oath deposed and said:

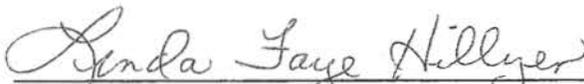
1. My name is Rowan D. Smith. I am over the age of 21, of sound mind, and competent to testify as to the matters stated herein. I am the Business Administrator of Dawson Memorial Baptist Church.
2. I have read the foregoing Reply to Opposition to Petition for Waiver of the FCC's Closed Captioning Rules. I have personal knowledge of the facts set forth therein, and believe them to be true and correct.

Further Affiant sayeth not.



Rowan D. Smith
Business Administrator

Sworn to and subscribed to before me this 14th day of February, 2014, to certify which witness my hand and seal.



Notary Public in and for the State of Alabama

My Commission Expires:

3-20-2017

DAWSON FAMILY CHURCH 2013/2014

Author: J ISAAC



Proposal ID: 58567
 Schedule Date: 9/1/2013 - 8/30/2014
 Advertiser: DAWSON FAMILY CHURCH
 Product: RELIGIOUS
 Agency: DAWSON FAMILY CHURCH
 Buyer: SHANNON LINDSAY
 Spot Length(s): :30
 Market: BIRMINGHAM (ANN AND TUSC) [42]

Acct. Exec: John Isaac
 Phone #: 205-488-4102
 FAX #: 205-320-2718
 Email: john.isaac@cbs42.com
 Web Site: www.cbs42.com

Flight Dates: 9/1/2013-8/30/2014

ogram me	Spot Length	JL	AU	AU	AU	DMA HH (000)	W k s	Rate Spots
IAT								
RLY NEWS	:30	--	--	--	--	21.1	10	\$225.00
!Ps/Impressions						422		20
!P/CPM						\$10.66		
!Fr 5:00p-7:00p								
!S	:30	5	5	5	5	29.0	52	\$0.00
!Ps/Impressions						7540		260
!P/CPM						\$0.00		
!Su 5:00a-2:00a								
!S	:30	14	14	14	14	33.7	52	\$0.00
!Ps/Impressions						24534		728
!P/CPM						\$0.00		
!Su 12:35p-5:00a								
AWSON MEMORIAL CHURCH	:30	1	1	1	1	5.0	51	\$4,100.00
!Ps/Impressions						255		51
!P/CPM						\$820.00		
!n 10:00a-11:00a								
IAT Totals		20	20	20	20			\$213,600.00
						GRP/(000) 32750.6		Spts: 1059
						CPP/CPM: \$6.52		
						Reach: 90.2		
						Frequency: 50.2		

Total Cost: \$213,600.00

Signature

Kevin Smith
8-15-13

CERTIFICATE OF SERVICE

I, Colleen von Hollen, of Bennet & Bennet, PLLC, 6124 MacArthur Boulevard, Bethesda, MD 20816, hereby certify that a copy of the foregoing Reply to Opposition to Petition of Dawson Memorial Baptist Church was served on this 18th day of February 2014, via electronic mail, unless otherwise indicated, on those listed below:

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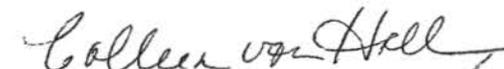
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Colleen von Hollen