DOCKET FILE COPY ORIGINAL

Federal Communications Commission
Washington, D.C. 20554

April 16, 2014

Off Beat Productions
c/o LipsitzGreenScimeCambria, LLP
Attn: Barry Nelson Covert
42 Delaware Ave., Suite 120
Buffalo, NY 14202-3924

Re: Case Identifier: CGB-CC-1334
CG Docket No. 06-181
Petition for Closed Captioning Exemption
Request for Supplemental Information

Dear Mr. Covert:

This letter concerns your Petition for Exemption from the Federal Communications Commission's ("FCC's") closed captioning requirements. After reviewing your Petition, the Consumer & Governmental Affairs Bureau (Bureau) has determined that additional information, as set forth below, is required to enable us to determine whether the programming noted in your Petition should be exempted from the FCC's closed captioning requirements because captioning such programming would be economically burdensome to your organization.

Specifically, your Petition included the name of the specific program for which an exemption is requested, the impact of captioning on your operation and program, verification that you have sought closed captioning assistance from your video programming distributor, verification that you have sought additional sponsorship sources or other sources of revenue for captioning, and a description of your overall type of operations. We conclude, however, that because your Petition is missing required information, we cannot take further action on your Petition.

If you wish for your Petition to receive further consideration for a closed captioning exemption, you must supplement your Petition by providing us with the information described below **by May 16, 2014,** which is 30 days from the date of this letter:

- The nature and cost of the closed captions for the programming. Provide information about your organization's costs associated with closed captioning each specific program for which you are requesting an exemption, and your efforts to find companies that can provide captioning at a reasonable cost.
    - For each of the quotes received, include an estimate of your annual cost to caption your program(s). For example, multiply the cost to caption each of your program episodes by the number of program episodes to be produced in one year. *You provided an estimate of your annual cost to caption your program based on* ***an average*** *of the closed captioning quotes you provided. You must provide estimates of your annual costs to caption your program based on* ***each of the quotes received.***
- Your financial resources.

- Provide information about all income and all expenses for your organization, as follows:

  - Provide a statement of all income (cash receipts) and all expenses (cash disbursements) for the two most recent completed calendar or fiscal years. Cash receipts include money received from all sources for your entire organization, not just the video program(s). Cash disbursements include money paid for purchases, expenses, and settlement of obligations throughout the year for your entire organization, not just the video program(s). List, describe, and provide the dollar amount for each type of cash receipt and cash disbursement for the two most recent completed calendar or fiscal years. Cash receipts and cash disbursements may each be subtotaled. You must provide a total net dollar amount (sometimes called a surplus or deficit, or profit or loss) for all cash receipts and all cash disbursements. *You provided a statement of all income and all expenses for 2011 and 2012. Your Petition was filed on March 7, 2014. You must provide a statement of all income and all expenses* ***for the two most recent completed calendar or fiscal years****. Therefore, you must provide a statement of all income and all expenses for 2013.*

  - Provide audited financial statements or an accountant's compilation of financial statements for the two most recent completed calendar or fiscal years. If such statements are not available, provide complete federal income tax returns, including all attachments, for your organization for the two most recent completed calendar or fiscal years. If your organization is a sole proprietorship, provide personal tax returns for the two most recent completed calendar or fiscal years. Redact (black out) sensitive information, such as account numbers and social security numbers, before submitting personal tax returns or other documentation. *You provided federal tax returns for 2011 and 2012. Your Petition was filed on March 7, 2014. You must provide audited financial statements, an accountant's compilation of financial statements, or complete federal income tax returns, including all attachments, for the* ***two most recent completed calendar or fiscal years****. Therefore, you must provide audited financial statements, an accountant's compilation of financial statements, or complete federal income tax returns, including all attachments, for 2013.*

- Provide information about the current assets and current liabilities of your overall organization, as follows:

  - Provide a statement of all current assets and current liabilities of the overall organization as of the last day of the two most recent completed calendar or fiscal years. List, describe, and provide the dollar amount for each type of current asset and current liability so listed. This requirement may be satisfied by providing complete balance sheets as of the last days of the two most recent completed calendar or fiscal years. *Your Petition was filed on March 7, 2014. You must provide statements of all current assets and current liabilities or complete balance sheets as of the last day of the* ***two most recent completed calendar or fiscal years****. Therefore, you must provide statements of all current*

assets and current liabilities or complete balance sheets for 2012 and 2013. You provided a statement of "[t]he assets of Off Beat Productions" and listed the programs you have aired, your set, and your props. These items are not current assets. You also did not list, describe, and provide the dollar amount for each type of current asset. Please review the following information for examples of current assets and current liabilities:

- Current assets are any asset (or resource) as of the last day of the calendar or fiscal year that can be converted into cash within the following year.
  - Examples of current assets for an individual or sole proprietor: cash; checking accounts; savings accounts; investment accounts including money market accounts; certificates of deposit and bonds that will mature within one year; stocks; and trust/endowment account amounts available for that year.
  - Examples of current assets for a corporation: cash; accounts receivable; inventory; marketable securities; and prepaid expenses.
- Current liabilities are obligations (or debts) as of the last day of the calendar or fiscal year that must be paid within the following year.
  - Examples of current liabilities for an individual or sole proprietor: any loans (principal and interest) and mortgage payments (principal, interest, taxes, and insurance) due to be paid within one year; the balance of any credit cards as of the last day of the year; and unpaid bills as of the last day of the year (utility bills, and medical bills).
  - Examples of current liabilities for a corporation: accounts payable; accrued liabilities; notes payable; current portion of long-term debt; and taxes payable

- Affidavit or declaration. Your submission must contain a detailed, full showing, supported by a signed affidavit or sworn declaration attesting to the truthfulness and accuracy of the information and representations contained in your submission. An affidavit is a written statement made under oath, before an official who is authorized to administer oaths, such as a notary public or county clerk. A declaration is a written statement made under penalty of perjury, such as "I declare under penalty of perjury that the information contained in this submission is true and correct." (*See* 47 C.F.R. § 1.16.)

You may also provide other information that you deem relevant to our determination of your exemption request pertaining to the impact that captioning will have on your program or programming activities and any available alternatives that might constitute a reasonable substitute for the closed captioning requirements including, but not limited to, text or graphic display of the content of the audio portion of the programming.

Because of the public nature of FCC proceedings, your submission, as well as any supporting financial or other information provided, will be available for inspection by the general public. If your submission contains some specific information that you would like not to be made routinely available for public inspection, you may request its "confidential treatment, pursuant to FCC rules. (*See* 47 C.F.R. § 0.459.). If you seek such treatment, you must identify the *specific* information which you

would not like to be made available to the general public and provide the basis for your request, for example, that the information is proprietary financial information, contains a trade secret, or is legally privileged. Also describe how disclosing the information to the general public may cause you substantial competitive harm. You must also submit a second version of your submission with the confidential information redacted (removed or blacked out). 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 disclosed publicly. If your request for confidential treatment is granted, the "public version" of your submission must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that members of the public have notice of the basis for your exemption request and can comment on its merits.

If the Bureau determines that your Petition, as supplemented by your response to this letter, provides sufficient information upon which to make a determination of whether or not to grant a closed captioning exemption, we will place your Petition on public notice under 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 your Petition, including the supplemental information you have provided in response to this letter, after which you will have 20 days to respond. At the end of this timeframe, the Bureau will review your Petition, along with any comments and responses received, to determine whether you have demonstrated that providing closed captions would be economically burdensome. If Bureau denies your Petition, you will have ninety (90) days from the date of your notification of the denial to begin captioning.

If you do not supplement your Petition with all of the updated information and documentation requested in this letter within thirty (30) days of the date of this letter, we will conclude that you have failed to support your exemption request with adequate explanation and evidence, and will dismiss your Petition. In the event of such dismissal, your organization will be required to begin providing closed captioning for your program(s) within ninety (90) days of the date of our notification to you that your Petition has been dismissed.

If you have questions pertaining to this letter or the information and materials requested herein, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov.

Caitlin Vogus

Caitlin Vogus
Attorney, Disability Rights Office
Consumer and Governmental Affairs Bureau

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 delivered by hand or messenger service, commercial overnight courier, or by first class or overnight U.S. Postal Service mail.

For delivery by hand or messenger service, 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-C438
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-C438
9300 East Hampton Drive
Capitol Heights, MD 20743

Electronic filing and faxes of supplements to petitions will not be accepted at this time.

Please wait *at least two weeks* before contacting FCC staff to make inquiries about whether your supplement has been received. **You must include your case identifier number, which is located at the top of this letter, and the CG Docket Number 06-181, in all correspondence with the FCC regarding your petition.**