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FCC Mail Room

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May 7, 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

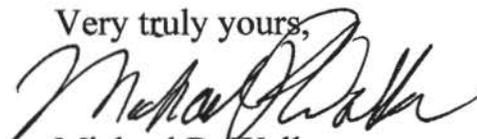
RE: Response to FCC April 1, 2014 Order in docket CG No. 06-181, CGB-CC-1293

Dear Secretary:

Enclosed for filing in the above cited matter are the original and two counterparts of the Response of St. Paul United Methodist Church to the Order dated April 1, 2014 in the above referenced 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 Response to Order  
Counterpart of this letter

No. of Copies rec'd 0+2  
List ABCDE

**UNITED STATES OF AMERICA**  
**FEDERAL COMMUNICATIONS COMMISSION**

**CG DOCKET NO. 06-181**

**CGB-CC-1293**

**ST. PAUL UNITED METHODIST CHURCH'S  
SUBMISSION RESPONDING TO THE FCC'S APRIL 10  
ORDER CLARIFYING ITS LETTER ORDER  
DISMISSING ST. PAUL'S AMENDED PETITION**

St. Paul United Methodist Church, Abilene, Texas, ("St. Paul") submits its response to the April 10, 2014 order of the Federal Communications Commission ("FCC") clarifying its letter order of February 7, 2014 and withdrawing its dismissal of St. Paul's Amended Petition for a determination that its television programming is exempt from the FCC's rules for close 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:

Michael R. Waller, Esq.  
18 Saint Andrews Street  
Abilene, Texas 79606  
Telephone-(325)691-5671      E-mail: [mr-abwaller@sbcglobal.net](mailto:mr-abwaller@sbcglobal.net)

Rev. Felicia Hopkins  
Senior Pastor  
St. Paul United Methodist Church  
525 Beech Street  
Abilene, Texas 79604  
Telephone (325) 672-7814      Email: [fhopkins@stpaulabilene.org](mailto: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 close captioning of its telecasts might be 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 subsequent proceedings in this matter are generally described in the FC's letter of April 10, 2014, in which the FCC reiterated its decision that St. Paul's telecasts are not self-exempt, and offered St. Paul the opportunity to submit additional information in support of its claim for exemption from close captioning on grounds that the requirement to provide close captioning for its telecasts would be economically burdensome

## **II. REQUIRING ST. PAUL TO CLOSE CAPTION ITS TELECASTS WOULD CLEARLY BE ECONOMICALLY BURDENSOME AND THEREFORE THE FCC SHOULD EXEMPT ST. PAUL FROM SUCH REQUIREMENT**

In the course of this proceeding St. Paul has carefully examined and researched various options for it to close caption its telecasts and has attempted to ascertain the costs of those options. There are no local providers of either close captioning service or close captioning equipment. KTXS itself contracts for its close captioning with a third party provider. It is abundantly clear that the only practical option available to St. Paul to close caption its telecasts is to contract for that service with KTXS on a pass-through basis to be performed by the provider of such service to KTXS. Therefore, in support of its Petition for exemption St. Paul submits herewith as Exhibit A-1 a recent and current quote from KTXS for close captioning to be provided by Texas Close Captioning on a pass through basis for a fee of \$125.00 per month, or \$6500 per 52 week calendar year. St. Paul previously submitted a similar quote from KTXS for pass through close captioning service as Exhibit A to St. Paul's response to the FCC's October 1, 2013 request for supplemental information; that exhibit is hereby

incorporated herein by reference.

In order for St. Paul to do its own close captioning it would be necessary for it to acquire the required equipment to do so. As stated above, there are no local sources such equipment, and St. Paul has been unable to get definitive quotations for that equipment from non-local suppliers. More importantly, even if St. Paul could locate and afford to acquire that equipment, it would then be necessary for it to contract for the services of one or more persons or entities capable of in-putting close captions to the telecasts of its pastor's sermons as they are delivered live and unscripted, and St. Paul has been unable to identify any qualified persons or entities located in the Abilene, Texas area able and willing to contract to provide that service, regardless of cost.

St. Paul has previously provided to the FCC complete information about its financial resources. That information clearly demonstrates that increasing the cost of telecasting its weekly worship services by as much as \$6500 per year would substantially increase the cost of St. Paul's television ministry and would indeed be so economically burdensome to St. Paul as to very likely preclude its continuing those telecasts, even though public response to those telecasts is significant and positive.

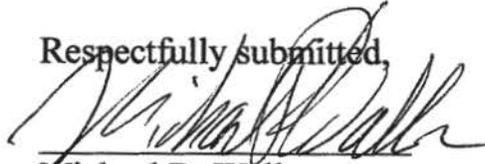
As the FCC recognized in its April 10, 2014 Order, St.Paul's situation with respect to the requirement for close captioning of television programming is relatively unique, because (i) St.Paul does not operate a "channel" through which it broadcasts its programming and thus has no access to the FCC's self-exemptions from close captioning, (ii) St. Paul is unable to practically or economically do its own close captioning, and (iii) the cost of third party close captioning service is economically burdensome in view of St. Paul's finances. Indeed, the requirement to close caption telecasts as applied to St. Paul would effectively deny it access to the television medium to make its worship services widely available to the non-church going public.

#### **CONCLUSION AND REQUEST FOR RELIEF:**

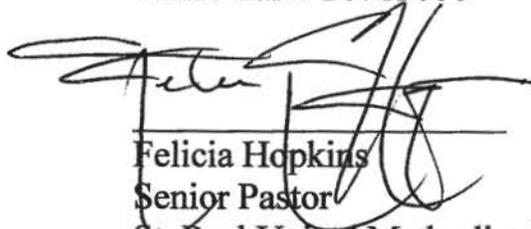
St.Paul therefore requests that the FCC grant it exemption from the requirement for close captioning its telecasts as both physically impractical and economically burdensome.

Dated: May \_\_, 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 7 day of May, 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.

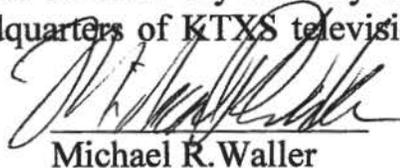


Notary Public



**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 May \_\_, 2014.



Michael R. Waller



**KTXS Television**

4420 North Clack  
Abilene, Tx. 79601

325-677-2281

dcaldwell@ktxs.com  
Ktxsproduction.com

# Estimate

Estimate No: 207  
Date: April 21, 2014

For: **St. Paul United Methodist Church**

Description	Quantity	Rate	Amount
Weekly Fee for Live Closed Captioning of St. Paul United Methodist Church 1-hour Broadcast. Pass through cost from Texas Closed Captioning.	1	\$125.00	\$125.00

THIS IS NOT AN INVOICE

**Total \$125.00**

EXHIBIT A-1