



Federal Communications Commission
Washington, D.C. 20554

May 30, 2014

Pastor Robert Turnage
Victory Temple
2630 S. 11th St.
Beaumont, TX 77701

Re: Case Identifier: CGB-CC-0406
CG Docket No. 06-181
Petition for Closed Captioning Exemption
Request for Supplemental Information

Dear Pastor Turnage:

This letter concerns your Petition for exemption from the Federal Communications Commission's (FCC's) closed captioning requirements. After reviewing your Petition and the supplemental information you provided in response to the Commission's letter dated September 27, 2013, the FCC's Consumer and Governmental Affairs Bureau (Bureau) has determined that you have provided almost all of the information requested in the Commission's letter. Specifically, the relatively minor amount of information set forth below is required to complete your Petition and enable us to determine whether the programming that is the subject of your Petition should be exempt from the FCC's closed captioning requirements because captioning such programming would be economically burdensome to your organization.

Accordingly, for the Bureau to complete its consideration of your Petition, we request that you provide the following supplemental information **by June 30, 2014**, which is 30 days from the date of this letter. You must send your supplemental information by e-mail to captioningexemption@fcc.gov.

- The nature and cost of the closed captions for the programming. 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, 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 have not satisfied this requirement. You must provide an estimate of your annual cost to caption your program based on the quotes you received from VITAC and Closed Caption Maker.
- Your financial resources.
 - Information about all income and all expenses for your organization, as follows:
 - 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 have not satisfied this requirement. In your "Statements of Revenues, Expenses, and Changes in Net Assets" you listed a category of "General supporting expenses (Schedule 1)." You must provide a copy of Schedule 1 for 2011 and 2012.

- 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 have not satisfied this requirement. You provided only sections of an independent auditor's report for 2011 and 2012, not the entire reports. You must provide the supporting materials, including all the accompanying "Notes to Financial Statements" and "Schedule 1" for each year.

- Additional sponsorships. Verification that you have sought additional sponsorships (other than from your program distributor) or other sources of revenue. State your efforts to obtain such revenue, and whether these requests were accepted or rejected. If rejected, state whether you do not otherwise have the means to provide captioning. If accepted, describe the assistance that each sponsor has offered to provide. If your organization is precluded from seeking outside assistance or you cannot solicit and/or accept such sponsorships, provide the reason why you are unable to do so.

You have not satisfied this requirement. You must provide a statement verifying that you have sought additional sponsorships or other sources of revenue for closed captioning. For example, you could provide a statement of your efforts to request donations from local businesses to caption your program and that these requests were rejected.

Affidavit or declaration. In addition, your supplemental submission must be supported by a signed and sworn affidavit or signed declaration made under penalty of perjury 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.)

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 the Bureau denies your Petition, you will have 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 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 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.



E. Elaine Gardner
Attorney, Disability Rights Office
Consumer and Governmental Affairs Bureau

cc: Commenters to Petition

Instructions for Filing a Supplement to a Closed Captioning Exemption Petition

As of April 30, 2014, you must send the FCC your supplemental information by e-mail to captioningexemption@fcc.gov. Petitions and supplemental materials may not be filed directly on the FCC's Electronic Comment Filing System (ECFS). At this time, the FCC's e-mail system does not accept attachments in the form of .ZIP files or file sizes larger than 13.3 megabytes. If a petitioner has concerns that its file size will exceed this limitation, please contact captioningexemption@fcc.gov. Because the FCC will upload petitions and any supporting information and documentation to ECFS, petitioners must follow the ECFS document format guidelines (<http://apps.fcc.gov/ecfs/userManual/upload/documents.jsp>) when sending petitions, supporting information, and documentation via e-mail. For more information about this electronic filing procedure, visit <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>.

You must include your case identifier number, which is located at the top of this letter, and CG Docket Number 06-181 in all correspondence with the FCC regarding your petition.