



Federal Communications Commission
Washington, D.C. 20554

June 2, 2014

Ronald A. Yakerson
Digital Exposure – Open House ATX
11421 Viridian Way
Austin, TX 78739

Re: Case Identifier: CGB-CC-1196
CG Docket No. 06-181
Petition for Closed Captioning Exemption
Dismissal of Petition

Dear Mr. Yakerson:

This letter concerns your Petition for exemption from the Federal Communications Commission's (FCC's) closed captioning requirements.¹ The FCC's Consumer and Governmental Affairs Bureau (Bureau) advises you that, for the reasons stated below, your Petition is dismissed as incomplete and you must begin providing closed captioning for the programming that is the subject of your Petition within 90 days of the date of this letter, or **by September 2, 2014**. For your convenience, enclosed is a copy of the Public Notice announcing the dismissal of your Petition. As explained further below, your Petition is dismissed without prejudice and you may file a new petition for exemption.

The programming that is the subject of your Petition has been exempt from the FCC's closed captioning requirements since your Petition was first filed.² On October 26, 2012, the Bureau placed your petition on public notice for comment.³ After reviewing the comments received in response to your Petition and similar petitions, the Bureau determined that it required additional and updated information to enable it to determine whether your programming should be exempt from the FCC's closed captioning requirements because captioning such programming would be economically burdensome to your organization. Accordingly, on September 26, 2013, the Bureau sent you a letter requesting additional and updated information regarding your Petition. The letter stated that, unless you submitted the required information and materials outlined in the Bureau's letter by October 28, 2013, the Bureau would dismiss your Petition. On October 28, 2013, you requested a time extension for submission of this additional and updated information. On November 4, 2013, the Bureau granted you a time extension to December 4, 2013 for filing of the required information and materials.

On December 5, 2013, we received some but not all of the additional and updated information requested by the Bureau's letter. Specifically, you did not satisfy the following requirements.

- 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.

¹ 47 C.F.R. § 79.1.

² 47 C.F.R. § 79.1(f)(11).

³ *Request for Comment: Request for Exemption from Commission's Closed Captioning Rules*, Public Notice, DA 12-1729, 27 FCC Rcd 13403 (2012).

- 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 did not satisfy this requirement. You submitted two recent quotes to provide closed captioning for "Open House ATX" from New Day Media (\$150 - \$180 per ½ hour program) and KXAN (to provide outsourced captioning at \$150 per ½ hour program). You did not, however, provide an estimate of your annual cost to caption your program based on those quotes. You included an estimate of your annual cost to caption your program based on a captioning quote of \$125 per ½ hour program, for which you did not provide documentation. We require that you provide an estimate of your annual cost to caption your program based on every quote for which you provide documentation. Therefore, you did not satisfy this requirement.

- 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 did not satisfy this requirement. The "Profit and Loss Standard" that you submitted for the combined calendar years 2011 and 2012 does not satisfy this requirement because it does not provide the requisite information for each year. In addition, the tax returns you provided for each year do not satisfy this requirement because they do not provide the required statement of all income and expenses, as described above.

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

- 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.

You did not satisfy this requirement. You did not provide the required information about your current assets and current liabilities as of the last day of each of the two most recent calendar or fiscal years, which were 2011 and 2012 at the time of your submission.

- 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.

Accordingly, your Petition is dismissed as incomplete. You must begin providing closed captioning for the programming that was the subject of your Petition within 90 days of the date of this letter, or by **September 2, 2014**.

Because your Petition is dismissed without prejudice, you may file a new petition for exemption from the FCC's closed captioning requirements. If you file a new petition, the programming that is the subject of the new petition will again be exempt from the FCC's closed captioning requirements while the new petition is pending. The Bureau will assign a new case identifier number to any new petition that you file. For more information about filing a new petition, including instructions for new electronic filing requirements, please visit <http://www.fcc.gov/encyclopedia/economically-burdensome-exemption-closed-captioning-requirements>. Your new petition must provide the FCC with up-to-date and complete information and must contain all of the information, materials, or documents necessary to support your request. Your new petition may not incorporate by reference any information, materials, or documents that you have previously submitted to the FCC.

If you have questions pertaining to this letter or to the filing of a petition for exemption, 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

Enclosure