



Federal Communications Commission
Washington, D.C. 20554

June 2, 2014

Salvatore DiMario
Delaware Standardbred Owners Association
830 Walker Square, Suite 11-2
Dover, DE 19904

Re: Case Identifier: CGB-CC-1228
CG Docket No. 06-181
Petition for Closed Captioning Exemption
Dismissal of Petition

Dear Mr. DiMario:

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 5, 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 November 4, 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.
 - Documentation for two or more recent quotes you received from closed captioning services to provide closed captioning specifically for each program. "Recent" means a

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 12-1601, 27 FCC Rcd 12201 (2012).

quote you obtained not earlier than one year prior to the Bureau's September 26, 2013 letter.

You did not satisfy this requirement. Neither document you provided satisfies these requirements for a "recent quote" specific to your program. Exhibit 1 is a Post Production Closed Captioning & Subtitling rate sheet from CPC. It is not dated and is not specific to your program. Exhibit 2 appears to be an e-mail from CaptionLabs that contains a schedule of rates, but it is neither specific to your program nor dated.

- 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.

The estimates of the annual costs to caption your program that you provided do not meet this requirement, because they were based on general information you received from CPC and CaptionLabs, not quotes specific to your program.

- Your financial resources.

- Information about all income and all expenses for your organization, as follows:
 - 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 did not satisfy this requirement. You provided "Statements of Activities" for fiscal years 2011-2012 and 2012-2013, prepared by Raymond F. Book & Associates, P.A. Certified Public Accountants. However, you failed to include the "Accompanying Notes and Accountant's Report" referred to in a footnote at the bottom of the 2010 Profit and Loss Statement. Without the "Accompanying Notes and Accountant's Report," the documents provided do not satisfy this requirement for audited financial statements or an accountant's compilation of financial statements.

- 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.

Your submission of the "Statements of Activities" indicating changes in net assets does not satisfy this requirement.

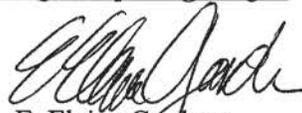
- Current assets are any asset (or resource) as of the last day of the calendar or fiscal year that can be converted into cash within the following year.
 - Examples of current assets for an individual or sole proprietor: cash; checking accounts; savings accounts; investment accounts including money 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