

THE PETITION PROCESS – What a Petition Must Contain

The FCC's process for handling closed captioning exemption petitions has multiple steps. CGB is responsible for reviewing and deciding the merits of exemption petitions.

When CGB receives a petition, it must first determine whether a petition contains sufficient information to be placed on public notice (*i.e.*, released to the public) so that the public can comment on its merits. CGB looks to whether the petition contains up-to-date evidence, supported by affidavit, to show that it would be economically burdensome to provide closed captioning for the specific programming for which an exemption is sought. Section 713(e) of the Communications Act and the FCC's rules at 47 C.F.R. § 79.1(f)(2) define "economically burdensome" as "significant difficulty or expense." In determining whether the provision of closed captions will cause significant difficulty or expense, these provisions require the FCC to consider four factors: (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner.

In order to prove that the provision of closed captioning would impose an economic burden when applying the above four factors, a petition must contain the following:

1. Documentation of the petitioner's financial status sufficient to demonstrate the petitioner's inability to afford closed captioning – for example, profit and loss statements or bank statement information. (This should not just include the resources devoted to or the costs associated with the television program at issue);
2. Information about the costs associated with captioning the specific program(s) for which the petitioner is requesting an exemption;
3. Verification that the petitioner has sought closed captioning assistance (*e.g.*, funding, services) from its video programming distributor; also the extent to which such assistance has been provided or rejected;
4. Verification that the petitioner has sought additional sponsorship sources or other sources of revenue for captioning, and that, even if these efforts have not successfully produced assistance, the petitioner does not otherwise have the means to provide captioning for the program(s); and
5. Information on the type of the petitioner's operation(s) and the impact that providing captions would have on its programming activities, for example, the extent to which its programming might not be shown if it is required to provide captions.

Each petition should contain a specific list of names of the program(s) for which an exemption is being sought and it may describe other factors that the petitioner deems relevant to an exemption determination, as well as any alternatives that could be a reasonable substitute for the closed captioning requirement. Finally, each petition **must be accompanied by an affidavit** (*i.e.*, a written sworn statement made under oath) supporting the petition.

We advise petitioners to carefully review the FCC's recently adopted *Memorandum Opinion and Order, Order, and Notice of Proposed Rulemaking in Anglers for Christ Ministries, Inc.*, which can be found at <http://transition.fcc.gov/cgb/dro/caption.html> and corresponding FCC rules (47 CFR § 79.1(f)(2)-(3)). These documents describe the requirements for obtaining an economically burdensome exemption in detail.

If CGB determines that the petition provides *sufficient* information upon which to make a determination of whether or not to grant a closed captioning exemption, it will place the petition on public notice in CG 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 the petition, after which the petitioner will have 20 days to respond. At the end of this timeframe, CGB will review the petition, along with information provided in any comments and responses received, to determine whether providing captioning would be economically burdensome for the petitioner. While a petition is pending, the program at issue does not need to be captioned.

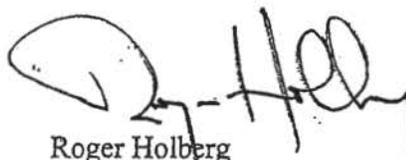
If, however, CGB determines that the petition and supporting documents do not provide sufficient information needed for the FCC to make a determination as to the merits of its petition, the petition will be considered *deficient* and CGB will not place the petition on public notice.

YOUR PETITION

As noted above, CGB has determined that the petition that you filed with the FCC on December 28, 2011, is deficient, because although it provided some information, it failed to provide sufficient information for us to make a determination as to whether the provision of closed captioning would be economically burdensome for you. We therefore conclude that your petition is not sufficient to be placed on public notice. As mentioned above, if you wish to receive further consideration for a closed captioning exemption for your programming, you must supplement your petition by filing the information listed in the first paragraph of this letter by **April 6, 2012**, which is 30 days from the date of this letter. If you do not file this additional information by that date or the information that you provide is still deficient, your petition will be dismissed without prejudice to re-filing, and you will be required to begin providing closed captions for this programming on **June 6, 2012**.

If you decide to supplement your petition, your petition, as well as any supporting financial information provided, will be available for public inspection. If your petition contains confidential information, you may request "confidential treatment," *i.e.*, that it not be shared with members of the public, pursuant to FCC rules. See 47 C.F.R. § 0.459. If you provide information for which you want "confidential treatment," you must also submit a second version of your petition with the confidential information redacted (this must be submitted *along with* your request for confidential treatment). The redacted version will be publicly disclosed. If your request for confidential treatment is granted, the "public version" of your petition must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that the public understands the basis for your exemption request and can comment on its merits.

If you have additional questions pertaining to the filing of an exemption request, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov. Thank you.



Roger Holberg
Attorney, Disability Rights Office

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

For 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-B431
445 12th Street, SW
Washington, DC 20554

For commercial overnight mail, such as Federal Express or United Parcel Service, please use the following address:

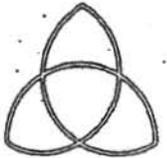
Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
9300 East Hampton Drive
Capitol Heights, MD 20743

Electronic filing and faxes of petitions will not be accepted.

Please wait *at least two weeks* before contacting FCC staff to make inquiries about whether your petition has been received. **You must include the case identifier number at the top of the acknowledgement you previously received, which is also at the top of this letter, in all correspondence with the FCC regarding your petition.**

SMT 3 AM 12
RAK

Trinity Lutheran Church & School
Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
Administrative Pastor
(573) 651-3038
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
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DIANE MAURER
Principal
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KAREN DRURY
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April 2, 2012

Federal Communications Commission
Washington, DC 20554

Exhibit 4

- Enclosures:
- 1 Trinity weekly newsletter item of Feb 2012
 - 2 Ron Duff CC weekly estimate
 - 3 Congregational 2011 financial status and F/Y 2013 budget proposal

Dear Mr. Holberg:

Trinity Lutheran Church, Cape Girardeau, MO, has had its Sunday church service (Living Hope), broadcast over the TV airwaves continuously in our surrounding area for almost 30 years. **WHAT A WONDERFUL MISSION AND OUTREACH THIS PROVIDES FOR OUR COMMUNITY!!**

Our production has been primarily financed by a one-time bequest 30 years ago which **does not go into perpetuity, and is almost out of asset!**

We have (enclosure 1) made our congregation aware of our financial circumstances regarding this mission. To date we have funds left for 20 months of broadcasting which would take us through (Oct/Nov 2013), assuming no additional weekly expenditures are added to the production costs, ie, closed captioning. By incurring an additional weekly expense for closed captioning, we would have to cease our broadcast by July/Aug 2013.

This is a **most important ministry to our area, watched by thousands of people weekly of diverse backgrounds (not all Lutheran or even churched)**. Our pastors and office personnel have received, over the years, nothing but positive feedback from the community and quad state area (Missouri, Illinois, Kentucky and Arkansas).

There **has never** been a viewer request for closed captioning – **no one has ever let us know that this would be helpful.**

By incurring an additional expense of \$225/wk (\$11,700/yr) with mandatory closed captioning – (our video programmer is willing to reduce his cost to us by \$25/wk from \$250/wk

or \$37,700/yr. **Our congregational budget proposal for F/Y 2013 shows a probable deficit of \$51,000 (enclosure 3).**

Trinity Lutheran Church also supports a parochial school, K-8, whose financial obligation annually is in excess of \$800,000. We are not in a financial position to appropriate or discover any additional funds for our TV broadcast. We are afraid that this **30 year tradition** will end if our annual outlay for Living Hope is increased from \$26,000 to \$37,700 because of closed captioning. We currently are trying to raise the \$500/wk contributions (which have been slow), but **\$725/wk will be impossible!!**

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to Trinity Lutheran Church in Cape Girardeau, MO, to keep this most important mission alive!!



Ronald P. Lessmann, D.D.S.
President, Trinity Lutheran Church

ENCLOSURE 1 -- Trinity weekly newsletter item of Feb 2012

2. EASTER CANTATA

Mark on your calendar the Saturday/Sunday weekend of April 14/15 to be in attendance at the Trinity Sing presentation of "You Are The Christ", an Easter Cantata. This will reinforce the powerful Easter message that our Pastoral staff will stir into our hearts. The choir would still welcome additional help with your voices. The choir will practice the cantata for 30-40 minutes each Wednesday night in March immediately after the 7 p Lenten service. **COME JOIN US!**

3. LIVING HOPE AND RADIO BROADCAST

As mentioned before, we currently have approximately \$41,000 remaining in our TV accounts, which equate about 21 months left of paid (non budgeted) TV outreach ministry -- current costs are about \$2,000/mo. Since we have no word from the FCC on our request for our closed captioning waiver which would add additional costs. Our radio broadcast currently has \$32,000 remaining which at approximately \$380/mo will see us monthly through 2019. **Please remember Living Hope in your specially marked offering envelopes, memorials, love offerings and outreach contributions.**

Ron Lessmann

**Trinity Sr. High Youth
Mark Your Calendars to Make a Difference!**



**Senior High Missouri District Youth Gathering
"Strong, Firm and Steadfast in Christ for Joplin"**

And after you have suffered a little while, the God of all grace, who has called you to his eternal glory in Christ, will himself restore, confirm, strengthen and establish you.

(1 Peter 5:10)

June 21-24, 2012

Missouri Southern State University -- Joplin, MO

Plans are well underway for this year's District Youth Gathering to be held in Joplin.

ENCLOSURE 2 -- Ron Duff CC weekly estimate

RON DUFF VIDEO PRODUCTIONS

**1025 Broadway
Cape Girardeau, MO 63701
573-334-1189**

Services provided for:

**Trinity Lutheran Church
100 N. Frederick St.
Cape Girardeau, MO 63701**

Half Hour TV Program "Living Hope" Projected Costs:

Weekly Closed Caption/Transcription Service \$225

Signed by



Ron Duff

ENLOCURE 3 -- 2011 financial status and F/Y 2013 budget proposal

Trinity Lutheran Church		
2011 Actual and year ended July 2013 budget		
	2011 actual	Aug12-Jul13 budget
Income		
Envelope - General Offerings	489,068	510,000
Thanksgiving Offerings	8,162	8,000
Sunday School Offerings	695	600
Memorials	5,935	2,000
Interest Income	1,380	1,400
Dial - A - Prayer/ Sr. Aid	400	450
VBS Donations	860	450
Office Receipts	250	
Portals of Prayer	205	250
Misc.	4,154	7,000
Rent 13N Pacific	8,650	8,650
Total Church Income	519,759	538,800
School Income		
Trinity Tuition	236,158	236,000
St. Andrew Tuition	169,847	170,000
Good Shepherd Tuition	9,552	9,500
Hanover Tuition	39,000	39,000
Non-Member Tuition	93,608	93,000
School Endowment Interest	1,380	1,300
Registration Fees	28,080	28,000
Rent - School Property	2,426	2,400
School Parents Tuition	125,526	121,000
Gifts/Donations	1,520	0
TLC School Envelope Offerings	554	600
Thrivent Matching Gifts	5,623	4,000
Athletic Admissions	3,982	3,800
Misc.	1,688	2,000
Total School Income	718,944	710,600
Cafeteria Income		
Children Receipts	52,667	50,000
Adult Receipts	1,845	1,500
State Reimbursements	13,622	15,000
Non - Program Receipts		
Total Cafeteria Income	68,134	66,500
Early Learning Center Income		
ELC Fees	214,524	218,000
Total ELC Income	214,524	218,000
Synod & District Income		
Envelope Offerings		

	2011	Aug12-Jul13
	actual	budget
Regular Envelope Offerings	2,904	2,800
Total Campus Ministry	2,904	2,800
Principle payment		
Love offerings	0	0
Total Receipts	1,584,765	1,597,200
Church Expenses		
Car and Util Allowance	17,612	19,500
Guest Speakers	150	500
Office Equipment Rental	1,441	2,000
Dial - A - Prayer	397	500
Stewardship	291	400
Office Supplies	6,930	9,000
Insurance	18,019	20,000
Janitor Supplies	833	1,500
Organist	4,375	4,700
Maintenance and General Repair	21,559	20,000
Choir Music	933	750
Youth Program	6,371	10,000
Parish Education	3,240	4,700
Christian Care	1,188	1,700
LFCS	2,000	2,000
Communion Supplies	13	0
Adult Bible Study	389	500
Banner Ministry	49	600
DCE - Conf. & Cont. Ed.	598	800
Envelopes	1,989	2,500
Gospel Outreach	8,878	8,000
Conferences	747	3,000
Employer Soc Sec + offset	6,896	7,829
Worship Folders	1,954	2,500
Utilities	25,846	28,500
Sewer/Trash	1,321	1,400
Telephone	5,050	5,500
Telephone - Pastors	276	400
Camp Semo	646	600
Bank Charges	599	600
Vacation Bible School	944	1,500
Saxony High School	10,920	11,000
Devotional Materials	1,236	1,100
Concordia Retirement Plan	16,911	16,753
Concordia Disability	3,400	3,464
Concordia Health Plan	28,728	24,104

	2011	Aug12-Jul13
	actual	budget
Salary DCE	36,541	38,349
Salaries - Office	41,675	44,677
Contract- Custodian	16,800	16,800
Handbell Director	690	600
Brass Director	315	300
Choir Director/Organist Scheduler	3,125	4,200
Repairs-13 N Pacific	2,899	1,000
Other expenses - 13 N Pacific	1,473	1,500
Interest exp - 13 N. Pacific	3,628	4,000
Total Church Expenses	426,360	455,453
SCHOOL EXPENSES		
Textbooks	26,328	28,000
Art Supplies	577	650
Medical - First Aid	0	150
Office Supplies	1,831	3,100
Postage	416	700
Music/Band	92	300
Teacher Classroom Supplies	1,076	3,250
Test Scoring	1,766	2,100
Professional Admin. Dues	1,036	1,100
Music/Choir Handbells	304	300
Science supplies	0	500
Nat'L Lutheran School Accr.	1,308	600
Pest Control	1,050	1,100
Office Equip. Repair	0	200
Facility Maintenance	16,109	16,000
Office Equip. Rental	2,234	2,600
Janitorial Supplies	4,528	4,000
School Credit Card fees	-80	0
Moving Expenses	0	3,000
Mileage	1,605	2,000
Conference	522	3,000
Continuing Education	1,000	1,000
Advertising	1,250	1,250
Misc.	-157	2,300
Utilities	26,172	30,000
Sewer/Trash	4,319	4,400
Telephone	2,486	2,800
Insurance	18,019	18,000
Athletic Events - Officials	2,700	2,500
Pre-K Snack	675	675
Concordia Retirement Plan	36,338	38,196
Concordia Disability Plan	8,359	8,764
Concordia Health Plan	125,586	131,067
Deductible Reimbursement	1,000	2,000

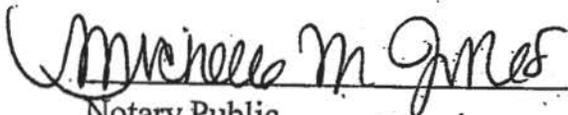
	2011	Aug12-Jul13
	actual	budget
Salary - School Stipends	2,250	3,375
Social Security	17,074	18,798
Deductible Reimbursement		2,000
Total School Expenses	801,643	854,489
Cafeteria Expenses		
Food	26,661	28,000
Salaries	18,414	17,995
Concordia Retirement Plan	1,916	976
Concordia Disability Plan	435	253
Concordia Health Plan	13,751	6,446
Social Security	1,332	1,377
Equipment Purchases	785	500
Supplies	1,170	1,500
Total Cafeteria Expenses	64,464	57,047
ELC Operations		
ELC Operations	23,697	23,200
Utilities	8,265	10,000
Maintenance	1,926	2,000
Social Security	10,073	10,000
Telephone	794	1,000
Insurance	7,379	7,400
Concordia Retirement Plan	7,187	7,000
Concordia Disability Plan	1,859	1,700
Concordia Health Plan	22,675	22,000
Deductible Reimbursement	700	700
Salaries	130,446	130,000
Custodian	3,000	3,000
Total ELC Expenses	218,001	218,000
Synod & District Expenses		
Mo District/Synod	56,000	56,000
Adopt A Mission	4,500	4,500
Total Synod & District Expenses	60,500	60,500
Campus Ministry Expenses		
Campus Ministry Expenses	2,903	2,900
Principle paymts-Love offerings		
Principle paymts-Love offerings	0	0
Total Disbursements	1,573,871	1,648,389
Receipts Less Disbursements	10,894	(51,189)

AFFIDAVIT

This letter, with its three (3) enclosures, is accurate, factual and true.

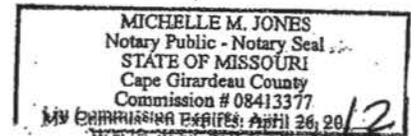
This 3rd day of April, 2012, before me personally appeared Ronald P. Lessmann, to Michelle Jones, known to be the person described executed the foregoing instrument. Acknowledgement that he executed the same in his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state, aforesaid, the day and year first above written.



Notary Public

My commission expires: 4-26-2012



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Office of the Secretary Federal Communications Commission Attn: Disability Rights Office Room 3-B431 445 12th Street, SW Washington, DC 20554</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Enter delivery address below: <input type="checkbox"/> No</p> <p>APR 05 2012 EC Mail Room</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Edm Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>PS Form 3811, February 2004</p>	<p>EG992925494US</p> <p>Domestic Return Receipt 102595-02-M-1540</p>

EG 992925494 US

ORIGIN (POSTAL SERVICE USE ONLY)	
ZIP Code 63701	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day
Date Accepted 4-3-12	Scheduled Date of Delivery 4-4
Mo. Day Year	Month Day
Time Accepted 2:26 PM	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military
Flat Rate <input type="checkbox"/> or Weight 0 lbs. 4 ozs.	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
	Int'l Alpha Country Code
	Postage \$ 13.95
	Return Receipt Fee \$ 2.35
	COD Fee \$
	Insurance Fee \$
	Total Postage & Fees \$ 21.30
	Acceptance Emp. Initials KID

FROM: (PLEASE PRINT) PHONE (573) 334-3966
 Trinity Lutheran Church
 Attn: Ken Lessmann
 100 W. Frederick, St.
 (from Birmingham 440 63701)

EXPRESS MAIL
 UNITED STATES POSTAL SERVICE®

Customer Copy Label 11-B, March 2004
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DELIVERY (POSTAL USE ONLY)		
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Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		

CUSTOMER USE ONLY

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 Express Mail Corporate Acct. No. WAIVER OF SIGNATURE (Domestic Mail Only)
 Additional merchandise insurance is void if customer requests waiver of signature.

Federal Agency Acct. No. or Postal Service Acct. No. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY
 Weekend Holiday Mailer Signature

TO: (PLEASE PRINT) PHONE ()
 Office of the Secretary
 Federal Communications Commission
 Attn: Disability Rights Office, Room 3-B431
 445 12th Street, SW
 Washington, DC 20554

Exhibit 5



Federal Communications Commission
Washington, D.C. 20554

August 24, 2012

Case Identifier: CGB-CC-0475

Trinity Lutheran Church
School and Early Learning Center
Attn: Dale F. Kester
100 North Frederick Street
Cape Girardeau, MO 63701

RE: *Living Hope*

Dear Mr. Kester:

By this letter, we are advising you of the current status of your above-referenced petition for exemption from the Federal Communications Commission's (FCC's) closed captioning rules. On March 7, 2012, the Consumer and Governmental Affairs Bureau (the Bureau) advised you by letter that, absent further action on your part by April 6, 2012, the petition would be dismissed on June 5, 2012. We did not receive the requested information or a new petition from you prior to that date. Accordingly, as stated in the Bureau's letter, your petition was dismissed without prejudice on June 5, 2012. Given that your petition was dismissed without prejudice, you may file a new petition for exemption at any time. In addition, the Bureau advised you that if your petition was dismissed, you were required to comply with the FCC's closed captioning rules by June 6, 2012. Thus, as of such date, broadcast of the program that was the subject of your petition must be closed caption unless and until such time as you again request an exemption from the FCC's captioning requirements.

For your convenience, we have enclosed additional information that may help you better understand how we process individual requests for captioning exemptions. If you have additional questions pertaining to the filing of an exemption request, please contact the FCC's Disability Rights Office at captioningexemption@fcc.gov.

Sincerely,

Roger Holberg
Attorney, Disability Rights Office
Consumer and Governmental Affairs Bureau

Enclosure

Exhibit 6



**READ THIS IN ITS ENTIRETY!
IMPORTANT INFORMATION AND TIPS ON
OBTAINING A CLOSED CAPTIONING EXEMPTION**

In 1996, Congress passed a law requiring closed captioning on television programming. The Federal Communications Commission (FCC) implements this law, which requires closed captions on nearly all English and Spanish language programming. There are some instances where captioning is not required – *i.e.*, there are some exemptions from the captioning requirements. There are two types of exemptions: categorical and individual exemptions.

Categorical Exemptions:

The FCC's rules contain categorical exemptions from the captioning requirements. These exemptions are self-implementing. In other words, if you are a programming provider that meets one of the following criteria, you are automatically exempt from having to caption your programming and do not need to first request an exemption from the FCC. Here are the self-implementing exemptions:

- Programming that is locally produced by the video programming distributor, has no repeat value, is of local public interest, is not news programming, and for which the electronic newsroom technique of captioning is unavailable (such as a homecoming parade)
- Channels that produce revenues under \$3,000,000 per year; this applies only to the revenues of providers that caption an entire channel of video programming and **not** to the revenues from a single video program
- The program's primary language is not English or Spanish
- The program is primarily text programming
- Non-vocal musical programming (note that vocal music must be captioned if it is combined with non-vocal music in the same program)
- Locally produced educational programming for use in schools (although there may be requirements to caption that program under other disability laws)
- If the cost of captioning is in excess of 2% of a company's annual gross revenue from the previous calendar year **and** the company has already spent 2% of its previous year's gross revenue on captioning; this applies only where the revenues are received from a channel of video programming and does **not** apply to the revenues from a single video program
- "Interstitial" material including advertisements, promotional announcements, and public service announcements that are less than 10 minutes in duration

- Video programming on a new network for its first four years of operation
- Video programming transmitted by an Educational Broadband Service (formerly the Instructional Fixed Television Service) licensee
- Programming distributed to viewers between 2 a.m. and 6 a.m. local time, except where the channel consists of a service that is distributed and exhibited for viewing in more than a single time zone can be exempt from closed captioning for any continuous four-hour time period that the video programming distributor may select, commencing not earlier than 12 a.m. local time and ending not later than 7 a.m. local time in any location where the service is intended for viewing
- Video programming subject to a contract in effect prior to February 8, 1996, where captioning would constitute a breach of that contract. This does not apply to extensions or renewals of such contracts.

Individual Exemptions Based on Economic Burden:

Even if you do not meet one of the above criteria, you may still request an individual exemption from the closed captioning requirements if you can demonstrate to the FCC that providing captioning would be economically burdensome. The Communications Act defines "economically burdensome" as "significant difficulty or expense." In order to demonstrate that it would be economically burdensome for you to provide captions, you must submit the following in your captioning exemption petition to the FCC:

- *Name of the programs or channels for which the exemption(s) are sought*
- *Documentation of your financial status* – For this factor, you must demonstrate your inability to afford captions. For example, you may include bank statement information showing profits/losses. It is critical for this information to (1) be as current as possible and (2) include the financial resources of your overall organization or entity, and not just the resources for the TV programming in question. See TIPS #2 and #3.
- *Captioning cost quotes* – For this factor, you should ascertain and submit the reasonable costs of captioning your program. Make sure that these are recent quotes and applicable to your programming. If you plan on buying equipment to do captioning on your own, you should also provide estimates that show how much it will cost you to provide the captioning services as well. See TIP #4.
- *Verification that you have sought assistance (e.g., funding, services) from your video programming distributor* – For this factor, state whether you have asked your distributor to help you provide captions, and whether this request was accepted or rejected. Your distributor is the TV broadcast station, cable provider, or satellite system that shows your program. See TIP #5.
- *Verification that you have sought additional sponsorships (other than from your distributor) or other sources of revenue* – For this factor, 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 you cannot solicit and/or accept such sponsorship, instead provide the reason why you are unable to do so. See TIP #5.

**TIPS FOR FILING CAPTIONING EXEMPTIONS PETITIONS
BASED ON ECONOMIC BURDEN:**

TIP #1: Definitions

Q. What are the definitions of "video programming provider" and "video programming distributor"?

A. A "video programming provider" is any video programming distributor and any other entity that provides video programming that is intended for distribution to residential households including, but not limited to broadcast or nonbroadcast television networks and the owners of such programming. Typically, this will include the petitioner if it is the party producing the programming. A "video programming distributor" is any television broadcast station licensed by the FCC and any multi-channel video programming distributor and any other distributor of video programming for residential reception that delivers such programming directly to the home and is subject to the jurisdiction of the Commission. Typically, this is the television station, cable channel, or satellite provider that shows delivers the petitioner's programming to the public and is licensed by the Commission.

TIP #2: Provide documentation of your overall financial status.

Q. If the profit on my programming is less than the cost of captioning that programming, am I automatically entitled to a captioning exemption?

A. No. The FCC does not compare the cost of producing a program with the amount of money you make from that program to determine whether a petitioner should receive a captioning exemption. In other words, the FCC does not consider the costs of and resources devoted to or from the specific program. Rather, the FCC looks at the extent to which your organization or company can afford the cost of captioning, and therefore looks at the overall revenues of your company or organization.

TIP #3: Include up-to-date documentation about your financial status.

Q. What financial information must be provided?

A. Current FCC rules do not specify what financial information must be provided. It should, however, include documentation such as a profit and loss statement, a bank record, or something of that nature. Most importantly, it should be as recent as possible. Finally, you should remove sensitive information such as account numbers, social security numbers, etc. before submitting it and should never submit copies of cancelled checks.

TIP #4: Provide captioning costs for the program for which you are seeking an exemption.

Q: What captioning costs must be provided?

A.: You must provide information about the reasonable and costs of captioning for your program, not just the costs of captioning any programs.

- *Information about the type of your operations and the impact that providing captions will have on your programming activities. (For example, tell us whether you will be unable to show the program if you have to pay for captions.)*
- *Any other factors you think are relevant to your exemption request, including alternatives that could be a reasonable substitute for captioning.*

IMPORTANT:

You must include with your petition either a signed affidavit (a written statement made under oath – e.g., affirmed by a notary – that the information is truthful and accurate) or your signature affirming that you attest to the truthfulness and accuracy of the statements made in your petition under penalty of perjury.

The logo for the Federal Communications Commission (FCC), consisting of the letters 'F' and 'C' in a stylized font, with a smaller 'C' nested inside the larger 'C', all in white on a black square background.

TIP #5: Affirm, under penalty of perjury, that you have sought captioning assistance.

Q. What do I have to do to "verify" that I have sought assistance from my video program distributor and additional sponsorship sources?

A. All you have to do is tell us that you sought assistance from your video program distributor and other possible sources of support for captioning. You do not have to provide letters demonstrating that you have done so, although you may if you wish. You are encouraged to also provide information on the results of your solicitations. If your organization is precluded from seeking outside assistance, you should explain the reason for this. Also, remember that all statements you make in your petition must be affirmed as truthful and accurate under penalty of perjury (either by affidavit or signature).

TIP #6: You may request confidential treatment of your information, but must publicly disclose enough for others to comment on your petition.

Q. How can I obtain confidentiality regarding information I submit?

A. Because of the public nature of FCC proceedings, your petition, as well as any supporting financial information provided, will be available for public inspection. If your petition contains confidential information, you may request "confidential treatment," i.e., that it not be shared with members of the public, pursuant to FCC rules (47 C.F.R. § 0.459). If you provide information for which you want "confidential treatment," you must also submit a second version of your petition with the confidential information redacted (removed). 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 publicly disclosed. If your request for confidential treatment is granted, the "public version" of your petition must still contain sufficient documentation to support your claim that closed captioning would be economically burdensome. This documentation is needed so that the public understands the basis for your exemption request and can comment on its merits.

TIP #7: While your petition is pending, you are exempt from the closed captioning rules.

Q. Once I file a petition, do I have to caption my program?

A. Under the FCC's rules, once you have filed a petition seeking an economically burdensome exemption from our captioning requirements, the programming is exempt from the captioning requirements unless and until the petition is dismissed or denied. However, remember that once you have received a notice from the FCC seeking additional information on your petition, you have only 30 days from the date of that notice to deliver all of the necessary information to the FCC. After that, if your petition is still not complete, it will be dismissed and you will have 90 days from the date of the FCC's notice (seeking additional information) to begin captioning. We understand that at times, video programming distributors request programming to be captioned even while a petition is pending. If your distributor makes this request, this is an issue between you and your video programming distributor.

TIP #8: When your petition contains all the necessary information, the FCC will release it to the public (put it on "public notice") to get feedback on its merits.

Q: What happens to my petition after I provide all the information requested by the FCC?

A: After you provide all the information that the FCC believes is necessary to make a determination of whether or not to grant a closed captioning exemption, the FCC will release your petition to the public (put it on "public notice.") At that point, the FCC will add it to the closed captioning exemption docket: "CG Docket No. 06-181" and you and others will be able to find it on the FCC's website at <http://fjallfoss.fcc.gov/ecfs/>. Members of the public will then have 30 days to file comments on or oppositions to your petition. You will then have 20 days to respond to those comments. At the end of that time, the FCC will review your petition, along with the comments and responses received, to determine the extent that providing captioning would be economically burdensome for you. The FCC will then either grant or deny your petition. If the FCC denies your request for an exemption, you will have 90 days from the date of the denial to begin captioning.

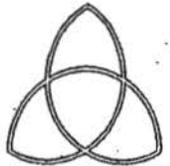
TIP #9: Be sure to mail or transmit your document in sufficient time to meet filing deadlines.

Q: When does the FCC consider a petition or response to a letter seeking additional information to have been filed?

A.: The FCC considers a document to have been filed when it is received by the Commission, not when it is mailed or postmarked. The actual date of when a document is filed with the Commission is indicated by an FCC date-stamp on the face of the document. When submitting a document to the FCC that is subject to a filing deadline, be sure to allow enough time for it to be transported to and arrive at the FCC by the deadline.



Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701



REV. DOUGLAS C. BREITE
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Pastor
dcb@t-lutheran.org

REV. NATHAN A. BURGELL
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LEAH KORTMEYER
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KAREN DRURY
Preschool Director
daycare@t-lutheran.org

September 9, 2012

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Ref.: (1) Your letter dated 24 August 2012 (Case Identifier : CGB-CC-0475)
(2) Your letter dated 7 March 2012 (Case Identifier: CGB-CC-0475)
(3) Our letter dated 2 April 2012 (With Complete Package as you requested.)

Exhibit 7

Dear Mr. Holberg:

We are as a congregation disappointed by the FCC's lack of thoroughness regarding our response (3) to your (2), as stated in (1).

As per your "guidance" in (2), we humbly, respectfully, and with sincerity prepared our waiver package in a timely fashion and submitted such package to you and have a "signed receipt" from your FCC mailroom.

Please take the time to read our request (3) and then act favorably on our petition.

The sole purpose of Living Hope is to broadcast Trinity Lutheran's church services. Thus, it is difficult to imagine a clearer case of purely religious speech intended to spread Christian ministry. **The First Amendment to the U.S. Constitution protects Trinity Lutheran from government interference with the manner in which it delivers its ministry.** Accordingly, the FCC's efforts to force the Church to spend its limited resources to implement closed captioning in its Living Hope's broadcasts represents an **unconstitutional interference with the Church's ministry.** Indeed, this interference amounts to a government mandate that the Church minister to a particular group of people (i.e., the hearing impaired). **Requiring any church to deliver its religious message to a particular group clearly is in violation of the First Amendment.**

Earlier this year, the U.S. Supreme Court unanimously rebuked the federal government's effort to regulate the Lutheran Church Missouri Synod's ministry. Such regulation is unconstitutional. **The FCC's efforts are remarkable in that it appears to completely ignore the Supreme Court's holding in *Hosanna-Tabor Evangelical Lutheran Church and School vs. Equal Employment Opportunity Commission*.**

We humbly, sincerely and respectfully, request that the FCC grant a closed captioning waiver to not only Trinity Lutheran Church in Cape Girardeau, MO, but to all not-for-profit religious broadcasts to keep these most important missions alive!!

Ronald P. Lessmann, D.D.S
President, Trinity Lutheran Church

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Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.07

Postmark Here
SEP 17 2012
 09/19/2012

USPS

Sent To **FCC**

Street, Apt. No., or PO Box No.

City, State, ZIP+4 **20554**

PS Form 3800, August 2006 See Reverse for Instructions

7010 2780 0001 9849 8411

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front, if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) D. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, record delivery address below:</p> <p style="text-align: center;">SEP 18 2012</p> <p style="text-align: center;">FCC Mail Room</p>
<p>1. Article Addressed to:</p> <p>Office of the Secretary Federal Communications Commission Attn: Mr. Holberg - disability Rights Office Room 3 - B431 445 12th Street, SW Washington, DC 20554</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7010 2780 0001 9849 8411</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>



Federal Communications Commission
Washington, D.C. 20554

October 2, 2012

Trinity Lutheran Church
Attn: Ronald P. Lessmann, D.D.S.
100 N. Frederick Street
Cape Girardeau, MO 63701

Case Identifier #: CGB-CC-1265

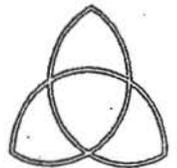
Re: *Living Hope*

The Federal Communications Commission received your request for exemption from the closed captioning rules on September 18, 2012. A copy of the first-page of the filing, date stamped, is attached hereto. Your filing is pending as of the date noted on the stamped filing.

This filing, and any other documents related to it, can be found through the Commission's Electronic Comment Filing System at http://fjallfoss.fcc.gov/ecfs/comment_search/input?z=yqbow. To access this filing and any related documents, key 06-181 in the box labeled "Proceeding Number" and the four numerical digits of the above case identifier number in the "Advanced Options" section in the box labeled "File Number"; then click on the Search for Comments button at the bottom.

You should use the above case identifier number in any correspondence with the Commission concerning your filing. Please retain a copy of this letter for your records.

Trinity Lutheran Church, School and Early Learning Center
Cape Girardeau, MO 63701



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LEAH KORTMEYER
Director of Christian
Education
dceleah@t-lutheran.org

DIANE MAURER
Principal
dmaurer@t-lutheranschool.org

KAREN DRURY
Preschool Director
daycare@t-lutheran.org

September 9, 2012

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Received & Inspected

SEP 18 2012

FCC Mail Room

- Ref.: (1) Your letter dated 24 August 2012 (Case Identifier : CGB-CC-0475)
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Ronald P. Lessmann, D.D.S
President, Trinity Lutheran Church

November 25, 2013

ENCLOSURE 1 -- Ron Duff CC weekly estimate

RON DUFF VIDEO PRODUCTIONS
1025 Broadway
Cape Girardeau, MO 63701
573-334-1189

Services provided for:

Trinity Lutheran Church
100 N. Frederick St.
Cape Girardeau, MO 63701

Half Hour TV Program "Living Hope" Projected Costs:

Weekly Closed Caption/Transcription Service \$225

Signed by:



Ron Duff

Exhibit 8