

ROBERT T. WESTERMAN II, PLC
Attorney at Law

117 West First Street
Gaylord, Michigan 49735
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June 27, 2014

Ms. Marlene H. Dortch, Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-C438
445 12th Street, SW
Washington, DC 20554

**RE: RESPONSE TO FEDERAL COMMUNICATIONS COMMISSION REQUEST FOR
SUPPLEMENTAL INFORMATION DATED SEPTEMBER 27, 2013
CGB-CC-0270
CG Docket No. 06-181**

Dear Ms. Dortch:

Enclosed for filing with the FCC you will find an original and two (2) copies of our *Diocese of Gaylord Response to May 30, 2014 Supplemental Information Request from FCC and Proof of Service*, in the above-referenced matter. We request that an additionally enclosed copy be date stamped and returned to us in the enclosed self-addressed envelope.

Thank you for your cooperation with this matter.

Very truly yours,

ROBERT T. WESTERMAN II, PLC

A handwritten signature in cursive script that reads "Robert T. Westerman II". The signature is written in black ink and is positioned below the typed name.

Robert T. Westerman II
RTW/gmp
Enclosure

cc: Kim Smith
Candy Neff

(07019)

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
DIOCESE OF GAYLORD)
)
CGB-CC-0270)
CG Docket No. 06-181)

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

**DIOCESE OF GAYLORD RESPONSE TO MAY 30, 2014
SUPPLEMENTAL INFORMATION REQUEST FROM FCC**

Candace Neff
DIOCESE OF GAYLORD
Communications Director
611 W. North Street
Gaylord, MI 49735

Robert T. Westerman II
ROBERT T. WESTERMAN II, PLC
Attorney for Diocese of Gaylord
117 W. First Street
Gaylord, MI 49735
(989) 732-2400

June 27, 2014

**DIOCESE OF GAYLORD RESPONSE TO MAY 30, 2014
SUPPLEMENTAL INFORMATION REQUEST FROM FCC**

In response to your request for supplemental information regarding the Diocese of Gaylord's request for an Exemption from Closed Captioning rules for our one hour, once per week, locally produced televised Saturday 5:00 p.m. Mass from St. Mary Cathedral which is broadcast at 8 a.m. each Sunday in rural northern Michigan, we offer the following:

In order to have any chance of providing closed captioning for the Saturday weekly Mass that is aired Sunday morning, unless and until technology advances significantly further, we would have to acquire and pay for the necessary and very expensive closed captioning equipment and hire additional personnel to caption the Mass locally on our own, which is not only prohibited by the cost, but virtually impossible in our time frame. We have explored with the station the possibility of their providing captioning, but they have indicated they do not have the capability to this service. We are, however, continuing to try to explore options.

Among our efforts to assist us in providing closed captioning in that manner and given our unique challenges presented by our rural setting, we have researched grant opportunities to assist us. Our most recent attempt was in April, 2014 in which the Diocese of Gaylord applied for a grant to provide funding for closed captioning. We received notice on June 4, 2014, that our request was denied. We are committed to continuing to research and apply for grants that may be available, but have been unsuccessful to date in securing any grant for this purpose.

To solicit and encourage donations by individuals or businesses for closed captioning, as part of our broadcast "sign off" at the conclusion of the televised Mass, we have added a written announcement seeking assistance specifically for closed captioning. This actually provides for a wide audience who receive the request and particularly those who might most directly benefit from closed captioning. No funds have been received from that effort to date. In fact, though we have

maintained an announcement at the end of the Mass since its inception for financial support for the ministry, the total amount of unbudgeted donations received has been minimal (less than three percent of the total cost of the Mass).

We have just recently placed a banner on our diocesan website seeking assistance to caption the televised Mass, but have not yet had any response.

We believe the lack of response to our requests may be due in part to three things: First, the broadcast of the Mass is already primarily funded through donations made by parishioners to our annual Catholic Services Appeal (CSA). The CSA is the primary source of funding for all of diocesan ministries each year and so parishioners are already supporting the Mass (as well as other vital ministries of the diocese) through their gifts to this annual appeal. As stated before, the televised Mass is just one of our many ministries. To force us to take funds from other ministries limits our ability to serve in other areas which include the poor, hungry, homeless and disenfranchised as well as our catechetical ministries which are basic to our faith. Curtailing those ministries impedes our practice of our faith and impinges on our free exercise of religion.

Second, the economic picture in our state, and particularly in our northern rural area, remains bleak. Michigan's unemployment rate ranks us as 48th in the country - and in the rural northern Lower Michigan territory of our diocese, many of our counties struggle with unemployment rates 30-55 percent higher than the national average. In half of the counties within our diocese, the average poverty rate exceeds the national average – with two of those counties challenged with more than 20% of their populations below poverty level. Because we rely on donations from parishioners, funding for our ministries – including the televised Mass – we are directly impacted by the economic status of individuals and businesses in the area. Due to the financial difficulties being faced by our

parishes and parishioners, our diocesan budget has been frozen for the next fiscal year (July, 2014-June, 2015).

Third, after more than eight years of broadcasting this Mass (more than 420 broadcasts), we have received almost no inquiries about closed captioning for it from any viewers (substantially less than one per year), and considering the fact that no donations have been made for it, it appears closed captioning is not a significant priority in Northern Michigan for those hundreds or thousands of homebound or disabled viewers who are actually viewing the Mass each Sunday morning.

The Diocese of Gaylord is committed to seeking donations, research, efforts and techniques to help bring closed captioning to its broadcast. Although we do hope to one day be able to provide closed captioning when technology and circumstances change we do believe that we have clearly demonstrated that the Diocese of Gaylord's televised Mass not only qualifies for a self-implementing exemption from closed captioning rules, but also under the exemption is economically burdensome which is defined by the FCC as "significant difficulty or expense" (emphasis added). We trust that the Commission will consider the entire set of circumstances as presented in our petition and grant the Diocese of Gaylord an exemption from the closed captioning rules, in light of the practical timing, logistics, and financial impossibility to provide closed captioning at this time.

AFFIDAVIT AND DECLARATION

I, CANDACE NEFF, being first duly sworn, deposes and says as follows:

I declare under penalty of perjury that the information and representations of this Supplemental Information Response, as well as the information and representations in Petitioner's entire submission and all supplements are true and accurate to the best of my knowledge, information and belief.

Further, deponent sayeth not.



Candace Neff, Communications Director
DIOCESE OF GAYLORD
611 W. North Street, Gaylord, MI 49735
(989) 732-2400

STATE OF MICHIGAN)
) SS
COUNTY OF OTSEGO)

On this 27th day of June, 2014, before me a notary public, in and for said county, personally appeared CANDACE NEFF, known to me to be the person described herein, acknowledged that she has read the foregoing Declaration, by her subscribed, and acknowledged that the same was true and accurate to the best of her knowledge, information and belief.



Vicki L. Looker, Notary Public
Acting in Otsego County, Michigan
My Commission Expires: 7/11/17

Dated: June 27, 2014

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
CLOSED CAPTIONING et al.)
)
New Beginning Ministries)
)
Petitions for Exemption from Closed Captioning)
Of the Diocese of Gaylord)
)
CGB-CC-0270)
CG Docket No. 06-181)

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

PROOF OF SERVICE

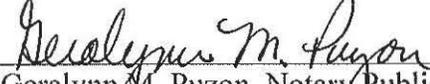
I, Robert T. Westerman II, being duly sworn, deposes and says that prior to 3:00 p.m., on the 27th day of June, 2014, I caused to be filed electronically through the Commission's Electronic Comment Filing System Key 06-181 (ECFF), and also via first class mail with postage fully prepaid thereon, an original *Diocese of Gaylord Response to May 30, 2014 Supplemental Information Request from FCC* and this *Proof of Service*, in regard to the above-captioned matter to the attention of:

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554


Robert T. Westerman II

STATE OF MICHIGAN)
) SS
COUNTY OF OTSEGO)

Subscribed and sworn to before me this 27th day of June, 2014.



Geralynn M. Puzon, Notary Public
Otsego County, Michigan
My Commission Expires: 3/11/19