



Federal Communications Commission  
Washington, D.C. 20554

July 2, 2014

Healing Miracles TV Ministry  
Attn: Joan Amabile  
P.O. Box 795  
Cornelius, NC 28031

Re: Case Identifier: CGB-CC-6897  
CG Docket No. 06-181  
Petition for Closed Captioning Exemption  
Dismissal of Petition

Dear Ms. Amabile:

This letter concerns your Petition for exemption from the Federal Communications Commission's (FCC's or Commission's) closed captioning requirements.<sup>1</sup>

As an initial matter, your letter dated February 14, 2014, states that your program airs at midnight "which is during the 12:00 AM to 4:00 AM exemption from closed captioning." Section 79.1(d)(5) of the Commission's rules provides for a self-implementing exemption to our closed captioning requirements for "programming that is distributed to residential households between 2 a.m. and 6:00 a.m. local time."<sup>2</sup> The rules state that "[v]ideo programming distributors providing a channel that consists of a service that is distributed and exhibited for viewing in more than a single time zone shall be exempt from closed captioning that service for any continuous 4 hour time period they 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 that service is intended for viewing." We recommend that you inquire of your video programming distributor to determine whether your programming is subject to this self-implementing exemption. If your programming qualifies under the self-implementing exemption for late-night programming, you do not need to request an exemption based on economic burden.

With respect to your pending Petition for exemption based on economic burden, 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 30, 2014**, *unless you determine that your programming qualifies under the self-implementing exemption for late-night programming, as described in the previous paragraph*. 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 based on economic burden.

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.<sup>3</sup> On October 26, 2012, the Bureau placed your Petition on public notice for comment.<sup>4</sup> After reviewing the comments received in response to your

<sup>1</sup> 47 C.F.R. § 79.1.

<sup>2</sup> 47 C.F.R. § 79.1(d)(5).

<sup>3</sup> 47 C.F.R. § 79.1(f)(11).

<sup>4</sup> *Request for Comment: Request for Exemption from Commission's Closed Captioning Rules*, Public Notice, DA 12-1729, 27 FCC Rcd 13403 (2012).

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 27, 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.

By letters dated October 18, 2013, and February 14, 2014, you submitted 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 quote you obtained within one year of the date of this letter.

*You did not satisfy this requirement. You provided estimates from LeSea Productions, Automotive Sync Technologies, and New Day Captioning to provide closed captioning for your program. However, you did not provide any documentation and we are unable to determine if these are recent quotes.*

- 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 included estimates of your annual cost to caption your program based on the three captioning estimates you provided. However, as noted above, the captioning estimates you provided were not documented. Therefore, you did not estimate your annual cost to caption your program based on two or more recent quotes from closed captioning service providers for which you provided documentation.*

- 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. You provided this information for calendar year 2011 and for the month of November 2012; not for the two most recent completed calendar or fiscal years.*

- 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 only parts one and four of Form 990 EZ for 2012, but not parts two and three. You did not provide Form 990 EZ for 2011.*

- 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.*

- 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).

- o Examples of current liabilities for a corporation: accounts payable; accrued liabilities; notes payable; current portion of long-term debt; and taxes payable.

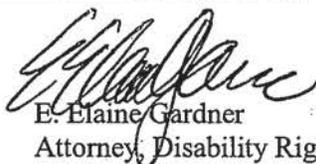
- Affidavit or declaration. A detailed, full showing supported by a signed affidavit or sworn declaration attesting to the truthfulness and accuracy of the information and representations contained in your submission. An affidavit is a written statement made under oath, before an official who is authorized 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.)

*You did not satisfy this requirement with respect to your 2014 supplemental submission.*

Accordingly, your Petition is dismissed as incomplete. Unless you determine that your programming qualifies under the self-implementing exemption for late-night programming, 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 30, 2014**.

Because your Petition is dismissed without prejudice, you may file a new petition for exemption from the FCC's closed captioning requirements. Again, if your programming qualifies under the self-implementing exemption for late-night programming, you do not need to request an exemption based on economic burden. If you do file a new petition for exemption based on economic burden, however, 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](mailto:captioningexemption@fcc.gov).



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

cc: Commenters to Petition

Enclosure